



Parliamentary Assembly
Assemblée parlementaire

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Standing Committee
Commission permanente

AS/Per (2011) PV 03
18 January 2012

Standing Committee

Minutes¹

of the meeting held in Edinburgh
on 25 November 2011

¹ Approved by the Assembly on 23 January 2012.

1. OPENING OF THE MEETING

Mr Çavuşoğlu, President of the Assembly, opened the meeting at 9 am. He thanked the UK parliament for its hospitality.

2. EXCHANGE OF VIEWS WITH THE RT HON DAVID LIDINGTON MP, MINISTER FOR EUROPE, FOREIGN AND COMMONWEALTH OFFICE

CM/Inf(2011)40

CM/Inf(2011)41

The President welcomed the Rt Hon David Lidington MP, Minister for Europe at the Foreign and Commonwealth Office.

Reform of the European Court of Human Rights was at the heart of the concerns and priorities of the UK Chairmanship of the Committee of Ministers of the Council of Europe. Parliamentary Assembly Resolution 1726 (2010) considered that key components of this reform included improved application at national level of the rights enshrined in the European Convention on Human Rights, better domestic remedies and the speedy execution of the Court's judgments by member states. The Assembly supported more effective use of the Organisation's resources and also welcomed the emphasis placed on promoting Internet governance. A further priority, strengthening the rule of law, also constituted an area for co-operation between the Assembly and the Committee of Ministers. The Assembly had already granted Partner for Democracy status to the parliament of the Kingdom of Morocco and to the Palestinian National Council, and was developing relations with, amongst others, Tunisia, Algeria, Kazakhstan and Kyrgyzstan.

Mr Lidington welcomed the members of the Standing Committee to Edinburgh. The Committee of Ministers acknowledged the fundamental importance of the parliamentary dimension in the functioning of the Council of Europe. The United Kingdom had been a member of the Council since its foundation and was proud to have the opportunity once again to help further the values and standards of the Council of Europe throughout the European continent.

The UK Chairmanship would focus on promoting and protecting human rights. It was fully committed to the European Court of Human Rights despite the national controversies relating to certain of its judgments. The aim was to transpose the political declarations made at Interlaken and Izmir, to which the 47 member states had subscribed, into practical measures in order to ensure the effectiveness of the Court and the subsidiary role it should play when states honoured their obligations. Strengthening implementation of the Convention, executing the Court's judgments at national level and improving the procedure for selecting the Court judges were areas in which the parliamentary dimension had a key role to play. The guarantees provided by the Assembly in examining the list of candidates were doubtless important. However, consideration also needed to be given to improving the candidate selection procedure at national level.

Furthermore, the UK Chairmanship supported the Council of Europe reform process launched by the Secretary General which included, amongst other things, budgetary discipline and streamlining the Organisation's work programme. In this context, he paid tribute to the Assembly's own reform.

Strengthening the rule of law, the UK Chairmanship's third priority, would be based on the core elements of an effective system as identified by the Venice Commission.

The United Kingdom was committed to an open Internet, not only in terms of access, but also in terms of freedom of expression.

It would also be important to maintain the momentum initiated by the Committee of Ministers' recommendation on combating discrimination on the grounds of sexual orientation and gender identity.

Lastly, the Council of Europe's activities in the field of support for local and regional democracy should be streamlined into a single work programme in order to ensure maximum impact.

The Committee of Ministers intended to pursue close co-operation with the Assembly in order to achieve the above objectives.

Mr Kox welcomed the commitment of the UK authorities to the European Convention on Human Rights and expressed his regret that the alleged British scepticism was being used in the Netherlands to dilute that country's commitment to the Convention. He wondered about the process of accession by the European

Union and voiced his concern at the significant differential between states in terms of implementation of the Court's judgments. **Mr Lidington** described the complexity of the accession process: the accession agreement first of all required a common position to be adopted by all 27 EU member states. Furthermore, this agreement needed to spell out the consequences of accession for EU member states taking into account that they were states parties to the Council of Europe in their own sovereign right. The execution of judgments depended on various factors such as culture, the government's capacity or political will. The UK Chairmanship would encourage member states to look for appropriate implementation measures.

Mr Díaz Tejera asked about the growing influence of financial institutions on political decision-making. **Mr Lidington** said that, even though this issue went beyond the objectives laid down by the UK Chairmanship, it was of major importance. In a world in which information, technology and capital circulated instantaneously there had to be prudential and transparent regulations for the globalised financial market at both national and international level. There were already a number of international agreements towards this end, such as "Basel III". In the United Kingdom, the government was studying reform proposals put forward by the Independent Commission on Banking. In addition, governments had to anticipate the consequences of over-borrowing.

Mr Herkel was pleased that the UK Chairmanship was focusing on the protection of human rights and wondered about possible additional sanctions against Belarus in particular, and against Ukraine and Russia regarding political clampdowns. **Mr Lidington** said that the approach was different for each of these countries. There was an institutionalised dialogue between the United Kingdom and Russia, centring on an exchange of practices to address the challenges common to several countries, such as respect for human rights and the fight against terrorism. The main concern with Ukraine was the selective use of justice directed against the opponents to the party in power. The United Kingdom was committed to dialogue with Ukraine and hoped that the association agreement with the European Union would be brought to a successful conclusion. With regard to Belarus, he said that almost a year had gone by since the repression of political opponents and civil society. It was important to continue to express solidarity with these courageous people. The EU sanctions targeted the regime and not ordinary citizens. The European Union should review its position and consider economic sanctions, which required unanimous agreement within the Union.

Mr Mendes Bota welcomed the priorities of the UK Chairmanship and pointed out that the Standing Committee was meeting on International Day for the Elimination of Violence against Women. He asked about the Chairmanship's strategy to promote ratification of the Convention on preventing and combating violence against women and domestic violence, and about the steps it would be taking to incorporate equal opportunities policies in the co-operation programmes which the Council of Europe was developing with the countries of North Africa. **Mr Lidington** agreed with the need to place human rights at the centre of the dialogue with the North African countries. The European Union had reviewed its neighbourhood policy with the Mediterranean countries, making more explicit the link between political and economic reform and assistance to these countries. The example of the countries of the former eastern bloc could be useful for these countries in transition. He paid tribute to the principles contained in the Convention that had been referred to, although application of these principles raised questions over certain aspects requiring arrangements to be put in place at national level before ratification was possible.

Mr Wach asked for further details about the practical steps to create a single work programme to support local and regional democracy. **Mr Lidington** said that the intention was to base the approach on the report by Mr Chaves in order to define consistent objectives and bring together the players concerned. The Chairmanship would shortly be circulating its plan of action.

Mr Walter referred to the danger of strengthening the principle of subsidiarity as a possible follow-up to reform of the European Court of Human Rights since certain cases were the result of the pressure brought to bear by the executive in certain countries on the domestic courts. **Mr Lidington** replied that this was only one of the avenues currently being explored. The Court should remain a body examining the extent to which a member state honoured the commitments it had entered into under the Convention without becoming an appeal body. Assembly members were strongly encouraged to participate in the reflection on the reform. It was in everyone's interest to safeguard the fundamental role of the Convention and the Court as universal benchmarks.

Ms Brasseur quoted the example of the Fundamental Rights Agency set up in 2007 and asked how best to avoid a duplication of effort between the Council of Europe and the European Union. **Mr Lidington** agreed with the need to avoid such duplication, although there were certain difficulties inherent in reforming an agency or an international institution. The Council of Europe remained the senior human rights organisation in Europe, and its importance was confirmed by the process of the EU's accession to the European

Convention on Human Rights. The effectiveness of the European Union's agencies should be examined in detail.

Mr Popescu asked what priority would be given to defending the right of ethnic minorities to have education in their mother tongue, a right guaranteed by the European Charter of Regional or Minority Languages. **Mr Lidington** referred to the example of the United Kingdom, a country in which there was considerable cultural diversity. Three other indigenous languages were spoken in addition to English: Irish Gaelic, Scottish Gaelic and Welsh. There was growing interest for teaching through the medium of these languages, which demonstrated the need to uphold these principles of the Charter.

Mr Mignon welcomed the priorities of the UK Chairmanship and gave his assurance that the Assembly would help achieve the objectives set. He concurred with Ms Brasseur and expressed his concern at the creation of new agencies within the European Union, and more particularly, the creation of the European Endowment for Democracy dealing with the same activities which the Council of Europe had been carrying out for 60 years. Furthermore, the Assembly had seen a further reduction in its budget, a constant and regrettable trend that had been taking place for several years now. **Mr Lidington** said that the idea of the European Endowment for Democracy, put forward by the Polish Foreign Minister, was just at the discussion stage. It was intended that this fund would be financed by voluntary contributions and would operate in support of the democratic transition in the neighbourhood countries. As far as the budget was concerned, international institutions could not escape the austerity measures being adopted in several European countries.

Mr Volontè referred to the priority placed on Internet governance and freedom of expression and wondered what the UK Chairmanship thought about the digital divide which could limit this freedom. **Mr Lidington** said that the objective was to ensure that the fundamental right enshrined in the European Convention on Human Rights was protected in cyberspace. The fact was that this right was often challenged in certain parts of the world. Added to which was the malevolent use of the Internet to disseminate pornographic and violent images. As regards the digital divide, it should be noted that increasingly public services were available exclusively via the Internet. Private sector innovations could help bridge the divide. The UK Chairmanship would support the Assembly's work relating to this question.

The President thanked **Mr Lidington**.

Mr Walter, Vice-President of the Assembly replace Mr Çavuşoğlu in the chair.

3. EXAMINATION OF NEW CREDENTIALS

Doc. 12794

The Standing Committee **ratified** the credentials of the new representatives and substitutes, as set out in Doc. 12794.

4. MODIFICATIONS IN THE COMPOSITION OF COMMITTEES

Commissions (2011) 8
+ Addendum 1

The Standing Committee **ratified** the modifications in the composition of the Assembly's committees, as set out in document Commissions (2011)8 and Addendum 1.

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

The President said that a request for a current affairs debate on "The young generation sacrificed: political, economic, social and other consequences of the financial crisis" had been submitted on behalf of the Political Affairs Committee. The Bureau, which had met the previous day, had been in favour of such a debate and had suggested it be opened by Mr Volontè. It would be held under item 9 of the draft agenda.

6. AGENDA

AS/Per (2011) OJ 03 rev 2

The revised draft agenda was **adopted**.

7. FIRST PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (23-27 JANUARY 2012)

AS/Bur (2011) 97

The President reminded participants that Rule 26.4 of the Assembly's Rules of Procedure provided that the draft agenda of the Assembly's part-sessions be submitted, where possible, to the Standing Committee to take note thereof.

The Standing Committee **took note** of the draft agenda of the first 2012 part-session.

8. REFERENCES TO COMMITTEES AND TRANSMISSIONS FOR INFORMATION AS/Bur (2011) 91

The President referred to document AS/Bur (2011) 91 which contained the proposed references to committees and transmissions for information which the Bureau had examined the previous day.

The Standing Committee **approved** the references and transmissions for information as reproduced in Appendix II to these minutes.

ADOPTION OF THE DECLARATION "FREEDOM FROM VIOLENCE SHOULD BE THE FIRST HUMAN RIGHT"

In the context of International Day for the Elimination of Violence against Women (25 November 2011), the Standing Committee **adopted** the declaration "Freedom from violence should be the first human right", reproduced in Appendix III to these minutes.

9. CURRENT AFFAIRS DEBATE

Mr Volontè opened the debate on "The young generation sacrificed: political, economic, social and other consequences of the financial crisis". Recent demonstrations had highlighted the discontent at the examples of financial abuse expressed by the young generation, termed the "limbo generation" by the New York Times. This generation, made up of young people from different sections of society, had revealed a new set of problems. States were accused of supporting the banks at the expense of youth employment. The "Occupy Wall Street" movement was an example of this development. As yet, there had been no sociological studies on these movements. Nonetheless, it was clear that the Internet had played a major mobilising role. The demonstrations merely expressed the frustration felt by young people regarding the social opportunities open to them compared with those of previous generations. A number of violent incidents in some demonstrations, for example in the United Kingdom, Italy and Greece, could be attributed not to the demonstrators but to trouble-makers.

The main cause of these movements was rising unemployment and the lack of jobs. The Assembly had in the past adopted several resolutions, such as Resolution 1828 (2011) on "Reversing the sharp decline in youth employment", shedding light on this phenomenon and warning about the consequences. The frustration came about because of a lack of hope in the future and the impossibility for many young people to continue to study in their chosen field after the end of compulsory education. Furthermore, the growing number of part-time posts was viewed as a reduction in employment prospects and in security in terms of health and pensions. However, the demonstrators who were calling for a change to the system had come up with no precise contributions and they should be involved to a greater extent in the reflection process.

There were three demands common to all these movements. First of all, an emphasis on the minimum wage, a question already considered by the Social, Health and Family Affairs Committee. Second, transparent regulations for the financial system, a question that had been raised this year in the Assembly's enlarged debate with the OECD. Last, reform of the political, economic and institutional framework in order to make it more consistent vis-à-vis young people.

This debate should be pursued in the Assembly in the presence of guests such as Mr Barroso, Mr Sarkozy or Mr Van Rompuy, and the directors of the major financial institutions, so that appropriate answers could be given to young people who were concerned about their future.

Mr von Sydow referred to the surveys which had indicated unemployment to be the greatest threat to democracy, way ahead of the problem of debt. In 2012, the Assembly should focus on the rights of young people, in particular their social rights, and draw this issue to the attention of the Committee of Ministers.

Ms Woldseth was alarmed by youth unemployment figures. The emigration of young educated and highly qualified people would be very harmful to the countries of Europe. Repudiation of the economic system, combined with young people's loss of confidence in politicians, was jeopardising the democratic system. The total lack of hope and access to employment and social benefits would lead to frustration and acts of violence directed against the authorities. This was why it was urgent for Europe to address this challenge.

Ms Huovinen quoted the former President of Finland and winner of the Nobel peace prize Martti Ahtisaari who had said that one of the causes of future conflicts would be the situation of young unemployed people who had no prospects. Assembly Recommendation 1978 (2011) stated that "young people face increasing difficulties in accessing and exercising their rights" and it was imperative to get to the root causes. Society should have greater esteem for the skills of young people. Some of the lessons learned following the recession in Finland in the 1990s and the current governmental programme targeting social guarantees for young people could provide some food for thought.

Mr Popescu concurred with Mr von Sydow. The frustration felt by young people was legitimate because several young people found it impossible to get a job, despite having successfully completed higher education, for which some of them had incurred considerable debts. It was high time that governments and the international institutions grasped the nettle in order to provide social support, for example by means of quotas for youth employment, in order to prevent any further disorder.

Mr O'Reilly stressed the importance of the debate. This issue should become a priority for the two statutory organs of the Council of Europe and for individual governments, because it was a question of safeguarding democracy. Today, youth unemployment was also affecting young graduates. It was essential to offer attractive internships and ensure that businesses wishing to create new jobs could obtain the necessary financial resources. A radical change in working practices could also be considered: we could go in for "job-sharing" so that as many people as possible could become employed. Clearly that would mean a reduction in wages and standard of living, but on the other hand, it would mean that young people could become integrated into the labour force. The UK's priorities focusing on defending human rights and the rule of law could be undermined by disorder, caused primarily by unemployment.

Mr Papadimoulis said that in Greece, which was about to enter its 5th consecutive year of recession, youth unemployment was higher than 40%. Unemployment and growing inequality were threatening social cohesion and democracy throughout the continent. Young people did not want to be part of a parliamentary democracy which failed to defend their interests. This was why the foundation of political systems needed to be reviewed. The current austerity measures had an unequal impact on the population and led to higher unemployment and marginalisation. There had to be a coherent programme which made it possible to secure economic development and reduce social and regional inequalities.

Mr Díaz Tejera thought that in order for young people, who were indeed repudiating political choices, to feel genuinely involved in the debate on their future, there had to be a dialogue between them and the political institutions, including the Assembly. The proposals to be put forward could be considered by parliamentarians; the future must be decided by parliaments, and not the financial institutions.

The President said that representatives of the "Indignatos" would hold an exchange of views with the new Committee on Social Affairs, Health and Sustainable Development during the first 2012 part-session.

Mr Kox felt that it was unreasonable to ask young people to provide concrete answers when the ruling classes themselves were unable to provide a response despite the resources available. We were facing a widening social divide in Europe and in the whole world, poverty taking root in our societies, a deterioration of the education system and the social isolation of young migrants. Greed and selfishness were prevalent today in European society. The leaders owed an explanation to this generation, the victims of their political decisions. Neither of the two parties would be able to provide an answer alone. This was why the year 2012 should be one of discussions on how best to involve young people in the debate on their future.

Ms Naghdalyan said that in 2011, the Committee on Economic Affairs and Development had adopted the report on "Reversing the sharp decline in youth employment" which covered aspects of the current situation and put forward concerted remedial measures for the attention of governments and various organisations, including financial institutions. Furthermore, it suggested that national parliaments should hold annual debates on the question of young people with the latter's participation. In the current circumstances, the Assembly should abandon the descriptive approach to problems and find ways of exerting practical influence on citizens' lives.

Mr Pleskachevskiy said that it was impossible to guarantee employment for the whole population. There had been youth unemployment well before the crisis and the outbreak of protests. However, traditional measures enabled governments to maintain a degree of balance. The experts were predicting a new stage in the crisis. A relevant question to ask was who really ran society – the financial institutions or governments? Even though the economy today was sustained by banks, it was essential to ensure that they operated in a transparent manner. Only by gaining a thorough understanding of the reasons for the crisis would it be possible to come up with solutions.

Ms Maury Pasquier pointed out that both the Social, Health and Family Affairs Committee and the Committee on Economic Affairs and Development had already addressed the question of youth employment. The present discussion was broader since it encompassed young people's future. The new Assembly Committee would make the debate more relevant, as the problems facing young people would be considered from an economic, social and environmental point of view. Moreover, demonstrators representing other generations were playing an active role in the protest movements, which was a sign of failure for certain types of society and development models. This was why the challenge facing political action today was to build an alternative world together with young people.

Mr Çavuşoğlu, *President of the Assembly, returned to the Chair.*

The President closed the debate and thanked all those who had contributed. The Bureau of the Assembly would decide at its next meeting what follow-up should be given to this debate.

10. OBSERVATION OF ELECTIONS

a. Observation of the election of a National Constituent Assembly in Tunisia (23 October 2011)

Doc. 12795

*Rapporteur of the Ad hoc Committee of the Bureau:
Mr Andreas Gross (Switzerland, SOC)*

Ms Brasseur presented the report in the absence of the rapporteur. The electoral legislation introduced by the transitional authorities had barred former officials of a particular level from standing for election, to ensure that the elections had legitimacy in the eyes of the population. It was a matter of regret that the principle of gender parity on the lists of candidates had been applied in form only: no more than 7% of women had been designated at the top of the lists by the main political parties. Polling day had been calm and peaceful and the Tunisian electorate had voted with dignity and enthusiasm. The polling stations had been very well organised. The winning party, the Islamist "Ennahdha" party, described itself as a modern party upholding democratic values. It had signed the platform for the reform of the Constitution undertaking to respect the situation of women.

The rapporteur had suggested organising a post-electoral mission as follow-up to this report. Furthermore, members of the Political Affairs Committee had tabled a motion for a resolution calling for continuation of its mission in Tunisia. It was important to support the Tunisian people, but not to impose choices on them.

Mr Mendes Bota concurred with Ms Brasseur's statements regarding gender parity on the electoral lists.

Mr Kox wished to congratulate the Tunisian people and agreed with Ms Brasseur on the need for follow-up. The Council of Europe had performed very well on the ground, particularly through its non-intrusive approach. It would be important to invite a representative of the Tunisian Assembly to one of the forthcoming sessions of the Parliamentary Assembly.

The Standing Committee **took note** of the report of the Ad Hoc Committee of the Bureau.

b. Observation of the presidential election in Bulgaria (23 and 30 October 2011)

Doc. 12796

*Rapporteur of the Ad hoc Committee of the Bureau:
Mr Brian Binley (United Kingdom, EDG)*

Mr Binley described the general organisation of the election as efficient and credible. The Bulgarian election officials had shown commitment and professionalism. However, there was a need to improve candidates' access to the media to ensure an even playing field. In addition, the Central Electoral Commission should conduct its work with greater transparency and its composition should be such to ensure broader confidence in the electoral process. Thought should be given, ultimately, to creating an independent, non-political

electoral commission. In the run-up to the elections, more training should be provided to the lower-level electoral commissioners. The Ad Hoc Committee also suggested that the Bulgarian authorities consider drawing up specifically electoral rolls, instead of using the municipal civil registers. Arrangements for out-of-country voting and the use of minority languages in the country also needed to be improved.

The Standing Committee **took note** of the report of the Ad Hoc Committee of the Bureau.

c. Observation of the presidential election in the Kyrgyz Republic (30 October 2011)

Doc. 12797

Rapporteur of the Ad hoc Committee of the Bureau:
Ms Nursuna Memecan (Turkey, ALDE)

Ms Memecan said that the number of voters had been higher than in the previous election, which demonstrated the population's confidence in the electoral system. The Ad Hoc Committee had felt that the active participation of women – as chairs of electoral commissions, observers and voters – was very positive. However, there was a need to improve voter registration procedures and to ensure accurate electoral rolls, and to enhance the transparency of the Central Electoral Commission. More broadly, the political authorities should continue to strengthen social cohesion between the north and south of the country, eliminate ethnic tension and combat corruption. It would be important for the Assembly to maintain contact with Kyrgyzstan. Partner for Democracy status, which the country had applied for, offered an opportunity for further progress in the democratisation of the country and would set an example to other countries in the central Asian region.

The Standing Committee **took note** of the report of the Ad Hoc Committee of the Bureau

11. LEGAL AFFAIRS AND HUMAN RIGHTS

a. The Declaration of Principles on equality and activities of the Council of Europe

Rapporteur of the Committee on Legal Affairs and Human Rights:
Mr Boriss Cilevičs (Latvia, SOC)

Doc. 12778

Rapporteur of the Committee on Equal Opportunities for Women and Men (for opinion): Doc. 12785 rev
Ms Lydie Err (Luxembourg, SOC)

Mr Cilevičs described the inadequate legal framework available to the Council of Europe in order to defend in a practical and effective way, the right to equality and non-discrimination which was central to the human rights protection system. The formulation and interpretation of Article 14 of the European Convention on Human Rights gave this right a subsidiary status. The draft resolution put forward three series of measures: first, ratification by states of Protocol No. 12 to the Convention which, to date, had only 18 ratifications. Second, the introduction of legislation and policies to penalise and prevent de facto inequalities and protect vulnerable groups. Last, support for initiatives coming from civil society, such as those contained in the "Declaration of Principles on equality".

Ms Err presented the opinion of the Committee on Equal Opportunities for Women and Men. She thanked the President for allowing the discussion on this report to coincide with International Day for the Elimination of Violence against Women. The right to equality called for action to be taken, and this included positive measures. It was imperative to incorporate the principle of non-discrimination into the European Convention on Human Rights in order to give these positive measures a tangible foundation. It was also important to maintain the separation of Church and State, one of the guarantees of respect for the principles of equality and non-discrimination. The amendments tabled by the Committee sought to enhance the scope of the draft resolution and the draft recommendation.

Ms Pourbaix-Lundin said that the Swedish delegation, represented by herself and Mr von Sydow, would abstain during the vote. Paragraph 5 of the draft resolution and paragraph 1.1 of the draft recommendation called on states to ratify Protocol No. 12 which, in the view of the Swedish authorities, gave too broad a definition of the principle of non-discrimination.

Ms Kovács felt that it was wrong to group all vulnerable groups in the same category and called for a less generalised approach.

Mr Popescu agreed with Ms Kovács and felt that the question of national minorities required a separate report. In addition, the principle of positive discrimination would be contrary to the Constitution of Ukraine which prohibited all discrimination, in general without distinction.

Mr Chope referred to paragraphs 25 and 26 of the report which explained the reservations voiced by certain states vis-à-vis ratification of Protocol No. 12, whose interpretation by the European Court of Human Rights would be impossible to predict. Moreover, and this was the case for the United Kingdom, national legislation offered more effective protection against discrimination, which was why any advances in this field should remain a domestic matter.

Mr Walter agreed with Mr Chope. He would also be abstaining during the vote, even though he wholeheartedly supported the spirit of the report. The low level of ratification of Protocol No. 12 reflected the position of states. For most of the countries which had ratified it, this undertaking had been rather a requirement of their accession to the Council of Europe.

Mr Cilevics responded to the statements made. He agreed with Ms Err regarding positive measures, at least on a temporary basis, which were necessary to remedy the situations of long-standing systematic violations where other measures had failed. Protocol No. 12 had been negotiated within the Council of Europe and at the time had been approved by all member states. The credibility of the Organisation could be called into question if states were unable to subscribe to the principles they had already approved. The Assembly had always lent its support to ratification of this Protocol. Furthermore, the general nature of the wording, even if not in itself sufficient to guarantee respect for the rights of minorities, nonetheless made it possible to reassert the universal value of the principles of non-discrimination and equality. Lastly, in this context, it would be more appropriate to speak of positive measures rather than positive discrimination.

The President closed the debate. He said that two amendments had been tabled to the draft resolution and one amendment had been tabled to the draft recommendation.

Mr Walter, Vice-President of the Assembly, replaced Mr Çavuşoğlu in the chair.

Ms Err presented oral sub-amendments Nos. 1 and 2 to Amendment No. 1 to the draft resolution, to which **Ms Woldseth** was opposed. The two sub-amendments, and Amendment No. 1 **were rejected**.

Ms Err presented Amendment No. 3 to the draft resolution and Amendment No. 2 to the draft recommendation which **were adopted**.

The President put to the vote the draft resolution and the draft recommendation contained in Doc. 12778, thus amended, which **were adopted** [Recommendation 1986 (2011) and Resolution 1844 (2011)].

b. Fundamental rights and responsibilities

*Rapporteur of the Committee on Legal Affairs and Human Rights:
Ms Marie-Louise Bemelmans-Videc (Netherlands, EPP/CD)*

Doc. 12777

Mr Marty presented the report in the absence of the rapporteur who was no longer a member of the Assembly. The questions of state obligations and responsibility, raised in the report, were not new but they had taken on an unprecedented dimension in the context of the current political debate. The draft resolution made a distinction between duties, in the sense of legal obligations, and ethical or moral responsibilities. Consequently, member states were not required to transpose their responsibilities into legal obligations, which meant that in this respect they had a discretionary power.

Mr Franken thanked the rapporteur for her excellent, comprehensive and descriptive report, which would serve as a basis for the Assembly's future work on more specific topics.

Mr Kox also paid tribute to the quality of the report and to Ms Bemelmans-Videc 's work in the Assembly. Clearly, citizens had rights and duties, but it was responsibilities that determined their action in a democratic society.

Mr Pleskachevskiy agreed that this report could serve as a basis for numerous studies, such as the economic concepts of the "new" democracies. Certain countries, which had experienced the communist regime, had lost the concept of individual responsibility. In addition, as the concept of civil responsibility was often minimal in those countries, criminal and administrative law prevailed.

Mr Chope thought that this report offered an excellent source of references and encapsulated the concept of equity, acknowledged in common law, according to which a judge could apply certain moral principles to rule in favour of or against defendants if strict application of the law would create an injustice. Failure to acknowledge this principle led to contentious judicial decisions. For example, an immigrant who had committed an offence could resist deportation by claiming under Article 8 of the European Convention on Human Rights a family connection in the host country.

Mr Wach paid tribute to the rapporteur and her call for responsibilities towards the elderly, children and participation in the democratic process.

Mr Díaz Tejera asked whether there was a case for enhancing the responsibility of politicians.

Mr Marty thanked speakers for their observations which he would attempt to forward to the rapporteur and stressed the importance of individual responsibility in the current political context.

The President closed the debate. An amendment tabled to the draft resolution **was rejected**.

The President put to the vote the draft resolution contained in Doc 12777, which **was adopted** unanimously [Resolution 1845(2011)].

c. **Combating all forms of discrimination based on religion**

Rapporteur of the Committee on Legal Affairs and Human Rights:

Doc. 12788

Mr Tudor Panțiru (Romania, SOC)

Rapporteur of the Committee on Culture, Science and Education (for opinion)

Mr Patrick Meinhardt (Germany, ALDE)

Mr Panțiru gave an overview of the measures adopted by the Council of Europe to enhance the protection of members of religious groups against the risk of discrimination and acts of violence. Particular emphasis was placed on the role of the state, which should remain neutral vis-à-vis the diversity of religious beliefs. The draft resolution underlined the co-existence of the members of different religious communities and promotion of the culture of “living together”. He also called for hate speech and any use of religion-based violence to be made criminal offences. The draft recommendation called on the Committee of Ministers to step up the fight against discrimination based on religion or belief systems, and to pursue its exchanges on the religious dimension of intercultural dialogue. Member states were urged to sign and ratify Protocol No. 12 to the European Convention on Human Rights.

Mr Flego, Chair of the Committee on Culture, Science and Education, apologised for the fact that, because of time constraints, it had been unable to adopt the opinion it had been asked to draw up. Nonetheless, he expressed his personal support for this report which addressed an important topic to which the Committee had made a number of contributions: several reports had been adopted on “the religious dimension of intercultural dialogue”, “Islam, Islamism and Islamophobia in Europe”, “State, religion, secularity and human rights” and “Blasphemy, religious insults and hate speech against persons on grounds of their religion”.

Ms Pourbaix-Lundin referred to her comments under agenda item 11 a. and said that she was unable to support the draft recommendation which called for ratification of Protocol No. 12.

Mr Wach said that unfortunately the draft resolution was vague and used euphemisms. Paragraph 1 hesitated in naming Christianity and spoke of the monotheistic religions which had shaped Europe. The reference to new religious beliefs also lacked precision.

Mr Panțiru replied to the comments made and called for the draft resolution to be supported despite the fact that certain passages had been worded in general terms.

The President closed the debate and said that one amendment had been tabled to the draft resolution.

Mr Marty presented Amendment No. 1 which **was adopted**.

The President put to the vote the draft resolution, as amended, and the draft recommendation contained in Doc 12250, which **were adopted** [Recommendation 1987 (2011) and Resolution 1846 (2011)].

12. ECONOMIC AFFAIRS AND DEVELOPMENT

a. The underground economy: a threat to democracy, development and the rule of law

*Rapporteur of the Committee on Economic Affairs and Development:
Mr Viktor Pleskachevskiy (Russian Federation, EDG)*

Doc. 12700

Mr Pleskachevskiy said that the main purpose of the report had been limited to considering the underground economy in the economic crisis. However, the underground economy had grown significantly in the wake of the crisis, to such an extent that it posed a threat to the rule of law and democracy in the whole of Europe, and it had therefore proved necessary to broaden the analysis. The underground economy significantly undermined the authority of the state, fuelled corruption and threatened the capacity for good governance. The lack of a common definition compromised the effectiveness of the recommendations to combat this problem. Corruption, for example, often took specific forms depending on the country where it occurred. In the Russian Federation and in other CIS countries, a large part of the corruption that took place was due to the concentration of property and the discretionary powers in the hands of civil servants. This explained the need for specific recommendations, such as the systematic reduction of the powers in question. Another example concerned the transparency of the way financial institutions operated. This principle was upheld in terms of the accessibility of the reports of auditors or rating agencies. But the same was not necessarily true concerning the appropriate presentation of information on the true situation of companies: immediately prior to the 2008 financial crisis, the Icelandic banks had been considered by these agencies as stable and solvent. The Council of Europe should be involved in seeking to develop universal financial regulations aimed at protecting the individual.

The rapporteur told participants that he would not be standing at the next parliamentary elections and hoped that he had made an effective contribution to the work of the Assembly during his term of office.

Mr Herkel thought that the estimated percentage represented by the underground economy “in the Baltic states”, quoted in paragraph 2 of the resolution, should be specified for each Baltic country, or else deleted.

Mr Pleskachevskiy replied that this was just one expert evaluation intended to draw attention to alarming figures. Evaluations could vary from one source to another, depending on the definition of clandestine economic activities.

Ms Naghdalyan, Chair of the Committee on Economic Affairs and Development, hoped that this topic, and others dealt with by the Committee, such as states’ indebtedness or tax havens, would be further developed in order to help put in place a system of protection against economic crises. With regard to the figures in question, it was not a matter of making a judgment but rather expressing and discussing relevant issues.

The President closed the debate. **Mr Herkel** presented an oral amendment to delete from paragraph 2 of the draft resolution the words “around 40% in the Baltic states”, to which **Mr Pleskachevskiy** was opposed. The oral amendment was **rejected**.

The President submitted to the vote the draft resolution and draft recommendation contained in Doc 12700, which **were adopted** [Resolution 1847 (2011) and Recommendation 1988 (2011)].

b. The challenges faced by small national economies

*Rapporteur of the Committee on Economic Affairs and Development:
Ms Marie-Louise Coleiro Preca (Malta, SOC)*

Doc. 12779

Ms Naghdalyan presented the report in the absence of the rapporteur. Almost half of the Council of Europe member states could be considered to be small economies. Their problems and specific features were often ignored by policy-makers. International organisations, including the Parliamentary Assembly, could make a useful contribution to guaranteeing an even playing field, ensuring greater solidarity between the smaller and bigger players on the world economic scene, and strengthening the capacities of the private and public sectors in small states. For their part, the latter were called upon to develop regional contacts, enter into alliances with other small states and enhance the partnership with institutions such as the European Union, the European Bank for Reconstruction and Development, the World Bank and the World Trade Organisation. In addition, it was important for these states to strike a better balance between financial services and other economic activities, and to bring budgetary deficits under control so as to be able to resist external shocks.

Ms Woldseth, *Vice-President of the Assembly*, took the chair.

The President put to the vote the draft resolution contained in Doc. 12779 which **was adopted** unanimously. [Resolution 1848 (2011)].

c. Input for local development: an innovative approach for crisis-stricken regions

Rapporteur of the Committee on Economic Affairs and Development:
Mr Giuseppe Galati (Italy, EPP/CD)

Doc. 12776

Ms Naghdalyan presented the report in the absence of the rapporteur, who was no longer a member of the Assembly. The economic and financial crisis had had an asymmetrical impact on the countries and regions of Europe, because of the disadvantaged socio-economic situation of certain regions. In order to stimulate local growth, the report advocated promoting endogenous development, which meant development based on local resources, such as land, water, culture, etc, with thematic tourism being one example. The Assembly was called upon to encourage local and regional authorities to develop new concepts of tourism and to work in co-operation with the European Association of Historic Towns and Regions

The President put to the vote the draft resolution contained in Doc. 12776 which **was adopted** unanimously. [Resolution 1849 (2011)].

13. SOCIAL, HEALTH AND FAMILY AFFAIRS

What Europe can do for children in the aftermath of natural disasters and crisis situations: the examples of Haiti and Afghanistan

Rapporteur of the Social, Health and Family Affairs Committee:
Ms Françoise Hostalier (France, EPP/CD)

Doc. 12783

Rapporteur of the Committee on Migration, Refugees and Population (for opinion):
Mr André Bugnon (Switzerland, ALDE)

Doc. 12784

Ms Maury Pasquier, Chair of the Social, Health and Family Affairs Committee, presented the report in the absence of the rapporteur. The report sought to identify what possible action could be taken, using as examples the situation of two countries: Haiti, following the 2010 earthquake, and Afghanistan. The rapporteur had travelled there on several occasions and, consequently, was in a unique position to offer a discerning analysis of the situation. Questions were raised about the effectiveness of states' humanitarian policies, and an emphasis placed on the need to make children the special focus of political and humanitarian assistance, and to ensure that support was provided regularly and with due regard for the local culture. The proposals contained in the draft resolution had been drawn up taking into account the dangers to which children were often exposed in disaster-stricken regions, such as chronic malnutrition, unequal access to health care, a high-rate of mother-and-infant mortality, sexual violence, abduction, in particular for international adoption, etc. The draft resolution called on states to adopt a number of legislative and humanitarian measures to assist the countries affected by the consequences of a natural disaster or crisis.

Mr Bugnon presented the opinion of the Committee on Migration, Refugees and Population. The aim of the proposed amendments was to highlight certain points such as the need to establish in Haiti an appropriate civil registration system in order to combat child exploitation and trafficking, or unlawful adoption. Other examples of measures were assistance with the reunification of families that had been separated and assistance with the resettlement of displaced persons.

The President said that six amendments had been tabled to the draft resolution. As the Social, Health and Family Affairs Committee had unanimously approved these amendments, they were declared **adopted**, without vote, in accordance with Rule 33.10 of the Rules of Procedure.

The President put to the vote the draft resolution contained in Doc. 12783 which **was adopted** unanimously. [Resolution 1850 (2011)].

14. CULTURE, SCIENCE AND EDUCATION

Granting of participatory status to the international non-governmental organisation ANDANTE

Rapporteur of the Committee on Culture, Science and Education: Doc. 12780
Ms Francine John-Calame (Switzerland, SOC)

Rapporteur of the Committee on Equal Opportunities for Women and Men (for opinion): Doc. 12781
Ms Sahiba Gafarova (Azerbaijan, EDG)

Mr Flego, Chair of the Committee on Culture, Science and Education, presented the report in the absence of the rapporteur. The European Alliance of Catholic Women's Organisations, ANDANTE, had requested participatory status with the Council of Europe in 2008. In September 2010, the Secretary General of the Council of Europe had notified his decision not to grant participatory status to several international non-governmental organisations, including ANDANTE. The Assembly had been asked by the Committee of Ministers to draft a recommendation, in accordance with paragraph 15 of the Appendix to Committee of Ministers Resolution Res(2003)8 on participatory status for international non-governmental organisations with the Council of Europe. The draft recommendation was in favour of granting this status.

Ms Gafarova presented the opinion of the Committee on Equal Opportunities for Women and Men. The Committee supported the recommendation that ANDANTE be granted participatory status. Through its activities, ANDANTE promoted the values of the Council of Europe, contributed to consolidation of the rights of women and was particularly representative at European level. In general, the Committee encouraged collaboration between the Council of Europe and non-governmental organisations whose aim was to enhance the role of women in society and gender equality.

Mr Maissen thanked the rapporteurs and hoped that the favourable recommendation would be followed up by the Committee of Ministers.

The President closed the debate and said that one amendment had been tabled to the draft recommendation. **Ms Gafarova** presented Amendment No. 1, which **was adopted**.

The President put to the vote the draft recommendation contained in Doc. 12780, as amended, which **was adopted** unanimously. [Recommendation 1989 (2011)].

15. ENVIRONMENT, AGRICULTURE AND LOCAL AND REGIONAL AFFAIRS

Armed conflicts and the environment

Rapporteur of the Committee on the Environment, Agriculture and Local and Regional Affairs: Mr. Rafael Huseynov (Azerbaijan, ALDE) Doc. 12774

Mr Huseynov said that the disastrous consequences of armed conflicts on the environment could not be remedied instantly. In view of the fact that the environment was a victim of armed conflict, and indeed the least resistant of victims, the international community had sought to put in place a custom-based and legal protection framework. The report provided an overview of these principles and standards, such as the Convention on the prohibition of military or any hostile use of environmental modification techniques (the ENMOD Convention) and the additional Protocol to the 1949 Geneva conventions prohibiting the use of ecological warfare. Environmental disasters, whether natural or caused by war, were a source of danger which did not stop at the borders of one country. This was why the report examined the impact of armed conflict on not only all member states, but also non-member countries. The draft resolution called for strict compliance with the relevant legal instruments. It also highlighted the importance of protecting the environment in post-war periods and made a number of proposals regarding refugees and the environment. Lastly, it highlighted the active role of the media which had means of awareness-raising which were often more effective than legal mechanisms.

The President put to the vote the draft resolution contained in Doc. 12774 which **was adopted** unanimously. [Resolution 1851 (2011)].

16. EQUAL OPPORTUNITIES FOR WOMEN AND MEN

a. Psychological violence

<i>Rapporteur of the Committee on Equal Opportunities for Women and Men: Ms Elvira Kovács (Serbia, EPP/CD)</i>	Doc. 12787
<i>Rapporteur of the Social, Health and Family Affairs Committee (for opinion): Ms Marlene Rupprecht (Germany, SOC)</i>	Doc. 12793

Ms Kovács said that psychological violence in the context of intimate relationships was a widespread form of violence. It could take a variety of forms and its consequences for victims were long-lasting. Very often victims failed to report the violence to which they were subject through fear or a desire to protect their children, but they sometimes felt themselves to be the cause of this violence. This was why it was important to conduct an awareness-raising campaign in order to inform them of their rights and to enable the law-enforcement professionals to quickly identify cases of psychological and domestic violence. Men were also victims, although the lack of statistics made it difficult to estimate the extent. Member states were called upon to sign and ratify without delay the Convention on preventing and combating violence against women and domestic violence.

Ms Maury Pasquier, Chair of the Social, Health and Family Affairs Committee, presented the opinion of her Committee in the absence of the rapporteur. Three proposed amendments sought to ensure that the harmful consequences of psychological domestic violence on children were duly taken into account. The opinion welcomed the fact that in the drafting stage of the Convention on preventing and combating violence against women and domestic violence, which states were invited to ratify, the Committee's proposals on reinforcing action specifically focusing on children had been taken on board.

Ms Memecan referred to the recent ratification of the Convention by Turkey and expressed the hope that all member states would follow this example.

Mr Flego wondered about the term "psychological" and felt that it was a pity that the title of the report did not call for concrete action. Furthermore, the issues of violence against children and cyberbullying had not been addressed in the report.

Mr Mendes Bota said that the early detection of cases of psychological violence would make it possible to avoid subsequent physical violence. The title of the report had been agreed on by the Commission. Lastly, the term "psychological" was widely accepted by experts in this field.

Mr O'Reilly concurred with Mr Mendes Bota.

Mr Díaz Tejera stressed the importance of the report, and paid tribute to its high quality.

Ms Kovács responded to the comments. The Committee had decided to shorten the original title of the report "Action to combat violence against women must also take account of psychological violence". The report dealt with the question of violence in intimate relationships, which was why other forms of violence, such as harassment at work had not been addressed. If adopted, the amendments proposed by the Social, Health and Family Affairs Committee would add further references to children in the context of this report.

The President closed the debate, saying that three amendments to the draft resolution had been tabled. **Ms Maury Pasquier** presented Amendments Nos. 1, 2 and 3 which **were adopted**.

The President put to the vote the draft resolution contained in Doc. 12787, as amended, which **was adopted** [Resolution 1852 (2011)].

b. Protection orders for victims of domestic violence

<i>Rapporteur of the Committee on Equal Opportunities for Women and Men: Ms Riitta Myller (Finland, SOC)</i>	Doc. 12786
<i>Rapporteur of the Committee on Legal Affairs and Human Rights (for opinion): Mr Arcadio Díaz Tejera (Spain, SOC)</i>	Doc. 12791

Ms Myller noted that the figures on domestic violence against women, children and the elderly were frightening. Unfortunately, the legislative framework in member states was often insufficient to afford

protection for these victims. The report looked at the effectiveness of current instruments and made suggestions for improving them. For example, certain measures to protect the victims of domestic violence, in particular civil injunctions or restraining orders in the context of a criminal procedure or emergency barring orders, should be available in domestic law and able to be delivered *ex officio* as well as *ex parte*. Criminal procedure arrangements, such as coercive measures, could offer greater protection to victims. An investigation into domestic violence should be carried out, even where the victim withdrew the complaint.

Mr Díaz Tejera presented the opinion of the Committee on Legal Affairs and Human Rights, which had proposed five amendments to reinforce the draft resolution. It was a matter of regret that in numerous countries, violence against women was not an offence. A 2005 law passed in Spain had provided greater protection to women and had led to a high number of convictions. Preventing, protecting against and eradicating domestic violence were the aims which governments should pursue and a domestic violence early detection system would help achieve these objectives.

Mr Mendes Bota welcomed Turkey's ratification of the Convention on preventing and combating violence against women and domestic violence. Protection orders, including the emergency barring orders and restraining orders referred to in Articles 52 and 53 of the Convention, sought to promote the confidence of victims in the justice system. This was one way of guaranteeing the victim's physical integrity, without which all the criminal law measures would be ineffective.

The President said that five amendments to the draft resolution had been tabled. **Mr Díaz Tejera** presented Amendments Nos. 1, 2, 3, 4 and 5 which **were adopted**.

The President put to the vote the draft resolution contained in Doc. 12786, as amended, which **was adopted** [Resolution 1853 (2011)].

17. RULES OF PROCEDURE, IMMUNITIES AND INSTITUTIONAL AFFAIRS

Ensuring protection against attacks on a person's honour and reputation within the Parliamentary Assembly

*Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs: Doc. 12703
Ms Marie-Louise Bemelmans-Videc (Netherlands, EPP/CD)*

Mr Bugnon presented the report in the absence of Ms Bemelmans-Videc who had left the Parliamentary Assembly. The report had been written further to a motion for a resolution calling for protection of the reputation of persons in view of statements made in plenary sessions which were slanderous or which levelled serious accusations against both Assembly members and third parties. In response, the Rules Committee had suggested instituting a "right of reply" in the Assembly, and putting in place other mechanisms to protect individuals against the harmful consequences of the dissemination of false and slanderous information. The President of the Assembly should act as guarantor that these mechanisms were not misused.

The President put to the vote the draft resolution contained in Doc. 12703. It was unanimously **adopted** [Resolution 1854 (2011)].

18. OTHER BUSINESS

None.

19. NEXT MEETING

The Standing Committee **decided** to hold its next meeting in Paris on 9 March 2012.

The meeting **rose** at 5.15 pm.

Appendix 1**LIST OF PARTICIPANTS****President of the Assembly / Président de l'Assemblée**

Mr Mevlüt ÇAVUŞOĞLU Turkey

Vice-President of the Assembly / Vice-Président(e) de l'Assemblée

Mr Konstantinos VRETTOS Greece
 M. Jean-Claude MIGNON France
 Ms Karin S. WOLDSETH Norway
 M. Ivan POPESCU Ukraine
 Mr Joseph O'REILLY Ireland
 Ms Nursuna MEMECAN Turkey
 Ms Susanna HUOVINEN Finland

Ex officio (Rule 13.3 of the Rules of Procedure) / Ex officio (Article 13.3 du Règlement)

Mr Ilir RUSMALI Albania

Chairpersons of Political Groups / Président(e)s de Groupes politiques

Mr Luca VOLONTÈ Group of the European People's Party /
 Groupe du Parti populaire européen
 Mr Robert WALTER European Democrat Group /
 Groupe démocrate européen
 Mme Anne BRASSEUR Alliance of Liberals and Democrats for Europe /
 Alliance des démocrates et des libéraux pour
 l'Europe
 Mr Tiny KOX Group of the Unified European Left /
 Groupe pour la gauche unitaire européenne

Chairpersons of National delegations / Président(e)s de délégations nationales

Mme Meritxell MATEU PI Andorre
 Mr Davit HARUTYUNYAN Armenia
 Mr Samad SEYIDOV Azerbaijan
 Mrs Milica MARKOVIĆ (in the absence of a
 chairperson) Bosnia and Herzegovina
 Mrs Dzhema GROZDANOVA Bulgaria
 Mr Václav KUBATA Czech Republic
 Mr Andres HERKEL Estonia
 Mme Lydie ERR Luxembourg
 Mr Francis AGIUS Malta
 Mr Hans FRANKEN Netherlands
 Mr Piotr WACH (replacing Mr Lipiński) Poland
 Mr Pavol KUBOVIČ Slovak Republic
 Ms Marietta de POURBAIX-LUNDIN Sweden
 M. Theo MAISSEN Suisse

**Chairperson of the Political Affairs Committee /
Président(e) de la Commission des questions politiques**

Mr Björn von SYDOW (SOC) Sweden

**Chairperson of the Committee on Legal Affairs and Human rights /
Président(e) de la Commission des questions juridiques et des droits de l'homme**

Mr Christos POURGOURIDES Cyprus

**Chairperson of the Committee on Economic Affairs and Development /
Président(e) de la Commission des questions économiques et du développement**

Ms Hermine NAGHDALYAN (ALDE) Armenia

**Chairperson of the Social, Health and Family Affairs Committee /
Président(e) de la Commission des questions sociales, de la santé et de la famille**

Mme Liliane MAURY PASQUIER Suisse

**Chairperson of the Committee on Migration, Refugees and Population /
Président(e) de la Commission des migrations, des réfugiés et de la population**

Mr Christopher CHOPE United Kingdom

**Chairperson of the Committee on Culture, Science and Education /
Président(e) de la Commission de la culture, de la science et de l'éducation**

Mr Gvozden Srećko FLEGO Croatia

**Chairperson of the Committee on the Environment, Agriculture and Local and Regional Affairs /
Président(e) de la Commission de l'environnement, de l'agriculture et des questions territoriales**

Mr Dimitrios PAPADIMOULIS Greece

**Chairperson of the Committee on Equal Opportunities for Women and Men /
Président(e) de la Commission sur l'égalité des chances pour les femmes et les hommes**

Mr José MENDES BOTA Portugal

**Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States
of the Council of Europe (Monitoring Committee) /
Président(e) de la Commission pour le respect des obligations et engagements des Etats membres
du Conseil de l'Europe (Commission de suivi)**

M. Dick MARTY Suisse

**Vice-Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs /
Vice-Président(e) de la Commission du Règlement, des immunités et des affaires institutionnelles**

M. André BUGNON Suisse

Rapporteurs (not member of the Standing Committee / non membres de la Commission permanente)

Mr Brian BINLEY	United Kingdom
Mr Boriss CILEVIČS	Latvia
Mr Arcadio DÍAZ TEJERA	Spain
Ms Sahiba GAFAROVA	Azerbaijan
Mr Rafael HUSEYNOV	Azerbaijan
Ms Elvria KOVÁCS	Serbia
Mrs Riitta MYLLER	Finland
Mr Tudor PANȚIRU	Romania
Mr Viktor PLESKACHEVSKIY	Russian Federation

Other members of Parliament

Ms Þuríður BACKMAN

Iceland

Mr Krasimir MINCHEV

Bulgaria

Invited personalities / Personnalités invitées

The Rt Hon David Lidington MP, Minister for Europe, Foreign and Commonwealth Office/ Ministre pour l'Europe, ministère des Affaires étrangères et du Commonwealth

Secretariat of the Parliamentary Assembly / Secrétariat de l'Assemblée parlementaire

Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly/Secrétaire Général de l'Assemblée parlementaire

Mr Mario MARTINS, Director General / Directeur Général

Mrs Jane DINSDALE, Director of the Political and Legal Affairs Directorate / Directrice de la Direction des questions politiques et juridiques

Mr Horst SCHADE, Director of General Services/Directeur des Services Généraux

Mr Alfred SIXTO, Head of the Table Office/Chef du Service de la Séance

Mr Petr SICH, Head of the Private Office of the President of the Parliamentary Assembly/Chef de Cabinet du Président de l'Assemblée parlementaire

Mr Markus ADELSBACH, Head of Secretariat of the Bureau of the Assembly / Chef de Secrétariat du Bureau de l'Assemblée

Mrs Kateryna GAYEVSKA, Secretary of the Standing Committee/Secrétaire de la Commission permanente

Mrs Sally-Ann HONEYMAN, Specialised Administrative Assistant / Assistante administrative spécialisée

Mme Catherine DREYFUS, Assistant / Assistante

Ms Anne GODFREY, Assistant / Assistante

Council of Europe / Conseil de l'Europe

Mr Thorbjørn JAGLAND, Secretary General of the Council of Europe/Secrétaire Général du Conseil de l'Europe

Mrs Maud DE BOER-BUQUICCHIO, Deputy Secretary General of the Council of Europe/Secrétaire Générale adjointe du Conseil de l'Europe

Mr Bjørn BERGE, Director of Private Office/Directeur de Cabinet

Ms Mireille PAULUS Secretary to the Committee of Ministers/Secrétaire du Comité des Ministres

Mr Alexandre GUESSEL, Adviser, Private Office of the Secretary General and the Deputy Secretary General/Conseiller, Cabinet du Secrétaire Général et de la Secrétaire Générale Adjointe

Appendix II

Synopsis

The **Standing Committee**, meeting on 25 November 2011 in Edinburgh (United Kingdom), with Mr Mevlüt Çavuşoğlu, President of the Assembly, and then Mr Robert Walter and Ms Karin Woldseth, in the Chair :

- held an exchange of views with the Rt Hon David Lidington MP, Minister for Europe, Foreign and Commonwealth Office of the United Kingdom;
- ratified the credentials of new members of the Assembly submitted by the delegations of Belgium, Cyprus, Denmark, Germany, Iceland, Italy and the Netherlands;
- approved the changes in the composition of Assembly committees;
- took note of the preliminary draft agenda of the first 2012 Part-Session of the Assembly (23-27 January 2012);
- ratified the references to committees which are contained in the Appendix hereafter;
- held a current affairs debate on "The young generation sacrificed: political, economic, social and other consequences of the financial crisis" ;
- adopted a declaration on "Freedom from violence should be the first human right" in the framework of the International day for the elimination of violence against women (25 November 2011);
- took note of the reports of the Ad hoc Committees of the Bureau on :
 - . the "Observation of the election of a National Constituent Assembly in Tunisia (23 October 2011)";
 - . the "Observation of the presidential election in Bulgaria (23 and 30 October 2011)";
 - . the "Observation of the presidential election in the Kyrgyz Republic (30 October 2011)";
- adopted, on behalf of the Assembly, the following texts:

Recommendation 1986 (2011)	The Declaration of Principles on Equality and activities of the Council of Europe
Recommendation 1987 (2011)	Combating all forms of discrimination based on religion
Recommendation 1988 (2011)	The underground economy: a threat to democracy, development and the rule of law
Recommendation 1989 (2011)	Granting of participatory status to the international non-governmental organisation ANDANTE
Resolution 1844 (2011)	The Declaration of Principles on Equality and activities of the Council of Europe
Resolution 1845 (2011)	Fundamental rights and responsibilities
Resolution 1846 (2011)	Combating all forms of discrimination based on religion
Resolution 1847 (2011)	The underground economy: a threat to democracy, development and the rule of law

Resolution 1848 (2011)	The challenges faced by small national economies
Resolution 1849 (2011)	Input for local development: an innovative approach for crisis-stricken regions
Resolution 1850 (2011)	What Europe can do for children in the aftermath of natural disasters and crisis situations: the examples of Haiti and Afghanistan
Resolution 1851 (2011)	Armed conflicts and the environment
Resolution 1852 (2011)	Psychological violence
Resolution 1853 (2011)	Protection orders for victims of domestic violence
Resolution 1854 (2011)	Ensuring protection against attacks on a person's honour and reputation

- decided to hold its next meeting in Paris on 9 March 2012 (to be confirmed)

APPENDIX

Decisions on documents tabled for references to committees

A. REFERENCES TO COMMITTEE

1. **Role of NGOs in countering nationalism, migrantophobia and xenophobia in Europe**
Motion for a resolution presented by Mr Molchanov and others
Doc. 12737

Proposal: reference to the Committee on Legal Affairs and Human Rights *for report*

2. **Securing decent work for all**
Motion for a resolution presented by Mr Vercamer and others
Doc. 12740

Proposal: reference to the Social, Health and Family Affairs Committee *for report*

3. **Keeping political and criminal responsibility separate**
Motion for a resolution presented by Mr Omtzigt and others
Doc. 12749

Proposal: reference to the Committee on Legal Affairs and Human Rights *for report* and to the Political Affairs Committee *for opinion*

4. **Revision of the European Convention on transfrontier television**
Motion for a recommendation presented by Mr Gale and others
Doc. 12752

Proposal: reference to the Committee on Legal Affairs and Human Rights *for report* and to the Committee on Culture, Science and Education, *for opinion*

5. **Strengthening the mechanism for the disclosure of conflicts of interest in the Parliamentary Assembly of the Council of Europe**
Motion for a resolution presented by Mr Harutyunyan and others
Doc. 12754

Proposal: reference to the Committee on Rules of Procedure, Immunities and Institutional Affairs *for report*

6. **Restoring social justice through a tax on financial transactions**
Motion for a resolution presented by Mr Volontè and others
Doc. 12759

Proposal: reference to the Committee on Economic Affairs and Development *for report*

7. **Request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of the Kyrgyz Republic**
Decision of the Bureau of the Assembly of 24 November 2011

Proposal: reference to the Political Affairs Committee *for report* and to the Committee on Legal Affairs and Human Rights and the Committee on Equal Opportunities for Women and Men *for opinion*

Appendix III**DECLARATION****‘FREEDOM FROM VIOLENCE SHOULD BE THE FIRST HUMAN RIGHT’****in the framework of the International day for the elimination of violence against women
(25 November 2011)**

Freedom from violence should be the first human right. However, millions of women and girls in the world have this right violated every day as they are specifically targeted in the context of war and conflicts, trafficked for the purposes of prostitution, subjected to forced and child marriages, marital rape, so-called ‘honour’ crimes, sexual violence, and other forms of physical and psychological violence.

Violence against women prevents them from conducting a normal life and deprives them of their dignity as human beings. As long as widespread violence against women persists, there cannot be equal opportunities for women and men.

The Parliamentary Assembly calls on national parliaments to strengthen the legal framework to ensure that women who are victims of violence are offered a wide range of protection measures, that deterrent penalties against perpetrators are introduced and effectively enforced, and that action is taken to prevent this plight occurring in the first place.

The Parliamentary Assembly also calls on national parliaments to promote a better understanding of the phenomenon of violence against women, in particular amongst the law enforcement authorities who are called to implement the relevant law, and to make it clear that, even when it happens within domestic walls, violence against women is never purely a private matter but always one which engages the public interest.

Finally, the Assembly calls on national parliaments to prompt their governments to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence, and to ratify it without delay.