



Doc. 12337

08 July 2010

Fight against extremism: achievements, deficiencies and failures

Committee Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Pietro MARCENARO, Italy, Socialist Group

A. Conclusions of the committee

The Committee on Legal Affairs and Human Rights congratulates the rapporteur of the Political Affairs Committee, Mr Pedro Agramunt Font de Mora (Spain, Group of the European People's Party) on his excellent report and, on the whole, supports the proposed draft resolution and draft recommendation.

The committee wishes, however, to make some amendments to further strengthen the draft resolution and draft recommendation.

B. Proposed amendments to the draft resolution and to the draft recommendation

Amendment A (to the draft resolution)

In the draft resolution, paragraph 7, at the end of the first sentence, replace the words “and freedom of assembly” by “freedom of peaceful assembly and freedom of association with others”.

Amendment B (to the draft resolution)

In the draft resolution, paragraph 7, replace the second sentence by:

“Although these freedoms are the pillars of a pluralist democracy, their exercise can be limited. Such a limitation should be always prescribed by law, be necessary in a democratic society and should pursue the legitimate aims mentioned in the Convention, such as prevention of disorder or crime, the protection of morals and the protection of the rights of others.”

Amendment C (to the draft resolution)

In the draft resolution, paragraph 13.1.1., replace the word “taking” by the words “continuing to take”.

Amendment D (to the draft resolution)

In the draft resolution, paragraph 13.2., after the words “Council of Europe guidelines on human rights and the fight against terrorism”, add the words, “adopted by the Committee of Ministers in 2002,”.

1. . Reference to committee: [Doc. 11515](#), Reference 3425 of 14 April 2008. Reporting committee: Political Affairs Committee. See [Doc. 12265](#). Opinion approved by the committee on 31 May 2010.



Amendment E (to the draft resolution)

In the draft resolution, paragraph 13.6., after the words “racial hatred or hate speech”, add the words “if they have not yet done so”.

Amendment F (to the draft recommendation)

In the draft recommendation, replace paragraph 4 by the following:

“The Assembly also recalls that, although freedom of expression and freedom of association are the pillars of a pluralist democracy, their exercise can be limited. Such a limitation should be always prescribed by law, be necessary in a democratic society and should pursue the legitimate aims mentioned in the Convention, such as prevention of disorder or crime, the protection of morals and the protection of the rights of others.”

C. Explanatory memorandum by Mr Marcenaro, rapporteur for opinion

1. I can only congratulate Mr Agramunt Font de Mora on his excellent report and stress the importance of the Council of Europe activities and role in fighting against extremism.
2. I should like, however, to propose a few amendments to the draft resolution and draft recommendation, with a view to strengthening them.

1. In the draft resolution

Amendment A

The amendment aims to adjust the text of the draft resolution to the wording of the Convention (Articles 10 and 11).

According to Article 11, paragraph 1, of the European Convention on Human Rights, “Everyone has the right to freedom of *peaceful* assembly and to *freedom of association with others*”. Therefore it should be specified that freedom of assembly means “freedom of peaceful assembly”. Freedom of association should be also mentioned in this context, since the report focuses on the issue of political parties involved in extremist activities.

Amendment B

The changes proposed in the second sentence of paragraph 7 of the draft resolution aim to align it with the wording of paragraph 2 of Articles 10 and 11 of the Convention concerning limitations to the exercise of the freedom of expression and freedom of assembly and association.

Amendment C

Since the Council of Europe member states have been fighting against discrimination for many years, taking action against the latter is no longer anything new. Therefore, the amendment stresses the importance of continuing activities aimed at fighting against all types of discrimination.

Amendment D

It should be specified here that these guidelines are those of the Committee of Ministers adopted in 2002.

Amendment E

Some states have introduced provisions against racial hatred or hate speech. For instance, some European countries, like Azerbaijan, Bulgaria, France, Spain, Ukraine and the Russian Federation have forbidden parties promoting racial hatred (see paragraph 38 of the report).

2. In the draft recommendation:

Amendment F

See the explanatory note to Amendment B.