



Doc. 12844

23 January 2012

Abuse of pre-trial detention in States Parties to the European Convention on Human Rights

Motion for a resolution

several Assembly members

This motion has not been discussed in the Assembly and commits only those who have signed it

The Parliamentary Assembly stresses that the adequate protection of the right to liberty is a concern which belongs to the very core of democracy and the rule of law. Any interference with that right must be in strict conformity with the limitative list of permissible derogations in Article 5(1)(a)-(f) of the European Convention on Human Rights, whose content shall be interpreted with the utmost scrutiny and care.

The Assembly further emphasises the strong link that exists between the right to liberty and a number other fundamental rights, including notably the right to a fair trial.

The Assembly acknowledges with approval the recent observations of the Council of Europe's Commissioner for Human Rights on excessive use of pre-trial detention. Likewise the Assembly shares the assessment of the current difficulties affecting pre-trial detention in Europe outlined in the Committee of Ministers' Recommendation (2006)13.

There is a body of evidence suggesting that a number of Council of Europe member states have deep-rooted, systematic difficulties and suffer from shortcomings with regard to the protection of the rights of pre-trial detainees.

The Assembly accordingly resolves to consider the question of what should be done to combat such unacceptable practices which constitute an affront to the values it upholds.

Signed (see overleaf)



*Signed*¹:

MARTY Dick, Switzerland, ALDE
CHARALAMBOPOULOS Georges, Greece, SOC
CILEVIČS Boriss, Latvia, SOC
ÇONKAR Ahmet Berat, Turkey, EDG
DİŞLİ Şaban, Turkey, EPP/CD
FERIĆ-VAC Mirjana, Croatia, SOC
FRUNDA György, Romania, EPP/CD
GARDETTO Jean-Charles, Monaco, EPP/CD
HOLOVATY Serhiy, Ukraine, ALDE
HÖRSTER Joachim, Germany, EPP/CD
HUSEYNOV Rafael, Azerbaijan, ALDE
LOUTFI Younal, Bulgaria, ALDE
MAHOUX Philippe, Belgium, SOC
MARCENARO Pietro, Italy, SOC
MINCHEV Krasimir, Bulgaria, EPP/CD
PANȚIRU Tudor, Romania, SOC
POURBAIX-LUNDIN Marietta, de, Sweden, EPP/CD
POURGOURIDES Christos, Cyprus
RACHOŃ Janusz, Poland, EPP/CD
RUSTAMYAN Armen, Armenia, SOC
STOILOV Yanaki, Bulgaria, SOC
TÜRKEŞ Tuğrul, Turkey, EDG
VAREIKIS Egidijus, Lithuania, EPP/CD

1. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group