



Doc. 12972
25 June 2012

Parliamentary questions to the Chairperson-in-office of the Committee of Ministers

Parliamentary questions

1. Question from Mr von Sydow, Sweden, SOC

What I experienced during a recent visit to the Northern Caucasus with regard to violation of human rights and various acts of intimidation towards human rights defenders carrying out their important work, in particular the abduction of young Mr Aushev from the Stavropol Region of the Republic of Ingushetia makes me ask the following questions:

- Which authority in the Russian Federation, and at which level, federal, regional or republican, is responsible for the abduction of Mr Aushev?
- What measures have been taken to establish his whereabouts and ensure his security and which court is entitled to handle his case?
- Which institution in the Russian Federation is responsible for assisting Ms Albakova, wife of Mr Aushev, in her endeavours to find her husband?

Reply by the Committee of Ministers

The questions asked by the Honourable Parliamentarian in relation to Mr Aushev have been transmitted to the authorities of the Russian Federation. As soon as a reply has been received, I will inform the Honourable Parliamentarian.

2. Question from Ms de Pourbaix-Lundin, Sweden, EPP/CD

During a recent visit to the Northern Caucasus in the Russian Federation with the purpose of studying the situation of human rights and human rights defenders, I was informed of the inexcusable treatment and lack of protection of human rights defender Mr. Mutsulgov and other members of the first Ingush Human Rights Organisation (MASHR). These apparent violations of the Convention for the Protection of Human Rights and Fundamental Freedoms lead me to asking the following questions:

- What is being done by the Council of Europe to guarantee the security of human rights defenders, such as Mr. Mutsulgov and other members of the first Ingush Human Rights Organisation (MASHR), in carrying out their important work to protect human rights in Northern Caucasus without exposure to violence or intimidation by the local authorities?
- What steps does the Council of Europe intend to take to see to it that the Russian Federation fulfils its commitments as a member State of the Council of Europe?

Reply by the Committee of Ministers

I would like to start by underlining that the Committee of Ministers has repeatedly and firmly condemned all attacks on human rights defenders, who are too often victims of violations of their rights, threats and attacks.



In February 2008, the Committee of Ministers adopted a Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities. This text suggests a set of measures that States should take for the protection of human rights defenders and the promotion of their work.

In particular, the Declaration calls on member States to “provide measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, attendance at and observation of trials and/or, if feasible, the issuing of emergency visas”.

A first report on the follow-up given by member States to this Declaration was examined by the Committee of Ministers in 2009.

Efforts to put an end to impunity for human rights violations have also been made. At the end of March 2011, the Committee of Ministers adopted Guidelines on eradicating impunity for serious human rights violations. These Guidelines underline that impunity must be fought as a matter of justice for the victims, as a deterrent to prevent new violations, and to uphold the rule of law and public trust in the justice system, including where there is a legacy of serious human rights violations.

The important role played by other Council of Europe bodies, and in particular the European Court of Human Rights and the Commissioner for Human Rights, in protecting and supporting human rights defenders also deserves to be mentioned.

Finally, the Committee of Ministers is closely following the issue of the protection of human rights defenders in Russia in the context of its meetings to review the execution of the relevant judgments of the European Court of Human Rights.

As far as Mr. Mutsulgov and the Ingush Human Rights Organisation (MASHR) are concerned, I can inform the Honourable Parliamentarian that her question has been transmitted to the authorities of the Russian Federation for comments and that I will inform her about the outcome as soon as possible.

3. Question from Ms Acketoft, Sweden, ALDE

Recent events in Azerbaijan have once again proved that this country continuously violates the principles of human rights. The harassment of political activists and the detention of political prisoners are serious crimes and are contrary to the Statute of the Council of Europe. This leads me to asking the following questions:

- What does the Committee of Ministers intend to do in order to certify that the Statute of the Council of Europe is implemented by its member States?
- Which measures do the Azerbaijan authorities plan to undertake in order to guarantee that the country fulfils its obligations honoring the Statute of the Council of Europe?

Reply by the Committee of Ministers

On becoming a member of the Council of Europe, Azerbaijan, like the other forty-six members of the Organisation, recognised the principle that any individual under its jurisdiction must enjoy human rights and fundamental freedoms. On this basis, Azerbaijan signed and ratified the European Convention on Human Rights, which entered into force in respect of this country on 15 April 2002. Individuals who are subject to its jurisdiction and who consider that the rights granted to them under the Convention have not been respected can consequently submit an application to the European Court of Human Rights. By the end of 2011 the Court had issued a total of 51 judgments concerning Azerbaijan, 47 of which found at least one violation of the European Convention on Human Rights.

As part of its supervision of the execution of Court judgments, the Committee of Ministers monitors the implementation of measures deriving from Court findings of violation. A number of these judgments are subject to enhanced supervision owing to the complex problems raised by the cases in question.

Furthermore, the Committee of Ministers has introduced a monitoring procedure vis-à-vis the commitments entered into by Azerbaijan on its accession. This procedure involves regular dialogue with the Azerbaijani authorities in order to keep the Committee informed of developments on the ground. A report on the state of honouring of commitments will be submitted to the Committee of Ministers in due course.

Finally, discussions are under way with the Azerbaijani authorities with a view to defining the content of a new Action Plan geared to providing assistance in implementing outstanding commitments.

This Action Plan would shore up the measures adopted by the Azerbaijani authorities under the “National Programme for Action to raise effectiveness of the protection of human rights and freedoms” launched in December 2011.