



The Session

THE INFORMATION GUIDE FOR PLENARY SESSIONS OF PACE

23-27 January 2012

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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, Republic of 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, Republic of 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) and the Palestinian National Council (2011) hold "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



207

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



180

Socialist Group (SOC)



99

European Democrat Group (EDG)



91

Alliance of Liberals and Democrats for Europe (ALDE)



30

Group of the Unified European Left (UEL)

The Assembly committees

84 seats

- Committee on Political Affairs and Democracy
- Committee on Legal Affairs and Human Rights
- Committee on Social Affairs, Health and Sustainable Development
- Committee on Migration, Refugees and Displaced Persons
- Committee on Culture, Science, Education and Media
- Committee on Equality and Non-Discrimination
- Committee on the honouring of obligations and commitments by member states of the Council of Europe (Monitoring)

37 seats

- Committee on Rules of Procedure, Immunities and Institutional Affairs



Monday 23 January 2012

☞ Morning (11.30 a.m.-1 p.m.)

◆ Opening of the first part of the 2012 Ordinary Session

The longest-serving member of the Assembly presided as provisional President until the new President of the Assembly was elected.

Examination of credentials

The credentials of the members of national delegations submitted by national parliaments were ratified by the Assembly, with the exception of the credentials of the delegation of Ukraine, which were challenged on the procedural grounds that the delegation submitted was not composed so as to ensure a fair representation of the political parties or groups in the parliament (Rule 7 of the Rules of Procedure).

The Committee on Rules of Procedure, Immunities and Institutional Affairs is due to consider the matter on Tuesday, and a final decision by the Assembly is foreseen for Thursday morning. The new Ukrainian delegation will take its seats provisionally in the Assembly until then, with voting and speaking rights, but may not vote on its own credentials.

Election of the President of the Assembly

The Assembly elected Jean-Claude Mignon (France, EPP/CD) as President of the Assembly for a term of one year.

Election of Vice-Presidents of the Assembly

The Assembly elected twenty Vice-Presidents in accordance with the system for rotation of Bureau seats. The Vice-Presidents elected were: Francis Agius (Malta), Lydie Err (Luxembourg), Arlette Grosskost (France), Andrzej Halicki (Poland), Joachim Hörster (Germany), Tiny Kox (Netherlands), Pavol Kubovic (Slovak Republic), Joao Bosco Mota Amaral (Portugal), Gebhard Negele (Liechtenstein), Liliana Palihovici (Republic of Moldova), Ivan Popescu (Ukraine), Marietta de Pourbaix-Lundin (Sweden), Cezar Florin Preda (Romania), Leonid Slutsky (Russian Federation), Luigi Vitali (Italy), Nataša Vuckovic (Serbia), Robert Walter (United Kingdom), Karin Woldseth (Norway) and Emanuelis Zingeris (Lithuania). There is a vacant seat in respect of Spain.

Appointment of members of committees

The Assembly appointed the members of its six general committees, the Monitoring Committee and the Committee on Rules of Procedure, Immunities and Institutional Affairs.

Requests for urgent or current affairs debates

The Assembly decided to hold a current affairs debate on "The Russian Federation between two elections" on Thursday 26 January at 10 a.m. It rejected a request for a current affairs debate on "The state of democracy in Hungary".

Adoption of the agenda

The Assembly adopted its agenda, which will be published and made available to members at the document counter from Tuesday morning. This version of *The Session* has also been updated to reflect the final agenda.

Adoption of the minutes of proceedings of the Standing Committee (Edinburgh, 25 November 2011)

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

Doc. 12830 Part I + Addendum and Part II
Rapporteur: Mevlüt Çavuşoğlu (Turkey, EDG)

The progress report covers the discussions held and decisions reached by the Bureau and the Standing Committee since the last part-session, including reports on the Assembly's observation of:

- the parliamentary elections in Morocco (25 November 2011)
Doc. 12832
Rapporteur: Tomáš Jirsa (Czech Republic, EDG)
- the parliamentary elections in the Russian Federation (4 December 2011)
Doc. 12833
Rapporteur: Tiny Kox (Netherlands, UEL)

Monday 23 January 2012

☞ Afternoon (3 p.m.-5.30 p.m.)

◆ **Progress report of the Bureau of the Assembly and the Standing Committee (continued)**

◆ **Communication from Thorbjørn Jagland, Secretary General of the Council of Europe**

Following his address, the Secretary General will answer oral questions from members of the Assembly.

◆ **Free debate**

Among the changes recently agreed by the Assembly as part of its own process of reform was a decision to introduce one "free debate" during each part-session, similar to the practice in a number of national parliaments.

Members of the Assembly are free to speak on any subject they would like to raise, subject to the usual practice of members submitting their names in advance and the drawing up of a list of speakers according to the d'Hondt method.

This is in line with one of the main aims of the reform, namely to raise the visibility of the Assembly and its members, including in their national constituencies.

Tuesday 24 January 2012

☞ Morning (10 a.m.-1 p.m.)

◆ **Election of the Council of Europe Commissioner for Human Rights**

Doc. 12803

Voting takes place from 10 a.m. to 1 p.m., and from 3.30 p.m. to 5 p.m., in the area behind the presidential rostrum.

The Office of the Commissioner for Human Rights was established in 1999 as an independent institution within the Council of Europe to promote awareness of human rights, assist national human rights structures, identify shortcomings in human rights law and practice and promote respect for human rights across all the member states.

The Commissioner is elected by the Parliamentary Assembly from a list of three candidates drawn up by the Committee of Ministers for a non-renewable six-year term of office. The three candidates, in alphabetical order, are Pierre-Yves Monette (Belgium), Nils Muižnieks (Latvia) and Frans Timmermans (Netherlands).

To assist it in making its decision, PACE has asked its Sub-committee on Human Rights to make confidential recommendations based on personal interviews with all the candidates and assessments of their CVs.

An absolute majority of votes cast is required in the first round of voting in the Assembly. If this is not achieved, a second round of voting will take place from 10 a.m. to 1 p.m. on Wednesday 25 January, for which a simple majority of votes cast will be sufficient.

Contact in the secretariat: Andrew Drzemczewski, tel. 2326.

◆ **The functioning of democratic institutions in Bosnia and Herzegovina**

Doc. 12816

Report of the Monitoring Committee

Co-rapporteurs: Jean-Claude Mignon (France, EPP/CD) and Karin S. Woldseth (Norway, EDG)

The Monitoring Committee deeply regrets that, more than a year after the elections, Bosnia and Herzegovina still has no government at state level – mainly because of constant, increasingly bitter and fruitless bargaining about the ethnic distribution of posts in the Council of Ministers.

The gridlock caused by in-fighting between the parties does not stop there. There has been a long delay in constituting the two houses of the Parliamentary Assembly of Bosnia and Herzegovina, holding up the adoption of vital laws, including ones essential for the country's EU partnership. Meanwhile, for almost ten years now, Bosnia's Presidency has been unable to nominate candidates to key Council of Europe bodies such as the Venice Commission, the Anti-Torture Committee or ECRI.

Most concerning of all, despite strong urging from PACE and others, the authorities have made no credible effort to set up a serious, institutionalised process to undertake the constitutional reform that is so urgently needed in the country – not least, as a first step, by allowing so-called "others" to stand

for election to the Presidency and House of Peoples, as required by the legally-binding *Sejdić and Finci* judgment of the European Court of Human Rights. In fact, since 2006 Bosnia and Herzegovina has made very little progress at all in fulfilling key outstanding commitments to the Council of Europe.

Constitutional reform which would allow the country to move away from the “institutional straitjacket” of Dayton is now indispensable for the functioning of the state, the committee declares, starting with changes to restrictive quorum and voting rules that have been abused to block decisions. Meanwhile, the authorities and political stakeholders should shoulder their responsibilities, stop being obstructive and start working together constructively. If there is no progress by 15 March 2012, the Assembly will “consider any further action that might be required” at its April part-session, the tenth anniversary of Bosnia and Herzegovina joining the Council of Europe.

Contact in the secretariat: Caroline Ravaud, tel. 4551.

◆ **Communication from the Committee of Ministers to the Parliamentary Assembly, presented by the Rt Hon. David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, United Kingdom, representing the Chairmanship of the Committee of Ministers**

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

Tuesday 24 January 2012

☞ Afternoon (3.30 p.m.-8 p.m.)

◆ **Election of the Council of Europe Commissioner for Human Rights
(continued)**

Doc. 12803

Voting takes place from 3.30 p.m. to 5 p.m. in the area behind the presidential rostrum.

◆ **The right of everyone to participate in cultural life**

Doc. 12815

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

Rapporteur: Muriel Marland-Militello (France, EPP/CD)

The richness of the human imagination and its quest for meaning lies at the heart of the vast range of activities which have come to be termed "cultural". The word covers not only the creation and appreciation of the visual and performing arts, as well as literature and cinema, but has also come to refer to a broader concept linked to identity: culture offers human beings the freedom to define their place in the world, according to their time and place, and to share with others their unique perspective on life.

Democratic states, as champions of diversity, have a role to play in generating and sustaining the creative freedom that flows from culture in all its forms, especially for the young. That effort will benefit society in other ways too: access to culture and the arts helps critical thinking, enriches mutual understanding and ultimately promotes "harmonious living together" between peoples. The right to take part in cultural life is thus pivotal to the system of human rights.

The committee has drawn up a list of guidelines for developing policies to ensure effective participation in cultural life, which it calls on governments to implement in a variety of ways. The state should not only supply a wide supply of cultural services but also play the role of initiator, promoter and regulator of interaction between the public and private sectors. In practice that will mean adequate funding for cultural and cultural heritage projects and policies, as well as fostering new talent and supporting excellence in the arts, but also steering money to projects which reinforce synergies and collaboration, and encourage individuals and communities to be participants rather than mere spectators.

To ensure equal access, certain groups will need extra resources or tailored policies. Schools, for example, should become places of artistic exchange and self-expression, where learning to see, hear and feel is considered as important as learning to read, write and count. Critical approaches and alternative visions should be nourished, as well as inter-disciplinary techniques. New technology should be embraced where it enables fresh ways of creating and consuming culture – such as the digitisation of cultural artefacts – but intellectual property rights will also need protection, especially against online piracy.

Statement by Irina Bokova, Director General of UNESCO

Contact in the secretariat: Roberto Fasino, tel. 2373.

◆ **Guaranteeing the authority and effectiveness of the European Convention on Human Rights**

Doc. 12811

Report of the Committee on Legal Affairs and Human Rights

Rapporteur: Marie-Louise Bemelmans-Videc (Netherlands, EPP/CD)

The European Court of Human Rights is facing difficulties on several fronts: the backlog of cases continues to grow, threatening to swamp the Court altogether, while certain of its judgments have been subjected to criticism in some states parties.

The Court is an extraordinary instrument and has had a profoundly positive impact on Europe's law and practice, but it cannot become a substitute for national protection of human rights. It was always meant to play a subsidiary or "back-up" role. If the right of individual application is to be preserved in essence, and if the Court is to deliver authoritative and high-quality judgments within a reasonable time, the pressing priority must be to improve the situation in those countries where the standards of the European Convention on Human Rights are not being properly implemented.

National parliaments can play a vital role in this by, for instance, ensuring that draft laws are compatible with Convention requirements in the first place, by pressing governments to promptly and fully comply with the Court's judgments and by scrutinising current reform efforts. They can also demand more money to enable the Court to keep up its essential work.

For its part, the Parliamentary Assembly should be more involved in the process of reforming the Convention system, with the power to scrutinise national reports on how the reforms agreed at Interlaken and Izmir are being implemented.

Contact in the secretariat: Andrew Drzemczewski, tel. 2326.

Wednesday 25 January 2012

☞ Morning (10 a.m.-1 p.m.)

◆ **Election of the Council of Europe Commissioner for Human Rights (possible second round)**

Doc. 12803

Voting takes place from 10 a.m. to 1 p.m. in the area behind the presidential rostrum.

An absolute majority of votes cast is required in the first round of voting. If this is not achieved, a second round of voting will take place, for which a simple majority of votes cast will be sufficient.

◆ **The situation in Belarus**

Doc. 12820

Report of the Committee on Political Affairs and Democracy

Rapporteur: Andres Herkel (Estonia, EPP/CD)

Opinion of the Committee on Legal Affairs and Human Rights

Rapporteur: Marieluise Beck (Germany, ALDE)

In this report the Political Affairs Committee expresses deep concern at the deteriorating situation of human rights and civil and political liberties in Belarus in 2011 and condemns the increasingly repressive approach by the Belarusian authorities to any attempt to express dissent in the country. The authorities, it says, are deliberately turning their back on Europe and the values it upholds.

The committee gives full backing to the EU's targeted sanctions, which it says should be maintained and even strengthened, and invites all Council of Europe member states to align with them until the release and full rehabilitation of all political prisoners and the end of the crackdown on political opponents, civil society representatives and human rights defenders.

For its part, the Assembly should keep on hold its activities involving high-level contacts with the Belarusian authorities and maintain its suspension of the Belarus Parliament's Special Guest status until a moratorium on the execution of the death penalty has been decreed and until there is substantial, tangible and verifiable progress in terms of respect for the democratic values and principles upheld by the Council of Europe.

On the other hand, the Assembly should step up its engagement with representatives of civil society, independent media and opposition forces as well as independent professional associations, and increase its support for their development.

Contact in the secretariat: Silvia Arzilli, tel. 4898.

◆ **Address by Grigol Vashadze, Minister for Foreign Affairs of Georgia**

Following his address, the Foreign Minister will answer oral questions from members of the Assembly.

Wednesday 25 January 2012

☞ Afternoon (3.30 p.m.-8.30 p.m.)

◆ **Address by Tarja Halonen, President of Finland**

Following her address, the President will answer oral questions from members of the Assembly.

◆ **Address by Rt Hon. David Cameron MP, Prime Minister of the United Kingdom**

Following his address, the Prime Minister will answer oral questions from members of the Assembly.

◆ **The honouring of obligations and commitments by Serbia**

Doc. 12813

Report of the Monitoring Committee

Co-rapporteurs: Davit Harutyunyan (Armenia, EDG) and Indrek Saar (Estonia, SOC)

Serbia has made significant progress since the Assembly's last resolution in 2009, according to the Monitoring Committee. The authorities have been steadily implementing the obligations and commitments that the country took on when it joined the Council of Europe in 2003, establishing a climate of political stability, making considerable progress towards EU accession, and co-operating with the Hague Tribunal, most notably through the arrest and extradition of war-crimes fugitives Mladić and Hadžić. Moreover, Serbia has played a constructive role in the region, and established a peaceful ongoing dialogue with Pristina which has resulted in practical agreements on freedom of movement and mutual recognition of school and university qualifications.

As regards the country's democratic development, the committee congratulates Serbia on a series of impressive reforms, covering elections, the justice system, local government and minority rights, among others – though in each case, the committee also indicates areas where further improvement can be made. So far Serbia has signed and ratified 77 Council of Europe conventions and fulfilled, in that area, all its commitments, with the exception of the European outline convention on transfrontier co-operation. Six more conventions that have been signed still need ratification.

Serbia is encouraged to pursue its reforms so that they flower fully on the ground as well as in the statute-books, and keep up its peaceful dialogue with Pristina. However, before the monitoring procedure can be finally closed, the committee spells out four key areas where it believes Serbia can do more: full implementation of changes to the justice system, stronger measures against corruption, a more independent media, and an improved climate for minorities, especially Roma.

Contact in the secretariat: Sylvie Affholder, tel. 3551.

◆ **Protecting human rights and dignity by taking into account previously expressed wishes of patients**

Doc. 12804

Report of the Social, Health and Family Affairs Committee

Rapporteur: Jordi Xuclà i Costa (Spain, ALDE)

There is now a general consensus – based on the rights flowing from the European Convention on Human Rights – that no-one can be compelled to undergo medical treatment against his or her will. The wishes of a capable adult, when clearly expressed, must prevail even if they refuse treatment. The Council of Europe's Biomedicine Convention extends this principle: where a patient is no longer in a state to express their wishes when the time comes for a medical intervention, previously expressed wishes – such as advance directives, living wills or continuing powers of attorney – must be "taken into account".

In practice, though, the situation in European countries varies, ranging from no legislation whatever through to laws which make "living wills" binding, going beyond the requirement merely to "take them into account". And even where laws exist, they are not always put into practice. The net result is that only a tiny minority of the Council of Europe's 800 million citizens have advance directives, living wills or continuing powers of attorney. The wishes of millions are not known or may not be taken into account, undermining their rights and dignity.

This must change, according to the Social Affairs Committee: states should fully implement the Biomedicine Convention, as well as the Committee of Ministers' later recommendation on advance directives. Countries with no "living wills" should introduce them, countries where they exist should make sure they are fully in line with Council standards and make them better known. Finally, experts should continue work to develop these standards further and promote them more widely.

Contact in the secretariat: Tanja Kleinsorge, tel. 2906.

Thursday 26 January 2012

☞ Morning (10 a.m.-1 p.m.)

◆ **Current affairs debate: the Russian Federation between two elections**

Andreas Gross (Switzerland, SOC) will be the first speaker in this debate. No report is prepared for a current affairs debate, and there is no vote.

◆ **[Possibly] Challenge on procedural grounds of the still unratified credentials of the parliamentary delegation of Ukraine**

Opinion or report of the Committee on Rules of Procedure, Immunities and Institutional Affairs

On the opening day of the session, the still unratified credentials of the parliamentary delegation of Ukraine were challenged on the procedural grounds that the delegation submitted was not composed so as to ensure a fair representation of the political parties or groups in the parliament (Rule 7 of the Rules of Procedure).

The credentials were referred without debate to the Assembly's Committee on Rules of Procedure, Immunities and Institutional Affairs, which is due to consider the matter at its meeting on Tuesday 24 January at 2 p.m.

If the committee concludes that the credentials should be ratified, it may submit an opinion to the President of the Assembly, who shall read it out in the plenary sitting of the Assembly, without debate. If the committee concludes that the credentials should not be ratified, or that they should be ratified but that some rights of participation or representation should be denied or suspended, the committee's report shall be placed on the agenda for debate.

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

◆ **Annual activity report 2011 by the Council of Europe Commissioner for Human Rights**

Doc. CommDH(2012)1

Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, will present his annual activity report for 2011 and reply to questions from parliamentarians.

Thursday 26 January 2012

☞ Afternoon (3.30 p.m.-7 p.m.)

◆ **Joint debate:**

Advancing women's rights worldwide

Doc. 12812

Report of the Committee on Equality and Non-Discrimination

Rapporteur: Lydie Err (Luxembourg, SOC)

Despite the numerous commitments made by states in recent decades to promote and protect women's rights, progress in improving the status of women on a global scale has fallen short of expectations, according to the Equality Committee. Inequality and discrimination against women remain systematic and widespread.

While welcoming the establishment of UN Women, which raises the profile and visibility of women's rights, existing co-operation between the Council of Europe and UN Women needs to be developed and formalised, initially with an exchange of letters between the two organisations.

For their part, Council of Europe member states should step up efforts to combat discrimination against women and encourage political decision-makers to take into account the gender dimension in the development of laws and policies. The Assembly should also ask all member states to give a renewed impetus to the protection, promotion and effective implementation of women's rights worldwide, as well as their periodic evaluation.

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

Promoting the Council of Europe Convention on preventing and combating violence against women and domestic violence

Doc. 12810

Report of the Committee on Equality and Non-Discrimination

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

The Council of Europe convention on preventing and combating violence against women and domestic violence, which opened for signature in May 2011, is the most far-reaching binding instrument in the world in its field. Through its triple focus on protecting victims, prosecuting perpetrators and modifying social attitudes, underpinned by a strong and innovative monitoring system, it can potentially save and change the lives of millions of victims, tangibly improving the status of women in Europe and beyond.

But for all of this to happen, it must first enter into force, then be translated into law – and finally be put into effect on the ground – by as many states as possible. So far it has been ratified by Turkey and signed by 16 other Council of Europe member states. Those that have not signed should do so, with rapid ratification to follow, ideally without reservations. Member states should already be getting the ball rolling, raising awareness and beginning to adapt their legislation.

Meanwhile, UN Women and the Inter-Parliamentary Union could encourage non-member states to accede, thus beginning a worldwide process of change. For its part, the Assembly could appoint a

General Rapporteur on violence against women, whilst the Council of Europe could appoint a Special Envoy on Gender Equality to give high-level political impetus to its unique work in this vital area.

Contact in the secretariat: Sonia Sirtori, tel. 2370.

Statement by Michelle Bachelet, United Nations Under-Secretary-General and Executive Director of UN Women

◆ **The functioning of democratic institutions in Ukraine**

Doc. 12814

Report of the Monitoring Committee

Co-rapporteurs: Mailis Reps (Estonia, ALDE) and Marietta de Pourbaix-Lundin (Sweden, EPP/CD)

The Monitoring Committee is concerned by numerous shortcomings in the trials for “abuse of office” and “exceeding official powers” currently taking place against former government members in Ukraine. The articles of the criminal code used to bring these cases are overly broad, according to the committee, and effectively allow for *post-facto* criminalisation of normal political decision-making. It should be up to parliaments, and ultimately the electorate, rather than the courts to assess political decisions.

For all these reasons, charges based on these articles – including those against former Prime Minister Yulia Tymoshenko – should be dropped, the committee declares, and the articles themselves promptly removed. Former Interior Minister Jurij Lutsenko and former Defence Minister Valeriy Ivashenko should also be released at once on humanitarian grounds because of their rapidly deteriorating health.

But these problems are not new: they can be traced back to systematic deficiencies in Ukraine’s justice system, of longstanding concern to the Assembly. It is time Ukraine took the specific steps the Assembly has been calling for to increase the independence of the judiciary, reduce excessive detention on remand, and end the existing bias in favour of the prosecution.

None of this will be possible, however, without comprehensive constitutional reform – clearly spelled out in earlier Assembly texts – which the President and parliament should now promptly initiate. Finally, the committee makes a series of recommendations for further changes in Ukraine’s election law.

Some 17 years after Ukraine joined the Council of Europe, the committee concludes, major accession commitments remain unfulfilled and there are signs that the drive for an ambitious reform programme initially announced by the authorities in Ukraine seems to be waning.

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

The Joint Committee, which is the organ of co-ordination between the Committee of Ministers and the Parliamentary Assembly, meets at 7 p.m., or at the end of the sitting, in Room 5. Items on the agenda include current political events and reform of the European Court of Human Rights.

Friday 27 January 2012

☞ Morning (10 a.m.-1 p.m.)

◆ **Enforced population transfer as a human rights violation**

Doc. 12819

Report of the Committee on Legal Affairs and Human Rights

Rapporteur: Egidijus Vareikis (Lithuania, EPP/CD)

Opinion of the Committee on Migration, Refugees and Displaced Persons

Rapporteur: Tuğrul Türkeş (Turkey, EDG)

Enforced population transfers are a complex phenomenon, the policy and practice of which has been largely absent from the human rights debate. They occur under varying circumstances ranging from war and post-war situations to internal conflicts, even in peacetime. They include the removal as well as the resettlement of persons, within or across the boundaries of a state. In the past, enforced population transfers used to be accepted as a means to settle political, ethnic and religious conflicts. Nowadays, they are rightly considered as serious violations of international law.

While no single legal principle can be applied to all enforced population transfers, they may conflict with public international law principles such as the right to self-determination, with international human rights law and, in times of war, with international humanitarian law. Furthermore, enforced population transfer can trigger state responsibility, including an obligation to make reparations. As violations of international criminal law, they can trigger the rules of individual criminal responsibility.

The report strongly condemns any form of enforced population transfer. Member states of the Council of Europe are invited to condemn any such practice, including in their international relations with states outside Europe, to properly revisit their own past behaviour and to promote, in international fora, the adoption of an international, legally binding instrument which consolidates the existing standards set out in different international law instruments and defines and outlaws all forms of enforced population transfers.

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

◆ **Demographic trends in Europe: turning challenges into opportunities**

Doc. 12817

Report of the Committee on Migration, Refugees and Displaced Persons

Rapporteur: Nursuna Memecan (Turkey, ALDE)

While the global population is on the rise, having recently reached a new milestone of 7 billion, Europe's population is proportionally diminishing. Council of Europe member states currently make up 12 per cent of the world's population, expected to decline to 9 per cent by 2050. By then, however, more than a third of the European population will be over 60 years old.

Despite declining fertility rates and the ageing of its population, Europe still has the opportunity to compete and remain economically and politically influential within these new dynamics. Member states are therefore invited to encourage innovation and technology, to increase investment in "human capital" and to treat migrants in particular as a major asset. Through implementing family-friendly policies,

providing better opportunities for education and lifelong learning, encouraging active ageing, combating age discrimination and optimising human well-being, Europe's citizens will be able to realise their full potential.

Contact in the secretariat: Agnès Nollinger, tel. 2288.

◆ **Constitution of the Standing Committee**

◆ **Closure of the first part of the 2012 Ordinary Session**

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 January 2012 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, 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 23 January: Monday 23 January at 12 noon;
- for debates on Tuesday 24 January: Monday 23 January 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 49.3 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 53 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 57).

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 43.6).

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 50.4).

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 52) 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 building 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 19.2). 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 and Partners for Democracy – 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 4 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 58.2 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 39.9 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 41.3).

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

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Table Office

(Speakers' lists, questions and amendments)

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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 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.