Parliamentary Assembly
Assemblée parlementaire

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Parliamentary **Assembly**
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The eradication of discrimination based on the principle of "collective guilt" in Europe

Motion for a resolution
presented by M. de PUIG and others

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

After World War II several legal regulations based on the principle of "collective guilt" were adopted across Europe whose implementation led to discrimination against various groups of people. Such discrimination took the form – among others – of deportation, forced population exchange, the limitation of basic human and political rights, forced change of nationality, deprivation of citizenship, confiscation of properties, and forced community labour.

Many of these regulations remained a formal part of various legal systems and therefore can serve as legal bases to discriminative acts today, although it is debatable whether they have legal relevance today.

The principle of collective guilt clearly contradicts the basic principles of the CoE, such as Art 14 of the European Convention on Human Rights, Art 6 and Art 16 of the Framework Convention for the Protection of National Minorities, Art 5 of the PACE Recommendation 1201 on the Additional Protocol on the Rights of National Minorities to the ECHR (1993), as well as the report (Doc. 10925/2006) and Resolution (1522/2006) of the PACE on the Establishment of the Centre for European Nations' Remembrance under the CoE.

The undersigned, having in mind the above-mentioned, suggest that the relevant committee of the PACE examine the legal relevance and validity, and moral, political and legal discriminative consequences of the above-mentioned legal regulations based on the principle of collective guilt in the different member states of the CoE and report back to the PACE.

Signed (see overleaf)

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