



**AS/Per (2012) PV 01**

20 April 2012

## **Standing Committee**

**Minutes<sup>1</sup>**

**of the meeting held in Paris  
on 9 March 2012**

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<sup>1</sup> Approved by the Assembly on 23 April 2012.

## 1. OPENING OF THE MEETING

The President of the Assembly, **Mr Mignon**, opened the meeting at 9 am.

## 2. EXAMINATION OF NEW CREDENTIALS

Doc. 12883

The Standing Committee **ratified** the credentials of the new representatives and substitutes, as set out in Doc. 12883.

## 3. CHANGES IN THE MEMBERSHIP OF COMMITTEES

Commissions (2012) 03  
+ Addendum 1

The Standing Committee **ratified** the changes in the membership of Assembly committees, as set out in document Commissions (2012) 03 and Addendum 1.

## 4. REQUEST FOR A CURRENT AFFAIRS DEBATE OR DEBATE UNDER URGENT PROCEDURE

**The President** announced that a request for a debate under urgent procedure on “The intended suspension of the constitutional amendment procedure in Belgium” had been tabled by ten members of the Assembly. The Bureau, meeting the day before, had decided not to grant the request on the ground that the question could not be referred in due time to a committee for report as stipulated by Rule 51.4 of the Rules of Procedure, and asked that the subject be referred to the Committee on Legal Affairs and Human Rights for consultation. In addition, a request for a current affairs debate on “The deterioration of the situation of imprisoned politicians in Ukraine” had been lodged on behalf of the EPP/CD group. The Bureau had decided in favour and proposed that Mr Volontè open the debate.

**Mr Popescu** asked that this item should not be added to the agenda. The current affairs debate would not add any new ingredients to Resolution 1862 (2012) on “The functioning of democratic institutions in Ukraine”. The six weeks which had elapsed since its adoption and the various representations made at the domestic level did not yet permit any pronouncement on its implementation.

**Mr Volontè** said he was in favour of the current affairs debate, the reason being that further developments had occurred since the adoption of the resolution.

**Ms Pourbaix-Lundin** submitted that, as the Monitoring Committee’s co-rapporteur on Ukraine, she would have preferred to have a debate of this kind after the end of the visit foreseen shortly.

**The President** put to the vote the proposal to hold the current affairs debate on “The deterioration of the situation of imprisoned politicians in Ukraine”, and it **was approved**.

## 5. AGENDA

AS/Per (2012) OJ 01 Rev.

**The President** announced that the Bureau the day before had discussed two draft declarations which it asked the Standing Committee to approve, one on “The deterioration of the situation of imprisoned politicians in Ukraine” and the other on the situation in Syria. These drafts would be dealt with after item 9 on the agenda.

The revised draft agenda was **adopted**.

## 6. SECOND PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (23-27 APRIL 2012)

AS/Bur (2012) 13

**The President** reminded members that Rule 26.4 of the Assembly’s Rules of Procedure provided that the draft agenda of Assembly part-sessions was to be submitted if possible to the Standing Committee which was invited to take note of it.

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

## 7. REFERENCES AND TRANSMISSIONS FOR INFORMATION TO COMMITTEES

AS/Bur (2012) 15

**The President** referred to document AS/Bur (2012) 15 containing the proposals relating to the references and transmissions for information to committees which the Bureau had examined the day before.

The Standing Committee **approved** the references and transmissions for information as set out in Appendix II.

## 8. FOLLOW-UP TO RESOLUTION 1842 (2011) ON THE TERMS OF REFERENCE OF PARLIAMENTARY ASSEMBLY COMMITTEES – IMPLEMENTATION OF RESOLUTION 1822 (2011) ON THE REFORM OF THE PARLIAMENTARY ASSEMBLY

Resolution 1842 (2011)

Resolution 1822 (2011)

AS/Bur (2012) 19

The Standing Committee **ratified** the terms of reference of the general rapporteurs as set out in Appendix III.

## 9. CURRENT AFFAIRS DEBATE

**Mr Volontè** opened the debate. It was appropriate to review the developments which had occurred since the adoption of Resolution 1862 (2012) on “The functioning of democratic institutions in Ukraine” in January 2012. Assurances had been received from the Minister of Justice of Ukraine, the Foreign Affairs Minister and the Prime Minister regarding their determination to decriminalise Articles 364 (abuse of office) and 365 (exceeding of official powers) of the Ukrainian Criminal Code. However, the parliament’s recent vote had failed through being disregarded by the ruling party. The absence of any law on decriminalisation with regard to political responsibility allowed political personalities of prime importance in the previous government to be kept in prison. Furthermore, the court of first instance had passed sentence on former Minister of the Interior Mr Lutsenko. Although some people found it more appropriate to speak of selective justice or political revenge than of political prisoners, the fact remained that this was a reprehensible state of affairs. The co-rapporteurs of the Monitoring Committee would go to Ukraine shortly, hence the importance of holding the present debate today in order to provide them with vital information. The co-rapporteurs were invited to examine the conditions of detention of these personalities. Without wishing to prognosticate on the conclusions relating to the implementation of the aforesaid Resolution which would be formulated subsequently, so far it was not yet possible to draw any conclusions.

**Mr Gross** wanted criminal responsibility and political responsibility to be more explicitly separated in Ukraine. Deficiencies also existed in other countries, which was why a report on the subject had been initiated in the Assembly. The rapporteur, Mr Omtzigt, had already been to Iceland where the former Prime Minister was liable to prosecution for his role in the financial crisis. The aim of this debate was to invite the Ukrainian Government to honour its promises, stated in particular during a meeting of the Minister of Justice with British parliamentarians, about guaranteeing Ms Tymoshenko suitable medical treatment, and to permit her to be visited by the co-rapporteurs.

**Mr Slutsky** concurred with Mr Gross as to the importance of providing Ms Tymoshenko with the necessary medical treatment. The current discussion was constructive since it was not aimed at adopting a critical and imperative resolution, but rather sought to have certain positions of the Assembly heeded by the national authorities. The proceedings against the past or present political leaders should be given more publicity and transparency. The details of the resolute part of the convicting judgment in the case of Ms Tymoshenko should be more conspicuous, and judgments in similar cases should be adequately reasoned. The question of making reference to political prisoners was a delicate one in the absence of a definition in international law. Moreover, certain Ukrainian parliamentarians did not agree that these personalities, particularly Mr Lutsenko, were prosecuted on political grounds.

**Mr Popescu** invited members to acquaint themselves with the information on the progress of the criminal cases concerning the three persons mentioned in the draft declaration. As some passages were inaccurate, amendments to them would be proposed in due course. Concerning Articles 364 and 365 of the Ukrainian Criminal Code, the Ministry of Justice of Ukraine had recorded over 30 similar articles in other European criminal codes. Furthermore, according to the GRECO, these articles constituted an effective means of fighting corruption. Mr Omtzigt and the Committee on Legal Affairs and Human Rights were invited to provide the criteria for these articles to be aligned with European standards. Comparing the number of persons

convicted under Article 191 of the Criminal Code (misappropriation of public funds) and Article 365 in 2010 with the 2011 figure would make it plain that criminal justice also targeted the holders of the present power. As to the members of Ms Tymoshenko's government, a criminal case against Mr Kuybida, the former Minister for Regions and Construction, had been dismissed. Mr Filipchuk, the former Minister for Environmental Protection, had been placed under court supervision. A criminal case against Mr Korniychuk, the former deputy to the Minister of Justice, had been terminated on non-exonerative grounds. The former first deputy to the Defence Minister Mr Ivaschenko, who furthermore had not held any political responsibility, was being prosecuted for the disposal of public property which he had authorised despite the legal department's contrary opinion. The Ukrainian parliament, which had adopted at its first reading the draft of the new Code of Criminal Procedure, would continue to ensure that its provisions incorporated European standards.

**Mr Herkel** conceded that the term of six weeks which had elapsed since the adoption of Resolution 1862 (2012) did not yet allow a determination to be made as to its implementation. Besides, the cases mentioned by Mr Popescu would certainly be taken into consideration in a discussion following the co-rapporteurs' visit to Ukraine. He expressed the hope that the co-rapporteurs would be permitted to speak with the prisoners concerned. The title of the declaration had been moderated so as to make reference to imprisoned politicians instead of political prisoners, although the political motivations of prosecution were plainly apparent.

**Ms Brasseur** considered that ordinary law should be applicable to all. However, the offence of abuse of office in respect of political decisions should be removed from the ambit of criminal law by prescribing political or administrative sanctions. Moreover, the lack of independence of the Ukrainian Higher Council of Justice was contrary to the basic principle of separation of powers in a democratic society. The President of the Assembly was invited to visit Ukraine on condition of being guaranteed access to the prisoners concerned. The Ukrainian authorities should establish an exact timetable of actions.

**Mr Halicki** thought it important to reply beforehand whether it was a matter of imprisoned politicians or political prisoners. No doubt the criminal proceedings against Ms Tymoshenko were linked with the responsibilities which she had held under the Constitution, and the recourse to criminal sanctions was due to the absence of means of oversight of the constitutional duties. A change in the law was necessary, and justice should be delivered in a transparent and equitable fashion. The situation should undergo constant monitoring by the Council of Europe.

**Mr Santini** called upon the co-rapporteurs to satisfy themselves as to the fairness of Ms Tymoshenko's trial.

**Mr Zingeris** invited the co-rapporteurs to give a prominent place in the report to the issue of the independence of justice in Ukraine.

The President **closed** the debate.

#### **ADOPTION OF THE DECLARATION ON "THE DETERIORATION OF THE SITUATION OF IMPRISONED POLITICIANS IN UKRAINE"**

**The President** recalled that further to the Bureau's proposal, the Standing Committee had decided to state its views concerning a draft declaration on "The deterioration of the situation of imprisoned politicians in Ukraine" which had been circulated at the start of the meeting. Three amendments to the draft declaration had been put forward by Mr Popescu.

**Mr Popescu** presented amendments nos. 1, 2 and 3 which **Mr Volontè** opposed. The amendments were rejected.

The draft declaration **was adopted** by a majority of votes cast (Appendix IV).

#### **ADOPTION OF THE DECLARATION ON THE SITUATION IN SYRIA**

**The President** recalled that the Bureau had decided the day before to ask the Standing Committee to adopt a declaration on the situation in Syria. The draft declaration had been circulated.

**Mr Pushkov** gave his observations following his recent visit to Damascus where he had met the various opposition forces, President Bashar al-Assad, the Foreign Affairs Minister, and other important figures. As the internal situation was complex, declarative appeals not reflecting the reality of the circumstances were inexpedient. President Bashar al-Assad's departure was not a solution since it would leave the way open for civil war. At present, large groups of the population supported him passively or actively. That was true of the

Christians, representing 15% of the population. They felt threatened by the insurrection of the Sunnis supported by the Persian Gulf monarchies, were transferring their bank accounts to Beirut, and fleeing the country in some cases. The Alawis representing 12-13% of the population also felt threatened. Another arguable point of the draft declaration concerned the positive assessment of the action carried out by the Arab League including Saudi Arabia, Qatar and Bahrain. These countries, however, had been criticised for infringement of human rights and their presentation by the Assembly as peaceful promoters of democracy was plainly inappropriate. The Russian Federation would not support the appeals made regarding a single party to the civil conflict, and without the important questions being cleared up.

**Mr Marcenaro** acknowledged the complexity of the situation. If the request of the Committee on Political Affairs and Democracy to hold a debate under urgent procedure on the situation in Syria during the April part-session was approved, the debate together with the report would no doubt make for fuller knowledge of the situation. Nonetheless, the deterioration of the situation in a country facing a civil war should be condemned and the Council of Europe was in a good position to do so. The Arab League was not confined to a few monarchies; its membership included States undergoing transition to democracy such as Tunisia, Morocco and Egypt which were also making commitments on the issue, as the outcome of the situation in Syria would have an impact on the entire region.

**Mr Vrettos** agreed with Mr Marcenaro that the goals pursued by the Council of Europe gave it a legitimacy for drawing attention to the situation in Syria. The Assembly might contemplate sending a delegation there.

**Mr Chope** shared Mr Pushkov's view, and expressed a doubt that President Bashar al-Assad's resignation would guarantee Syria a peaceful way out of the crisis. It would be more appropriate for the declaration to be focused on the human rights situation and to avoid any speculation of a political kind.

**Mr Santini** drew attention to the worsening situation of the refugees. In July 2011 the Committee on Migration, Refugees and Displaced Persons had visited a refugee camp in Turkey, which had exerted itself to organise provision for the refugees at short notice.

**Mr Moriau** confirmed that there was a fear expressed by the Christians and the Alawis who together represented a third of the population. However, this fear ought not to serve as a justification for the established power, which persisted in attacking its own population. The President of the Assembly was invited to follow up the proposal of Mr Vrettos. The Assembly should seize the opportunity to play its due part in terms of preventive diplomacy to help resolve the current situation of deadlock.

**Ms Acketoft** endorsed the previous statements on the inexpediency of appeals for President Bashar al-Assad to step down.

**Mr Franken** wanted the reference to violation of human rights by the Syrian authorities to be kept in the draft declaration.

**Mr Pushkov** supported the proposal by Mr Vrettos to conduct an Assembly mission to Syria in order to meet the President, the Patriarch of Antioch and the opposition groups.

**Mr Pushkov** proposed deleting the first sentence in the fifth paragraph and the seventh paragraph of the draft declaration, which was opposed respectively by **Ms Acketoft** and **Mr Marcenaro**. The amendments were rejected.

The draft declaration was **adopted** by a majority of votes cast (Appendix V).

## **10. EXCHANGE OF VIEWS WITH MR ETIENNE APAIRE, PRESIDENT OF THE COUNCIL OF EUROPE CO-OPERATION GROUP TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING IN DRUGS (POMPIDOU GROUP)**

**Mr Apaire** stressed that drugs constituted a major concern in terms of health and social equilibrium, but it was possible to combat this scourge, a message which he invited the members of the Assembly to pass on to the citizens of their countries. In some Western countries, consumption of certain drugs remained stable or was down. However, new threats arose due to new synthetic products or to the strategic choices made by the drug manufacturers. This was compounded by the need to combat multinational organised crime and money laundering. Action must be concerted and based on good practices. The Pompidou Group comprised thirty-six States and was consequently well-placed to combat drugs at a period of international rings. Several innovative subjects had been put forward within the terms of reference of the Group which moreover had often mounted

projects subsequently taken up by other institutions – as witness the creation in the Council of Europe of the European Monitoring Centre for Drugs and Drug Addiction (EMCDD) which was now a European Union agency. Recently the first Mediterranean monitoring centre for drugs and drug addictions had been created in Morocco thanks to the Pompidou Group's MedNET network.

Subjects of common concern to the member States had been identified, including addictions in the world of work. A conference on this would be organised by the Pompidou Group in May 2012 with the participation of the relevant ministries and the International Labour Office. Other subjects identified were prevention of trafficking in airports, combating transit in the Mediterranean region and the Balkans, and an appropriate action directed at drug users including treatment of imprisoned persons. France reaffirmed its support for the fight against drugs, which would be inconceivable without effective measures of prevention and a consistent policy of all governments. The exercise of refocusing the Pompidou Group's activities was in keeping with the spirit of the Council of Europe reform launched by the Secretary General.

*Ms Brasseur took the chair in place of the President.*

**Mr Moriau** stressed that the taboo about drugs was a subjective matter having a cultural connotation, with the result that in certain regions of the world, the consumption of certain narcotics could be authorised and alcohol not. Half a century after the ratification of the Single Convention on Narcotic Drugs in 1961, the number of users, products and places of production was higher than ever, which might mean that the prohibitive and punitive approach should be supplanted by a dissuasive approach based on decriminalisation.

**Mr Volontè** wondered about the methods which had proved more effective than others for combating the consumption of drugs and assisting drug-dependent persons.

**Ms Kyriakidou** thought that in the absence of means of controlling the traffic, it would be necessary to strengthen the preventive side by aiming at high-risk groups such as school pupils. What contribution could the Pompidou Group make to setting up exchanges of better practice?

**Ms Maury Pasquier** wished to know whether the conference on the problems surrounding drugs and addiction at work would include the question of alcohol addiction.

**Mr Choqe** enquired whether the Pompidou Group had envisaged the creation of prisons where no drugs would be found. Indeed, many people who had never consumed drugs before being imprisoned became consumers in the prison environment.

**Ms Pourbaix-Lundin** wondered about the existence of inter-State cooperation permitting the speedy classification of products as synthetic drugs in order to avert their distribution via the Internet.

*The President resumed the chair.*

**Mr Apaire** replied to the previous speakers. Without leading the citizens to believe that a world without drugs might be possible, a policy of control by the State was necessary in order to reduce consumption. To assess the effect of regulation, it sufficed to consider the smaller number of drug consumers compared to consumers of alcohol whose consumption was less strictly regulated. The Pompidou Group's role was to pinpoint the best practices, namely those whose effects on consumption had been evaluated on a scientific basis and in terms of official policies, hence the usefulness of monitoring drugs and addictions. As to drugs in prison, the solution, in addition to acting on their circulation, also consisted in suitable treatment of users. Concerning workplace addictions, there was talk of a new phenomenon, poly-drug use, taking in the consumption of all illicit and licit substances including alcohol. A future challenge would be to define the boundary between drugs, medicines and legal but psychotropic products. To date the EMCDD had identified 41 psychoactive substances. It would be necessary to study national anti-drug experiences to identify the best practices. The Pompidou Group represented a unique mechanism permitting study and pooling of experience. Consequently, it was crucial to secure the support of the member States, as well as to set up better inter-institutional communication between the Pompidou Group and the Parliamentary Assembly.

**The President** thanked Mr Apaire for his statement.

## 11. OBSERVATION OF ELECTIONS

Observation of the early parliamentary elections in Kazakhstan (15 January 2012)

Doc. 12884

*Rapporteur of the Bureau's ad hoc committee:*

*Ms Elsa Papadimitriou (Greece, EPP/CD)*

The rapporteur stressed that the early parliamentary elections had the aim of bringing more political parties into the parliament so that this young democracy could develop in a truly multipartisan context. Out of 107 representatives, 98 had been elected by direct suffrage and 9 had been appointed by a consultative body which President Nazarbayev had set up to facilitate the entry into parliament of the representative of ethnic minorities. The ad hoc committee also welcomed the larger number of women parliamentarians compared to the previous parliamentary terms. The declarations of the European Union High Representative for Foreign Affairs and Security Policy, Ms Ashton and the US Secretary of State, Ms Clinton, had also been encouraging.

The law on elections had been amended, yet certain aspects should be reconsidered, including the restrictions regarding eligibility of candidates or lowering of the 7% electoral threshold. Having been a member of the Venice Commission since October 2011, Kazakhstan showed its determination to take account of the recommendations coming from the Council of Europe and its receptiveness to criticism. For example, a special commission had been set up to ascertain the circumstances of the violent clashes which had occurred on 16 December 2011 at Janaosen.

**Mr Chope**, member of the ad hoc committee, observed that the Nur Otan party which had gained over 80% of votes was identified with its founder, Mr Nazarbayev, who remained a strong and popular figure. In certain regions, Nur Otan had received less than 55% of votes, testifying to the existence of true pluralism. Even though the electoral threshold had been fixed at 7%, two other parties had passed it and the parties next in order had not exceeded 2% of votes. People had voted according to their political preferences and not according to their membership of the religious or ethnic communities.

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

## 12. POLITICAL AFFAIRS AND DEMOCRACY

### **The Council of Europe and the Eastern Partnership of the European Union**

Doc. 12871

*Rapporteur of the Committee on Political Affairs and Democracy:*

*Mr Björn von Sydow (Sweden, SOC)*

**Mr Marcenaro**, the committee chair, presented the report in the rapporteur's absence. The report was confined to two political questions so as not to recapitulate the analysis in Mr Rigoni's recently adopted report on "The impact of the Eastern Partnership of the European Union on governance and economic development in eastern Europe". The first concern was to avoid overlaps between the activities and the commitments entered into by the five countries – Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine – under the Eastern Partnership and in the Council of Europe framework. It was regrettable that the Parliamentary Assembly's efforts at co-ordination and complementarity in relation to the Euronest initiative of the European Parliament had not been followed by any reaction. Another point concerned the need for common action in respect of Belarus whose assessment with regard to democracy and human rights was extremely disappointing.

**Mr Popescu** drew attention to paragraph 5.1 of the draft resolution inviting the countries covered by the Eastern Partnership "to comply fully with their statutory obligations and specific commitments undertaken in the framework of their Council of Europe membership". With regard to Ukraine, its President's decree adopted the previous year had made eleven out of fifteen commitments effective. Three remaining commitments, among them the adoption of the new Code of Criminal Procedure, were in the process of fulfilment. It was important to stress that the honouring of commitments was not the sole responsibility of the party in power but also came within the responsibility of the opposition.

**The President** put the draft resolution to the vote, and it was adopted unanimously [Resolution 1865 (2012)].

## 13. LEGAL AFFAIRS AND HUMAN RIGHTS

### **a. An additional protocol to the European Convention on Human Rights on national minorities**

Doc. 12879

*Rapporteur of the Committee on Legal Affairs and Human Rights:*

*Mr György Frunda (Romania, EPP/CD)*

**Mr Chope**, the committee chair, presented the report in the rapporteur's absence. The report concerned the pros and cons of an additional protocol to the European Convention on Human Rights on national minorities which would complement the existing conventions including the Framework Convention for the Protection of

National Minorities and the European Charter for Regional or Minority Languages. The last two instruments proved ineffective owing to the limited number of ratifications by member States and the need for consensus within the Committee of Ministers, indispensable for their implementation. An additional protocol would have amplified the rights of minorities with substantive, enforceable rights. The draft recommendation invited member States to envisage a new drafting, which presupposed examining all the arguments taken, including elements that went against the drafting of a protocol of this kind.

**Mr Popescu** said that he had transmitted to the Central Electoral Commission of Ukraine the appeal contained in Resolution 1862 (2012) to incorporate in a single constituency, for the 2012 parliamentary elections, the national minority groups concentrated in certain zones. Some governments had little concern for the implementation of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, despite the ratification of these instruments. The previous government of Ukraine had pursued a policy of assimilating national minorities, for example by forbidding candidates to undergo the secondary school leaving examinations in minority languages.

**Mr Volontè** considered it necessary in the present political context to recall the importance of the Council of Europe instruments relating to protection of minorities, and said that he was in favour of the additional protocol.

**The President** put the draft resolution and the draft recommendation to the vote. They were adopted unanimously [Resolution 1866 (2012) and Recommendation 1994 (2012)].

**b. The situation of the inhabitants of Rhodes and Kos with a Turkish cultural background**

Doc. 12526

*Rapporteur of the Committee on Legal Affairs and Human Rights:  
Mr Andreas Gross (Switzerland, SOC)*

The rapporteur recalled that the present report formed a sequel to the report on the evaluation of the situation in the Turkish islands of Gökçeada (Imbros) and Bozcaada (Tenedos). The rapporteur had gone to the islands of Rhodes and Kos two years previously with Ms Papadimitriou. Another journey accompanied by Ms Memecan had allowed the report to be finalised. The assessments regarding the difficulties encountered by those islanders with Turkish ancestry concerned education in Turkish, upkeep of historic monuments, organisation of Muslim worship and lack of transparency in the management of the Islamic foundations. The report found the situation satisfactory on the whole, but certain measures on the part of the Greek authorities were imperative. The proposed amendments to the draft resolution were the outcome of a constructive compromise intended to help the inhabitants of these islands.

**Mr Papadimoulis** welcomed the balanced report and expressed the hope that the proposed amendments would allow the draft resolution to be adopted unanimously.

**Ms Memecan** thanked the rapporteur for having taken care to hear all inhabitants of Turkish ancestry wishing to express their views. A more objective description of the issues identified, and emphasis on the urgency of their resolution, would have allowed a more positive impact to be made on the situation. These inhabitants were happy to be Greek citizens, but also wanted their Turkish identity to be recognised. They believe they have been subject to discrimination. At the present time, none of them was employed by the island administration, in education or the police, or by the taxation department. Some suffered violations of their civic rights. The Greek authorities should restore citizenship, now also that of the European Union, to some 60 000 persons who had lost it under Article 19 of the law on citizenship in force until 1998. The loss of citizenship had drastically affected the right of property and the right of inheritance, and it was regrettable that the report did not reflect this. The report correctly stressed the lack of transparency in the functioning of the Islamic foundations, vakfs, due to practice of having their managers directly appointed by the Greek authorities rather than to their election by the local communities. In Rhodes, one mosque out of twenty-seven was currently open for worshippers' needs, and since 1974 seven Turkish schools had been closed. Furthermore, several applications for permission to renovate cultural heritage monuments had been refused by the authorities without valid reasons.

**Mr Vrettos** commended the report and the constructive collaboration of Mr Gross, Ms Papadimitriou and also Ms Memecan whose position he understood. Mr Gross's second visit to the islands had made it possible to reach a compromise which he hoped would be accepted by all.

**Ms Kyriakidou** considered that the Greek authorities' approach and commitment to multiculturalism represented an example that might be followed by other States, although there was still room for



improvement. Observance of human rights and promotion of a multicultural society were founded on integration, not on division.

**Mr Gross** thanked the speakers and observed that progress had been achieved since his first visit, as it was possible today to speak openly of persons with Turkish ancestry.

**Mr Choqe**, chair of the Committee on Legal Affairs and Human Rights, thanked Mr Gross and welcomed the constructiveness of the amendments.

**Mr Gross** presented amendments nos. 1-12, to which no-one objected and which were adopted.

**The President** put the draft resolution as amended to the vote, and it was adopted unanimously [Resolution 1867 (2012)].

**Mr Pavlidis**, honorary member of the Assembly and member of parliament for the constituency of which the islands of Rhodes and Kos were part, thanked Mr Gross for stressing the importance which the multicultural animus had for these islands.

### c. **International Convention for the Protection of all Persons from Enforced Disappearance**

Doc. 12880

*Rapporteur of the Committee on Legal Affairs and Human Rights:  
Mr Christos Pourgourides (Cyprus, EPP/CD)*

As the rapporteur was no longer a member of the Assembly, **Mr Choqe**, the committee chair, presented the report. The recent events in Syria recalled the extreme gravity of such massive assaults on the civilian population and of their consequences. The report reviewed the high counts of persons still posted missing in the western Balkans, the North Caucasus region or Cyprus. The draft resolution emphasised the progress in combating enforced disappearance. It mentioned the extensive jurisdiction of the European Court of Human Rights to consider applications relating to this question, and the entry into force of the United Nations International Convention for the Protection of all Persons from Enforced Disappearance. The low rate of ratification of this convention by the Council of Europe member States was nevertheless deplored, as was the restrictive definition of enforced disappearances in which the responsibility of non-State actors was not fully included. To remedy these deficiencies, the draft recommendation invited member States to consider launching the negotiation of a European convention for the protection of all persons from enforced disappearance.

**The President** put the draft resolution and the draft recommendation to the vote. They were adopted unanimously [Resolution 1868 (2012) and Recommendation 1995 (2012)].

## 14. **SOCIAL AFFAIRS, HEALTH AND SUSTAINABLE DEVELOPMENT**

### a. **The environmental impact of sunken shipwrecks**

Doc. 12872

*Rapporteur of the Committee on Social Affairs, Health and Sustainable Development:  
Ms Elsa Papadimitriou (Greece, EPP/CD)*

The rapporteur recapitulated the origins of the report whose subject seemed to some remote from the daily concerns of European citizens. The subject had in fact proved quite immediate for European public opinion and crucially important for marine biodiversity. There was a large number of sunken wrecks, a high proportion of which had gone down during the Second World War, aggravating the risk of release of their toxic content. Hitherto no major technological obstacle impeded the removal of the wrecks and their cargoes, the principal question being apportionment of the cost of the operation. The prime financial responsibility lay with the owner of the sunken ship; next there arose the question of situations where the owner was neither known nor solvent.

Owing to the danger posed by these sunken wrecks and the leakage of their cargoes and fuel, a common policy was imperative. The 2007 Nairobi International Convention on the Removal of Wrecks offered a harmonised legal framework for the first time. However, the fact that only four countries had signed it prevented its entry into force.

**Mr Papadimoulis** wished to support this report.

**The President** put the draft resolution to the vote, and it was adopted unanimously [Resolution 1869 (2012)].

**b. The need for independent and credible expert assessments**

Doc. 12873

*Rapporteur of the Committee on Social Affairs, Health and Sustainable Development:  
Mr Cezar Florin Preda (Romania, EPP/CD)*

The rapporteur pointed out that the bias of certain studies had led to several medical scandals (vaccines, prostheses, etc.). The report noted that in some cases, the findings of the expert assessments varied according to the source of financing although sometimes the experts did not have the requisite distance to gauge the medium and long term impacts on the environment and human health. The draft resolution proposed inter alia creating a public fund to finance sensitive expert assessments, drawing up a handbook of good practice, and introducing assessment traceability.

The rapporteur proposed to produce a separate report on credible evaluation of the consequences of natural disasters in the light of the specific political issues and the financial and economic considerations.

**Mr Volontè** hoped that the proposals made in paragraph 8 of the draft resolution would serve to introduce good practices and thus allow the risks to be minimised.

**Mr Popescu** wanted the proposals elaborated in the report to be extended to expert appraisal of legislations in order to guarantee a credible and impartial assessment.

**Ms Maury Pasquier** was glad that the issue of credible expert assessments raised by Mr Preda converged with the conclusions drawn by Mr Flynn in his report "The handling of the H1N1 pandemic: more transparency needed". It was necessary to keep working in this area to arrive at a more binding instrument.

**The President** put the draft resolution to the vote, and it was adopted unanimously [Resolution 1870 (2012)].

**15. RULES OF PROCEDURE, IMMUNITIES AND INSTITUTIONAL AFFAIRS**

**Self-evaluation by Europe's national parliaments: procedural guidelines to improve the quality of parliamentary work** Doc. 12875

*Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs:  
Mr Andreas Gross (Switzerland, SOC)*

The rapporteur explained that the report under discussion was in response to a appeal issued at a conference of presidents and speakers of parliaments to improve the functioning of a legislature. It had emerged that this subject would be more fittingly addressed by having two separate reports. The report before the committee covered the criteria for self-evaluation by parliaments, particularly vis-à-vis the government and the citizens' expectations. It would be followed by a second report, to examine the democratic functioning of national parliaments and work out criteria, rules and a good practice guide in this area.

**The President** put the draft resolution to the vote, and it was adopted unanimously [Resolution 1871 (2012)].

**16. OTHER BUSINESS**

**Mr Popescu** raised questions about the regulatory foundations for the adoption of the declaration on "The deterioration of the situation of imprisoned politicians in Ukraine" and the authorship of the draft.

**The Secretary General of the Parliamentary Assembly** recalled that the Bureau the day before had examined a request for a current affairs debate lodged by Mr Volontè on behalf of the EPP/CD group. In the context of this examination, a proposal to adopt a declaration under a separate item had been made by Mr Volontè and subsequently approved by the Bureau. The Standing Committee had endorsed this proposal in adopting the draft agenda this morning. The draft declaration had been prepared by the Secretariat on Mr Volontè's instructions.

**Mr Halicki** drew the attention of members to a declaration on the situation in Belarus adopted by the parliament of Poland. Inter alia, the declaration enjoined the Belarusian authorities to release the political prisoners and thanked the members of the Parliamentary Assembly who supported Ales Bialiatski's candidacy for the Nobel Peace Prize.

**17. NEXT MEETING**

The Standing Committee **decided** to hold its next meeting in Tirana (Albania) on 25 May 2012.

The meeting **was closed** at 1.15 pm.

## APPENDIX I

## LIST OF PARTICIPANTS

**President of the Assembly / Président de l'Assemblée**

Mr Jean-Claude MIGNON France

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

Mr Luca VOLONTE 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 Dimitrios PAPADIMOULIS Group of the Unified European Left /  
Groupe pour la gauche unitaire européenne (in the  
absence of Mr Kox/en l'absence de M. Kox)

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

Ms Marietta de POURBAIX-LUNDIN Sweden

Mr Gebhard NEGELE Liechtenstein

Mr Emanuelis ZINGERIS Lithuania

M. Cezar PREDA Roumanie

Mr Andrzej HALICKI Poland

M. Ivan POPESCU Ukraine

Mr Leonid SLUTSKY Russian Federation

Ms Liliana PALIHOVICI Republic of Moldova

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

Mme Meritxell MATEU PI Andorra

Mr Davit HARUTYUNYAN Armenia

Mr Samad SEYIDOV Azerbaijan

M. Patrick MORIAU Belgique

Ms Stella KYRIAKIDOU Cyprus

Mr Václav KUBATA Czech Republic

Mr Andres HERKEL Estonia

Mr Konstantinos VRETTOS Greece

Mr Márton BRAUN Hungary

Ms Þuríður BACKMAN Iceland

Mr Joseph O'REILLY Ireland

Ms Inese LĪBIŅA-EGNERE Latvia

Mr Hans FRANKEN Netherlands

Mr Alexey PUSHKOV Russian Federation

Mr José María BENEYTO Spain

Mme Liliane MAURY PASQUIER Suisse

Ms Nursuna MEMECAN Turkey

**Chairperson of the Committee on Political Affairs and Democracy /  
Président de la Commission des questions politiques et de la démocratie**

M. Pietro MARCENARO Italie

**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 Migration, Refugees and Displaced Persons /  
Président de la Commission des migrations, des réfugiés et des personnes déplacées**

Mr Giacomo SANTINI Italy

**Chairperson of the Committee on Culture, Science, Education and Media /  
Président de la Commission de la culture, de la science, de l'éducation et des médias**

Mr Gvozden Srećko FLEGO Croatia

**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 Egidijus VAREIKIS Lithuania

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

Ms Elsa PAPADIMITRIOU Greece

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

Mr Miltiadis VARVITSIOTIS Greece

**Honorary associate / Associé honoraire**

Mr Aristotelis PAVLIDIS Greece

**Council of Europe / Conseil de l'Europe**

M. Etienne APAIRE President of the Pompidou Group / Président du Groupe Pompidou

Mme Laura D'ARRIGO Diplomatic Advisor to Mr Apaire / Conseillère Diplomatique de M. Apaire

M. Patrick PENNINCKX Executive Secretary, Pompidou Group / Secrétaire Exécutif du Groupe Pompidou

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

**Delegation Secretaries**

Ms Martina PETEK-STUPAR	Croatia
Mr Panicos POURGOURIDES	Cyprus
Ms Jana SCHNEEWEISSOVÁ	Czech Republic
Ms Tanja ESPE	Estonia
Mr Michael HILGER	Germany
Ms Voula SYRIGOS	Greece
Mr Kjartan FJELDSTED	Iceland
Ms Sandra GERBER-LEUENBERGER	Liechtenstein
Mme Rodica IOVU	République de Moldova
Mr Bas NIEUWENHUIZEN	Netherlands
Mme Hanna KUCHARSKA-LESZCZYNSKA	Pologne
Ms Nadia IONESCU	Romania
Mr Valery LEVITSKY	Russian Federation
Mr Dejan MILIVOJEVIC	Serbia
Ms Eva ÖSTLAND	Sweden
Mr Daniel ZEHNDER	Switzerland
Mr Bohdan KRYLOVETSKI	Ukraine
Mr Oleksandr SHUISKYI	Ukraine
Mr Nicholas WRIGHT	United Kingdom

**Secretaries of Political Groups / Secrétaires des Groupes politiques**

Ms Maria BIGDAY ALDE / ADLE

Mme Helena DE ASSIS UEL / GUE

Ms Denise O'HARA  
Mr Tom VAN DIJCK

EPP/CD / PPE/DC  
EDG / GDE

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

Mr Wojciech SAWICKI	Secretary General / Secrétaire Général
Mr Mário MARTINS	Director General / Directeur Général
Ms Jane DINSDALE	Director of the Political and Legal Affairs Directorate / 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
Ms Micaela CATALANO	Head of the Communication Division / Chef de la Division de la communication
Mme Kateryna GAYEVSKA	Secretary, Standing Committee / Secrétaire de la Commission permanente
Ms Sally-Ann HONEYMAN	Administrative Assistant, Table Office / Assistant administrative de Service de la Séance
Ms Anne GODFREY	Assistant / Assistante
Mr Martin McMILLAN	Assistant / Assistant

**Other participants / Autres participants**

M. Demian PODOLSKYI	Deputy to the Permanent Representative of Ukraine to the Council of Europe / Adjoint au Représentant permanent auprès du Conseil de l'Europe de l'Ukraine
M. Stanislav VASSILENKO	Representative of Kazakhstan / Représentant du Kazakhstan

## APPENDIX II

Decisions on documents tabled for references to committees

### A. REFERENCES TO COMMITTEE

1. **Accountability of international institutions for human rights violations**  
**Motion for a recommendation presented by Mr Marty and others**  
**Doc. 12842**

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

2. **The European Convention on Human Rights: reinforcement and consolidation of the training of judges, law enforcement officials and lawyers**  
**Motion for a recommendation presented by Mr Marty and others**  
**Doc. 12843**

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

3. **Abuse of pre-trial detention in States Parties to the European Convention on Human Rights**  
**Motion for a resolution presented by Mr Marty and others**  
**Doc. 12844**

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

4. **Pastor Youcef Nadarkhani**  
**Motion for a resolution presented by Mr Clappison and others**  
**Doc. 12846**

No further action

5. **The need to amend Article 27 of the Rules of Procedure of the Parliamentary Assembly of the Council of Europe so as to establish German, Italian and Russian which have hitherto been working languages, as official languages of the Assembly**  
**Motion for a resolution presented by Mr Graaf and others**  
**Doc. 12850**

Transmission to the Committee on Rules of Procedure, Immunities and Institutional Affairs *for information*

### B. REFERENCES FOLLOWING THE REFORM OF THE ASSEMBLY (Resolution 1842 (2011)) (regularisation of the so called "standing references")

#### ***Committee on Political Affairs and Democracy***

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

1. **The situation in Belarus**
2. **The situation in Cyprus**  
**Rapporteur: Mr Hörster** (already appointed by the committee)
3. **The situation in the Middle East**  
**Rapporteur: Mr Vrettos** (already appointed by the committee)
4. **The situation in Kosovo<sup>2</sup>**  
**Rapporteur: Mr von Sydow** (already appointed by the committee)

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<sup>2</sup> Any reference to Kosovo in this text, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

5. **The activities of the Organisation for Economic Co-operation and Development (OECD) in 2011-2012**  
**Rapporteur: Mr Bockel** (already appointed by the committee)
6. **The activities of the European Bank for Reconstruction and Development (EBRD)**  
**Rapporteur: Mr Elzinga** (already appointed by the committee)

***Committee on Legal Affairs and Human Rights***

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

1. **The implementation of judgments of the European Court of Human Rights**  
**Rapporteur: Mr de Vries** (already appointed by the committee)
2. **The situation of human rights defenders in Council of Europe member states**  
**Rapporteur: Ms Reps** (already appointed by the committee)



## APPENDIX III

### General Rapporteurs

#### Terms of Reference

#### Committee on Equality and Non-Discrimination

##### 1. General Rapporteur on violence against women

In pursuance of Rule 49.7 of the Rules of Procedure, "Committees may appoint one or more general rapporteurs whose terms of reference and term of office they shall determine beforehand. The terms of reference shall be submitted to the Bureau for approval and its decision shall be subject to ratification by the Assembly",

the Committee on Equality and Non-Discrimination decided, at its meeting of 24 January 2011, to adopt the following terms of reference:

**Denomination:** general rapporteur on violence against women

**Term of office:** one year renewable, subject to a maximum of two years

**Subject:** it is the duty of the general rapporteur on violence against women to intervene in the area of violence against women, in all its different forms, including domestic violence, particularly as regards the prevention of violence against women, assistance to the victims, prosecution of the perpetrators and integrated policies.

**Responsibilities:** the general rapporteur will contribute to raising awareness on the phenomenon of violence against women, following relevant developments in Council of Europe member states and promoting the Council of Europe Convention on preventing and combating violence against women and domestic violence. He or she shall report periodically to the committee on the information collected and the action taken.

The general rapporteur on violence against women will also ensure the political co-ordination of the PACE Network of contact parliamentarians committed to combating violence against women.

In addition, the role of the general rapporteur on violence against women is to:

- follow activities and maintain working relations with relevant Council of Europe intergovernmental bodies dealing with violence against women, including those which may be set up in the context of the;
- follow activities and maintain working relations with external bodies and institutions active in the same area, be they governmental or non-governmental organisations;
- represent the committee on behalf of the Assembly vis-à-vis the Committee of the Parties of the Council of Europe Convention on preventing and combating violence against women and domestic violence, once it is set up;
- follow up Assembly Resolution 1635 and Recommendation 1847 (2008) on Combating violence against women; Resolution 1852 (2011) on Psychological violence; Resolution 1853 (2011) on Protection orders for victims of domestic violence and Resolution 1861 (2012) on Promoting the Council of Europe Convention on preventing and combating violence against women and domestic violence.

##### 2. General rapporteur on the rights of lesbian, gay, bisexual and transgender people (LGBTs)

In pursuance of Rule 49.7 of the Rules of Procedure, "Committees may appoint one or more general rapporteurs whose terms of reference and term of office they shall determine beforehand. The terms of reference shall be submitted to the Bureau for approval and its decision shall be subject to ratification by the Assembly", the Committee on Equality and Non-Discrimination decided, at its meeting of 26 January 2012, to adopt the following terms of reference:

**Denomination:** general rapporteur on the rights of lesbian, gay, bisexual and transgender people (LGBTs)

**Term of office:** one year renewable, subject to a maximum of two years

**Subject:** it is the duty of the general rapporteur on LGBT rights to intervene in the area of the protection and the promotion of the rights of LGBT people, particularly on issues related to discrimination on grounds of sexual orientation and gender identity. He or she shall report periodically to the committee on the information collected and the action taken.

**Responsibilities:**

The role of the general rapporteur is to:

- follow activities and maintain working relations with the Office of the Council of Europe Commissioner on Human Rights, the Committee of Ministers and the European Court of Human Rights;
- follow activities and maintain working relations with national parliaments, the European Parliament, the Office of the United Nations High Commissioner for Human Rights, the Fundamental Rights Agency and the European Commission;
- follow up on relevant resolutions and recommendations of the Parliamentary Assembly, such as Resolution 1728 and Recommendation 1915 (2010) on "Discrimination on the basis of sexual orientation and gender identity", Recommendation 1635 (2003) on "Lesbians and gays in sport", Recommendation 1470 (2000) on "Situation of gays and lesbians and their partners in respect of asylum and immigration in the member states of the Council of Europe", Recommendation 1474 (2000) on the "Situation of lesbians and gays in Council of Europe member states", also taking into consideration Recommendation (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.

**Committee on Culture, Science, Education and Media**

**General Rapporteur on Science and Technology Impact Assessment**

In pursuance of Rule 49.7 of the Rules of Procedure, "Committees may appoint one or more general rapporteurs whose terms of reference and term of office they shall determine beforehand. The terms of reference shall be submitted to the Bureau for approval and its decision shall be subject to ratification by the Assembly", the Committee on Culture, Science, Education and Media decided, at its meeting of 23 January 2012, to adopt the following terms of reference:

**Denomination:** general rapporteur on Science and Technology Impact Assessment

**Term of office:** one year renewable, subject to a maximum of two years

**Subject:** it is the duty of the general rapporteur on Science and Technology Impact Assessment to consider and intervene on issues relating to the ethics of scientific and technological developments as well as to the impact of such developments. He or she shall report periodically to the committee on the information collected and the action taken.

**Responsibilities:**

The role of the general rapporteur is to:

- follow activities of other Assembly committees and liaise with rapporteurs dealing with scientific and technological matters from other perspectives such as their social, economic, health and environmental impact;
- represent the committee on behalf of the Assembly vis-à-vis the Committee on Bioethics (DH-BIO);
- follow activities and maintain working relations with the European Parliamentary Technology Assessment (EPTA) Network, seeking to give visibility to the work of the Assembly, and advise the Committee on emerging issues and relevant work of the EPTA partners;

- follow activities and maintain working relations with national parliaments as well as with relevant international, intergovernmental, inter-parliamentary or other organisations<sup>3</sup>;
- follow up and promote relevant Assembly resolutions and recommendations in its domain of work.

## **Committee on Social Affairs, Health and Sustainable Development**

### **1. General Rapporteur on Children**

**Denomination:** general rapporteur on children

**Term of office:** one year renewable, subject to a maximum of two years

**Subject::** It is the duty of the general rapporteur on children to intervene in the area of children's rights, particularly concerning issues of child protection, child development and child participation in different contexts (educational institutions, family, leisure, others). He or she shall report periodically to the committee on the information collected and the action taken.

#### **Responsibilities:**

The role of the general rapporteur is to:

- systematically follow activities and maintain working relations with the Children's Rights Division and the expert and advisory groups coordinated by it, as well as with the Thematic Rapporteur on Children (TC-Enf) of the Committee of Ministers,
- follow activities related to children's rights undertaken by bodies of the intergovernmental sector, by the Congress of Local and Regional Authorities, or by the Commissioner of Human Rights,
- follow activities and maintain working relations with bodies and agencies of the United Nations (Unicef in particular) and the European Commission and Parliament, with the Interparliamentary Union, and with the international non-governmental organisations working in this field (Save the Children, ECPAT and others),
- represent the committee on behalf of the Assembly vis-à-vis any of the above mentioned expert and advisory groups if appropriate, as well as the Committee of the Parties of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention),
- in particular follow up Resolution 1762 (2010) and Recommendation 1939 (2010) on Children without parental care: urgent need for action, Recommendation 1934 (2010) on Child abuse in institutions: ensuring full protection of the victims, and 1980 (2011) and Recommendation 1834 (2011) on Combating "child abuse images" through committed, transversal and internationally co-ordinated action, and continue to promote the Assembly's decisions which appear in these texts.

### **2. General Rapporteur on Local and Regional Authorities**

**Denomination:** general rapporteur on local and regional authorities

**Term of office:** one year renewable, subject to a maximum of two years

**Subject::** It is the duty of the general rapporteur on local and regional authorities to intervene in the area of local and regional democracy, particularly concerning issues of good governance at local and regional level, citizen participation, local and regional finances and human rights at local level. He or she shall report periodically to the committee on the information collected and the action taken.

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<sup>3</sup> For example: the European Group on Ethics of science and new technologies (EGE).

**Responsibilities:**

The role of the general rapporteur is to:

- systematically follow activities and maintain working relations with the European Committee on Local and Regional Democracy (CDLR), the Rapporteur Group on Democracy (GR-DEM), and the Congress of Local and Regional Authorities,
- follow activities by the European Commission and Parliament, and where appropriate follow and maintain working relations with European and national associations of local and regional authorities,
- represent the committee on behalf of the Assembly vis-à-vis any of the above mentioned bodies where appropriate.

**APPENDIX IV****Statement on the deteriorating situation of imprisoned politicians in Ukraine**

The Parliamentary Assembly of the Council of Europe notes with concern, some six weeks after Resolution 1862 (2012) on the functioning of democratic institutions in Ukraine, the absence of any tangible signs of its demands being met with regard to the criminal prosecutions initiated under Articles 364 and 365 of the Criminal Code of Ukraine against a number of former Government members, including the former Acting Minister of the Interior, Juriy Lutsenko, the former Acting Minister of Defence, Valeriy Ivaschenko, and the former Deputy Minister of Justice, Yevhen Korniychuk, as well as the former Prime Minister, Yuliya Tymoshenko.

On the contrary, despite calls of the Assembly to amend Articles 364 and 365 of the Criminal Code as they allow for post facto criminalisation of normal political decision-making, the Parliament of Ukraine failed to do so on 8 February 2012, thereby pre-empting the possibility for charges against former government officials based on these provisions to be dropped. Furthermore, on 27 February 2012, former Minister of Interior Lutsenko was convicted to four years of imprisonment on the basis of a trial which is alleged to have been unfair and for crimes which do not justify a term of imprisonment.

The fact that former Prime Minister Tymoshenko remains in detention and the recent conviction of Mr Lutsenko - notwithstanding their seriously deteriorating health - both strengthen the impression of selective justice.

The Assembly reiterates in this respect that 'the assessment of political decisions and their effects is the prerogative of parliaments and, ultimately, of the electorate and not of the courts' and, once again, calls on the authorities of Ukraine – including the President – urgently to consider all legal means available to them to release these former government members and to allow them to compete in the forthcoming parliamentary elections.

The Assembly, through its Monitoring Committee, will continue to follow the situation closely. It notes that the committee's co-rapporteurs will visit Ukraine at the end of March 2012 and expects full co-operation of the authorities with the co-rapporteurs, including the latter's access to the former government members detained. It recalls in this connection that it has invited the committee to propose any further action as required by the situation, including with regard to the possible consideration of sanctions if the Assembly's demands are not met.

## APPENDIX V

### Statement on the situation in Syria

The Parliamentary Assembly of the Council of Europe is appalled by the deterioration of the situation in Syria, where more than 8,000 persons have been killed in the last 11 months as a direct result of actions by the Syrian autocratic leadership against a pro-democracy uprising. For the Assembly, a government which systematically bombs and slaughters its own population cannot claim any legitimacy. The killings and related atrocities must end immediately.

The Assembly is shocked by the refusal of the Syrian authorities to allow the UN Humanitarian Chief, Valerie Amos, access to the country and the International Committee of the Red Cross access to the Baba Amr district in the city of Homs, which is devastated by a humanitarian disaster. Now that access has finally been granted, the Assembly emphasises the urgency of addressing the humanitarian needs, facilitating the effective delivery of assistance and ensuring safe access to medical treatment.

The 47-member UN Human Rights Council, in a resolution adopted only a few days ago, strongly condemned the continued 'widespread and systematic' violations of human rights and fundamental freedoms by the Syrian authorities, including the use of force against civilians, arbitrary executions, the killing and persecution of protesters, enforced disappearances, torture and sexual violence, including of, and against, children. UN experts have found compelling evidence that Syrian officials may be guilty of crimes against humanity. These should be investigated and the perpetrators should be brought to justice without delay.

However, despite such findings and resolutions condemning the brutal actions of the Syrian authorities by both the top UN human rights body and the UN General Assembly itself, the UN Security Council has so far been unable to agree on action on Syria. The Assembly joins UN Secretary General Ban Ki-moon in denouncing the international community's failure in its duty towards the Syrian people and in calling for unity.

The Assembly, in particular, regrets the position taken by Russia, the only member state of the Council of Europe to veto a UN Security Council resolution calling for Assad to step down. Joining its President, Jean-Claude Mignon, in his hope that 'Russia does not forget its commitments within the Council of Europe', the Assembly calls on Russia not to veto any future resolution on the subject within the UN Security Council.

The Assembly is convinced that, in combating the dictatorship of Assad, every effort has to be made to reassure all Syrian citizens that, in so doing, it will be possible for them to live together, Christians and Muslims, Kurds and Arabs, Sunnites and Alawites, in a peaceful and pluralist democracy.

The Assembly fully supports the efforts of the League of Arab States to put an end to the violence and open the way for a peaceful transition to democracy. It particularly supports the efforts of the UN-Arab League peace envoy, Kofi Annan. It will follow closely the outcome of the latter's current visit to the region and will keep this issue high on its own agenda, notably through the work of its Committee on Political Affairs and Democracy.