



AS/Per (2012) PV 03
10 January 2012

Standing Committee

Minutes¹

**of the meeting held in Andorra la Vella (Andorra)
on 30 November 2012**

¹ Approved by the Assembly on 21 January 2013.

1. OPENING OF THE MEETING

Mr Mignon, President of the Assembly, opened the meeting at 9 am. He welcomed the priorities of the Andorran chairmanship, which were focused on the Council of Europe's initial remit of "safeguarding and promoting human rights and fundamental freedoms". One way of guaranteeing their effective implementation lay in co-operation between the two statutory organs, which had now become fact, as demonstrated by the recent joint visit by the President of the Parliamentary Assembly and the Chairman of the Committee of Ministers to Tunisia. The Assembly shared and supported the Andorran priorities: EU accession to the European Convention on Human Rights and youth issues.

2. WELCOME ADDRESS BY MR VICENÇ MATEU ZAMORA, SÍNDIC GENERAL OF THE CONSELL GENERAL OF ANDORRA

Mr Mateu Zamora welcomed the Standing Committee, which was meeting on the occasion of the first Andorran chairmanship of the Committee of Ministers. For six months, the Committee of Ministers would seek to achieve the priorities of the European project which Andorra had drawn up with Armenia and Austria respectively. Among other things, the aim was to follow up the decisions set out in the Interlaken, Izmir and Brighton declarations and action plans and to conclude the negotiations on EU accession to the European Convention on Human Rights. However, the Andorran chairmanship's top priority remained education, geared towards democracy and human rights and the defence of linguistic and cultural diversity. Education was an on-going process which was not confined to the dissemination of knowledge. In Andorra, the organisation of education according to three systems (Andorran, French and Spanish) brought cultural enrichment and preserved national identity, while facilitating the recognition of qualifications in a borderless labour market. In today's world of growing tensions, the Council of Europe and its many bodies should continue to work to establish and consolidate the foundations for democratic coexistence.

3. EXCHANGE OF VIEWS WITH MR GILBERT SABOYA SUNYÉ, MINISTER FOR FOREIGN AFFAIRS OF ANDORRA AND CHAIRPERSON OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

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Mr Saboya Sunyé welcomed the members of the Standing Committee to Andorra and praised his country's co-operation with the Council of Europe and its Parliamentary Assembly. He presented the priorities of the Andorran chairmanship of the Committee of Ministers (address set out in Appendix II to these minutes).

The President thanked Mr Saboya Sunyé.

Mr Volontè welcomed the priorities of the Andorran chairmanship, which focused on the Council of Europe's statutory objectives, and wondered what contributions the Parliamentary Assembly and, in particular, the Monitoring Committee could make. **Mr Saboya Sunyé** underlined the importance of internal co-ordination within the organisation. Each entity within the Council of Europe should be able to help advance its values. Joint visits by the Chairman of the Committee of Ministers and the President of the Parliamentary Assembly demonstrated the synergy between the two bodies, which the Andorran chairmanship wished to consolidate still further. Another joint visit would be planned. Moreover, exchanges of views between the Parliamentary Assembly rapporteurs and the chairs of the Ministers' Deputies' rapporteur groups were now a regular practice. Consideration should be given to a new more informal approach to co-ordination between the two statutory bodies. The work done by the Monitoring Committee was an opportunity for collecting and exchanging best practices on specific issues.

Mr Beneyto wondered about what was happening with the process of EU accession to the Convention on Human Rights and, more generally, the relations between the Council of Europe and the EU. **Mr Saboya Sunyé** said that in June 2012 the Committee of Ministers had instructed the Steering Committee for Human Rights (CDDH) to continue the negotiations with the European Union through an ad hoc group in order to finalise the legal instruments establishing the details of EU accession to the convention. The ad hoc group had held several meetings since then and the Andorran chairmanship would seek to ensure that the negotiations stuck to the agreed timetable. In more general terms, the two institutions were working together in several areas, including implementation of the neighbourhood policy.

In reply to **Mr Rouquet's** question about the measures to consolidate the European Court of Human Rights, **Mr Saboya Sunyé** reiterated the importance of the Court as a control mechanism which promoted the values that underpinned the Council of Europe. Amendments to the European Convention on Human Rights

which were being negotiated would be submitted to the Parliamentary Assembly for opinion, as would a possible draft Protocol No. 15. The Andorran chairmanship was willing to consider any new measures which might emerge from these negotiations. However, it was necessary, first of all, to take full advantage of the existing procedures which had proved effective, such as the filtering procedure introduced under Protocol No 14.

Mr Diaz Tejera wondered how the work of the Council of Europe and the European Convention on Human Rights could be promoted in the current economic and political context, which was marked by distrust of political leaders. Did promoting the Council of Europe's values stop at Europe's borders and what role if any would be assigned to the North-South Centre here? **Mr Saboya Sunyé** referred to the way in which the Andorran media covered the activities of the Council of Europe and its monitoring bodies from the angle of ordinary citizens' daily concerns. This approach eliminated the theoretical dimension and showed the public the practical impact of the measures taken. In addition, a campaign to raise awareness of the rights enshrined in the Human Rights Convention involving media figures whose images would be linked to given aspects of the convention would be a means of reaching specific target groups, in particular young people. The Council of Europe's values extended beyond Europe, as demonstrated by its close co-operation with other international organisations through the neighbourhood policy. A working group had been tasked with presenting a way forward for the North-South Centre in May 2013.

Mr Walter wondered about the organisation's financial prospects in the light, in particular, of the salary increase announced for 2013, which went against the trend noted in national parliaments, which were freezing or even reducing their expenditure on salaries. **Mr Saboya Sunyé** pointed out that the 2012-2013 biennial budget had been adopted on the basis of zero growth, which meant that particular attention had been paid to issues relating to the organisation's staff expenditure. The 2% increase announced was lower than the possible increase and therefore demonstrated the desire to control the organisation's expenditure. The Secretary General of the Council of Europe had developed several measures to manage expenditure, for instance, the proposed new pension scheme, the early retirement procedures and a new contractual policy. All these measures would ensure the long-term existence of the organisation, which absolutely had to be provided with enough resources of its own to be able to carry out its tasks.

Mr Mota Amaral wished to know what contributed to the success of integration and social cohesion in Andorra. Given the specific nature of the Andorran experience, **Mr Saboya Sunyé** preferred to give a descriptive reply rather than suggest a universal method. Beyond the aspect of economic prosperity, education was a decisive element. The coexistence of three education systems meant that cultural diversity and multilingualism were an integral part of the country's national identity. Moreover, the various cultural communities who had settled in Andorra, which had welcomed newcomers for centuries, had, in turn, helped to forge an identity which was now specific to Andorra.

Mr Agius wondered about the means used to preserve national identity against the background of high levels of immigration. In addition, what action would the chairmanship take concerning the Council of Europe's neighbourhood? Lastly, was there a remedy for shortcomings in dealing with alienation in learning democratic citizenship? **Mr Saboya Sunyé** said it was important for a country's entire population to benefit from its economic prosperity and its education system. Andorra had begun the process of opening up to the outside world by recently abolishing the length of stay requirement for granting economic rights for the residents and the exercise of liberal professions, for which the only requirement was now reciprocity on the part of countries of origin. As far as the neighbourhood policy was concerned, apart from the measures which had been mentioned, the Andorran chairmanship welcomed the tools at the Council of Europe's disposal, of which greater use should be made, for instance the basis for co-operation offered by the partner for democracy status and the constitutional assistance of the Venice Commission. The discussions on education to be held at the three conferences during the Andorran chairmanship would provide practical proposals for countering the shortcomings in education for democratic citizenship.

4. EXAMINATION OF NEW CREDENTIALS

Doc. 13077

The Standing Committee **ratified** the credentials of the new representatives and substitutes, as set out in Doc. 13077.

5. CHANGES IN THE COMPOSITION OF COMMITTEES

Commissions (2012) 08
+ Addendum 1

The Standing Committee **approved** the changes in the composition of Assembly committees, as set out in document Commissions (2012) 08 and Addendum 1.

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

The President announced that a request for a current affairs debate on “The case of Malala Yousafzai and the right to education for young women” had been presented by Mr Volontè on behalf of the EPP/CD group. At its meeting the previous day, the Bureau had agreed to recommend to the Standing Committee not to hold a current affairs debate but hold a debate on current political questions, during which the case mentioned by Mr Volontè would be debated as the first issue.

The Standing Committee **agreed** that a debate on current political questions would be held under item 10 of the agenda and proposed discussing the case mentioned by Mr Volontè as the first issue.

7. AGENDA

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The revised draft agenda was **adopted**.

8. FIRST PART-SESSION OF THE ASSEMBLY (21-25 JANUARY 2013)

AS/Bur (2012) 74 rev

Under Rule 26.4 of the Assembly’s Rules of Procedure, the Standing Committee **took note** of the draft agenda for the first part-session in 2013.

9. REFERENCES TO COMMITTEES AND TRANSMISSIONS FOR INFORMATION

AS/Bur (2012) 66

The Standing Committee **approved** the references to committees and transmissions for information, as set out in Appendix III.

10. DEBATE ON CURRENT POLITICAL QUESTIONS

Mr Volontè said that the EPP/CD group wished to draw the attention of the Assembly and the Council of Europe in general to the case of Malala Yousafzai. The 15-year-old campaigner for girl’s right to education had been targeted on 9 October 2012 by a Taliban commando group, who had been seeking to intimidate other girls through their action. At present, over 32 million women, including in non-Muslim countries, were denied access to education, and there was an increasing trend to deny that right. UN Secretary General Ban Ki-Moon had dedicated 10 November to Malala Yousafzai to underline the importance of the universal right to education. Gordon Brown, the former British Prime Minister, was going to hand over to the Pakistani government a petition signed by over 1 million people reflecting the concern of the international community.

Mr Gross thanked Mr Volontè for raising the matter. The United Kingdom government had responded appropriately to the situation by providing medical treatment for Malala Yousafzai. The Council of Europe should give consideration to a mechanism for providing support, including in the form of medical treatment, to the brave civil society activists in Africa, Asia and Latin America who were the victims of the regimes in power. A Parliamentary Assembly committee could look into how it should operate.

The President believed that the Bureau of the Assembly was a more appropriate forum for discussing the proposal.

Mr O’Reilly thanked Mr Volontè, as it was necessary to show support for all girls who were denied education, which was a flagrant injustice. The action of the United Kingdom government here should be praised.

Ms Woldseth agreed with Mr Volontè and called for support for the candidature of Malala Yousafzai for the Nobel peace prize. A related question was the situation in Egypt and the strengthening of the vertical power of Mohamed Morsi, allegedly for the sake of democracy. The strong involvement of the Egyptian president and his political party, the Muslim Brotherhood, in the process of drafting a new constitution could have an impact on the rights which Egyptian girls and women would have. The Council of Europe should make a declaration on the matter, underlining the importance of democratic values.

The President referred to the discussions by the Presidential Committee about boosting the Council of Europe’s human rights prize. Specific proposals would be submitted to the Parliamentary Assembly shortly.

Mr Agius said it was unfortunate that the case of Malala Yousafzai had not been dealt with in a current affairs debate, as it raised many questions relating to the vulnerability of women and intercultural and

interfaith issues. He endorsed Mr Gross' position and said that the proposed support mechanism would raise the profile of the Council of Europe. Providing medical treatment for torture victims also made it possible to obtain tangible evidence against regimes.

Mr Mota Amaral regretted the fact that the general public remained largely unaware of cases like that of the 112 Bangladeshi girls burned alive in a factory producing clothes for major multinational and European brands. The Council of Europe should encourage European governments to impose a ban on the import of products manufactured by minor children in forced labour that was tantamount to slavery.

ADOPTION OF THE DECLARATION "COUNTERING VIOLENCE AGAINST WOMEN: THE ECONOMIC CRISIS SHALL NOT PUT IT ON HOLD"

In connection with the International Day for the Elimination of Violence against Women (25 November 2012), the Standing Committee adopted the declaration "Countering violence against women: the economic crisis shall not put it on hold", which is set out in Appendix IV below.

11. OBSERVATION OF ELECTIONS

- a. Observation of the parliamentary elections in Georgia (1 October 2012)** Doc. 13068
Rapporteur of the Ad hoc Committee of the Bureau:
Mr Luca Volontè (Italy, EPP/CD)

The ad hoc committee had observed the elections as part of the International Election Observation Mission (IEOM), which had also included delegations from the Parliamentary Assembly of the OSCE, the European Parliament, the Parliamentary Assembly of NATO and the OSCE/ODIHR Election Observation Mission. During the pre-electoral visit and the main visit, the committee had both observed the conduct of the polling and also assessed the overall political context. The campaign had been marked by tension, in particular between the two main political groupings, the former parliamentary majority represented by the party of the current president, Mr Saakashvili, and the Georgian Dream coalition headed by Mr Ivanishvili. The overall assessment by the international community had been positive, in particular because some recommendations made at the pre-electoral stage had duly been taken into account. The Georgian people had been able freely to express their will on polling day. The constructive approach taken by the two leaders had contributed to the smooth conduct of the elections. The experience of some European countries showed that the political cohabitation of the kind now taking shape in Georgia was a fragile process. While the structural reforms which the new parliament was going to undertake required a parliamentary majority, they also needed a constructive opposition. However, the current climate seemed to be deteriorating and confidence was weakening – although that was not the subject of the report in question.

The Standing Committee **took note** of the report.

- b. Observation of the early parliamentary elections in Montenegro (14 October 2012)** Doc. 13069
Rapporteur of the Ad hoc Committee of the Bureau:
Mr Christopher Chope (United Kingdom, EDG)

Mr Chope said that the elections had been characterised by a large number of new political parties, which had won a considerable number of votes. Even though the existing government had remained in power, the membership of parliament had changed substantially following the elections, which had been genuinely democratic. There had been differing opinions within the international election observation mission. Mr Ahrens, head of the OSCE/ODIHR mission, had said that "the small number of complaints brought to the attention of the authorities reflected a lack of trust in the complaint system". For his part, the rapporteur had underlined cases of abuse of administrative resources and a lack of transparency in the election campaign funding. However, no criticism had been voiced by Mr Batelli, head of the OSCE Assembly delegation, who had seemed to have particularly close working relations with the government. That underlined the importance of establishing a procedure for declaring conflicts of interest, which was under discussion at the Parliamentary Assembly. In conclusion, in spite of the shortcomings noted, great progress had been made in terms of free and democratic elections and this would have to be monitored in future.

The Standing Committee **took note** of the report.

c. **Observation of the parliamentary elections in Ukraine (28 October 2012)**

Doc. 13070

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

The rapporteur deplored the way in which the elections in Ukraine had been organised and, unlike the rapporteurs who had spoken before, was unable to say that there had been a victory for democracy. The election results did not allow the representation in parliament of the public, whose interests had been sidelined by those of groups of oligarchs. The issues discussed by the new parliament would therefore concern interests of financial groups rather than those of the public. All the delegations in the international observation mission had been unanimous in their conclusions, which confirmed the rapporteur's position. The electoral process, which had begun well before polling day, had been dominated by money, resulting in the exclusion of smaller groups of citizens. The Venice Commission's recommendations concerning the electoral legislation had not been duly taken into account. The new system combining proportional representation with a number of single-seat constituencies had not enabled the democratic will of the people to be expressed: campaigning under the proportional representation system had required large sums of money, while the rules for the second system had not been objectively defined and it had also required important spending. The election system, the appointment of the boards responsible for vote counting and various other factors had led to the dominance of the ruling authorities, which had remained in power. As far as counting was concerned, the results for some constituencies had still been unavailable a week after the elections. The media environment had been biased: many television stations belonged to candidates from the ruling party, which had also had no qualms about using the public service channels. The two imprisoned opposition leaders had been unable to stand. In conclusion, the elections could not be described as democratic, which undermined their public legitimacy.

A post-electoral visit, which would include the Monitoring Committee's co-rapporteurs, would make it possible to respond swiftly to developments after the elections.

Mr O'Reilly thanked Mr Gross for heading the ad hoc committee and preparing a detailed report. In Kyiv, the atmosphere on polling day had been calm and there had been no incidents. To some extent, the length of the counting process in certain constituencies had helped ensure that it had been thorough. However, this conclusion did not call into question the findings about the pre-electoral situation.

Ms Pourbaix-Lundin said that, even though from a technical point of view, there had been no flagrant attempts to influence voting on polling day, the situation had been different concerning the counting procedure, in particular the transmission and input of data. The pre-electoral context, which had seen abuse of administrative resources, biased media coverage and the inability of the two opposition leaders to stand as candidates, had affected the election process as a whole. Notwithstanding the Venice Commission's recommendations, the majority of political parties had decided to introduce a hybrid electoral system. As the opposition seemed to have accepted the outcome of the elections, a post-electoral visit was unnecessary. Any problems could be dealt with by the Monitoring Committee within its terms of reference.

Mr Popescu acknowledged that the following shortcomings stemmed from the electoral legislation: the composition of the electoral commissions determined by the drawing of lots from among representatives of all parties, including those having fielded only one candidate; the two-week delay in publishing the final results; and a lack of specific regulations on campaign funding, which, in the absence of public funding, had been drawn from contributions from party members.

Contrary to the claim in paragraph 13 of the report, the draft legislation on the elections had been drawn up by a committee comprising all political parties and chaired by a member of the opposition. The opposition had also turned down certain proposals by the Party of Regions on taking account of the concentration of national minority groups when defining constituency boundaries which had followed on from Assembly Resolution 1862 (2012). The report omitted some information, for instance the fact that the inability of candidates serving prison sentences to stand stemmed from Article 76.3 of the Constitution, as well as disclosure of the income of opposition candidates, which amounted to millions in the case of Mr Klychko, leader of the UDAR party, and billions in the case of the Batkivshchyna candidate, Mr Zhevago.

The rapporteur acknowledged that the television channels with the highest ratings had focused their coverage on the Batkivshchyna party. All defections by candidates to other political parties had been to the benefit of the opposition. The video monitoring system, which had been used for the first time, had prevented fraud on polling day. The quashing of the results in five constituencies did not detract from the overall election process, which had been positively assessed by many observation missions.

According to **the rapporteur**, the involvement of big finance in the elections also concerned the opposition. Paragraph 13 did indicate that the opposition had accepted the draft electoral legislation. Even

though video monitoring had been used on polling day, there had been no live monitoring of vote counting and data input. A post-electoral visit would give more members a greater insight into the political situation in Ukraine.

The Standing Committee **took note** of the report.

12. LEGAL AFFAIRS AND HUMAN RIGHTS

Human rights and family courts

Doc. 13060

*Rapporteur of the Committee on Legal Affairs and Human Rights:
Mr Christopher Chope (United Kingdom, EDG)*

The rapporteur said that the committee's aim had been to support the current position of the Court of Human Rights, which sought to ensure compliance with Article 8 of the Convention, which protected children's right to be brought up by their biological parents. Children could only be taken away from their biological parents in exceptional circumstances. The motion for a resolution had followed on from concerns regarding the operation of family courts, which often seemed to flout the right to respect for family life. While the United Nations Convention on the Rights of the Child, which had been widely ratified, afforded children the right to protection and specialist assistance, the text also required states to respect parents' rights and duties and to provide them with appropriate assistance. The amendments presented had not been considered by the committee and, in his view, ran contrary to the desired objective of the report and the draft resolution.

Ms Wodseth welcomed the report because she had entered politics 25 years previously precisely because of the issue of the placement of children in care facilities. In Norway, 7 000 children were currently in care and it was important to make sure that they could maintain contact with their biological families. Some amendments referred to the best interests of the child, a concept which was difficult to define. In Norway, in the absence of family courts, placements were decided by officials and child education experts without account always being taken of the important aspect of biological ties.

Ms Maury-Pasquier stressed that the amendments did not run contrary to the main idea of the report, which was to prevent a now widespread practice of removing children from their families whenever difficulties in meeting their needs were noted. The amendments therefore sought to strengthen the role of the family, which should be supported by the authorities.

Ms Nachtmannova referred to Slovakia's legislation, which allowed adoption in very limited cases and subjected it to strict requirements. Apart from the establishment of legal rules, all public mechanisms should be harnessed in order to safeguard children's rights.

Mr Rouquet said that his two amendments were intended to extend the protection afforded to biological parents to other types of situation, which was why it was necessary to refer to parents in general. A proper balance had to be struck between the scope for action which states had on account of their obligations and the protection of the family unit.

Ms Memecan said that the care facilities mentioned in the report were institutions which had been set up to protect children against abuse and to support families when necessary. However, some families of Turkish origin living in Germany and Austria were challenging abuses committed by certain institutions. For instance, children were removed from their families merely because social workers were not familiar with their ways of life. Yet the authorities had to respect the family's vital role in teaching cultural, educational and religious values. In breach of the provisions of German law, which imposed strict conditions on removal and required children to be placed in environments similar to their family environments, children of Turkish origin were placed in foster families of German origin or in fosterhomes, thereby breaking down cultural, linguistic and religious ties. A targeted awareness-raising campaign could increase the number of foster families of Turkish origin in Germany and Austria. The authorities in the two countries were also invited to introduce a system for monitoring the activities of the relevant institutions so as to put an end to practices of this kind.

Mr O'Reilly referred to a new article strengthening children's rights inserted in the Irish constitution by a referendum held in November 2012. Cultural and societal differences lay behind the difficulty in adopting a general approach to the issue in question – in Ireland, contrary to the cases mentioned above, the argument of the importance of family unity had apparently sometimes been used by the authorities to the detriment of children's rights.

Mr Volontè welcomed the rapporteur's work and said that the amendments proposed by Ms Maury-Pasquier and Ms Rupprecht would extend the scope of the resolution too far. Compromise wording based on

consultation with the rapporteur would have been preferable. However, he would support the first two amendments presented by Mr Rouquet.

The rapporteur welcomed the contributions, which demonstrated the sensitivity of the issue against the background of the cultural differences between each individual country. Natural parents' right to bring up their biological children should remain the fundamental principle.

Amendments No. 1 and No. 2 **were adopted**. Amendment No. 3 **was rejected**. The oral sub-amendment to delete the word "biological" from Amendment No. 4 **was rejected**, as were Amendments Nos. 4 and 5. Amendments Nos. 6, 7 and 8 **were withdrawn**.

The draft resolution, as amended, set out in Doc. 13060 **was adopted** [Resolution 1908 (2012)].

13. SOCIAL AFFAIRS, HEALTH AND SUSTAINABLE DEVELOPMENT

Intercountry adoption: ensuring that the best interests of the child are upheld

Doc. 13059

*Rapporteur of the Committee on Social Affairs, Health and Sustainable Development:
Ms Marlene Rupprecht (Germany, SOC)*

In the absence of the rapporteur, the report was presented by **Ms Maury-Pasquier**, who called for national procedures for intercountry adoptions to uphold the best interests of the child because adoption remained a traumatic experience even if it was the best solution for the child. Professional supervision and transparent procedures were needed to prevent "child trafficking" to western Europe, in particular, for the benefit of couples wishing to adopt. Cases of children being separated from their family circles for no sound reason or of families being encouraged to give up their children on account of better prospects had recently been reported in the press. Given that situation and the inadequacy of international standards, the Parliamentary Assembly should call on member states to establish and properly implement strict rules covering several aspects of adoption procedures, including the ratification of existing standards and exchanges of best practice. The Parliamentary Assembly's general rapporteur on children had proposed that the Council of Europe's activities regarding children's rights should in future be placed under the three headings of protection, promotion and participation.

Mr Popescu wished to place particular emphasis on the second part of the title of the report ("ensuring that the best interests of the child are upheld"). Ukraine pursued a policy geared towards domestic adoption and population growth.

Ms Nachtmannova referred to the much publicised case of the placement of Slovak children with a foster family in the United Kingdom and said that the two children's grandmother had just won a ruling that they should be returned to Slovakia.

Mr Volontè endorsed the report and called on members to support the resolution listing the steps which countries should take to prevent abuses related to intercountry adoption.

Mr Diaz Tejera said that the safeguards in place should also be valid for domestic adoption procedures. The intercountry adoptions which he had come across in his constituency could all be described as successful. The new families had opened up better prospects for the children concerned.

Ms Maury-Pasquier thanked the speakers and said that the report followed on from the discussion about the humanitarian crisis in Haiti, hence the desire to address intercountry adoption, which sometimes involved specific aspects.

The President closed the debate. **Ms Maury-Pasquier** presented a sub-amendment to Amendment No. 1 and a sub-amendment to Amendment No. 2, to which there were no objections. Both sub-amendments and the corresponding amendments **were adopted**.

The President put the draft resolution set out in Doc. 13059, as amended, to the vote and it **was adopted** unanimously [Resolution 1909 (2012)].

14. EQUALITY AND NON-DISCRIMINATION

NGOs' role in combating intolerance, racism and xenophobia
Rapporteur of the Committee on Equality and Non-Discrimination:
Ms Federica Mogherini-Rebesani (Italy, SOC)

Doc. 13057

The rapporteur made two points: the number of racially motivated or xenophobic violent acts was increasing, while nationalist messages were becoming more widespread in political discourse outside the traditional nationalist spectrum. In order to prevent and eradicate trends of this kind, governments and parliaments should recognise them, shoulder their responsibilities and establish working relations with the relevant NGOs. Cooperation with NGOs would prevent racist acts by promoting active citizenship and raising awareness about "living together", while making minorities' voices heard. Assigning NGOs the key role would also acknowledge their ability to promote policies and liaise between the national and local level. Lastly, their efforts to denounce conflicts, provide victim support and assist with access to justice would also be highlighted. The draft resolution set out a list of practical steps designed to support and encourage NGOs and foster effective dialogue with all the players concerned, while focusing particular attention on the issues of youth and education.

Ms Memecan was worried about the dimension which discrimination, intolerance and xenophobia were assuming in Europe, according to statistics published at European level. Large numbers of Roma, North African nationals, Turks and Russians felt they were the subject of racist attacks. "Fear of the other" was an issue which had been discussed several times by the Assembly. Multicultural societies were a reality in contemporary Europe, which was why it was necessary to tackle the source of the fear rather than the consequences, of which xenophobia was one of the manifestations. Hence the role of NGOs, whose action was effective because of their closeness to the grassroots. The Council of Europe should launch a "Virtue of diversity" initiative tying in with the priorities of the Andorran chairmanship, to be implemented by NGOs.

Mr Popescu thanked the rapporteurs for raising important issues. Some political parties in Hungary and Ukraine, for instance, used messages of intolerance. Worse still, certain traditional political parties formed coalitions with extremist parties. This trend, which was sometimes seen as a mere electoral strategy, acquired a new dimension when specific cases of intolerance or racism were identified by NGOs. The Andorran chairmanship should support Ms Memecan's proposal in order to counter the spread of racism and intolerance throughout Europe.

Mr Volontè was disappointed that Resolution 1778 (2010) on Promoting volunteering in Europe was not mentioned in the draft resolution.

Ms Brasseur urged the Committee on Social Affairs, Health and Sustainable Development to look into the issue of the often limited field of action in which NGOs were required to operate.

The rapporteur agreed with Ms Memecan about the importance of prevention and the need to conduct an awareness-raising campaign aimed primarily at young people affected by the current economic situation who were susceptible to racist indoctrination. Resolution 1778 (2010) was still relevant and supplemented the present draft resolution. It would be important to boost NGOs' capacity to act openly and independently.

Ms Acketoft pointed out that the action of NGOs should complement rather than replace the work done by national governments and parliaments.

The draft resolution set out in Doc. 13057 **was adopted** unanimously [Resolution 1910 (2012)].

15. RULES OF PROCEDURE, IMMUNITIES AND INSTITUTIONAL AFFAIRS

The status of the chairpersons of political groups in committees
 (Rule 18.5 of the Rules of Procedure of the Assembly)
Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs:
Mr Arcadio Díaz Tejera (Spain, SOC)

Doc. 13058

The rapporteur proposed that the chairpersons of Parliamentary Assembly political groups be granted the status of *ex officio* members on the Committee on Political Affairs and Democracy and the Monitoring Committee. The proposal gave legitimacy to the role within the decision-making process of political groups, whose positions should carry the same weight as the individual positions of members and those of national delegations.

Ms Pourbaix-Lundin wondered about how the proposal fitted in with the positions of the committees, the majority of which wished to maintain the status quo.

According to **the rapporteur**, who had considered all the committees' positions, the proposal was an appropriate solution which would improve the functioning of the Assembly. It struck a balance between a range of considerations and reasserted the moral authority of the political groups.

Ms Brasseur and **Mr Volontè** said that they had a potential conflict of interest because they were chairs of Parliamentary Assembly political groups.

The draft resolution set out in Doc. 13058 **was adopted** [Resolution 1911 (2012)] with one abstention.

16. OTHER BUSINESS

Mr Zingeris wished the Assembly to take a stance on the statement by a member of the Jobbik party in Hungary, who had recently called for the identification of members of the Hungarian government and parliament who were of Jewish origin.

The President said that the Secretary General of the Council of Europe had already issued a condemnation of proposals of this kind, and joined in the condemnation.

Mr Koszorus also joined in the condemnation of the proposals, which he said were despicable.

17. NEXT MEETING

The Standing Committee **agreed** to hold its next meeting in Paris on 8 March 2013.

The meeting **rose** at 1.15 pm.

APPENDIX I

LIST OF PARTICIPANTS

President of the Parliamentary Assembly / Président de l'Assemblée parlementaire

M. Jean-Claude MIGNON France

Chairpersons of Political Groups / Président(e)s des groupes politiques

Mr Luca VOLONTÈ Group of the European People's Party /
Groupe du Parti populaire européen

Mr Andreas GROSS Socialist Group / Groupe socialiste

Mme Anne BRASSEUR Alliance of Liberals and Democrats for Europe /
Alliance des démocrates et des libéraux pour l'Europe

Mr Robert WALTER European Democrat Group / Groupe démocrate européen

Vice-Presidents of the Assembly / Vice-président(e)s de l'Assemblée

Mr João Bosco MOTA AMARAL Portugal

Mr Robert WALTER United Kingdom

Ms Marietta de POURBAIX-LUNDIN Sweden

Mr Gebhard NEGELE Liechtenstein

Ms Karin S. WOLDSETH Norway

Mr Luigi VITALI Italy

Mr Emanuelis ZINGERIS Lithuania

Mr Francis AGIUS Malta

M. Ivan POPESCU Ukraine

Mr Leonid SLUTSKY Russian Federation

M. Fernand BODEN Luxembourg

Mr José María BENEYTO Spain

Ms Oľga NACHTMANNOVÁ Slovak Republic

M. René ROUQUET France

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

Mme Meritxell MATEU PI Andorre

Mr Samad SEYIDOV Azerbaijan

M. René ROUQUET France

Mr László KOSZORÚS Hungary

Mr Joseph O'REILLY Ireland

Mr Luigi VITALI Italy

Ms Inese LĪBIŅA-EGNERE Latvia

Mr Gebhard NEGELE Liechtenstein

Mr Emanuelis ZINGERIS Lithuania

M. Fernand BODEN Luxembourg

Mr Francis AGIUS Malta

Mr Hans FRANKEN Netherlands

Ms Karin S. WOLDSETH Norway

Mr Mariusz KAMIŃSKI Poland

Mr João Bosco MOTA AMARAL Portugal

Mme Liliane MAURY PASQUIER Suisse

M. José María BENEYTO Espagne

Ms Oľga NACHTMANNOVÁ Slovak Republic

Ms Marietta de POURBAIX-LUNDIN Sweden

Mme Liliane MAURY PASQUIER Suisse

Ms Nursuna MEMECAN Turkey

M. Ivan POPESCU Ukraine

Mr Robert WALTER United Kingdom

Chairperson of the Committee on Legal Affairs and Human Rights / Président de la Commission des questions juridiques et des droits de l'homme

Mr Christopher CHOPE United Kingdom

Chairperson of the Committee on Social Affairs, Health and Sustainable Development / Présidente de la Commission des questions sociales, de la santé et du développement durable

Mme Liliane MAURY PASQUIER Suisse

Chairperson of the Committee on Equality and Non-Discrimination / Présidente de la Commission sur l'égalité et la non-discrimination

Ms Tina ACKETOFT Sweden

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

Mr Arcadio DÍAZ TEJERA (in the absence of the Chairperson / en l'absence du Président) Spain

Rapporteurs / Rapporteur(e)s (not members of the Standing Committee / non-membres de la Commission permanente)

Ms Federica MOGHERINI REBESANI Italy

Other members of the Assembly / Autres de membres l'Assemblée

M. Josep Anton BARDINA PAU Andorre

Ms Sílvia Eloïsa BONET PEROT Andorra

M. Gerard BARCIA DUEDRA Andorre

Mr Irakli CHIKOVANI Georgia

Invited personalities / Personalités invitées

Mr Gilbert SABOYA SUNYÉ Minister for Foreign Affairs of Andorra, Chairperson of the Committee of Ministers of the Council of Europe / Ministre des Affaires étrangères de l'Andorre, Président du Comité des Ministres du Conseil de l'Europe

Mr Vicenç MATEU ZAMORA Síndic General of the Consell General of Andorra/ Síndic General du Consell General de l'Andorre

Delegation Secretaries / Secrétaires des délégations

Mr Erick GARASA MIGNORANCE Andorra

Ms Sonja LANGENHAECK Belgium

Ms Martina PETEK-STUPAR Croatia

Ms Tanja ESPE Estonia

M. Michel BERMOND France

Mr Michael HILGER Germany

Ms Sofia VERGI Greece

Ms Judit GOTTSCHALL Hungary

Mr Federico CASELLI Italy

Mr Martins OLEKŠS Latvia

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Ms Denise O'HARA EPP/CD / PPE/DC

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Ms Maria BIGDAY ALDE / ADLE

Mr Tom VAN DIJCK EDG / GDE

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

Mr Wojciech SAWICKI	Secretary General / Secrétaire Général
Mr Mário MARTINS	DirectorGeneral / Directeur Général
Ms Jane DINSDALE	Director, Political and LegalAffairsDirectorate / Directrice de la Direction des questions politiques et juridiques
Mr Petr SICH	Head of the Private Office of the President of the Assembly / Chef du Cabinet du Président de l'Assemblée
Mr Alfred SIXTO	Head of the Table Office / Chef du Service de la séance
Mme Kateryna GAYEVSKA	Secretary, Standing Committee / Secrétaire de la Commission permanente
Ms Sally-Ann HONEYMAN	Administrative Assistant, Table Office / Assistant administrative du Service de la séance
Ms Anne GODFREY	Assistant / Assistante
Mr Martin McMILLAN	Assistant / Assistant

Council of Europe / Conseil de l'Europe

Ms Gabriella BATTAINI-DRAGONI	Deputy Secretary General of the Council of Europe / SecrétaireGénéraleAdjointe du Conseil de l'Europe
Mr Hallvard GORSETH	Advisor to the Deputy Secretary General / Conseiller du SecrétaireGénéraleAdjointe
Ms Mireille PAULUS	Secretary to the Committee of Ministers / Secrétaire du Comité des Ministres

Other participants / Autres participants

M. Josep DALLARÈS	Permanent Representative of Andorra to the Council of Europe / Représentant permanent de l'Andorre auprès du Conseil de l'Europe
M. Xavier PINON	Advisor to the President of the Assembly / Conseiller du Président de l'Assemblée

APPENDIX II

Welcome address by Mr Vicenç Mateu Zamora, Síndic General of the Consell General of Andorra

Thank you, Mr President
Mr President of the Consell General,
Mr Vice-President,
Madam Secretary General,
Ladies and gentlemen,

I would like to begin by thanking you for giving me this opportunity to present the priorities of the Andorran Chairmanship of the Committee of Ministers to the Standing Committee of the Parliamentary Assembly of the Council of Europe. I am also very much looking forward to making my first appearance in January before the Parliamentary Assembly. A testament to the vigorous good health of European democracies, the Parliamentary Assembly offers us a forum in which to discuss a wide range of topics relating to the rights and living conditions of 800 million citizens.

It is just three weeks since Andorra took over the Chairmanship, something that is both an honour and a challenge. As I announced at the handover ceremony in Tirana on 9 November, we intend to carry out our work with scrupulous attention, reaching out to everyone, and endeavouring to give greater prominence to the European Convention on Human Rights, the Council of Europe and the values that it stands for.

The fact that Andorra has three free, state education systems – an Andorran one, a French one and a Spanish one – encompassing 29 nationalities and over 10,000 pupils, makes for a high degree of cultural diversity and is a very important factor in social cohesion.

That is why we have made education and initiatives aimed at young people a priority. We plan to launch a process of reflection on education as a means of promoting democratic values, respect for human rights, tolerance and intercultural dialogue. We hope that this will enable us to introduce teaching materials that can be used in education systems Europe-wide, to give pupils a common grounding in democracy and human rights. This process of reflection will be conducted, inter alia, at a conference to be held in Andorra from 6 to 8 February, on “Competences for a culture of democracy and intercultural dialogue: a political challenge and values”. Hopefully we will then be able to identify the competences and indicators that can guide trainers in this task, with the results of the work to be presented at the ministerial meeting on education in Helsinki next April.

Meanwhile, the first conference on education is taking place in Strasbourg this very day, the title being “Human Rights and Democracy in Action - Looking Ahead: The impact of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education”. We hope that the conference will be a success and will pave the way for a discussion on the aims of education and its role in teaching the citizens of tomorrow to live in a democratic and sustainable society.

This same concern for youth education and training has prompted us to organise, together with the Council of Europe, meetings of Youth Peace Ambassadors in Andorra next April. The event will be accompanied by training in mediation for young Andorrans. Andorra is also to co-host an expert seminar in March in Strasbourg, on sport in prisons and on reintegrating prisoners into society.

The European Convention on Human Rights offers a guarantee of democracy, human rights and the rule of law for future generations. Mindful of this, the Andorran Chair, with the support of the Secretary General, has decided to launch a major campaign to raise awareness about and promote the Convention, in particular through social networks by enlisting the support of both the general public and all kinds of prominent figures. A website will be set up over the next two weeks to enable us to publicise the Convention and the campaign.

In the interest of continuity, Andorra is working closely with the future Armenian and Austrian Chairs. Our common priorities cover the follow-up to the Interlaken, Izmir and Brighton conferences as well as the follow-up to the negotiations on the European Union's accession to the Convention.

Also on the agenda is Council of Europe reform, the aim being to achieve a more effective organisation.

Andorra wishes to reiterate its commitment to the Council of Europe, its “acquis” and legal instruments. During our Chairmanship, therefore, we will be signing the Convention on Cybercrime, its Additional Protocol, the Convention on preventing and combating violence against women and domestic violence and the Additional Protocol to the Criminal Law Convention on Corruption. The Convention for the protection of children against sexual exploitation and sexual abuse and the European Convention on the suppression of terrorism and its Protocol will be ratified. In addition, Andorra is eager to step up its support for the parliamentary dimension of campaigns against sexual abuse committed against children and violence against women, by means of voluntary contributions.

On a different subject, the Andorran Chairmanship is working with the Secretary General, the Parliamentary Assembly and the Congress of Local and Regional Authorities and the other Permanent Representations to provide follow-up to the various projects on the Committee of Ministers’ agenda.

To conclude, we are giving particular attention to co-operation between the various international organisations. Each one’s expertise should be brought to bear in an effective and complementary way. To this end, last week’s high-level meeting with the European Union in Strasbourg provided an opportunity to discuss various issues, not least co-operation between the two organisations in the southern Mediterranean region. Likewise, at the invitation of the Irish Chair, I also presented the Andorran Chairmanship’s priorities to the Permanent Council of the OSCE in Vienna.

Ladies and gentlemen, I will be happy to answer any questions you may have. Thank you.

APPENDIX III

Decisions on documents tabled for references to committees

A. MOTIONS FOR RECOMMENDATION AND RESOLUTION

1. **The promotion of media content on the Internet**
Motion for a resolution tabled by MsBergamini and other members of the Assembly
Doc. [13014](#)

Reference to the Committee on Culture, Science, Education and Media *for taking into account in the preparation of the report on "The right to Internet access" (Ref. 3892 of 1 October 2012)*

2. **Equality and non-discrimination in the access to justice**
Motion for a resolution tabled by Ms Mogherini and other members of the Assembly
Doc. [13046](#)

Reference to the Committee on Equality and Non-Discrimination *for report*

3. **Towards a new European Social Model: which social vision for Europe of tomorrow?**
Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development
Doc. [13074](#)

Reference to the Committee on Social Affairs, Health and Sustainable Development *for report*

4. **Parliaments united in combating sexual violence against children: mid-term review of the ONE in FIVE campaign**
Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development
Doc. [13075](#)

Reference to the Committee on Social Affairs, Health and Sustainable Development *for report*

5. **The activities of the Organisation for Economic Co-operation and Development (OECD) in 2012-2013**
Bureau Decision

Reference to the Committee on Political Affairs and Democracy *for report*

6. **Young people's access to fundamental rights**
Bureau Decision

Reference to the Committee on Culture, Science, Education and Media *for report* and to the Committee on Social Affairs, Health and Sustainable Development *for opinion*

B. REQUESTS TO MODIFY REFERENCES

1. **Tackling intolerance and discrimination in Europe with a special focus on Christianity**
Motion for a resolution tabled by MrGhiletschi and other members of the Assembly
Doc. [12932](#)
Ref. 3877 of 25 June 2012

On 25 June 2012, the Bureau referred this motion to the Committee on Equality and Non-Discrimination for information. In a letter dated 3 October 2012, the Committee on Equality and Non-Discrimination asks that this text be referred to it for report.

Reference to the Committee on Equality and Non-Discrimination *for report*

2. **The future of the European Court of Human Rights and the Brighton Declaration**
Bureau Decision
Ref. 3864 of 27 April 2012 to the Committee on Legal Affairs and Human Rights *for report*

Need to reinforce the independence of the European Court of Human Rights
Motion for a resolution tabled by MrČilevičs and other members of the Assembly
Doc. [12940](#)

Ref. 3880 of 29 June 2012 to the Committee on Legal Affairs and Human Rights *to be taken into account in the preparation of the report on “The future of the European Court of Human Rights and the Brighton Declaration”*

In a letter dated 4 October 2012, the Committee on Legal Affairs and Human Rights asks that these two issues be referred to it to it separately.

Reference to the Committee on Legal Affairs and Human Rights *for two separate reports*

APPENDIX IV

Declaration

International Day for the elimination of violence against women (25 November 2012)

Countering violence against women: the economic crisis shall not put it on hold

Violence against women is a human rights violation. States should not relent in their efforts to prevent it, assist its victims, and prosecute offenders, even at a time of economic crisis. This is moreover crucial at this juncture, as statistics indicate an increase in the number of cases of violence against women and domestic violence, probably linked to the higher unemployment rate and the difficult socio-economic conditions of many households.

The Parliamentary Assembly of the Council of Europe calls on member states to continue allocating adequate funding to shelters and assistance programmes for victims of violence.

In addition, the Assembly calls on member states to place more emphasis on preventive measures, including through activities and campaigns that reach out to the general public and can contribute to the evolution of mentalities. The human and financial cost of preventing violence is much less than the cost of tackling violence after it has taken place.

Finally, the Assembly reiterates its appeal to member states to demonstrate their commitment to combating violence against women also by signing, if they have not yet done so, and ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Once it enters into force, the Istanbul Convention will give a tangible contribution to the protection of human rights, and help save thousands of lives.