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COUNCIL OF EUROPE  
CONSEIL DE L'EUROPE

# The Session

THE INFORMATION GUIDE FOR PLENARY SESSIONS OF PACE

## 3-7 October 2011

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- The protection of privacy and personal data on the internet and online media
- Undocumented migrant children in an irregular situation: a real cause for concern

# The 47

The Council of Europe brings together 47 democracies including 22 central and eastern European countries. Today, the Organisation has almost completed its enlargement but continues its monitoring to ensure that all its members respect the obligations and commitments they entered into when they joined.



Member states: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom.

# The Parliamentary Assembly

The Parliamentary Assembly brings together 636 members (318 representatives and 318 substitutes) from the national parliaments of the 47 member states of the Council of Europe.

Countries that have joined the Council of Europe since November 1990: Hungary (1990), Poland (1991), Bulgaria (1992), Estonia, Lithuania, Slovenia, Slovak Republic, Czech Republic, Romania (1993), Andorra (1994), Latvia, Albania, Moldova, "the former Yugoslav Republic of Macedonia", Ukraine (1995), the Russian Federation, Croatia (1996), Georgia (1999), Armenia, Azerbaijan (2001), Bosnia and Herzegovina (2002), Serbia and Montenegro (2003), replaced by Serbia (2006), Monaco (2004), Montenegro (2007).

Applications for membership: Belarus (12 March 1993). The Special Guest status of the Belarus parliament was suspended on 13 January 1997.

The Parliament of Morocco (2011) holds "Partner for Democracy" status with the Assembly. The parliaments of Canada (1997), Israel (1957) and Mexico (1999) hold observer status with the Assembly.

## The political groups



**203**

Group of the European People's Party (EPP/CD)



**180**

Socialist Group (SOC)



**103**

European Democrat Group (EDG)



**95**

Alliance of Liberals and Democrats for Europe (ALDE)



**29**

Group of the Unified European Left (UEL)

## The Assembly committees

**84 seats**

Political Affairs  
 Legal Affairs and Human Rights  
 Economic Affairs and Development  
 Social, Health and Family Affairs  
 Migration, Refugees and Population  
 Culture, Science and Education  
 Environment, Agriculture and Local and Regional Affairs  
 Equal Opportunities for Women and Men  
 Honouring of obligations and commitments by member states of the Council of Europe (Monitoring)

**27 seats**

Rules of Procedure, Immunities and Institutional Affairs



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# Monday 3 October 2011

☞ Morning (11.30 a.m.-1 p.m.)

## ◆ **Opening of the fourth part of the 2011 Ordinary Session**

Parliamentary Assembly President Mevlüt Çavuşoğlu opened the fourth part of the 2011 Ordinary Session and made an opening statement.

The Assembly examined credentials, including of any new members notified by national delegations, and dealt with changes in the membership of committees. It also elected four Vice-Presidents of the Assembly: Susanna Huovinen (Finland), Joe O'Reilly (Ireland), João Bosco Mota Amaral (Portugal) and Nursuna Memecan (Turkey).

Adopting its agenda, the Assembly decided to hold a current affairs debate on "How can Council of Europe member states come to the aid of countries touched by humanitarian catastrophes such as those in East Africa?" (Thursday at 3 p.m.) followed by an urgent debate on "The political situation in the Balkans" (Thursday at 4 p.m.).

## ◆ **Progress report of the Bureau of the Assembly and the Standing Committee**

*Doc. 12732 Part I + Addendum and Part II*  
*Rapporteur: Dick Marty (Switzerland, ALDE)*

The progress report covers the discussions held and decisions reached by the Bureau and the Standing Committee since the last part-session.

Kerstin Lundgren (Sweden, ALDE) presented the conclusions of the Assembly's observation of the parliamentary elections in Turkey (12 June 2011).

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# Monday 3 October 2011

☞ Afternoon (3 p.m.-5.30 p.m.)

◆ **Communication from the Committee of Ministers to the Parliamentary Assembly, presented by Kostyantyn Gryshchenko, Minister for Foreign Affairs of Ukraine, Chairman of the Committee of Ministers**

Following his presentation, Mr Gryshchenko will answer questions from members of the Assembly.

◆ **Prenatal sex selection**

*Doc. 12715*

*Report of the Committee on Equal Opportunities for Women and Men*

*Rapporteur: Doris Stump (Switzerland, SOC)*

*Doc. 12727*

*Opinion of the Social, Health and Family Affairs Committee*

*Rapporteur: Jordi Xuclà i Costa (Spain, ALDE)*

The selective abortion of females has been practised for decades in some Asian countries, where sons are prized for perpetuating the family lineage or for their economic prospects. However, there is strong evidence that it also occurs in some Council of Europe member states: statistics show a worrying departure from the natural average sex ratio in Albania, Armenia, Azerbaijan and Georgia.

Prenatal sex selection must be condemned, the Equal Opportunities Committee declares, as a phenomenon which finds its roots in a culture of gender inequality and reinforces a climate of violence against women. It has harmful consequences, including population imbalances, a rise in criminality and social unrest and an increased risk of human rights violations such as trafficking for the purposes of marriage or sexual exploitation.

Council of Europe member states should introduce laws prohibiting sex selection in the context of both assisted reproductive technologies and legal abortion, except when it is justified to avoid a serious hereditary disease. They should also consider recommending that public hospitals instruct doctors to withhold information about the sex of the foetus, or at least ensure that this information is given in a positive way.

For their part, the governments of Albania, Armenia, Azerbaijan and Georgia should do more to tackle the root causes of prenatal sex selection, collecting reliable data on this phenomenon and raising awareness amongst the public and health professionals.

Contact in the secretariat: Elodie Fischer, tel. 5634.

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# Tuesday 4 October 2011

☞ Morning (10 a.m.-1 p.m.)

◆ **Request for Partner for Democracy status with the Parliamentary Assembly, submitted by the Palestinian National Council**

*Doc. 12711*

*Report of the Political Affairs Committee*

*Rapporteur: Tiny Kox (Netherlands, UEL)*

*Opinion of the Committee on Legal Affairs and Human Rights*

*Rapporteur: Özlem Türköne (Turkey, EPP/CD)*

*Opinion of the Committee on Equal Opportunities for Women and Men*

*Rapporteur: Carina Hägg (Sweden, SOC)*

In June 2009 the Assembly created "Partner for Democracy" status, to allow parliaments of non-member states in neighbouring regions to benefit from its experience in democracy-building. Partners for Democracy can send parliamentary delegations to participate in the work of the Assembly, provided they commit themselves to pursue the values upheld by the Council of Europe, hold free and fair elections, work towards abolishing the death penalty, and encourage the balanced participation of women and men in public life. The Palestinian National Council formally submitted its request for the new status in November 2010, when its Speaker made these very pledges.

Recent Palestinian elections have been judged free and fair by the Assembly, the Political Affairs Committee points out, and there has been important progress – at least in those parts of the territories controlled by the Palestinian National Authority – towards developing an independent judiciary and stamping out corruption. Moreover, there are high hopes among Palestinians that a closer relationship with the Council of Europe would be an incentive to improve democracy, human rights and the rule of law. At a time when "the Arab spring" is flowering across the region, the committee believes it is important for Palestinians, with their emerging political institutions, to continue firmly on the path of democratic transformation. Progress towards Council of Europe standards is much hindered by the Israeli military occupation, and Partner for Democracy status could help to encourage reform, also in the context of a wider solution to the Israeli-Palestinian conflict.

The committee lists key issues it believes are important for the future of the territories, such as concluding negotiations for a government of national unity, making the Palestinian National Council a democratically elected body as far as possible, and abolishing the death penalty. Other points listed include refraining from violence, recognising the right of Israel to exist, rejecting the use of terrorism, freeing the soldier Gilad Shalit and ending the illegal smuggling of weapons into the Gaza Strip and West Bank.

The committee proposes to grant Partner for Democracy status to the Palestinian National Council and invite it to appoint a six-strong delegation from among its democratically elected members. It also proposes to review, within two years, progress made by the Council in fulfilling its commitments, as well as the specific issues listed by the Assembly.

**Statement by Salim Al-Za'noon, Speaker of the Palestinian National Council**

Contact in the secretariat: João Ary, tel. 2112.

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# Tuesday 4 October 2011

☞ Afternoon (3 p.m.-8 p.m.)

◆ **Co-operation between the Council of Europe and the emerging democracies in the Arab world**

*Doc. 12699*

*Report of the Political Affairs Committee*

*Rapporteur: Jean-Charles Gardetto (Monaco, EPP/CD)*

Following the dramatic political change that has come to be known as the “Arab spring”, the Political Affairs Committee welcomes the emergence of more democratic regimes in the Arab world, and especially the positive developments in Tunisia and Egypt. Those who gave their lives in the struggle for democracy must be duly honoured.

Europe must now do everything it can to help these countries become peaceful democracies which respect the rights of their citizens – and not only because they are neighbours. Europe bears some responsibility for past failures in the Arab world, the committee suggests, having favoured short-term stability over a longer-term development that is consistent with Council of Europe values.

The Council of Europe has a great deal of experience of transition to democracy and can share this, in a spirit of humility and mutual respect – starting with the Assembly’s own “Partnership for democracy” status, which lets parliaments from neighbouring regions take part in its activities. But there are many other Council of Europe mechanisms which could be of benefit too – ranging from constitutional and electoral advice through to financial support via the Council of Europe Development Bank.

Contact in the secretariat: Despina Chatzivassiliou, tel. 3075.

◆ **National sovereignty and statehood in contemporary international law: the need for clarification**

*Doc. 12689*

*Report of the Committee on Legal Affairs and Human Rights*

*Rapporteur: Marina Schuster (Germany, ALDE)*

*Doc. 12728*

*Opinion of the Political Affairs Committee*

*Rapporteur: Patrick Moriau (Belgium, SOC)*

The Legal Affairs Committee begins by pointing out that a number of territorial entities in Council of Europe countries are aspiring to be recognised as independent states. Yet the criteria for statehood remain a contentious issue in contemporary international law, and the lack of clarity on this point has encouraged numerous secessionist movements, threatening peace and stability.

Military interventions such as those by Turkey in Cyprus, by NATO in the former Yugoslavia or by Russia in Georgia, while motivated – justifiably or not – by the need to stop serious human rights violations, have themselves led to numerous human rights violations, the committee points out.

Theory in this difficult area is evolving: a multilateral approach which emphasises a “responsibility to protect” is taking the place of arbitrary unilateral interventions or the bilateral guarantees which have been invoked to justify military action in the past. Statehood itself is changing, as European nations increasingly choose to give up some aspects of national sovereignty – for example, by agreeing to be bound by rulings of the European Court of Human Rights, or by adopting the euro.

Further study on what statehood means, ideally at UN level, would therefore be a welcome move. For their part, Council of Europe member states should try to deal with secessionist impulses primarily by extending greater rights to their national minorities – not least by ratifying the Council’s own Framework Convention if they have not done so. In the meantime, they should refrain from recognising or supporting in any way the *de facto* authorities of territories resulting from unlawful secessions, in particular those supported by foreign military interventions.

Contact in the secretariat: Günter Schirmer, tel. 2809.

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# Wednesday 5 October 2011

☞ Morning (10 a.m.-1 p.m.)

◆ **The activities of the Organisation for Economic Co-operation and Development (OECD) in 2010-2011**

*Doc. 12683 Prov.*

*Report of the Committee on Economic Affairs and Development*

*Rapporteur: Birutė Vésaitė (Lithuania, SOC)*

*Doc. 12731*

*Contribution from the Social, Health and Family Affairs Committee*

*Spokesperson: Marietta Karamanli (France, SOC)*

*Doc. 12729*

*Contribution from the Committee on Migration, Refugees and Population*

*Spokesperson: Sandra Osborne (United Kingdom, SOC)*

*Contribution from the Committee on Culture, Science and Education*

*Spokesperson: Joseph Falzon (Malta, EPP/CD)*

*Contribution from the Committee on the Environment, Agriculture and Local and Regional Affairs*

*Spokesperson: Dimitrios Papadimoulis (Greece, UEL)*

Since 1962 the Assembly has acted as the parliamentary forum for the 34-nation Organisation for Economic Co-operation and Development, inviting parliamentarians from OECD member countries which are not members of the Council of Europe (Australia, Canada, Chile, Israel, Japan, the Republic of Korea, Mexico, New Zealand and the United States), as well as the European Parliament, to join its members in an enlarged debate on an annual report.

In this latest provisional report, the enlarged Economic Affairs Committee takes stock of the OECD on its 50<sup>th</sup> anniversary, coming as it does during a “strangely turbulent” period for the world economy. Sovereign debt problems in the eurozone loom large as one of the major risks contributing to an uncertain outlook. Many Council of Europe member states face modest growth, weak public finances and high unemployment, the committee points out, and the key challenge will be to strike the right balance between cutting debt or spending on recovery and creating jobs. However it warns that fiscal consolidation should be socially responsible, and that austerity measures which exacerbate inequality will only postpone problems.

Financial markets need to be more transparent, global trade and finance imbalances reduced, and growth more “green”. Good governance and stamping out corruption remain as necessary as ever. Finally, the committee welcomes a recent focus on quality of life, and lauds efforts to achieve more international co-ordination in development.

**Statement by Angel Gurría, Secretary-General of the OECD**

Contact in the secretariat: Geza Mezei, tel. 2143.



## ◆ **Joint debate:**

### **Combating “child abuse images” through committed, transversal and internationally co-ordinated action**

*Doc. 12720*

*Report of the Social, Health and Family Affairs Committee*

*Rapporteur: Agustín Conde Bajén (Spain, EPP/CD)*

Behind every image of child abuse, there is at least one child who has been sexually abused in real life, the Social Affairs Committee points out. Child abuse images involve a series of crimes, it recalls, ranging from the solicitation, corruption or trafficking of children through to sexual abuse, and the distribution or consultation of images of the abuse committed. The internet has allowed such images to be more widely spread, encouraging new victims, and has made it harder to track down perpetrators.

International standards, detailed in comprehensive Council of Europe instruments such as the Lanzarote and Budapest Conventions, are an essential first step and should be rigorously applied. In the long term, all member states should go further and criminalise the intentional viewing of child abuse images. Integrated national policies will also be needed which work with the private sector on expanding “self-regulation”. Internet service providers, for example, should be further encouraged to rid their networks of child pornography material, report illegal content to the authorities and assist the police in identifying its origin. Online child abuse images should be rapidly removed where possible, but if this is not possible then they should – as a complementary measure, and following transparent procedures that respect human rights principles – be blocked.

Finally, the Council of Europe ONE in FIVE campaign to stop sexual violence against children should be given all the support it needs to drive national campaigns, push for the right policies and raise awareness of how to keep children safe.

Contact in the secretariat: Maren Lambrecht-Feigl, tel. 4778.

### **Violent and extreme pornography**

*Doc. 12719*

*Report of the Committee on Equal Opportunities for Women and Men*

*Rapporteur: Michał Stuligrosz (Poland, EPP/CD)*

Pornography has become a highly lucrative business and – with the greater accessibility provided by the Internet – is being consumed by growing numbers of people. Of special concern is increased accessibility to violent and extreme pornography: graphic scenes of degradation, sexual violence, torture, murder, necrophilia or bestiality for the purposes of sexual arousal. Continued exposure or addiction to this kind of material is causing its consumers to become “desensitised”, making coercion or violence against women more acceptable and strongly affecting the dignity of women.

There are great disparities between Council of Europe member states in how pornography is regulated, the Equality Committee points out. In some countries its production, distribution and possession is totally forbidden while in others there is hardly any prohibition, even of violent or extreme images. Where laws exist, they are often widely flouted.

Freedom of expression is not an absolute right, the committee recalls, and Council of Europe governments should consider introducing or revising laws to make the creation or distribution of violent or extreme pornography a crime, as well as its possession. Much more should be done to enforce the law, for example by setting up hotlines so that illegal content can be reported. Meanwhile there should be more research on the impact of extreme pornography on users, especially how it influences actual behaviour.

Contact in the secretariat: Giorgio Loddo, tel. 5908.

### **Statement by Najat Maalla M’jid, United Nations Special Rapporteur on the sale of children, child prostitution and child pornography**

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# Wednesday 5 October 2011

☞ Afternoon (3 p.m.-8 p.m.)

◆ **Joint debate (continued)**

◆ **The impact of the Lisbon Treaty on the Council of Europe**

*Doc. 12713*

*Report of the Political Affairs Committee*

*Rapporteur: Kerstin Lundgren (Sweden, ALDE)*

*Opinion of the Committee on Legal Affairs and Human Rights*

*Rapporteur: Pieter Omtzigt (Netherlands, EPP/CD)*

*Opinion of the Committee on Culture, Science and Education*

*Opinion of the Committee on Equal Opportunities for Women and Men*

*Rapporteur: José Mendes Bota (Portugal, EPP/CD)*

The EU's Lisbon Treaty has opened the way for a closer long-term partnership between the Council of Europe and the EU which should enable them to avoid duplicating each others' work, according to the Political Affairs Committee. The ultimate aim of this partnership should be a common space for human rights protection across the continent, with the Council of Europe remaining as "the benchmark" when it comes to human rights, rule of law and democracy.

EU accession to the European Convention on Human Rights, in particular, finally seems within reach. This would give Europeans protection against violations of their rights by EU bodies similar to the protection they already have against action by its member states – all the more important as the Lisbon Treaty also led to a substantial transfer of national powers to the Union.

Negotiations at expert level are going smoothly, not least as regards the participation of European Parliament representatives when the Assembly elects judges to the Court, and a draft accession agreement is already on the table. It will soon be up to Europe's governments and parliaments to renew the commitments they have already made to accession, whether in the Lisbon Treaty or in Protocol No. 14 to the European Convention, so that the process is brought to a rapid conclusion.

Beyond that, there will be many other Council of Europe conventions that the EU could accede to in due course, or monitoring mechanisms it could join, always with the aim of better protecting Europeans' rights. This process should usher in a new era of coherence, consultation and synergy between the two organisations. With all this under way, the committee concludes, the time is ripe for serious consideration of EU accession to the Council of Europe Statute.

Contact in the secretariat: Despina Chatzivassiliou, tel. 3075.

## ◆ **The functioning of democratic institutions in Armenia**

*Doc. 12710*

*Report of the Monitoring Committee*

*Co-rapporteurs: John Prescott (United Kingdom, SOC) and Axel E. Fischer (Germany, EPP/CD)*

The Monitoring Committee considers that the outcome of the latest general amnesty in Armenia, the renewed impetus to investigate the ten deaths during the March 2008 events, and the resulting start of a constructive dialogue between the opposition and ruling coalition mean that the chapter on the these events can finally be considered closed. It welcomes the political will demonstrated by the authorities and indeed all the political forces to resolve this issue in line with Council of Europe standards and recommendations.

For the committee, the 2008 events and their aftermath have set clear priorities for the democratic development of the country: the conduct of genuinely democratic parliamentary elections; the creation of a robust democratic and pluralist political environment that has the full trust of the Armenian public; the establishment of an open and pluralist media environment; the reform of the police and the reform of the judiciary with a view to guaranteeing its independence both in law and practice.

The committee intends to closely follow the priorities mentioned in the resolution, while at the same time ensuring that they do not diminish the importance of the other obligations and commitments of Armenia to the Council of Europe.

Contact in the secretariat: Bas Klein, tel. 4992.

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# Thursday 6 October 2011

☞ Morning (10 a.m.-1 p.m.)

◆ **Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations**

*Doc. 12714*

*Report of the Committee on Legal Affairs and Human Rights*

*Rapporteur: Dick Marty (Switzerland, ALDE)*

In this report – adopted almost exactly ten years after the 9/11 attacks – the Legal Affairs Committee evaluates the various judicial or parliamentary inquiries launched after two major Assembly reports five years ago named European governments which had hosted CIA secret prisons or colluded in rendition and torture.

The picture is mixed, according to the committee. The parliaments of Poland and Romania, for example, confined themselves to inquiries “whose main purpose seems to have been to defend the official position of the national authorities”. There is also surprise that the parliament of “the former Yugoslav Republic of Macedonia” considered it unnecessary to launch an inquiry into the El-Masri case, given the clear findings of other judicial and parliamentary inquiries on this case. A parliamentary inquiry in Lithuania established the existence of two CIA secret detention centres in the country, but was unable to say whether people had been detained or ill-treated in them, or whether senior officials were aware. In the United Kingdom there have been friendly settlements with alleged victims and an independent inquiry into the UK’s involvement in torture is under way, though it has run into criticism from NGOs. The committee welcomes in-depth inquiries in Germany and Italy, though in the German case it regrets that the government withheld information on key matters. Meanwhile, the committee urges prosecutors in Lithuania, Poland, Portugal and Spain – where judicial inquiries continue – to persevere in seeking to establish the truth, and calls on the United States to co-operate with them.

Drawing lessons from this exercise, the committee concludes that unjustified resort to the doctrine of “state secrets” is too often shielding secret services and intelligence agencies from scrutiny of involvement in human rights violations such as torture, abduction or renditions. Information on responsibility for such violations, says the committee, should not be considered as state secrets worthy of protection. The committee points to the Maher Arar case in Canada as a good example of how it is possible to put in place judicial and parliamentary procedures which protect “legitimate” state secrets, while still holding state agents fully accountable.

Contact in the secretariat: Günter Schirmer, tel. 2809.

◆ **Address by Mahmoud Abbas, Chairman of the Executive Committee of the Palestine Liberation Organization, President of the Palestinian National Authority**

Following his address, Mr Abbas will answer oral questions from members of the Assembly.

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# Thursday 6 October 2011

☞ Afternoon (3 p.m.-8 p.m.)

◆ **Current affairs debate: how can Council of Europe member countries come to the aid of countries touched by humanitarian catastrophes such as those in East Africa?**

No report is prepared for a current affairs debate, and there is no vote.

◆ **Urgent debate: the political situation in the Balkans**

*Report of the Political Affairs Committee*

The Political Affairs Committee is due to approve this report at its meeting on Tuesday 4 October at 8.30 a.m. Deadline for tabling amendments: Wednesday 5 October at 3.30 p.m.

◆ **Human rights and the fight against terrorism**

*Doc. 12712*

*Report of the Committee on Legal Affairs and Human Rights*

*Rapporteur: Lord John Tomlinson (United Kingdom, SOC)*

*Opinion of the Political Affairs Committee*

*Titus Corlăţean (Romania, SOC)*

The Legal Affairs Committee begins by declaring firmly that terrorists, those who kill and maim innocents to achieve their political ends, are violating the human rights of their victims in the most direct way. They undermine the rule of law and, by seeking to impose their view on the majority, undermine democracy itself. States must be in a position to fight them effectively – and indeed, the European Convention on Human Rights, like other international human rights instruments, specifically allows states to take “reasonable and proportionate” action to counter the threat of terrorism.

In other words, according to the committee, there is no need for a “trade-off” between human rights and effective counter-terrorist action. Existing human rights laws – tested and refined over many decades of terrorist outrages in different conflicts – already provide governments with the flexibility they need to keep their populations safe. Some rights under the Convention – such as the right to life or the ban on torture – are non-derogable, but others can be suspended when necessary to protect the public, so long as they are proportionate to the legitimate aim pursued. Even detaining suspects without charge or trial, for example, can be permissible under certain circumstances, but it should be a rare exception and subject to appropriate control. Any temporary measures to limit rights should be clearly phrased and narrowly interpreted – and should remain under constant review so that they do not become permanent.

On one point, the committee is clear, however: terrorists are criminals, not soldiers, and terrorist crimes do not amount to acts of war. They should be treated by the criminal justice system, with all its in-built and well-tested safeguards to protect the innocent.

Contact in the secretariat: Roland Klages, tel. 5316.

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# Friday 7 October 2011

☞ Morning (10 a.m.-1 p.m.)

◆ **Joint debate:**

**The amendment of various provisions of the Rules of Procedure of the Parliamentary Assembly – implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly**

*Doc. 12716*

*Report of the Committee on Rules of Procedure, Immunities and Institutional Affairs*

*Rapporteur: Andreas Gross (Switzerland, SOC)*

At the last session, as part of a Council-wide reform process, the Assembly approved in principle a series of measures to enable it to become more politically relevant, more effective and more visible, as well as improving its members' involvement.

Among other things, these include greater flexibility in proposing what the Assembly debates, more space for debates – including the possibility of one “free debate” at every session – and better follow-up to adopted texts. The Assembly also decided to reduce its number of committees from ten to eight, and re-distribute the workload accordingly.

This report proposes a series of detailed changes to the Rules of Procedure, in order to put into practical effect the various changes already agreed in principle and update other provisions in the Rules which no longer correspond to parliamentary practice or otherwise need to be reviewed.

Contact in the secretariat: Valérie Clamer, tel. 2106.

**The terms of reference of Parliamentary Assembly committees – implementation of Resolution 1822 (2011) on the reform of the Parliamentary Assembly**

*Doc. 12717*

*Report of the Committee on Rules of Procedure, Immunities and Institutional Affairs*

*Rapporteur: Egidijus Vareikis (Lithuania, EPP/CD)*

Among the changes agreed by the Assembly at the last session, as part of its own process of internal reform, was a decision to reduce the number of Assembly committees from ten to eight, and to re-distribute the workload between them accordingly. This report translates that decision, as well as some other aspects of the reform, into practical effect.

Regarding the general terms of reference, there are changes to the committees' institutional relations and working relations, both inside and outside the Council of Europe, and on the follow-up to adopted texts. Committees will be entitled to appoint general rapporteurs covering a particular topic, for example.

Regarding the specific terms of reference, the Assembly is invited to adopt the terms of reference of the newly created Committee on Social Affairs, Health and Sustainable Development, and revise the terms of reference of the other committees affected by the restructuring.

Contact in the secretariat: Valérie Clamer, tel. 2106.

◆ **The protection of privacy and personal data on the Internet and online media**

*Doc. 12695*

*Report of the Committee on Culture, Science and Education*

*Rapporteur: Andreja Rihter (Slovenia, SOC)*

*Doc. 12726*

*Opinion of the Committee on Legal Affairs and Human Rights*

*Rapporteur: Rudy Salles (France, EPP/CD)*

The expansion of the Internet has opened up astonishing new opportunities for individuals to interact, trade and learn, according to the Culture Committee, but with so much personal information on the net, there are now alarming possibilities for individuals to be identified, profiled and monitored through their data and patterns of data-use. At best this can be annoying or embarrassing for individuals, at worst it can mean personal or financial ruin.

Human rights law – namely Article 8 of the European Convention – has long guaranteed respect for private and family life. More recent texts have clarified what this means in the Internet age: public databases should contain only the minimum of information necessary; everyone has the right to access their own data, and erase it if it is illegally collected or processed; states should only transfer data to others if they can guarantee the same level of protection, and so on.

Independent data-protection bodies and self-regulation can achieve a certain amount, but the basic problem, according to the committee, is that there are still no globally-accepted, international legal standards for data protection. A patchwork of national laws means legal uncertainty prevails. The Council of Europe's Convention on Automatic Processing of Personal Data, which remains the most advanced set of standards at present, should therefore be promoted globally – especially once it has been revised to bring it up to date. Armenia, Russia, San Marino and Turkey – as the only four Council of Europe member states that have not ratified it – should do so swiftly. The UN should be invited to help promote the convention, and the EU should itself become a party when this becomes possible.

Contact in the secretariat: Rüdiger Dossow, tel. 2859.

◆ **Undocumented migrant children in an irregular situation: a real cause for concern**

*Doc. 12718*

*Report of the Committee on Migration, Refugees and Population*

*Rapporteur: Pedro Agramunt Font de Mora (Spain, EPP/CD)*

*Opinion of the Social, Health and Family Affairs Committee*

*Rapporteur: Tineke Strik (Netherlands, SOC)*

Children without identity documents or residence papers, who are living in a country, usually with their families who are in an irregular situation, form a group with very particular needs, according to the Migration Committee. They are triply vulnerable – as migrants, as persons in an undocumented situation, and as children. Fear of being reported, and the difficulties of going to school, visiting a hospital or finding somewhere to live without official papers – on top of all the usual problems of integration faced by migrants – mean that these children often slip into a "grey zone" with few rights and even fewer opportunities.

The starting point, according to the committee, is that this group should be treated firstly as children, and their migrant status should only ever be a secondary consideration. That means that barriers to them attending school should be removed, their right to health care – primary and secondary care as well as emergency health care – should be provided for in both law and practice, and they should be given help with finding

accommodation. Undocumented children should in principle never be detained, and there should be much more research into the use of these children for begging and criminality, or as cheap labour in sweat shops. For its part, the Committee of Ministers should prepare good practice guidelines on making sure that these children get to school and receive at least a minimum level of healthcare without discrimination.

Contact in the secretariat: Mark Neville, tel. 2341.

◆ **Closure of the fourth part of the 2011 Ordinary Session**



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# Practical information

## 1. Meetings of committees and political groups

The list of meetings held by the committees and the other organs of the Assembly (Bureau, political groups, etc.) is published on the Assembly's website before each sitting.

Unless a committee decides otherwise, committee meetings are not public.

Meetings of political groups take place on Monday morning and late afternoon as well as Wednesday morning.

## 2. Languages

The official languages of the Assembly are English and French. German, Italian and Russian are working languages. Speeches made in plenary session in any of these five languages are interpreted simultaneously into the other official and working languages. Members may, however, speak in languages other than English, French, German, Italian and Russian, provided that their delegation arranges for interpretation into one of the official or working languages. During sittings this is generally the case for Spanish, Greek and Turkish.

## 3. Assembly documents

The following documents are available in French and English at the document counter (on the first floor, to the right of the top of the main staircase, near lift No. IV).

### Official documents

The main official documents are:

**Reports:** All items on the agenda are debated on the basis of a report by one of the Assembly's committees (with the exception of current affairs debates, elections, appointments, statements by guest speakers and communications from and questions to the Chairperson of the Committee of Ministers and the Secretary General of the Council of Europe).

Committee reports comprise one or more draft texts for adoption (recommendations or resolutions) and an explanatory memorandum prepared by the rapporteur. Only draft texts can be amended and adopted by the Assembly.

**Amendments:** Amendments to draft texts must be tabled in keeping with the relevant rules of procedure, particularly Rule 33 (see section 4 below). They are distributed at the document counter. They must be signed by at least five Representatives or Substitutes, unless they are being submitted on behalf of a committee seized for report or opinion.

**Agenda:** For each part-session the Bureau prepares a draft agenda listing the sittings at which the items will be examined. **The draft agenda** is made available to members of the Assembly two weeks before the opening of the part-session. The Assembly is required to adopt the draft agenda (Rule 26.4 of the Rules of Procedure). A member may propose an

amendment to the draft agenda drawn up by the Bureau. The adoption of such a motion requires a majority of the votes cast (Rule 26.5). Once adopted, the agenda can be altered only by a two-thirds majority of the votes cast.

Once it has been approved by the Assembly at the first sitting of the part-session, the agenda is published (Rule 26) and made available to the members at the document counter.

Report of debates: A **provisional report of debates** is issued after each sitting. The French version of the provisional report (pink pages) contains the full text of all speeches made in French and a summary in French of speeches made in other languages. The English version (yellow pages) contains the full text of speeches in English and summaries in English of speeches in other languages. Speeches in German or Italian are also reported verbatim in a separate publication (green pages). Speakers may make corrections to the provisional report of debates within 24 hours of publication.

Representatives and Substitutes who were entered on the list of speakers and present in the Chamber but were unable to speak because of lack of time may hand in their typewritten texts for inclusion in the report of debates. They should do so within 24 hours of the end of the debate concerned at the Table Office (Room 1083).

Adopted texts: The texts adopted by the Assembly are also published after each sitting, separately in English (yellow pages) and French (pink pages).

The texts adopted by the Assembly are:

- Recommendations (proposals addressed by the Assembly to the Committee of Ministers, for implementation by that Committee or the governments);
- Opinions (addressed to the Committee of Ministers);
- Resolutions (embodying a decision by the Assembly on a question of substance which it is empowered to put into effect, a point of view for which it alone is responsible, or a question of form, transmission, execution or procedure);

The other official documents (Rule 23 of the Rules of Procedure) are:

- reports, communications, requests for an opinion or further consideration transmitted by the Committee of Ministers;
- questions addressed to the Committee of Ministers;
- communications from the Secretary General of the Council of Europe;
- reports of international organisations;
- written declarations.

#### Other documents

Twice a day a **"notice paper"** is produced, setting out the agenda for the sittings of the day. It also contains other useful information relevant to the proceedings and procedure.

For each part-session the following lists are published:

- List of Representatives
- List of Substitutes
- List of national delegations

- List of the Secretariat officials, giving office locations and contact telephone numbers for the part-session.

The latest edition of the Rules of Procedure of the Assembly was published in June 2011 in two parts, the Rules and complementary texts in one part, and the Statute of the Council of Europe in another part. They are available in bilingual versions (English/French).

#### **4. Tabling amendments**

Members who wish to table amendments or sub-amendments to the draft texts before the Assembly should submit them to the Table Office (Room 1083). Amendments and sub-amendments must be **signed by at least five Representatives or Substitutes**, unless they have been submitted on behalf of the committee submitting the report or an opinion.

Under the provisions on the organisation of debates (page 90 of the Rules of Procedure and forward), the **time limits for tabling amendments** are the following (where appropriate the Bureau may decide to change these limits, in particular for urgent debates or debates on general policy):

- for debates on the afternoon of Monday 3 October: Monday 3 October at 12 noon;
- for debates on Tuesday 4 October: Monday 3 October at 4 p.m.;
- for all other debates (except urgent debates, unforeseen debates or as otherwise indicated on the agenda): 23 and a half hours before the opening of the sitting at which the debate is to begin.

Sub-amendments must be tabled at least one hour before the scheduled end of the sitting preceding that in which the debate begins.

The procedure for tabling, examining and voting on amendments and sub-amendments is set out in Rule 33 of the Rules of Procedure.

#### **5. Motions for resolutions and recommendations**

A motion for a recommendation or resolution, not exceeding 300 words, must be signed by at least 20 Representatives or Substitutes belonging to at least five national delegations (Rule 24.2). The President decides which motions are admissible.

Any motion considered admissible is printed and distributed as soon as possible. The Bureau then decides whether it should be referred to one or more committees, or forwarded to one or more committees for information, or that no further action should be taken. The Bureau's decision must then be ratified by the Assembly.

For motions tabled during a part-session, the Bureau has decided that only those motions which have been tabled by **12 noon on the Tuesday of a part-session** will be examined by the Bureau meeting after the part-session.

A document may be referred to only one committee for report but to any other committee for opinion (Rule 25.2). The opinion of the latter concerns the report of the former committee. The report concerned must therefore be made available to the committee whose opinion has been sought in good time for it to prepare its opinion. Committee opinions may be presented orally or in writing. An opinion presented in writing must contain a chapter at the beginning entitled "Conclusions of the committee" and an explanatory memorandum by the rapporteur (Rule 48.3 of the Rules of Procedure).

## **6. Written declarations**

Written declarations may be tabled provided that they:

- do not exceed 200 words;
- are on subjects within the competence of the Council of Europe;
- are signed by at least twenty Representatives or Substitutes belonging to four national delegations and two political groups.

They are neither referred to a committee nor debated in the Assembly (Rule 52 of the Rules of Procedure).

Any Representative or Substitute may add his or her signature to a written declaration up to the close of the next part-session, after which no further signatures may be added. The declaration shall be issued with the names of all members who have signed it.

## **7. Opinions of the Assembly (to the Committee of Ministers)**

According to the Statute of the Council of Europe, or to other texts of a statutory character, the Committee of Ministers seeks the Assembly's opinion on such matters as the accession of new member states, draft conventions or the Council of Europe's budget. These requests for opinions are debated in the Assembly, following which the Assembly votes on the opinion to be transmitted to the Committee of Ministers (Rule 56).

## **8. Changes in the membership of national delegations or committees**

Members of the Assembly are appointed for the whole Ordinary Session. Following parliamentary elections, the national parliament concerned or other competent authority shall make appointments to the Assembly within six months of the elections. If the national parliament cannot make all such appointments in time for the opening of a new Ordinary Session, it may decide, for a period of not more than six months after the election, to be represented in the Assembly by members of the existing delegation (Rule 10.2 and 3).

Should any seat on a national delegation fall vacant in the course of a session as a result of death or resignation, the president of the national parliament concerned, or the Minister for Foreign Affairs, presents the credentials of the member who is to fill the vacant seat to the President of the Parliamentary Assembly, who submits them to the Assembly or the Standing Committee for ratification at the first sitting or meeting following their receipt (Rule 6.4).

The chairperson of a national delegation informs the President of the Assembly of any proposed change(s) in committee membership concerning that delegation's members. The President of the Assembly submits the proposed change(s) to the Assembly, the Standing Committee or, failing that, the Bureau for ratification (Rule 42.6).

## **9. Requests for debates under urgent procedure or current affairs debates**

At the request of the Committee of Ministers, of the committee concerned, of one or more political groups, or of twenty or more Representatives or Substitutes, a debate may be held on an item which has not been placed on the Assembly's draft agenda. Requests for debates under urgent procedure must be addressed to the President of the Assembly. The President submits them to the Bureau, which makes a proposal to the Assembly. The adoption of urgent procedure requires a two-thirds majority of the votes cast (Rule 49.4).

An urgent debate is based on a written report and gives rise to a vote, whereas a current affairs debate is not based on a report.

At least twenty members, or one political group or national delegation may request a current affairs debate (Rule 51) on a subject which is not on the Assembly's draft agenda. The request must be made in writing to the President of the Assembly in time for the last meeting of the Bureau before the opening of the part-session. The possible choice between several requests is made by the Bureau, a decision which needs to be endorsed by the Assembly. A current affairs debate may not exceed one and a half hours. The debate shall be opened by one of the members who requested it, chosen by the Bureau. The first speaker has ten minutes speaking time, other speakers five or the same time as for speakers during the sitting. Although there is no vote on any text, the Bureau of the Assembly may subsequently propose that the subject be referred to the appropriate committee for report.

## **10. Electronic voting, notification of Substitutes, list of speakers, and quorum**

All votes in the Assembly, except elections, take place by electronic voting.

## **11. Voting cards**

Voting cards issued to all members are simultaneously used for identification and voting.

Distribution of voting cards is ensured by the Badge Service of the Council of Europe. In principle, this distribution is organised via secretaries of each national delegation. Members who do not have their card (in case a card has been lost or forgotten, or when the Parliamentary Assembly database does not contain the member's photo) should present themselves at the welcome Protocol desk at the main entrance of the Palais de l'Europe in order to receive their card. Staff of the Badge Service, before delivering a new card, will invite the member to present his or her identification document. If a third and consecutive card is issued to the same member during the same calendar year for whatever reason, loss or otherwise, the national delegation will be required to pay the cost (6 Euros per card).

Voting cards as distributed by the Badge Service do not give an automatic right to vote. In order to enjoy such a right, the member's card has to be validated. This operation will be carried out by the Assembly Secretariat.

## **12. Notification of Substitutes**

In principle, all Representatives at the opening of the first sitting (on Monday, at 11.30 a.m.) have their cards validated, but not Substitutes unless the Secretariat of the Assembly is properly informed about substitutions. Therefore secretaries of national delegations have the duty to inform the Secretariat of the Assembly about all cases of substitution. If this is not done, Substitutes attending the sitting do not have speaking and voting rights.

Notice of substitutions has to be given before the opening of the sitting concerned (if possible by the previous day and at the latest before 8.30 a.m. for a morning sitting and before 1 p.m. for an afternoon sitting). For the first sitting on Monday at 11.30 a.m., the deadline is 10 a.m. This notification, including the names of Substitutes, the names of Representatives to be substituted and the length of substitution, must be given in writing for each sitting to the Secretariat of the Assembly (Beejul Tanna, Room 1074, fax during session weeks +33 3 88 41 27 27, fax outside session weeks +33 3 88 41 27 33).

If the Substitute is replacing the Representative for one or more consecutive sittings, the substitution for each sitting must be notified. Substitutions are never carried automatically over to the following sitting.

When the correct notification has been given, Substitutes will have their voting cards validated. At the same time, cards of Representatives who are to be replaced by Substitutes will become invalid, preventing them from speaking in the debate and voting, including in elections.

### **13. Register of attendance**

Members shall continue to sign the register of attendance before entering the Chamber for a sitting (Rules 11.2 and 39.1). A duly designated Substitute will find his or her name in the register next to the name of the Representative for whom he or she is substituting. If, in the register of attendance, no name is found next to the Representative's name, it means that no substitution was notified for the Representative for that particular sitting and therefore only the Representative is authorised to speak in the debate and vote.

All members of the Assembly – Representatives and Substitutes as well as Observers – have access to the Chamber at any time of the sitting, regardless of their speaking and voting rights. Therefore, all members, even those who are not authorised to speak in the debate or vote, are invited to sign the register of attendance if they attend the sitting.

### **14. Speakers' register**

Members who wish to speak in a debate must enter their names on the list of speakers. They may do this by post in advance of the part-session, or in person during the part-session at the Table Office (Room 1083). The list is closed one hour before the scheduled end of the previous sitting, except in the case of the first sitting of a part-session, when the deadline is one and a half hours before the start of the sitting (i.e. at 10 a.m.). It should be noted that in any one part-session members may enter their names on the list for a maximum of **five debates** but may take the floor **not more than three times** (this limit does not apply to members appointed as political group spokespersons or as rapporteurs). A Substitute whose name has not been notified to the secretariat before a sitting cannot participate in the debate.

The order of speakers on the list for each debate is determined according to criteria set by the Bureau and can be found in the Rules of Procedure.

**Speaking time** is limited to a total of 13 minutes for committee rapporteurs (to present the report and to reply to the debate). Rapporteurs for opinion, to present the opinion or to reply to the debate, shall have the same speaking time to present their opinions as the speakers registered for the debate concerned. Other speakers on the list normally have a maximum of 5 minutes, although this may be reduced depending on the number of speakers on the list. At the start of each sitting the President announces the speaking arrangements.

Only authorised members – i.e. Representatives or their duly appointed Substitutes – may speak in debates or submit questions for oral reply to the Chairperson of the Committee of Ministers or to guest speakers. The list of speakers is verified accordingly.

### **15. Questions to invited guest speakers**

For most invited guest speakers, the draft agenda indicates whether there is the possibility for members to ask questions. Where there is that possibility, members are encouraged to register their names with the Table Office as soon as the draft agenda is published and the name of the guest speaker appears, unless the draft agenda specifies that there is only one

question from each political group. For most guest speakers other than the Chairperson of the Committee of Ministers, members are invited to submit the subject of their question.

For the Chairperson of the Committee of Ministers, the name of the member wishing to ask a written question is registered if accompanied by the full written text of the question. In this context, a deadline is specified in the draft agenda. The written questions to the Chairperson are published as an Assembly document.

In accordance with established practice, the Bureau has agreed that written questions will receive a written reply from the Chairperson of the Committee of Ministers. These replies will be published in the report of the sitting. The Chairperson of the Committee of Ministers has indicated that he or she is prepared to give an oral reply to spontaneous questions at the end of his address. Rule 57.2 of the Rules of Procedure states, however, that "no Representative or Substitute may table more than one question for oral answer at any one part-session." Members may therefore register on one of the two lists by completing and returning the appropriate form (either "written question for oral reply" or "spontaneous question").

For the other guest speakers, there is no formal deadline as such, as the questions are "spontaneous". However, members have an interest in registering their names as early as possible, as there is usually not enough time to answer all questions.

## **16. Electronic voting**

While they are sitting in the Chamber, members are invited to keep their voting cards inserted in the voting terminals. However, when they leave, they should take their cards with them.

Voting cards should be inserted correctly into the terminals (the photo side of the member's card is facing the Presidential dais; then the card is pushed down until a "click" is heard). A card correctly inserted is signalled by its number being displayed on a small screen in the voting terminal. Any malfunctioning or error message displayed on the voting terminal screen should be immediately reported to the Secretariat present in the Chamber.

The opening of a vote by the President is confirmed by a small green light on the voting terminal.

After the opening of a vote, members should vote by putting their hands into the small booth of the voting terminal and by pressing one of the three voting buttons (stickers which are on the top of voting terminals are put there only for information in order to indicate the positions of the "for", "abstention" and "against" buttons). The chosen vote is confirmed by a coloured light on the terminal: green ("for"), white ("abstention") or red ("against").

Rule 38.9 indicates that a member cannot modify his or her vote after the voting is closed.

The names of Assembly members who participate in votes, as well as how they voted in each case, are published on the Assembly's website.

## **17. Quorum**

The Assembly may deliberate, decide the orders of the day, approve the minutes of proceedings, decide upon procedural motions, and agree to adjourn, whatever the number of Representatives present.

All votes other than votes by roll-call shall be valid whatever the number of members voting, unless, before the voting has begun, the President has been requested to ascertain whether there is a quorum. At least one sixth of the Representatives authorised to vote, belonging to at least five national delegations, must vote in favour of the request. To ascertain whether

there is a quorum, the President invites Representatives to mark their presence in the Chamber using the electronic voting system.

The quorum is one third of the number of Representatives of the Assembly authorised to vote (Rule 40.3).

A vote by roll-call shall not be valid unless one third of the Representatives authorised to vote took part. The President may decide to ascertain whether there is a quorum before proceeding to a vote by roll-call.

In the absence of a quorum, the vote shall be postponed until the next sitting or, on a motion from the Chair, until a subsequent sitting.

### **18. Majorities required**

A majority of two-thirds of the votes cast is required for the adoption of a draft recommendation or a draft opinion to the Committee of Ministers, for the adoption of urgent procedure, for an alteration to the order of business, for the setting up of a committee and for the fixing of the date for the opening or resumption of Ordinary Sessions. For the adoption of a draft resolution and for any other decision, a majority of the votes cast is required, in the case of a tie the question being rejected.

### **19. Mobile phones**

Members are reminded that mobile phones must be switched off at all times in the Chamber and during committee meetings.



# Directory

## Secretariat of the Assembly

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## Private Office of the President

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Secretariat of the President and of the Head of Private Office  
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## Table Office

(Speakers' lists, questions and amendments)

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## Directorate of Communication

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Audiovisual Service, tel. 3500.

## Protocol

Head of Protocol  
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## Services

### Internet access

Free Wi-Fi access is available in most areas of the Palais building. Terminals with free broadband access are also available in the lobby of the debating chamber and outside the second floor meeting rooms. The Assembly's website and the Council of Europe portal, including other language portals, can be accessed here.

### Badges

Wearing badges is compulsory for admittance to the Chamber. Voting cards are used as ID badges. Contact the Protocol desk in the entrance hall.

### Bars and restaurants

Parliamentarians' Bar: 1st floor, opposite the Chamber, open from 8.30 a.m. to the end of the sitting. Restaurant Bleu: ground floor, for official meals (tel. 3704 for reservations). Palais cafeteria: ground floor, open from 8 a.m. to 5 p.m. Palais self-service: ground floor, lunch from midday to 2 p.m.

### Bank

Société Générale, in the entrance hall, open from 8.15 a.m. to 5.30 p.m., tel. 7060. A cash dispenser is located opposite the cafeteria (ground floor).

### Bus

Free shuttle service departing from Allée Spach to the railway station via downtown (and vice versa). Badges must be shown. Time schedules are available at the reception desk.

### Bookshop

Librairie Klébér: In the entrance hall, open from 9.30 a.m. to 11.30 a.m. and from midday to 5.45 p.m., tel. 3712, librairie.kleber@coe.int

### Philatelic agency

Council of Europe stamps and, since 1949, philatelic envelopes commemorating every session of the Parliamentary Assembly, tel. 03 88 35 08 88.

### Post office

La Poste: in the entrance hall, open from 9 a.m. to 7 p.m., tel. 3463.

### Medical centre

Entrance hall, open from 8.30 a.m. to the end of the sitting, tel. 2442.

### Newsagent

Just off the entrance hall, open from 8 a.m. to 6.15 p.m., tel. 3549. Now selling parliamentary bus tickets.

### City of Strasbourg information desk

The City of Strasbourg is represented at the reception desk in the entrance hall, providing lists of hotels, restaurants and local events, flight/train times etc, tel. 3838. For accommodation or transport, call 03 88 52 28 38.