



Standing Committee
Commission permanente

AS/Per (2009) PV 02
19 June 2009

Standing Committee

Minutes¹

of the meeting held in Ljubljana
on 29 May 2009

¹ Approved by the Assembly on 22 June 2009.

1. OPENING OF THE MEETING

Mr de Puig, President of the Assembly, opened the meeting at 9.10 am. He thanked the National Assembly of the Republic of Slovenia for its invitation to hold the meeting of the Standing Committee in Ljubljana and for its hospitality.

He was pleased that the Slovenian Prime Minister, Mr Borut Pahor, would be present at the Assembly's next part-session and that the President of Slovenia, Mr Danilo Türk, would be coming to the October part-session. The Council of Europe's 60th anniversary coincided with the Slovenian chairmanship of the Committee of Ministers and should provide an opportunity to assess the Organisation's future. Slovenia symbolised Europe's transformation through the upheavals of the 20th century, having been a province of the Austro-Hungarian Empire, a constituent republic of the Federation of Yugoslavia and, finally, an independent state for nearly eighteen years that was actively involved in the building of Europe, had held the chairmanship of the OSCE in 2005 and the presidency of the European Union in 2008 and currently chaired the Council of Europe. He accordingly invited Slovenia to place its considerable experience at the disposal of other Council of Europe countries and to help to provide the common responses needed for the challenges facing Europe. The Council had succeeded in consolidating the peace and prosperity of the continent over a period of six decades by promoting a core set of common values. Since it was making efforts to consolidate those values and bring about a more human and more inclusive Europe, the Slovenian chairmanship would contribute to achieving the European ambition. The Council of Europe's real advantage lay not in its resources, which were modest, but in its role as a forum for dialogue and co-operation. The Organisation had to operate through its two statutory pillars, the Committee of Ministers and the Parliamentary Assembly.

2. WELCOME ADDRESS BY MR PAVEL GANTAR, PRESIDENT OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SLOVENIA

The President welcomed Mr Gantar, President of the National Assembly of the Republic of Slovenia. He hoped there would be constructive co-operation with the Parliamentary Assembly and that the commitment of the Slovenian parliament would be reflected in its delegation's active participation in the Assembly's work.

Mr Gantar, President of the National Assembly of the Republic of Slovenia, welcomed the Standing Committee. He said Slovenia was proud to chair the oldest pan-European organisation, which was the product of post-war reconciliation, in the year in which it was celebrating its 60th anniversary. The Council of Europe had done immense work in promoting common ideals and fundamental values, thus contributing to the development of an area of peace and freedom in Europe and helping to speed up the democratisation of the states of Central and Eastern Europe. The Council of Europe possessed a fundamentally important and unique parliamentary dimension that was essential not only for the promotion of human rights, democracy and the rule of law but also for social cohesion in Europe. It was the guardian of those common values and a key organisation, the full potential of which remained to be exploited. The actual implementation of those values and human rights did not depend on the willingness of just one state but on everyone. In a world shaken by an economic crisis, the Council of Europe could promote co-operation and solidarity between states and take up new challenges.

The President warmly thanked Mr Gantar for his speech.

3. EXCHANGE OF VIEWS WITH MR SAMUEL ŽBOGAR, MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF SLOVENIA AND CHAIR OF THE COMMITTEE OF MINISTERS, AND MR ALEŠ ZALAR, MINISTER FOR JUSTICE OF THE REPUBLIC OF SLOVENIA

CM/Inf(2009)21
CM/Inf(2009)22 and add.1

The President welcomed Mr Žbogar, Minister for Foreign Affairs of the Republic of Slovenia, and Mr Zalar, Minister for Justice of the Republic of Slovenia. The documents setting out the priorities of the Slovenian chairmanship of the Committee of Ministers and the report of the outgoing Spanish chairmanship were in the files.

Mr Žbogar recalled that Slovenia had taken over the chairmanship of the Committee of Ministers at the 119th Ministerial Session on 12 May succeeding the Spanish chairmanship, which had presented an excellent report. Like Spain, Slovenia intended to pursue an open, frank and constructive dialogue with the

Parliamentary Assembly. The Slovenian chairmanship was thus determined to continue the work of the Spanish chairmanship and follow up the decisions taken in Madrid on 12 May.

At their meeting, the foreign ministers had adopted several measures concerning the Council of Europe and the conflict in Georgia and reaffirmed their active support for the six-point Action Plan, the initiatives taken by the Commissioner for Human Rights and the additional activities in which the Organisation might engage in connection with the re-establishment of democracy, human rights and the rule of law, drawing particular attention to the need for co-ordination with the other international organisations. Those decisions also reflected some of the recommendations which had been made by the Assembly and to which the Committee of Ministers would reply in detail before the June part-session. Slovenia also intended to develop the initiatives taken by the previous chairmanships with regard to Belarus. In Madrid, the foreign ministers had examined relations with that country in the hope that it would be ready to join the Organisation when it complied with the Statute but at a pace to be determined by the Belarus authorities. The opening in June of the Council of Europe's information centre in Minsk, which he would be attending, was a real step forward in the strengthening of that country's co-operation with the Organisation. The Assembly was due to examine a report at its next session, and the Committee of Ministers expected it to express its opinion on the question of re-establishing Belarus' special observer status.

With regard to the procedure for electing the Secretary General, he referred to the letter sent by his predecessor as Chair of the Committee of Ministers, Miguel Ángel Moratinos, to the President of the Assembly. In May 2007, the Committee of Ministers had decided on the basis of the Juncker report, which the Assembly had endorsed, only to submit to the Assembly candidatures of individuals who had previously served as heads of state or government or held senior ministerial office. That decision had provided guidance for the Committee of Ministers in reaching its decision. The Ministers' Deputies had interviewed the four candidates on 22 April and, in a draft resolution transmitted to the ministers for decision, decided by a substantial majority only to select two of them. The Assembly had adopted Resolution 1665 (2009) on 30 April and a meeting of the Joint Committee had taken place that evening. At its meeting on 12 May, the Committee of Ministers, having taken note of the Assembly's position, had decided not to reopen the procedure and, following a vote, which was unusual at ministerial sessions, to submit two names to the Assembly. The Committee of Ministers resolution to recommend two names had been taken in accordance with the rules applicable. He understood the Assembly's disappointment since the consultation of the Assembly by the Committee of Ministers had not taken place in the way the Assembly would have been liked, but it was now necessary to move forward. Above all else, it was important that the Organisation had the best Secretary General as soon as possible. The Committee of Ministers had decided to send to the Assembly the candidatures of two individuals who both had an outstanding curriculum vitae, and there was no possibility for it to change its mind. However, it was aware of the wish expressed by the Assembly and had expressed its support for reviewing for future elections the Regulations relating to the appointment of the Secretary General, which, it had to be said, had been adopted in 1956. The election procedure had to respect the rights of each body: the Committee of Ministers' right to receive and examine candidatures and make a recommendation and the Parliamentary Assembly's right to elect the Secretary General. Slovenia was fully committed to strengthening co-operation between the Committee of Ministers and the Assembly so as to avoid any future misunderstanding like the one that had occurred in connection with the procedure for electing the Secretary General.

The President warmly thanked the Minister of Foreign Affairs for his statement.

Mr Zalar described the priorities of the Slovenian chairmanship of the Committee of Ministers, which lay in continuing to meet the commitments entered into at the 3rd Summit of Heads of State and Government in 2005. The promotion of the Council's fundamental values – the rule of law, democracy and human rights – had been reaffirmed by the Committee of Ministers at its Madrid meeting on 12 May. In that connection, Slovenia had undertaken to strengthen the long-term effectiveness of the human rights protection system. The continuation of the process of reforming the European Court of Human Rights was thus one of the Slovenian chairmanship's key priorities. The entry into force of Protocol No. 14 to the European Convention on Human Rights remained a priority as it would enable the Court to operate more efficiently, notwithstanding the implementation of Protocol No. 14 bis, which Slovenia had signed on 27 May and constituted a major step forward.

With regard to the strengthening of the rule of law and its promotion at both the international and national levels, the Slovenian chairmanship would be organising several events, including a round table in Bled on the right to a judgment within a reasonable time and another in Portorož on procedural rights in criminal cases. The emphasis would be on the creation of a strong and independent system of justice. Alongside the 29th Conference of Ministers of Justice to be held in Tromsø on 18-19 June, the Council of Europe Convention on Access to Official Documents would be opened to member states for signature.

Particular attention would also be given to minorities who, as reflections of the diversity of society, contributed to the promotion of mutual tolerance and understanding. The Slovenian chairmanship intended to take initiatives to foster awareness of the problems of discrimination and marginalisation, particularly of Roma. The promotion of children's rights was also a priority area, and several events would be organised during the chairmanship, especially on combating all forms of violence and corporal punishment, and on the promotion of human rights education for children. Domestic violence had been the theme adopted for the 29th Conference of Ministers of Justice. In that area, the Slovenian National Assembly was leading by example, having approved a national programme for the prevention of domestic violence for 2009-2015.

The fight against terrorism, organised crime and corruption was naturally another priority of European co-operation, in association with the EU and the UN. With regard to relations between the EU and the Council of Europe, the significant progress made was to be welcomed. The agenda of the Council of Ministers of Justice to be held in Luxembourg on 4 and 5 June would contain an item on the priorities of the Slovenian chairmanship of the Committee of Ministers and several items on the activities common to the two organisations, such as the efficiency of the administration of justice or the implementation of the Council decision establishing a European judicial network in civil and commercial matters. Slovenia also intended to strengthen relations with the OSCE, especially in the area of human rights.

Finally, with regard to the promotion of democracy, the rule of law and human rights in some member states, Slovenia was of the opinion that certain regions, such as South East Europe, the Caucasus and Belarus, required priority attention. It also intended to make South-East Europe the focus of all the priorities of its chairmanship.

The President warmly thanked Mr Zalar for his speech.

Mr Kox questioned Mr Žbogar on the procedure for electing the Secretary General of the Council of Europe and reminded him that it was the Slovenian chairmanship's responsibility to seek a solution to the problem and that it had six months – and two Assembly part-sessions – in which to influence the process under way and consult the Assembly.

For **Mr Mignon**, the dialogue between the Assembly and the Committee of Ministers had stalled. The parliamentarians, who represented 800 million Europeans, could not accept the diktat of the Committee of Ministers in the choice of candidates for the post of Secretary General of the Organisation. However, he wanted to question the minister on an entirely different matter, namely the settling of disputes between certain member states. He wondered what solution could be found to put an end to the territorial dispute between Croatia and Slovenia.

Mr Gross welcomed the willingness of the Slovenian chairmanship to promote a constructive dialogue with the Assembly. He mentioned the current activities of the Committee of Ministers' Ad Hoc Working Party on Institutional Reforms, which was dealing with issues of paramount importance for the Assembly. Was the Slovenian chairmanship prepared to foster the involvement of Assembly representatives in the work on those structural reforms?

Mr Holovaty welcomed Mr Zalar's personal, and particularly helpful, contribution as an expert to the evaluation of the judicial reforms in his country, Ukraine. He wondered how the Committee of Ministers could promote the rule of law at the national level and at the level of the Organisation when it did not respect it itself, as demonstrated by its decision of 12 May, which referred expressly to consultation of the Assembly, but that consultation had never taken place, either before or after the Joint Committee meeting. The Committee of Ministers should first set an example before lecturing the member states' governments.

Mr Prescott voiced his profound disapproval and said the Committee of Ministers' reply was contrary to democratic practice since it (the Committee of Ministers) had never held the slightest consultations with the Assembly: the meeting on 29 April had taken place after the Deputies had taken their decision to eliminate the candidatures of the two members of the Assembly, and the ministers' new vote, on 12 May, had taken place even before any discussion with the President of the Assembly. The Assembly had not been consulted in any way nor had there been any discussion in accordance with the rules of democracy.

In response to these frank and unequivocal comments, **Mr Žbogar** pointed out that the Slovenian chairmanship had only inherited the problem of the selection of candidatures for the post of Secretary General. While it would be judged on its ability to resolve it, the matter was in fact the responsibility of the whole Council of Europe. The Committee of Ministers had taken a decision in Madrid on 12 May in the belief that the procedure had been correctly followed and acting in accordance with its prerogatives. It had taken

note of the message that had emerged from the present discussion and the talks he had had that morning with the President of the Assembly, who had regretted that the objections raised by the Assembly had not been previously given greater attention. It was not possible to change what had been decided, and it was important to move forward and bear in mind that the aim was to give the Organisation greater visibility and provide it with the best possible Secretary General. He was prepared to hold any worthwhile consultation in that connection. With regard to the Working Party on Institutional Reforms, he would see no objection to Assembly representatives being involved in its work and could envisage the creation of a working group with the Assembly to consider the issues to do with reforming the Organisation, including such matters as revision of the Regulations relating to the appointment of the Secretary General or reform of the European Court of Human Rights. He therefore had an open mind on consulting the Assembly and was ready to work towards the strengthening of the Council of Europe's visibility and position. As for certain territorial disputes, the Council of Europe was not the appropriate institution for resolving the dispute between Croatia and Slovenia. A process was under way at European Union level.

Mr Van den Brande said in connection with the Committee of Ministers' examination of the candidatures for the post of Secretary General that the only things that mattered were principles, compliance with them, and transparency, and not considerations relating to particular individuals or of a personal nature. It was an undeniable fact that the Committee of Ministers had changed the rules in the course of the process before the election procedure had begun. He asked the Chair of the Committee of Ministers whether or not he was in favour of consulting the Assembly not about the future and possible revision of the rules but about the procedure at the stage currently reached. Did he think that the Committee of Ministers' decision complied with the code of conduct on electoral matters? It was not possible to change the rules a year before an election, so there could be no legitimate election in that situation.

Mr Greenway welcomed the minister's statement that he was open to holding discussions. There was still an opportunity, which should be seized, to have proper consultations with the Assembly before the June part-session. If that did not happen, it would be impossible to avoid new complications. He also welcomed the opportunity that would be given to the Assembly's Committee on Rules of Procedure to consider the revision of the Regulations relating to the appointment of the Secretary General. Returning to the conflict between Georgia and Russia and to South-East Europe, he asked what the Slovenian chairmanship intended to do with respect to the frozen conflicts and the situation of long-term displaced persons and drew the attention of the Chair of the Committee of Ministers to the Assembly's recommendations on those issues.

Mr Meale thanked the minister for his open-minded attitude and the goodwill that he had demonstrated. He wanted him either to confirm or deny the rumour that the Committee of Ministers was considering extending the term of office of the present Secretary General if the Assembly failed to elect a successor.

Ms Frahm was pleased that the Slovenian chairmanship had included domestic violence and the protection of gender equality among its priorities. The Assembly had adopted several recommendations on violence against women that had a different perspective on domestic violence from that of the Committee of Ministers.

For **Mr Zingeris**, the decision on the election of the Secretary General taken by the Committee of Ministers in Madrid was totally counterproductive. For him as a parliamentarian, it was a profound disappointment to see parliamentary values trampled underfoot at the same time as celebrations were taking place on the fall of the Berlin wall and the accession of the states of Central Europe to democracy.

Mr Eörsi regretted that the 60th anniversary celebration was marred by the attitude of the Committee of Ministers. Could the Chair of the Committee of Ministers confirm the rumours that the Committee of Ministers was tempted to amend the Organisation's Statute to the detriment of the Assembly if it did not elect the Secretary General in June? If the Committee of Ministers changed the rules to exclude the Assembly, how could the Council then condemn a dictatorship that changed its constitution and electoral laws to its own advantage just before an election? How could the Assembly be attacked when it was the Organisation's most effective political instrument?

Mr Szabó thought there were only two solutions to the problem: negotiations or the use of force, i.e. a coup d'état. Did the Committee of Ministers envisage resolving the issue by mounting a coup against the Assembly at the moment when the Organisation was celebrating its 60th anniversary?

Mr Žbogar said he was ready to engage in any consultation on future co-operation between the Committee of Ministers and the Assembly but pointed out that he had no mandate to reopen the procedure for electing the Secretary General. It was clear that a dialogue was necessary between the two bodies before the June session. The Committee of Ministers believed it had complied with the procedure. It had examined and reconsidered its decision on three occasions, in particular after consulting the Assembly. There was no rule

that compelled it to transmit to the Assembly all the candidatures it had received, and it could quite legitimately make a selection since it had interviewed the candidates. In the concert of European organisations, it was essential for the Council of Europe to reassert its role, especially vis-à-vis the European Union and the OSCE, so it needed a strong Secretary General. The Organisation would gain no benefit from a confrontation between its two organs which, on the contrary, should work hand in hand. As Chair of the Committee of Ministers, he had not been involved in any discussions about any initiatives to amend the Council's Statute. As far as the frozen conflicts were concerned, the Slovenian chairmanship was prepared to consider the Assembly's proposals. In that connection, the more favourable prospects for settling the Nagorno-Karabakh dispute, under the aegis of the Minsk Group, were to be welcomed.

With regard to violence against women, **Mr Zalar** told the participants that that area of concern appeared specifically – i.e. not only in connection with combating domestic violence – in several initiatives of the Slovenian chairmanship.

The President warmly thanked Mr Žbogar and Mr Zalar for their contributions and detailed observations in reply to members' questions. He welcomed Mr Žbogar's open-minded attitude in the dispute over the election of the Secretary General and reiterated his willingness as President of the Assembly to engage in discussions with the Committee of Ministers before the June part-session, as well as afterwards in order to deal with other issues.

4. EXAMINATION OF NEW CREDENTIALS

Doc. 11926

The Standing Committee **ratified** the credentials of the new representatives and alternates in respect of the parliamentary delegations of Hungary and Iceland, as set out in Doc. 11926.

5. MODIFICATIONS IN THE COMPOSITION OF COMMITTEES

Commissions (2009) 5
and addendum

The Standing Committee **ratified** the changes in the composition of Assembly committees in respect of the delegations of Hungary and Iceland, as set out in the document Commissions (2009) 5, and in the composition of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) with regard to the EPP/CD and UEL political groups, as well as of the Committee on Rules of Procedure, Immunities and Institutional Affairs with regard to the EPP/CD political group, as set out in the document Commissions (2009) 5 addendum.

6. REQUEST FOR A CURRENT AFFAIRS DEBATE OR DEBATE UNDER URGENT PROCEDURE

The President announced that a request for a current affairs debate on "the election process for the Secretary General of the Council of Europe" had been submitted to him by the Assembly's political groups, in accordance with Rule 52 of the Assembly's Rules of Procedure. At the meeting the previous day, the Bureau had supported the holding of a current affairs debate on that subject and proposed that Mr Gross introduce the debate.

Agreed.

7. AGENDA

AS/Per (2009) OJ 2 rev

The draft revised agenda was **adopted**.

8. APPROVAL OF THE MINUTES OF PROCEEDINGS OF THE PARLIAMENTARY ASSEMBLY'S SITTINGS HELD ON 29 APRIL (AFTERNOON) AND 30 APRIL 2009 (MORNING AND AFTERNOON)

AS (2009) PV 15, 16 AND 17

The minutes of proceedings of the Parliamentary Assembly's sittings held on 29 April (afternoon) and 30 April 2009 (morning and afternoon) were **approved**.

9. THIRD PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (22-26 JUNE 2009)

AS/Bur (2009) 51

The President reminded the participants that Rule 26.4 of the Assembly's Rules of Procedure stated that the draft agenda for a part-session of the Assembly should if possible be submitted to the Standing Committee, which would be invited to take note of it.

The **Secretary General of the Assembly** outlined the changes to the agenda made by the Bureau at its meeting the previous day.

Mr Popescu pointed out that the Assembly would be debating the re-examination of the credentials of the Ukrainian parliamentary delegation at the next part-session since a draft resolution had been tabled owing to Ukraine's alleged failure to comply with its obligations as regards the European Court of Human Rights and the transmission of a third candidature for the election of a judge. He explained the steps taken by the Ukrainian delegation and said it was too early for the Assembly to debate the issue.

The **Secretary General of the Assembly** noted that, under Rule 9 of the Rules of Procedure, the Bureau was required automatically to send any challenge of credentials to the appropriate committee for report. That committee would consider the substantive arguments put forward by the Ukrainian delegation when drawing up its report.

The Standing Committee **took note** of the draft agenda of the Assembly's third part-session.

10. REFERENCES, TRANSMISSIONS AND MODIFICATIONS OF REFERENCES TO COMMITTEES

AS/Per (2009) 03

The President referred to document AS/Per (2009) 03 containing proposals on references, transmissions and modifications examined by the Bureau at its meetings on 11 and 28 May 2009.

Mr Çavuşoğlu, referring to the letter he had sent to the President, opposed the reference for report of the motion for a resolution entitled "Preserve the Monastery of Mor Gabriel in Turkey" in view of the explanations given by the Turkish delegation to Mr Omtzigt, the first signatory to the motion.

Following remarks by **Ms Brasseur**, **Ms Jonker**, **Mr Kosachev** and **Mr Van den Brande**, the Standing Committee **voted** to refer the motion for a resolution to the Committee on Culture, Science and Education for information.

Following a statement by **Mr Meale**, the Standing Committee **decided** to refer the motion for a resolution on "The need for independent and credible environmental assessments" and the motion for a recommendation on "The potential dangers of electromagnetic fields and their effect on the environment" to the Committee on the Environment, Agriculture and Local and Regional Affairs for reports.

The Standing Committee **approved** the references, transmissions for information, modification of a reference and extension of a reference, as set out in Annex 1 of Appendix I below.

11. CURRENT AFFAIRS DEBATE – THE ELECTION PROCESS OF THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE

The Chair welcomed the presence of Mr Žbogar, Chair of the Committee of Ministers, to the current affairs debate and spoke about the discussion he had had with him before the meeting. He was particularly grateful to him for his positive attitude and goodwill in handling the problem over the election of the Secretary General and appreciated his frankness. It was the first time that he had heard the Chair of the Committee of Ministers admit that the Committee of Ministers had undoubtedly made a mistake regarding consultation of the Assembly. The Assembly did not consider that the proper procedure had been followed, and we were confronted with a political problem that required a political solution. If the Committee of Ministers thought the rules could be changed for the future, why not discuss change for the present? He had proposed to Mr Žbogar that a meeting be organised between representatives of the Committee of Ministers and of the Assembly to find a solution, and he (Mr Žbogar) had backed the idea, subject to consultation of his colleagues. The message was clear, and the Chair of the Committee of Ministers had fully understood that if

no progress were made, the Assembly would not elect the Secretary General in June, and there would be a crisis.

Mr Gross opened the current affairs debate on the election process of the Secretary General of the Council of Europe. It was clear that the dispute was in fact tied up with the balance of power between the Assembly and the Committee of Ministers and, more generally, with the way the Organisation operated. The problem had arisen repeatedly throughout the history of the Organisation and stretched right the way back to its origins, because the “founding fathers” had decided to make an exception and make the appointment of the Secretary General a power shared equally between the two organs. It was that commitment that now was in question. The Regulations obliged the Committee of Ministers to consult the Assembly before transmitting to it a recommendation concerning the election of the Secretary General, but there had been no consultation. However, it was not too late to avoid a confrontation that would result in the Assembly refusing to conduct the election because it considered it had no genuine political choice, as it had stated in Resolution 1665. What political choice did the Committee of Ministers offer the non-socialist political groups, since it had only selected the two socialist candidates? The Committee of Ministers should respect its partner’s specific political characteristics. It was not acceptable for an elected Secretary General not to have the confidence of the majority of the Assembly and to emerge from his or her election in a weak position. The Assembly and the Committee of Ministers should do their utmost to avoid causing irreparable damage and act in a reasonable manner, so he called on the Committee of Ministers to ensure the Assembly was properly consulted. The Committee of Ministers should listen to what the Assembly had to say before taking a decision, as had been done in 1956-57, and it should not change the rules in mid-stream. He therefore called on it to avoid confrontation during the June part-session. The legitimacy of the new Secretary General was at stake. The Assembly was committed to the appointment of a strong Secretary General who enjoyed its confidence and support, in view of the challenges facing the Council of Europe. The ministers present in Madrid on 12 May had doubtless not been aware of what was at stake in that election and of the consequences of their decision as far as the Assembly was concerned.

Ms Lavtižar-Bebler said she was proud that her country was chairing the Committee of Ministers in the year in which the Council was celebrating its 60th anniversary. She agreed with Mr Gross’ analysis of the way in which the process had been conducted. A majority of Assembly members believed the Assembly had not been properly consulted by the Committee of Ministers. By transmitting the candidatures of two socialists, the Committee of Ministers was not giving the Assembly a genuine political choice. The fact was that it was inconceivable for a Secretary General not to enjoy the Assembly’s support. It was necessary to find a solution, and while that might involve a revision of the procedure in the future it was currently only possible at the formal level. The Council of Europe deserved a Secretary General with a high profile.

Mr Greenway drew attention to the word consultation, which meant seeking information or advice or obtaining permission or approval. On that definition, the Assembly had not been consulted by the Committee of Ministers as required by the appointment regulations. In its Resolution 1665, the Assembly clearly asserted its right to choose between four candidates. That resolution constituted the Assembly’s position and therefore provided what would be its response upon being consulted, but that position had so far been disregarded. The rules had not been observed. There was a precedent, dating from 1956-57, that had led to the adoption of the current Regulations in which it was clear that each side had to be aware of the other’s position. Although there was doubt about how the current process would end, he believed the Assembly should continue to call for proper consultation before the June part-session, and before it conducted the election. He feared there would be a confrontation if the two organs continued to stick to their guns. If no consultation took place and the Assembly withdrew the item on its June part-session agenda, other solutions and options would have to be considered.

Mr Prescott said the issue was relations between the Committee of Ministers and the Assembly, as well as their respective powers. Those relations were deteriorating on a number of matters, and the Assembly’s role had been called into question on several occasions, especially with regard to the Assembly’s budget, the election of judges to the European Court of Human Rights or the election of the Secretary General. It was high time to have a proper meeting with the Committee of Ministers and an in-depth discussion. The Assembly had never been consulted, and blissfully disregarding the Assembly’s position and the resolution adopted was not a very constructive way for the Committee of Ministers to deal with the problem. It was true that most ministers cared little about the Council of Europe, and it was up to the parliamentary delegations to show their ministers some teeth. Transparent action was needed and, although there were more important issues to be resolved at the Council of Europe, the rules had to be reviewed and consideration given to how far the Juncker recommendation should be taken into account. If the Committee of Ministers did not consult the Assembly and if no compromise were found by the June part-session, they were heading for a confrontation.

Mr Mignon, Vice-President of the Assembly, took the Chair in place of Mr de Puig.

Ms Jazłowiecka thought the Committee of Ministers had neither breached the Statute nor the appointment regulations. The Committee of Ministers and the Assembly were not speaking about the same thing and the result was a misunderstanding, which had been added to other misunderstandings and grounds for discontent on the part of the Assembly. She regretted that nothing had been said in the debate about the candidates and their merits, contrary to what had happened in the case of previous elections. However, it was important to give the Council of Europe the best Secretary General.

Mr Wilshire was of the opinion that the debate involved questions of principle and not matters of a personal nature associated with the candidates themselves. The problem would not solve itself, and the Assembly could not simply play a waiting game, as otherwise they were on a collision course. The harm done to the Council of Europe as a whole, to the Committee of Ministers and to the Assembly could prove considerable, and that had to be avoided. The Assembly should move beyond the legitimate expression of its frustration and anger and take care to refrain from emotional reactions in order to find a positive solution that looked to the future. The Bureau was in favour of a dialogue with the Committee of Ministers and the Chair of the Committee of Ministers had said he was ready to engage in a dialogue. That required goodwill on both sides, so it was necessary to agree on a timetable for discussions and to consider concrete solutions. Particular attention should be given to the quality of the participants in those discussions, which meant the involvement of the ministers themselves and not the ambassadors. If there were to be any chance of success, care should be taken not to threaten the Committee of Ministers.

Mr Lindblad regretted that the issue of the procedure for electing the Secretary General had overshadowed matters of considerable importance for the Assembly since the April session. He also pointed out that it was necessary to improve relations between the Committee of Ministers and the Assembly and consider other methods of communication during and between part-sessions, with regular consultations at times other than the rigid Joint Committee meetings. An agreement had to be reached before the June part-session. It was clear that the Committee of Ministers had not consulted the Assembly as it was required to do by the appointment regulations and that it had merely provided information. A compromise should be found. The Committee of Ministers and the Assembly were not playing chicken.

Mr Kox thanked Mr Žbogar for attending the meeting and said he appreciated his efforts in the search for a dialogue with the Assembly. Owing to its complex structure, the Council of Europe needed fair rules. The Assembly had to be consulted if a rift were to be avoided, and that consultation had to take place before the June part-session. The Assembly's powers were such that, when it came to electing judges to the European Court of Human Rights, the Commissioner for Human Rights or the Secretary General or to monitoring obligations and commitments or observing elections, the Committee of Ministers had no choice but to seek a solution.

Mr Holovatý deplored the cynical way in which the Assembly was being treated at a time when the Organisation was celebrating its 60th anniversary. At the previous meeting of the Joint Committee, an ambassador had admitted that the Deputies' decision had been tit for tat because the Assembly had rejected the lists of candidates for the European Court of Human Rights on several occasions. However, that was within the Assembly's statutory powers. The Committee of Ministers' decision was an absolutely intentional act dictated by a desire for revenge, but was it an intelligent and sensible step? There was deadlock. The claim that the Assembly had been consulted was a lie. In support of its position, the Assembly could rely on a clear set of regulations and a practice that had been constant over several decades. Resolution 1665 which expressed its discontent in unequivocal terms had been adopted with nearly unanimity. What information was contained in the Committee of Ministers' files? The Assembly had not been given any other document than the letter sent by Mr Moratinos informing it of the decision taken by the ministers on 12 May. Without a proper consultation of the Assembly, there could be no mutual trust between the parties, no compromise and no solution.

Mr Ivanić said he had been his country's foreign minister for four years and had seen very few ministers take part in the ministerial sessions. He was pessimistic about being able to overcome the crisis by the June part-session. The members of the European Union paid little attention to the Council of Europe, which explained, among other things, the Organisation's budgetary problems. The way the ministries operated and the manner in which negotiations were conducted between countries on matters relating, in particular, to appointments at international level shed some interesting light, so Mr Žbogar had all his sympathy in the difficult search for a solution.

Mr de Puig, President of the Assembly, resumed the Chair.

Mr Mignon paid tribute to Mr Žbogar, whose presence was a mark of respect for the Assembly. He criticised the lack of consideration shown by the permanent representatives for their countries' parliamentary delegations and deplored the *fait accompli* policy. The foreign ministers themselves had not been informed about the decisions taken by the Deputies and their consequences. It was unthinkable that the Assembly could not have the right to choose from among four candidates. It would take some time find a way out of the crisis, and that required a dialogue between the Committee of Ministers and the Assembly.

Mr Reimann believed any adverse media impact, which would affect the Organisation's reputation, had to be avoided. The problem had to be solved before the June part-session. However, if no progress were made on the matter and no formal consultation of the Assembly took place, they would have to adopt a pragmatic attitude and resolve to refrain from a confrontation with the Committee of Ministers.

Mr Zingeris also thanked Mr Žbogar for attending the meeting. He hoped the Assembly would hold an urgent debate on the issue at its next part-session and would make a formal request to that effect if the attempts to reach an understanding with the Committee of Ministers failed. He also pointed out that the ministers had not consulted their national parliamentary delegations any more than they had the Assembly. Of the international organisations, only the Council of Europe held up the banner of the defence of human rights. The disagreements between the two Council of Europe organs meant that the entire system of values fostered by the Organisation was at stake.

The President sincerely thanked Mr Žbogar for staying until the end of the debate and saluted his political courage. It was hard to anticipate the decisions that would be taken at the June part-session. He personally was ready to engage in a dialogue in a spirit of openness. He proposed that the Standing Committee adopt a declaration setting out its position in the light of the debate that had been held. A draft declaration would be distributed at the end of the present meeting for discussion and approval.

Agreed (see page 14 below).

Mr Mignon, Vice-President of the Assembly took the Chair in place of Mr de Puig.

12. ECONOMIC AFFAIRS AND DEVELOPMENT

- | | | |
|----|--|------------|
| a. | Budgets of the Council of Europe for the financial year 2010 | Doc. 11911 |
| b. | Expenditure of the Parliamentary Assembly for the financial year 2010 | Doc. 11912 |

*Rapporteur of the Committee on Economic Affairs and Development:
Mr Paul Wille (Belgium, ALDE)*

Mr Wille presented the report on the "Budgets of the Council of Europe for the financial year 2010" (Doc. 11911) and the report on the "Expenditure of the Parliamentary Assembly for the financial year 2010" (Doc. 11912). The economic and financial crisis was a reality but the Assembly could not accept that the Committee of Ministers should use it as a pretext for reducing its budget and that of the Organisation as a whole. Quite the contrary, the Council of Europe should be strengthened and its position reaffirmed, since the current instability made it more than necessary to promote fundamental democratic values and the principles of good governance and ethics.

As far as the budget for 2010 was concerned, the main problem remained the European Court of Human Rights, whose ever-growing needs put more pressure on the Council of Europe's other areas of activity, which was not acceptable. However, the Court had benefited from several programmes to increase its resources and had been the subject of many reports and audits aimed at improving its operation and working methods. The Organisation's work should not be confined to human rights. The Council's activities had to be maintained in the other areas in which it had excelled for decades and which were in the forefront of citizens' concerns. The Committee of Ministers should therefore not accept new demands from the Court, which would mean a reduction in the resources available to the other entities of the Organisation, unless it provided funding through extrabudgetary resources. There were also grounds for concern with regard to the deterioration in the social dialogue within the Organisation, especially in connection with the planned reform of the staff pension schemes. The staff should not be regarded as a mere accounting variable. The member states should honour their financial commitments in respect of the pension reserve fund so as to guarantee the sustainability of the Council of Europe's staff pension scheme.

The **Secretary General of the Council of Europe** spoke in the debate. He fully agreed with the rapporteur that the Council of Europe was not confined to the Court. Apart from human rights, the Organisation was

involved in a wide range of activities. He also thought that the pension reserve fund was a priority issue and, as in the previous year, when his intervention in the matter had been successful, he would not spare his efforts in that regard. He could not accept the economic crisis serving as a pretext for reducing the budget. However, he had to take account of the position of the member states, which were maintaining the zero growth policy. The Council was a victim of its own success. It had nonetheless made considerable efforts to streamline its structures and working methods and improve the management of its resources, and it had worked both more efficiently and more effectively. No other organisation could record such an improvement in its efficiency in one year. He also had to cope with finding 4.5 million euros to cover the expenditure arising from the automatic staff pay rises and the recruitment of Court staff, since that expenditure was not covered by any payment from the member states. When he presented his budget for 2010 to the Committee of Ministers, he would be putting forward some of the proposals made in Mr Wille's reports.

The Chair closed the debate and warmly thanked the rapporteur, who had spoken for the last time as rapporteur on the budget, for all the work he had done on that subject over many years. He put to the vote the draft opinion contained in Doc. 11911, which **was adopted** unanimously [Opinion No. 272 (2009)].

The Chair then put to the vote the draft opinion contained in Doc. 11912, which **was adopted** unanimously [Opinion No. 273 (2009)].

c. Protecting financial aid granted by Council of Europe member states to poor countries against financial funds known as "vulture funds" Doc.11862

*Rapporteur of the Committee on Economic Affairs and Development:
Mr Paul Wille (Belgium, ALDE)*

Mr Wille presented the report "Protecting financial aid granted by Council of Europe member states to poor countries against financial funds known as 'vulture funds'" (Doc. 11862), which, he said, denounced the exploitation of certain countries by speculative private investment funds that bought the debts of often heavily indebted poor countries at a very low price. They then claimed reimbursement of the value of the debt together with interest on arrears and legal costs from the state concerned, which involved a huge legal arsenal and brought debtors to their knees. These funds were jeopardising the efforts of international fund providers and Western governments, which were granting debt remission or financial aid. It was therefore necessary to strengthen the legal arsenal of states to curb the action of the "vulture funds". Indebted countries should not be made to incur even more debt.

The Chair closed the debate. He put to the vote the draft recommendation contained in Doc. 11862, which **was adopted** unanimously [Recommendation 1870 (2009)].

13. POLITICAL AFFAIRS

Ban on cluster munitions Doc. 11909
Amendments

*Rapporteur of the Political Affairs Committee:
Mr Johannes Pflug (Germany, SOC)*

*Rapporteur of the Committee on Legal Affairs and Human Rights (for opinion):
Mr Holger Haibach (Germany, EPP/CD)* Doc. 11925

*Rapporteur of the Social, Health and Family Affairs Committee (for opinion):
Mr Michael Hancock (United Kingdom, ALDE)*

*Rapporteur of the Committee on Migration, Refugees and Population (for opinion):
Mrs Claire Curtis-Thomas (United Kingdom, SOC)* Doc. 11929

Mr Lindblad, Chair of the Political Affairs Committee, presented the report on the "Ban on cluster munitions" (Doc. 11909), in the absence of Mr Pflug, who was unable to attend. 98% of the victims of cluster bombs were civilians. Those munitions had been used for the first time in the Second World War and subsequently in a number of conflicts, including in Kosovo and the war between Georgia and Russia. The Cluster Munition Convention provided a comprehensive response to the problem: it prohibited the production, use, stockpiling and transfer of those weapons and required the destruction of existing stocks. Member states were called upon to sign, ratify and implement that Convention.

In the absence of the rapporteur for opinion, Mr Haibach, **Mr Holovaty** presented the opinion of the Committee on Legal Affairs and Human Rights, which fully supported the report that had been presented and wished to further strengthen the resolution and recommendation to be adopted by proposing a number of

amendments. In particular, the committee wanted the Assembly to condemn the use of cluster bombs in the war between Georgia and Russia. He reminded the meeting that the six-point action plan for settling the conflict contained an express reference to the obligation to clear away unexploded munitions.

Mrs Jonker, Chair of the Committee on Migration, Refugees and Population, presented the opinion of her committee in the absence of the rapporteur for opinion, Mrs Curtis-Thomas. The committee also fully supported the Political Affairs Committee's report, which provided a very pragmatic view of the issue. However, it wished to stress a number of points by proposing some amendments. There needed to be a broad definition of the victims of cluster bombs. International organisations and forces also needed to step up their demining work in accordance with clearly defined rules. All the parties to conflicts should exchange the information at their disposal on the location of sites with unexploded munitions so as to avoid new victims. Campaigns should also be launched to raise the awareness of populations, especially children.

Mr Kox condemned the use of cluster bombs, which, owing to their imprecision and lack of reliability, claimed innocent victims, especially children, whether it be during a war or after peace had been restored.

The Chair announced that the Social, Health and Family Affairs Committee was unable to present an oral opinion on the report being debated as its rapporteur for opinion and its Chair had been unable to attend the meeting. He therefore closed the debate. Seven amendments had been tabled to the draft resolution.

Mr Holovaty moved amendment No. 6 on behalf of the Committee on Legal Affairs and Human Rights. **Mr Lindblad** said the Political Affairs Committee had been unable to take position on the proposed amendments but the rapporteur had told him he supported all the amendments except amendment No. 1.

Amendment No. 6 was **adopted**, with one vote against.

Ms Jonker moved amendment No. 1 on behalf of the Committee on Migration, Refugees and Population. It was **adopted**, with one vote against and two abstentions.

Amendments Nos. 2, 3, 4 and 5, presented by **Ms Jonker** on behalf of the Committee on Migration, Refugees and Population, were **adopted** unanimously.

Amendment No. 7, moved by **Mr Holovaty** on behalf of the Committee on Legal Affairs and Human Rights, was also **adopted** unanimously.

The Chair put to the vote the draft resolution contained in Doc. 11909, as amended, which was **adopted** unanimously [Resolution 1668 (2009)].

The Chair asked **Mr Holovaty** to present amendment No. 8 to the draft recommendation on behalf of the Committee on Legal Affairs and Human Rights. Amendment No. 8 was **adopted**.

Mr Lindblad presented an oral amendment to paragraph 1.2, which was also **adopted**.

The Chair put to the vote the draft recommendation contained in Doc. 11909, as amended, which was **adopted** unanimously [Recommendation 1871 (2009)].

14. EQUAL OPPORTUNITIES FOR WOMEN AND MEN

a. The rights of today's girls: the rights of tomorrow's women

Doc. 11910

*Rapporteur of the Committee on Equal Opportunities for Women and Men:
Mrs Ingrida Circene (Latvia, EPP/CD)*

Mr Wille presented the report on "The rights of today's girls: the rights of tomorrow's women" (Doc. 11910) in the absence of the rapporteur. There were many disparities between men and women, both in law and in fact. It was necessary to develop towards a society that was in practice more egalitarian, more democratic and more cohesive and to take better account of the potential of girls and boys and eliminate stereotypes. Various measures were required, especially the inclusion in school curricula of educational activities designed to promote equality.

Mr Reimann said he intended to abstain in the vote on the report, which in no case reflected the situation in his own country, Switzerland.

Ms Frahm, Chair of the Committee on Equal Opportunities for Women and Men, said the report had been fully endorsed by the committee.

The Chair put to the vote the draft resolution contained in Doc. 11910, which **was adopted** with one abstention [Resolution 1669 (2009)]. The draft recommendation was also **adopted** with one abstention [Recommendation 1872 (2009)].

b. Sexual violence against women in armed conflicts

Doc. 11916

*Rapporteur of the Committee on Equal Opportunities for Women and Men:
Mrs Miet Smet (Belgium, EPP/CD)*

Mr Wille presented the report on “Sexual violence against women in armed conflicts” (Doc. 11916), in the presence of the rapporteur, Mrs Smet, who was unable to speak as she had lost her voice. It had taken centuries to denounce sexual violence against women in armed conflicts. It was with the adoption of UN Security Council Resolution 1820 that the international community had recognised rape and other forms of sexual violence as a war crime, a crime against humanity and a constituent element of the crime of genocide. However, those forms of violence were still very widespread and a systematic weapon of war in some conflicts, such as at the time of the Balkan wars. The Assembly was accordingly calling on the member states to take a series of measures to give effect to Resolution 1820.

Mr Van den Brande congratulated both the rapporteur and Mr Wille. It was important for the Assembly to have an official position of the issue, even though it extended beyond the geographical boundaries of Europe. The Assembly had to back up its convictions and the fundamental values promoted by the Council of Europe by showing the way forward for other countries on other continents, such as Africa.

Mr Kox also congratulated the rapporteur. He drew a parallel with the issue of cluster bombs: both cases involved terrible and brutal practices of war with tragic consequences that were the very negation of human dignity. Whereas 98% of the victims of cluster bombs were civilians, the figure was 100% in the case rape. However, rape was not a product of high technology and had existed for centuries. It was time to firmly condemn such barbaric practices.

Ms Frahm, Chair of the Committee on Equal Opportunities for Women and Men, congratulated the rapporteur on her work in drawing up that very important report, which had been unanimously endorsed by the committee.

The Chair put to the vote the draft resolution contained in Doc. 11916, which **was adopted** unanimously [Resolution 1670 (2009)]. The draft recommendation was also **adopted** unanimously [Recommendation 1873 (2009)].

Mr de Puig, President of the Assembly, resumed the Chair.

15. OTHER BUSINESS

Mr Zingeris mentioned the global economic and financial crisis and its consequences for political values since it brought about a radicalisation of political opinions and a strengthening of extremism. The Assembly should draw up a report on the subject.

Mr Eörsi fully agreed, as did **Mr Van den Brande**, who thought the Political Affairs Committee could be charged with drawing up such a report.

The President asked Mr Zingeris to table a motion on the matter.

11. CURRENT AFFAIRS DEBATE (contd.)

The President then invited the Standing Committee to discuss the draft declaration reflecting the conclusions of the current affairs debate on the process of electing the Secretary General of the Council of Europe.

Mr Wilshire, Mr Holovaty, Ms Brasseur, Mr Van den Brande, Mr Greenway, Mr Mignon, Mr Meale, Mr Bjørnstad, Ms Jonker, Mr Zingeris and Ms Frahm made observations on the draft declaration.

The Standing Committee **adopted** a statement, with one vote and one abstention (see appendix III).

Mr Zingeris announced that he had just tabled a request for an urgent debate in the June part-session on the election process of the Secretary General of the Council of Europe.

16. NEXT MEETING

The Standing Committee **decided** to hold its next meeting in Bern (Switzerland) on 20 November 2009.

Mr Reimann, head of the Swiss parliamentary delegation, welcomed the opportunity given to the Swiss parliament to host the Standing Committee and outlined the agenda.

The meeting **rose** at 2.15pm.

APPENDIX I**List of Participants****President of the Assembly**

Mr Lluís Maria de PUIG i OLIVE Spain

Vice-President of the Assembly

Mr John PRESCOTT United Kingdom
 Mr Paul WILLE Belgium
 Mr Jean-Claude MIGNON France
 Mrs Danuta JAZŁOWIECKA Poland
 Mr Mladen IVANIĆ Bosnia and Herzegovina
 Mr Konstantin KOSACHEV Russian Federation
 Mr Davit HARUTYUNYAN Armenia
 Mr Michael Aastrup JENSEN Denmark
 Mr Mevlüt ÇAVUŞOĞLU Turkey

Chairpersons of Political Groups

Mr Luc Van den BRANDE Group of the European People's Party
 Mr Andreas GROSS Socialist Group
 Mr David WILSHIRE European Democrat Group
 Mr Mátyás EÖRSI Alliance of Liberals and Democrats for Europe
 Mr Tiny KOX Group of the Unified European Left

Chairpersons of National delegations

Mrs Anna BENAKI Greece
 (for Mr Aristotelis PAVLIDIS)
 Mr Zoltán SZABÓ Hungary
 Mr Gebhard NEGELE Liechtenstein
 Mr Emanuelis ZINGERIS Lithuania
 Mrs Marie-Louise BEMELMANS-VIDEC The Netherlands
 Mr Vidar BJØRNSTAD Norway
 (for Mr Per-Kristian FOSS)
 Mr Viorel Riceard BADEA Romania
 (for Mr Cezar Florin PREDA)
 Mrs Darja LAVTIŽAR-BEBLER Slovenia
 Mr Göran LINDBLAD Sweden
 Mr Maximilian REIMANN Switzerland
 Mr Ivan POPESCU Ukraine

Chairperson of the Political Affairs Committee

Mr Göran LINDBLAD Sweden

Chairperson of the Committee on Migration, Refugees and Population

Mrs Corien W.A. JONKER The Netherlands

Chairperson of the Committee on Culture, Science and Education

Mrs Anne BRASSEUR Luxembourg

Chairperson of the Committee on the Environment, Agriculture and Local and Regional Affairs

Mr Alan MEALE

United Kingdom

Chairperson of the Committee on Equal Opportunities for Women and Men

Mrs Pernille FRAHM

Denmark

Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Mr Serhiy HOLOVATY

Ukraine

Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs

Mr John GREENWAY

United Kingdom

Rapporteur (not member of the Standing Committee)

Mrs Miet SMET

Belgium

ALSO PRESENT:**Invited personalities**

Mr Pavel GANTAR, President of the National Assembly of the Republic of Slovenia

Mr Samuel ŽBOGAR, Minister of Foreign Affairs of the Republic of Slovenia, Chairperson of the Committee of Ministers of the Council of Europe,

Mr Aleš ZALAR, Minister of Justice of the Republic of Slovenia

Permanent Representative to the Council of Europe

Mrs Meta BOLE, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Slovenia, Chairperson of the Ministers' Deputies

Mr Valery LEVITSKIY, Deputy to the Permanent Representative of the Russian Federation to the Council of Europe

Secretariat of the Parliamentary Assembly

Mr Mateo SORINAS, Secretary General of the Parliamentary Assembly

Mr Wojciech SAWICKI, Director General

Mr Alfred SIXTO, Head of the Table Office

Mrs Valérie CLAMER, Secretary of the Standing Committee

Ms Bonnie THEOPHILOVA, Head of the Private Office of the President of the Parliamentary Assembly, *ad interim***Council of Europe**

Mr Terry DAVIS, Secretary General of the Council of Europe

Mrs Maud DE BOER-BUQUICCHIO, Deputy Secretary General of the Council of Europe

Mrs Mireille PAULUS, Secretary to the Committee of Ministers

Ms Marja RUOTANEN, Director of the Office of the Secretary General and the Deputy Secretary General

Mr Gianluca ESPOSITO, Special Adviser to the Deputy Secretary General

APPENDIX II

Synopsis

The **Standing Committee**, meeting on 29 May 2009 in Ljubljana with Mr de Puig, President of the Assembly, and then Mr Mignon, Vice-President of the Assembly, in the chair:

- heard a welcome address by Mr Pavel Gantar, President of the National Assembly of the Republic of Slovenia;
- held an exchange of views with Mr Samuel Žbogar, Minister of Foreign Affairs of the Republic of Slovenia, Chairperson of the Committee of Ministers of the Council of Europe, and Mr Aleš Zalar, Minister of Justice of the Republic of Slovenia;
- ratified the credentials of new members of the Assembly submitted by the delegations of Hungary and Iceland;
- ratified the changes in the composition of Assembly committees in respect of the delegations of Hungary and Iceland, and in the composition of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) with regard to the EPP/CD and UEL political groups, as well as of the Committee on Rules of Procedure, Immunities and Institutional Affairs with regard to the EPP/CD political group;
- ratified the references, modification and extension of references proposed by the Bureau which are contained in Appendix I hereafter;
- held a current affairs debate on “the election process for the Secretary General of the Council of Europe” following a request from the Assembly political groups, presented by Mr Gross (Switzerland, Socialist Group) and adopted a statement (see Appendix II hereafter);
- adopted, on behalf of the Assembly, the following texts:

Opinion 272 (2009)	Budgets of the Council of Europe for the financial year 2010
Opinion 273 (2009)	Expenditure of the Parliamentary Assembly for the financial year 2010
Recommendation 1870 (2009)	Protecting financial aid granted by Council of Europe member states to poor countries against financial funds known as “vulture funds”
Recommendation 1871 (2009)	Ban on cluster munitions
Recommendation 1872 (2009)	The rights of today’s girls: the rights of tomorrow’s women
Recommendation 1873 (2009)	Sexual violence against women in armed conflict
Resolution 1668 (2009)	Ban on cluster munitions
Resolution 1669 (2009)	The rights of today’s girls: the rights of tomorrow’s women
Resolution 1670 (2009)	Sexual violence against women in armed conflict

- decided to hold its next meeting in Bern (Switzerland), on 20 November 2009.

APPENDIX 1**Decisions on documents tabled for references to committees****A. REFERENCES TO COMMITTEES**

- 1. Piracy and hostage-taking on the high seas**
Motion for a resolution presented by Mrs Keleş and others
Doc. 11803

Piracy – a crime and a challenge for democracies
Motion for a recommendation presented by Mr Wodarg and others
Doc. 11837

Reference to the Political Affairs Committee for one report on "Piracy – a crime and a challenge for democracies"

- 2. Genetically modified organisms (GMOs) : a solution for the future ?**
Motion for a resolution presented by Mr Cousin and others
Doc. 11816

Reference to the Committee on the Environment, Agriculture and Local and Regional Affairs for report

- 3. Tourism for elderly people**
Motion for a resolution presented by Mrs Cortajarena and others
Doc. 11817

Reference to the Committee on Economic Affairs and Development for report

- 4. Reconciliation and political dialogue between the countries of the former Yugoslavia**
Motion for a resolution presented by Mr Marcenaro and others
Doc. 11818

Reference to the Political Affairs Committee for report

- 5. Framing a proactive policy for public authorities in Europe aimed at preventing overweight and achieving regulation**
Motion for a recommendation presented by Mrs Karamanli and others
Doc. 11825

Reference to the Social, Health and Family Affairs Committee to be taken into account in the preparation of the report on the "Prevention of obesity and type 2 diabetes and promotion of healthy nutritional habits among children and the young" (ref. 3517 of 26 January 2009)

- 6. Transport of liquefied natural gas (LNG) by river and river-sea going vessels as an efficient facility solving the present gas crisis**
Motion for a recommendation presented by Mr Melčák and others
Doc. 11827

Reference to the Committee on Economic Affairs and Development for report and to the Committee on the Environment, Agriculture and Local and Regional Affairs for opinion

- 7. The impact of the European Union Eastern Partnership on economic growth in Eastern Europe**
Motion for a resolution presented by Mr Rigoni and others
Doc. 11828

Reference to the Committee on Economic Affairs and Development for report

- 8. The Council of Europe and the Eastern Partnership of the European Union
Motion for a recommendation presented by Mr Lindblad and others
Doc. 11843**

Reference to the Political Affairs Committee for report

- 9. International Convention for the Protection of all persons from enforced disappearances
Motion for a recommendation presented by Mr Gardetto and others
Doc. 11830**

Reference to the Committee on Legal Affairs and Human Rights for report

- 10. Lack of appropriate follow-up, by the Committee of Ministers, to the work of the Parliamentary Assembly
Motion for a resolution presented by Mr Marty and others
Doc. 11831**

Reference to the Committee on Rules of Procedure, Immunities and Institutional Affairs for report

- 11. Impact of the financial crisis upon pensioners
Motion for a recommendation presented by Baroness O'Cathain and others
Doc. 11834**

Reference to the Social, Health and Family Affairs Committee to be taken into account in the preparation of the report on "The social impact and the human dimension of the financial and economic crisis in the Council of Europe's member states" (ref. 3527 of 30 January 2009)

- 12. Gender budgeting as a tool for safeguarding women's health
Motion for a resolution presented by Mrs Circene and others
Doc. 11836**

Reference to the Committee on Equal Opportunities for Women and Men for report at the Standing Committee and to the Social, Health and Family Affairs Committee for opinion

- 13. Re-engaging in the parliamentary dialogue with the United States
Motion for a resolution presented by Mr Lindblad and others
Doc. 11851**

Reference to the Political Affairs Committee for report

- 14. The European civil aviation industry confronted with the global financial and economic crisis
Motion for a resolution presented by Mr Braun and others
Doc. 11852**

Reference to the Committee on Economic Affairs and Development for report

- 15. Sixty years of European co-operation
Motion for a recommendation presented by Mr Wodarg and others
Doc. 11853**

Reference to the Political Affairs Committee for report

- 16. The need to combat economic crime in times of economic crisis
Motion for a recommendation presented by Mr Huseynov and others
Doc. 11856**

Reference to the Committee on Economic Affairs and Development for report

- 17. Monitoring of commitments concerning social rights**
Motion for a recommendation presented by Mr Marquet and others
Doc. 11875

Reference to the Social, Health and Family Affairs Committee for report and to the Committee on Equal Opportunities for Women and Men for opinion

- 18. The protection of journalists' sources of information**
Motion for a recommendation presented by Mrs Ukkola and others
Doc. 11881

Reference to the Committee on Culture, Science and Education for report

- 19. The ethics of science**
Motion for a resolution presented by Mrs de Melo and others
Doc. 11886

Reference to the Committee on Culture, Science and Education for report

- 20. Education against violence at school**
Motion for a recommendation presented by Mr Flego and others
Doc. 11889

Reference to the Committee on Culture, Science and Education for report

- 21. The impact of the economic and financial crisis on women**
Motion for a recommendation presented by Ms Wurm and others
Doc. 11891

Reference to the Committee on Equal Opportunities for Women and Men for report

- 22. The need for independent and credible environmental assessments**
Motion for a resolution presented by Mr Preda and others
Doc. 11892

Reference to the Committee on the Environment, Agriculture and Local and Regional Affairs for report

- 23. The potential dangers of electromagnetic fields and their effect on the environment**
Motion for a recommendation presented by Mr Huss and others
Doc. 11894

Reference to the Committee on the Environment, Agriculture and Local and Regional Affairs for report

- 24. Expansion of democracy by lowering the voting age to 16**
Motion for a resolution presented by Mr Jensen and others
Doc. 11895

Reference to the Political Affairs Committee for report

- 25. Economic importance of raw materials contained in "end-of-life products" including their energy potential**
Motion for a resolution presented by Mr Melčák and others
Doc. 11896

Reference to the Committee on Economic Affairs and Development for report and to the Committee on the Environment, Agriculture and Local and Regional Affairs for opinion

- 26. The interception and rescue at sea of asylum seekers, refugees and irregular migrants**
Motion for a recommendation presented by Mr Díaz Tejera and others
Doc. 11880

Dismantling fortress Europe – actively protecting the lives of refugees in the Mediterranean Sea
Motion for a resolution presented by Mr Keskin and others
Doc. 11905

Reference to the Committee on Migration, Refugees and Population for one report

- 27. 20th anniversary of the European Committee against Torture : time to take stock**
Motion for a resolution presented by Mr Gardetto and others
Doc. 11906

The need to establish effective, independent national mechanisms for monitoring places of detention
Motion for a resolution presented by Mr Hunault and others
Doc. 11874

Reference to the Committee on Legal Affairs and Human Rights for one report

- 28. Abuse of state secrecy and national security : obstacles to parliamentary and judicial scrutiny of human rights violations**
Motion for a resolution presented by Mr Marty and others
Doc. 11907

Reference to the Committee on Legal Affairs and Human Rights for report

- 29. Iran's nuclear program: the need for an effective international response**
Motion for a resolution presented by Mr Lindblad and others
Doc. 11908

Reference to the Political Affairs Committee for report

- 30. Ukraine disregarding basic obligations under the European Convention on Human Rights: annulment of the Ukrainian Parliamentary Assembly delegation's credentials**
Motion for a resolution presented by Mr Marty and others
Doc. 11921

*Reference to the Committee on Legal Affairs and Human Rights for report on Reconsideration on substantial grounds of previously ratified credentials of the Ukrainian delegation (Rule 9 of the Assembly's Rules of Procedure) and to the Committee on Rules of Procedure, Immunities and Institutional Affairs for opinion **

- 31. The humanitarian consequences of the war between Georgia and Russia: implementation of Resolution 1648 (2009) and Resolution 1664 (2009)**

Reference to the Committee on Migration, Refugees and Population for report

- 32. The consequences of the war between Georgia and Russia: implementation of Resolution 1633 (2008) and Resolution 1647 (2009)**

Reference to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) for report

- 33. Draft Additional Protocol to the European Charter of Local Self-Government on the Right to Participate in the Affairs of a Local Authority**
Committee of Ministers' request for an opinion

Reference to the Committee on the Environment, Agriculture and Local and Regional Affairs for report

* According to Rule 9.2 of the Rules of Procedure, the Bureau decides on the reference to the competent Committee for report; the Committee on Rules of Procedure, Immunities and Institutional Affairs is automatically seized for opinion

34. Draft Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional co-operation groupings (ECGs) Committee of Ministers' request for an opinion

Reference to the Committee on the Environment, Agriculture and Local and Regional Affairs for report

**35. The future of the Council of Europe in the light of its 60 years of experience
Bureau decision**

Reference to the Political Affairs Committee for report, for a debate on general policy during the Assembly 4th part-session 2009 (28 September – 2 October 2009)

B. TRANSMISSION FOR INFORMATION

**1. Preserve the Monastery of Mor Gabriel in Turkey
Motion for a resolution presented by Mr Omtzigt and others
Doc. 11820**

Transmission to the Committee on Culture, Science and Education for information

**2. New human rights: regulatory frameworks on ethically sensitive issues and implementation thereof
Motion for a resolution presented by Mr Farina and others
Doc. 11832**

Transmission to the Committee on Legal Affairs and Human Rights for information

**3. The evaluation of the Molotov-Ribbentrop Pact approaching its 70th anniversary
Motion for a resolution presented by Mr Zingeris and others
Doc. 11833**

Transmission to the Political Affairs Committee for information

**4. Learning lessons from "colour revolutions"
Motion for a resolution presented by Mr Lindblad and others
Doc. 11850**

Transmission to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and to the Political Affairs Committee for information

**5. Democracy and the limitation of mandates
Motion for a resolution presented by Mr Mota Amaral and others
Doc. 11863**

Transmission to the Political Affairs Committee for information

**6. Non-recognition by Romania of the Moldovans' right to national identity
Motion for a resolution presented by Mr Petrenco and others
Doc. 11603**

Transmission to the Committee on Legal Affairs and Human Rights for information

**7. The 20th anniversary of collapse of totalitarian regimes in Europe
Motion for a resolution presented by Mr Lipinski and others
Doc. 11882**

Transmission to the Political Affairs Committee for information

- 8. Supporting the initiative of the creation of a transnational Eurasian information superhighway**
Motion for a recommendation presented by Mr Seyidov and others
Doc. 11885

Transmission to the Committee on Culture, Science and Education for information

- 9. Improving the exchange of tax information among Council of Europe member states**
Motion for a recommendation presented by Mr Omtzigt and others
Doc. 11887

Transmission to the Committee on Economic Affairs and Development for information

- 10. A European policy for European citizens resident outside their country of origin**
Motion for a recommendation presented by Mr Ducarme and others
Doc. 11890

Transmission to the Committee on Migration, Refugees and Population for information

- 11. The bilateral relations between Moldova and Romania**
Motion for a resolution presented by Mr Petrenco and others
Doc. 11899

Transmission to the Political Affairs Committee for information

- 12. Conferment of the Council of Europe Cultural Route Label on the Cistercian sites route across Greater Europe**
Motion for a resolution presented by Mrs Durrieu and others
Doc. 11900

Transmission to the Committee on Culture, Science and Education for information

- 13. Co-ordination of the Council of Europe's Cultural Routes programme with the European Union's "European Heritage" label and encouragement of their application in Eastern Europe**
Motion for a recommendation presented by Mrs Durrieu and others
Doc. 11901

Transmission to the Committee on Culture, Science and Education for information

C. MODIFICATION OF A REFERENCE

- 1. On the compliance of the International Court of Justice decision in the Avena case**
Motion for a resolution presented by Mr Van den Brande and others
Doc. 11606
Ref. 3461 of 23 June 2008

The death penalty in Council of Europe member and observer countries – an unacceptable violation of human rights
Motion for a resolution presented by Mrs Wohlwend and others
Doc. 11675
Ref. 3481 of 29 September 2008

Reference of the two motions to the Committee on Legal Affairs and Human Rights for one report

D. EXTENSION OF A REFERENCE

- 1. Improving the quality and consistency of asylum decisions in the Council of Europe member states**
Motion for a recommendation presented by Mrs Vermot-Mangold and others
Doc. 11103
Ref. 3305 of 22 January 2007 – validity: 30 April 2009

Extension until 31 October 2009

APPENDIX III**Statement by the Standing Committee**

1. At its meeting on 12 May 2009, the Committee of Ministers decided to transmit to the Parliamentary Assembly a list of two candidates for the election of the Secretary General of the Council of Europe, despite the request by the Assembly contained in a resolution adopted during the April 2009 part-session, to be able to choose among the four existing candidates.
2. The Assembly will discharge its statutory responsibility to elect the next Secretary General as soon as realistically possible.
3. However, for the following procedural reasons, the Standing Committee disagrees with the decision by the Committee of Ministers:
 - i. the change in the procedure by the Ministers' Deputies during the period of submission of candidatures;
 - ii. the adoption by the Ministers' Deputies on 23 April of a draft resolution restricting the number of candidates which effectively pre-empted the possibility of genuine consultation of the Assembly through the Joint Committee on 29 April 2009;
 - iii. the use of the so-called "Juncker criteria", to eliminate two candidates from the short-list;
 - iv. the failure of the Committee of Ministers to give reasons for its choice.
4. Moreover such a short-list deprives the Assembly of a political choice since both remaining candidates are of a similar political orientation.
5. In these circumstances, the Standing Committee is not in favour of accepting, in its current form, the proposal of the Committee of Ministers as it limits the possibility to proceed with the election of the Secretary General at the June part session. The Standing Committee therefore believes that the Committee of Ministers and the Assembly must urgently engage in a dialogue in order to avoid an institutional crisis.
6. The Standing Committee is of the opinion that there has been no real consultation between the Assembly and the Committee of Ministers, in the process for electing the Secretary General, as foreseen in the Rules.
7. The Standing Committee considers that the new Secretary General should enjoy the support of both organs of the Council of Europe.
8. There is a consensus within the Assembly on the need for both organs of the Council of Europe to progress together to resolve such issues in a spirit of co-operation and dialogue.
9. The Standing Committee therefore believes that a period of reflection and joint discussion is necessary before the election takes place and therefore confirms the willingness of its Presidential Committee to engage in a dialogue with the Committee of Ministers, preferably before the June 2009 part session.