

## *Nyt fra E u r o p a r å d e t*

Opdatering februar og kalender marts  
Pressemeddelelse DK 3/05, 1. marts 2005

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**Den Europæiske Menneskerettighedsdomstols første domme i sager med relation til konflikten i Tjetjenien (domstolens resumé af sagerne: se pressemeddelelse af 24. februar):**

### **CHAMBER JUDGMENTS IN SIX APPLICATIONS AGAINST RUSSIA**

The European Court of Human Rights (First Section) has today notified in writing three separate judgments [1] in the cases of *Khashiyev and Akayeva v. Russia* (nos. 57942/00 and 57945/00), *Isayeva, Yusupova and Bazayeva v. Russia* (no. 57947/00, 57948/00 and 57949/00) and *Isayeva v. Russia* (no. 57950/00). The Court held as follows:

in the case of *Khashiyev and Akayeva*

- by six votes to one that the Government's preliminary objection was unfounded;
- unanimously that there had been a violation of Article 2 (right to life) of the European Convention on Human Rights in respect of the applicants' relatives' deaths;
- unanimously that there had been a violation of Article 2 of the Convention in that the authorities had failed to carry out an adequate and effective investigation into the circumstances of the applicants' relatives' deaths;
- unanimously that there had been no violation of Article 3 (prohibition of torture) in respect of the failure to protect the applicants' relatives from torture;
- unanimously that there had been a violation of Article 3 in respect of the failure to carry out an adequate and effective investigation into the allegations of torture;
- by five votes to two that there had been a violation of Article 13 (right to an effective remedy).

Under Article 41 of the Convention (just satisfaction) the Court unanimously awarded 15,000 euros (EUR) to the first applicant and EUR 20,000 to the second applicant in respect of non-pecuniary damage, and EUR 10,927 in respect of costs and expenses.

in the case of *Isayeva, Yusupova and Bazayeva*,

unanimously,

- that the Government's preliminary objection was unfounded;
- that there had been a violation of Article 2 of the Convention in respect of the respondent State's obligation to protect the right to life of the three applicants and of the two children of the first applicant;
- that there had been a violation of Article 2 in that the authorities had failed to carry out an adequate and effective investigation into the circumstances of the attack of 29 October 1999;
- that no separate issue arose in respect of Article 3;
- that there had been a violation of Article 1 of Protocol No. 1 (protection of property) in respect of the third applicant;
- that there had been a violation of Article 13.

Under Article 41 of the Convention the Court awarded EUR 12,000 to the third applicant in respect of pecuniary damage; EUR 25,000 to the first applicant, EUR 15,000 to the second applicant and EUR 5,000 to the third applicant in respect of non-pecuniary damage; and EUR 10,926 in respect of costs and expenses.

in the case of *Zara Isayeva*

- unanimously that the Government's preliminary objection was unfounded;
- unanimously that there had been a violation of Article 2 of the Convention in respect of the respondent State's obligation to protect the right to life of the applicant, her son and three nieces;
- unanimously that there had been a violation of Article 2 in respect of the failure to conduct an effective investigation;
- by six votes to one that there had been a violation of Article 13.

Under Article 41 of the Convention the Court unanimously awarded EUR 18,710 in respect of pecuniary damage, EUR 25,000 in respect of non-pecuniary damage and EUR 10,926 for costs and expenses.

...

1] Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17 member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

## **Council of Europe Recommendation on improving the living conditions of Roma and Travellers in Europe**

Strasbourg, 24.02.2005 – The Council of Europe's Committee of Ministers has today adopted a Recommendation on improving the housing conditions of Roma and Travellers in Europe.

Addressed to the governments of the Organisation's 46 member states, the Recommendation suggests ways to improve the often inhuman living conditions faced by these groups (ghettos, sanitary problems, children's security), and to prevent and combat discrimination.

The text deals with the problem as a whole, underlining clear links with areas such as education, health, the environment, employment, infrastructure and civil rights. It covers all types of accommodation (houses, caravans and mobile homes) and all different lifestyles: sedentary, semi-nomadic or nomadic.

The Decade of Roma Inclusion (2005-2015) project identifies housing as one of the four priorities – alongside education, employment and health – for the next ten years. Some Decade countries had already used the draft Council of Europe Recommendation when drawing up their housing action plans.

Council of Europe bodies, such as the European Committee of Social Rights and the European Commission Against Racism and Intolerance (ECRI) have repeatedly called upon governments to improve the situation of Roma housing.

More information available at [http://www.coe.int/T/E/Social\\_Cohesion/Roma\\_Travellers/](http://www.coe.int/T/E/Social_Cohesion/Roma_Travellers/)

## **Local and regional democracy: Council of Europe ministers set their priorities**

Budapest, 25.02.2005 – Ministers responsible for local and regional government from the 46 Council of Europe member states have today set their priorities for the five years to come.

Following a two-day meeting in Budapest under the chairmanship of Hungarian Interior Minister Monika Lamperth, the ministers adopted an "Agenda for Good Local and Regional Governance", to be implemented by the Council of Europe in co-operation with the Parliamentary Assembly and the Congress of Local and Regional Authorities.

The ministers also recommended that the action plan adopted by the Council of Europe Summit of Heads of State and Government – which will take place from 16-17 May in Warsaw – should reflect the importance of democracy and good governance at the local and regional levels.

More precisely, the ministers requested that the Summit should:

- provide the Council of Europe with the means to help member states in their efforts to reinforce the management capacity of local government; and
- contribute to the development of transfrontier cooperation, notably by the establishment of a clear and comprehensive legal framework for the “Euroregions”.

The ministers emphasised the importance of regional self-government and the fact that it can help address the new challenges of good democratic governance. They agreed to evaluate its evolution in member states at their next conference in Valencia (Spain) in the autumn of 2007.

The texts adopted by the conference are available at <http://www.coe.int/2005-budapest/>

## **PACE delegation concerned by lack of a clearly visible election campaign in Moldova**

Strasbourg, 18.02.2005 – A delegation from the Parliamentary Assembly of the Council of Europe (PACE) visiting Moldova has voiced its concern at the lack of a clearly visible campaign just sixteen days before the parliamentary elections, due on 6 March 2005. “Without a visible campaign, ordinary citizens in Moldova will lack the information necessary to make an informed choice on election day. Vibrant election campaigns are an essential component of truly democratic elections,” said the five-member delegation in a statement issued at the end of a visit to the country (16-18 February 2005).

“An election without a visible campaign is like a fish without water,” said André Kvakkestad (Norway, EDG), head of the delegation.

The statement continued: “The mass media, and especially television, play a crucial role in informing the public. The delegation therefore calls upon all broadcasters, and especially public television and radio, to ensure broad and equal access to, and impartial news coverage of, all parties and candidates in order to make their views known to the Moldovan electorate.”

“The delegation considers it crucial that all Moldovan citizens are able to express their free will on election day and therefore supports any measure that will facilitate the voting of all Moldovan citizens, including students and Moldovans living abroad and in Transdnistria. With regard to the question of voting in Transdnistria, the delegation calls on the authorities to open suitable polling stations sufficiently near to those voters, for instance in the security zone. All concerned should ensure that voters, as well as international and national election observers, have free and full access to these polling stations.”

The members of the delegation welcomed the “calm and orderly manner” in which the organisation of the elections is taking place and stressed the importance of the Central Election Commission (CEC) carrying out its duties in an impartial and balanced manner.

The pre-election delegation, representing all political groups in the Assembly, visited Moldova from 16 to 18 February 2005 at the invitation of the Moldovan Parliament and met, among others, the President of the Republic of Moldova, the Speaker of the Parliament, the Interior and Justice Ministers, Ambassadors of Council of Europe member states, political parties participating in these elections and representatives of the mass media and civil society. The Parliamentary Assembly will send a 40-member delegation to observe the parliamentary elections on 6 March.

## Afgørelse i nordiske menneskerettighedssager

8. februar Millerv. Sweden (no. 5 5853/00): violation of Article 6 § 1 (right to a fair trial).
24. februar Ohlen v. Denmark (no. 63214/00): sagen slettet, da erstatning for lang sagsbehandlingstid vurderes at være i orden.

## Møder i marts 2005

(hvor intet andet er nævnt, holdes mødet i Strasbourg)

1. Møde mellem Europarådets generalsekretær og EU-Kommissionens formand (Bruxelles)
2. Ministerkomitéen
6. Observation af parlamentsvalg i Moldova
9. Ministerkomitéen
- 10.-11. Ministerkonference for ministre med ansvar for massemedierne (Kiev)\*
13. Observation af lokalvalg i FYROM(Makedonien)
16. Ministerkomitéen
- 16.-18. Forårs-session: Kongressen af Lokale og Regionale Myndigheder
18. Den Parlamentariske Forsamlings stående komité (Paris)
21. Round Table om Tjetjenien
23. Ministerkomitéen
30. Ministerkomitéen

\*) Theme: Integration and diversity: the new frontiers of European media and communication policy.

Sub-themes: 1) Freedom of expression and information in times of crises; 2) Cultural and media diversity in times of globalisation; 3) Human rights and regulation of the media and new communication services in the information society.

## Around 50 participants expected to attend Chechen Round Table in Strasbourg

Strasbourg, 23.02.2005 – Following consultations, a Round Table for the organisation of an exchange of views involving political parties and local politicians from the Chechen Republic and the Russian federal authorities is to take place in Strasbourg on Monday 21 March 2005, organised by the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe (PACE).

A spectrum of around 50 invitees will include, among others, Chechen President Alu Alkhanov, Russian Human Rights Commissioner Vladimir Lukin and President Putin's Representative in the Southern Federal District Dmitry Kozak.

In accordance with the October 2004 PACE resolution which instructed the committee to organise the event, "persons who refuse to recognise the territorial integrity of the Russian Federation and who declare terrorism a method to achieve their goals cannot participate in this exchange of views".

Andreas Gross (Switzerland, SOC), Chair of the ad hoc sub-committee set up to organise the Round Table, said its purpose was "to contribute to building a broader basis for the dialogue aiming at achieving a political solution in Chechnya". The Vice-chair of the organising sub-committee is Konstantin Kosachev (Russia, EDG).

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**"Nyt fra Europarådet" udgives 11 gange om året af**

**Europarådets pressekorrespondent i de nordiske lande**

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