



**AS/Per (2014) PV 02**

16 June 2014

## **Standing Committee**

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

**of the meeting held in Baku (Azerbaijan)  
on 23 May 2014**

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<sup>1</sup> Approved by the Assembly on 23 June 2014.

## 1. OPENING OF THE MEETING

The meeting opened at 9 am with **Ms Brasseur**, President of the Assembly, in the chair.

**The President** congratulated Azerbaijan on taking over the chairmanship of the Committee of Ministers at one of the most challenging moments both for the Council of Europe and its member states. Respect for the territorial integrity of member states was a fundamental principle of the Organisation and in this respect it was important that all Council of Europe bodies and institutions stayed united around the values and standards of the Organisation. Armenia and Azerbaijan in particular had committed themselves upon their accession to use only peaceful means for settling the Nagorno-Karabakh conflict. The Assembly stood ready to support that process by all means at its disposal. The President also assured the Azerbaijani authorities of the Assembly's support in the implementation of the chairmanship's priorities. She emphasised that chairmanship countries had a special responsibility to lead by example and to translate their commitment to values into addressing in an open and constructive manner the most pressing human rights issues at home. In that context, she appealed to the authorities to accelerate reforms, especially in the field of freedom of expression, freedom of association, independence of the judiciary, political pluralism and the fight against corruption. Unfortunately there were many worrying developments, which she had also been able to raise in a frank and open way with President Aliyev on the day before. She was particularly concerned about the detention of Mr Ilgar Mammadov, Director of the Council of Europe School of Political Studies in Baku, and other alleged political prisoners. She recalled that the European Court of Human Rights had handed down a judgment in the case of Mr Mammadov on the previous day, finding that his arrest and the extended detention pending trial were in violation of the Convention. Problems did not go away by ignoring them. It was therefore important to speak about problematic issues and find solutions together.

To conclude, the President thanked the Speaker of Milli Məclis and the Azerbaijani delegation for hosting the meeting in Baku. At the same time, she expressed her indignation over the decision of the Azerbaijani authorities to cancel the visa of Mr Rouquet, Vice President of the Assembly and Head of the French delegation. Under the General Agreement of Privileges and Immunities, all Council of Europe member States committed themselves to guarantee freedom of movement for members of the Assembly when on official business. The cancellation of Mr Rouquet's visa constituted a clear violation of the General Agreement on Privileges and Immunities and that was unacceptable. Therefore, in accordance with the established practice, the Bureau had decided on the previous day not to hold further Committee meetings in Azerbaijan for a period of two years as from 1 June 2014. Notwithstanding that decision, she assured that the Assembly would continue close and constructive collaboration with the Azerbaijani authorities in the coming months.

## 2. WELCOME ADDRESS BY MR OGTAY ASADOV, SPEAKER OF THE MILLI MƏCLIS

**The Speaker** cordially welcomed the Standing Committee to Baku, expressing hope that the exchanges of views conducted during the meeting and decisions to be adopted would contribute to the realisation of the common goals. He assured that Azerbaijan was ready to make significant steps during its six-month chairmanship towards achieving greater unity in Europe. The 65-year history of the Council of Europe proved that there was no alternative to democracy and democratic ruling system, and Azerbaijan would put all efforts into successfully continue the work carried out or reinforcing the fundamental principles of the Council of Europe. He elaborated on the four key priorities of Azerbaijan's chairmanship: fight against corruption, social issues, multiculturalism and education. He maintained that the Azerbaijani chairmanship would also support the reform process within the Organisation as well as strengthening cooperation with other international organisations. Azerbaijan demonstrated its loyalty to European values and ideals through resolutely moving forward through the way of democratic changes. Today, the decisions about the fate of Europe were not made in Brussels but in the new member States of the Council of Europe. The majority of the problems those countries faced were of systematic nature, thus requiring systematic approach.

## 3. EXCHANGE OF VIEWS WITH MR ELMAR MAMMADYAROV, MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF AZERBAIJAN, CHAIRPERSON OF THE COMMITTEE OF MINISTERS

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**Mr Mammadyarov** noted that the chairmanship of Azerbaijan came at a historic moment when the Council of Europe celebrated its 65<sup>th</sup> anniversary. The key priorities of the Azerbaijani chairmanship reflected the topical and pressing issues persisting on the agenda of the Council of Europe as well as Azerbaijan's positive record and comparative advantages. In trying to find solutions to the existing challenges to

democracy, security and stability in Europe, the Azerbaijani authorities were seeking consensual decisions in the spirit of compromise, through reinforced dialogue, mutual respect and understanding. In this context, enhanced co-operation in combating corruption would be one of the key priorities, with a particular emphasis on pushing for the Council of Europe Convention on the manipulation of sport competitions. In 2015, Azerbaijan would host the first ever European Games, which was another solid reason for promoting the adoption of that Convention during its chairmanship. Other priority areas included managing cultural diversity, social cohesion and youth and education. In the latter context, Baku would host two important events: the 4<sup>th</sup> regional ministerial meeting on the implementation of the European Higher Education Area and UN Global Forum on Youth Policy, which would benefit from the strong institutional support of the Council of Europe. The Azerbaijani chairmanship would also support the follow-up to the Declarations adopted in Interlaken, Izmir and Brighton. Special attention would also be given to the effective implementation of the Convention at national level and to that end, a high-level conference on the role of national judges in enhancing the domestic application of the Convention would be held in Baku. The chairmanship of Azerbaijan would also support the Council of Europe's efforts in the area of policy towards neighbouring regions and to this end would organise a high-level Ministerial conference devoted to the neighbourhood policy of the Council of Europe in Baku in September 2014.

Speaking in his national capacity, the Minister underlined the multinational and multi-religious nature of his country, which was proud of its tradition of tolerance. In 2008, Azerbaijan had initiated the "Baku Process" for the promotion of intercultural dialogue worldwide in 2008. Within that process, in 2011 and 2013, two World Forums on Intercultural Dialogue had been hosted in Baku. The economic performance of Azerbaijan had greatly increased, with Azerbaijan now ranking in 39<sup>th</sup> place in the world for competitiveness. The Government's official Concept of Development "Azerbaijan 2020: Look into the future" placed a focus on the diversification of the economy and development of the non-oil sector. Talking about Azerbaijan's foreign policy, Mr Mammadyarov emphasised the continuing conflict over Nagorno-Karabakh, indicating the need for an enhanced role of the Council of Europe in that process. He regretted however that some of the provisions presented in the Secretary General's recent report on the "State of Human Rights, rule of law and democracy in Europe" touched upon certain delicate issues having the potential to further complicate the difficult settlement process.

**Mr McNamara** thanked the Minister for informing the Bureau of the achievements of Azerbaijan. However, he underscored that also the failures needed to be discussed. One of the major concerns was the situation of political prisoners in the country. Amnesty International counted 18 political prisoners, among whom was also the Director of the Council of Europe School of Political Studies. He asked the Minister when Azerbaijan was prepared and willing to comply with the Assembly's resolutions.

**Mr Mignon** raised the issue of Nagorno-Karabakh, the Madrid agreements and the ways of resolving that problematic issue for the country.

**Mr Kox** wanted to know how Azerbaijan was planning to improve its track record on human rights, which he thought was the minimum a chairmanship country should do.

**The Minister** replied that Azerbaijan was always ready to discuss tough issues. Improving its human rights record was to be seen as a process and Azerbaijan still had a lot of homework to do in that field. On the other hand, no country was an angel where human rights was concerned and no democracy was superior to others. With regard to Nagorno-Karabakh, he was adamant that diplomacy should never be exhausted. The conflict should be settled on step-by-step basis; there was no other way. The presence of Armenian troops in the territory complicated the matter. In that sense it was not a frozen conflict at all. An important aspect of conflict resolution in Nagorno-Karabakh was increasing predictability.

Referring to the Minister's comment on the human rights improvement being a process, **Ms Christoffersen** enquired about the concrete steps Azerbaijan was going to take in that sphere during its chairmanship.

**Mr Walter** wished to know more about Azerbaijan's foreign policy issues, apart from Nagorno-Karabakh. He asked how the current situation in Iran affected Azerbaijan.

**Mr Schwab** recalled the issue of Mr Strässer who had been hindered from going to Azerbaijan on behalf of the Assembly. He also voiced concern over the situation of human rights, journalists, NGOs and human rights defenders, asking the Minister for his reaction on the judgment of the ECHR with respect to Mr Mammadov.

**Mr Agramunt** informed the Bureau that he had been able to meet Mr Mammadov in prison two days before, in his capacity as co-rapporteur of the Monitoring Committee on Azerbaijan. He asked the Minister to

elaborate on what was really behind the standstill on the Nagorno-Karabakh conflict. Armenia was too small by itself to be a major threat to Azerbaijan today.

**Mr Choqe** referred to the issue of energy security in the region, wondering what was behind the failures so far to make the direct supplies of oil and gaz from Azerbaijan function satisfactorily.

**The Minister** referred first to the visa issue (in relation in particular to Mr Rouquet), pointing out that Azerbaijan could not tolerate those who supported separatism. In the case of Mr Mammadov, he had no right to interfere in the legal procedures in his country. His Ministry was following the case closely; however any decisions on that issue were to be taken by lawyers. He also pointed out that the Nagorno-Karabakh and energy issues were closely linked. Azerbaijan was increasing its contribution to European energy security. Shah Deniz-2, TANAP and TAP were among the world's largest energy projects. Shah-Deniz-2 energy project involved the investment of \$45 billion, and more that 30,000 new jobs being created in the countries along the route. The reasons for failures were to be found in Europe itself.

**Mr Xuclà** indicated that democracy was a process of consolidation. He asked what the notions of freedom of press and freedom of speech meant to the Minister, and which instruments he considered the best for finding a resolution to those problematic issues.

**Mr Ghiletschi** echoed the Minister's earlier saying that the illegal military presence of Armenia was one of the major obstacles to conflict resolution. So far nothing had helped to make progress in Nagorno-Karabakh or in Transnistria where the illegal presence of Russian troops made it impossible to find a solution.

**The Minister** replied, in his national capacity, that engagement was a very important element in conflict resolution, especially people-to-people contacts. Confidence building was not a one-way process. He therefore thought that it was essential to stick to the principles and to a vision and strive for a better overall quality of life everywhere.

**The President** thanked the Minister for the very open exchange of views.

#### 4. EXAMINATION OF NEW CREDENTIALS

Doc. 13515

The Committee **ratified** the credentials of the new representatives and substitutes, as set out in Doc. 13515.

#### 5. MODIFICATION IN THE COMPOSITION OF COMMITTEES

Commissions (2014) 05

The Standing Committee **approved** the changes in the membership of the Assembly committees, as set out in document Commissions (2014) 05.

#### 6. REQUEST FOR A CURRENT AFFAIRS DEBATE

**The President** informed the Bureau that no request for a current affairs debate had been tabled.

#### 7. AGENDA

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**The President** informed the Bureau that Mr Rouquet, for the reasons already discussed, had requested that his report under item 13.c. be removed from the agenda.

**Mr Seyidov** indicated that he wished to make a statement under "Other business".

**Ms Fiala** thought that the Assembly should react on the recent events in Nigeria and denounce the actions of Boko Haram. As it was too late to request a current affairs debate on that matter, she moved that the Standing Committee could adopt a statement.

**Mr Mariani** proposed to raise at the Standing Committee the issue of lobbying by honorary members discussed too briefly by the Bureau on the previous day.

**The President** explained that the changes discussed by the Bureau did not concern lobbying per se but a technical change bringing the guidelines on honorary membership and honorary presidency in line with the

already existing rules. Nevertheless, she would agree that the item be put back on the agenda of the next Bureau meeting, if further clarifications were needed.

**Mr Agramunt** raised a point of order, emphasising that both the Presidential Committee and the Bureau had had very little time to discuss that important matter.

**The President** reaffirmed that the Bureau would come back to that issue at its next meeting.

The revised draft agenda was **adopted** as amended.

**The President** indicated that the speaking time during the debates on the reports would be limited to 3 minutes.

## 8. THIRD PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (23-27 June 2014)

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In accordance with Rule 26.4 of the Assembly Rules of Procedure, the Standing Committee **took note** of the draft agenda for the third part-session of 2014.

## 9. REFERENCES, TRANSMISSIONS AND MODIFICATIONS OF REFERENCES TO COMMITTEES

AS/Per (2014) 06

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

## 10. CURRENT AFFAIRS DEBATE (UNDER RULE 52 OF THE RULES OF PROCEDURE)

No request for the debate.

## 11. OBSERVATION OF ELECTIONS

### Observation of the early parliamentary elections in Serbia (16 March 2014)

Doc. 13516

*Rapporteur of the Ad hoc Committee of the Bureau:  
Mr Pedro Agramunt (Spain, EPP/CD)*

**The President** recalled that the Bureau had adopted Mr Agramunt's report on the early parliamentary elections in Serbia on the previous day.

**Mr Agramunt** stated that the elections had been generally well conducted on a sound legal basis. The voters had a real choice between candidates and the candidates had had the possibility to campaign freely. The media landscape was diverse, even if the range of opinions offered had been limited by the influence of media ownership being close to political circles. Fighting corruption remained a major issue of concern. He therefore called upon the newly-elected parliament to take tangible measures to address that problem.

**Ms Djuvovic** thanked Mr Agramunt and other members of the election observation team. She found the report objective and balanced. It was not the first time that the conduct of the elections in Serbia had been positively assessed. As a Serbian citizen, she considered that the elections had been truly democratically run. Transparency of media ownership was indeed a problematic issue but that did not influence the outcome of those elections. Despite the ruling party having received 158 or the 250 seats, the new Prime Minister had decided not to form a majority government but had opted for a coalition government in hope for enhanced stability and greater acceptance of the difficult reforms that needed to be carried out.

**Mr Kox** thought that the conduct of those elections deserved a compliment and should serve as an example to other countries in the region.

**Ms Devroz** endorsed the importance of those elections for the entire region. She hoped that they would also serve as a positive example for the forthcoming parliamentary elections in Bosnia and Herzegovina.

**12. SOCIAL AFFAIRS, HEALTH AND SUSTAINABLE DEVELOPMENT****Combating sexual violence against children: towards a successful conclusion of the ONE in FIVE Campaign**

Doc. 13502

*Rapporteur of the Committee on Social Affairs, Health and Sustainable Development  
Mr Valeriu Ghiletschi (Republic of Moldova, EPP/CD)*

**Mr Ghiletschi**, Rapporteur, recalled that the Council of Europe ONE in FIVE Campaign to stop sexual violence against children had been launched for a period of four years. The main aim of the campaign was to encourage the signature, ratification and implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote convention"). The Convention had by now been ratified by 31 member states and not by 30 as it stood mistakenly in the draft recommendation. Unfortunately time was running out and 16 ratifications were still outstanding. The report proposed prolonging the campaign for an extra year until November 2015 in order to reap the maximum benefits, and to launch a European Day to fight sexual violence against children to carry over the benefits of the campaign.

**Ms Kyriakides**, General Rapporteur on children, thanked the rapporteur for his very useful report, supporting the continuing of the campaign.

The Standing Committee **adopted** the draft recommendation unanimously.

**13. MIGRATION, REFUGEES AND DISPLACED PERSONS****a. Migrants and Refugees and the fight against AIDS**Doc. 13391  
Amendments

*Rapporteur of the Committee on Migration, Refugees and Displaced Persons:  
Ms Doris Fiala (Switzerland, ALDE)*

*Rapporteur of the Committee on Social Affairs, Health and Sustainable Development (for opinion):  
Ms Liliane Maury Pasquier (Switzerland, SOC)*

Doc. 13431

**Mrs Fiala** pointed out that, for a long time, she had been involved at the national level in the work of the Swiss AIDS Federation and had been its President for several years. Despite on-going improvements in treatment, HIV remained one of the most dangerous communicable diseases in Europe, associated with high costs of treatment and a considerable reduction in life expectancy and quality of life. Migrants were often accused of "spreading AIDS". But what were the facts? To what extent did migration impact on the overall HIV burden in Europe? What should member States and institutions do to gain a fuller understanding of the reality of the phenomenon and to deal with it more effectively? In her report, she had tried to answer those vital questions and to assess whether the responses by Council of Europe member States and other countries were adequate and sufficiently co-ordinated. During the preparation of this report, she had carried out two fact-finding missions to Portugal and to Ukraine to look into the situation in the field. She thanked the parliamentary delegations and the authorities of those countries for their help and information provided. In her report, she had tried to point out the main obstacles to HIV/AIDS prevention and treatment among migrants in Europe and main human rights concerns. Migrants continued to face social and language barriers resulting in lack of awareness and stigma. Legal, administrative and financial obstacles resulted in delayed diagnosis, fear of seeking treatment and higher HIV-related morbidity and mortality. Especially vulnerable subgroups of migrants included women, men having sex with men, sex workers, undocumented migrants and refugees. African migrants' high perceptions of risk and fear of death and disease constituted a barrier for HIV testing, especially for those unable to access HIV treatment, either in their country of origin or in Europe. Many migrants lacked general knowledge of HIV and other sexually transmitted infections. Many were unaware of how to access the existing preventive and curative healthcare services in their country of residence.

Migrants living with HIV/AIDS suffered multiple forms of discrimination and stigmatisation, including denial of entry, or refusal to renew residence permits in some countries. The policies of several European countries, which required obligatory HIV testing, or testing without the consent of migrants, raised serious human rights concerns. There was a consensus among international experts that HIV-related travel restrictions were neither efficient nor effective. On the contrary, they were harmful to the public health of the host country, by compelling migrants to avoid HIV screening for fear of expulsion and by lulling the local population into a false sense of security suggesting that HIV/AIDS was a 'foreign problem'. Although 41 member States of the Council of Europe had no restrictions on entry, stay and residence based on HIV status, a few still did. Some

member States still imposed mandatory HIV testing for foreign nationals when applying for long-term residence permits.

Asylum seekers were considered particularly vulnerable to HIV for three main reasons: they might have experienced situations of risk in areas of high HIV prevalence; their migration might have been triggered by such experiences as detention, beatings, torture, rape, sexual assault and harassment; and the experience of becoming an asylum seeker or refugee might involve poor living conditions, malnutrition, lack of protection and depression which may leave them vulnerable to sexual exploitation.

The Rapporteur was adamant that migrants with HIV status should be guaranteed the legal protection against expulsion by international and national legislation. An HIV positive migrant should never be expelled when it is clear that he or she would not receive adequate health care and assistance in the country to which he or she was being sent back. To do otherwise would amount to a death sentence for that person. She was particularly concerned by the 11,000 HIV-infected Crimean patients, who were prevented from receiving their treatment because of the Russian occupation. 4300 of HIV-infected people in Crimea needed to take their medications daily. According to the Russia's Ministry of Health, no funding was to be provided for local purchases of antiretroviral drugs in "the new constituent entities of the Russian Federation". At the same time, the drugs that were used in Ukraine were not registered in the Russian Federation and could not be used for treatment of patients in Crimea. The lives of 803 Ukrainian citizens who had taken part in replacement and maintenance therapy for their drug addiction were also at risk. On 20 March 2014, the Head of the Federal Drug Control Service of Russia Victor Ivanov had made a public statement that replacement therapy programmes in Crimea would be suspended. Patients on drug replacement therapy were likely to become one of the first group of refugees from Crimea.

When legal restrictions did not apply, the main barrier was often financial in nature. In some European countries HIV healthcare services were not free for migrants, even with a residence permit. Switzerland provided free access to HIV and STIs treatment only when it was considered "urgent", otherwise, testing was to be paid for or had to be covered by a health insurance scheme

Finally, Ms Fiala said that she had tried to demolish the myth of health tourism, which was frequently used by politicians defending the restrictive migration policies. The data provided by the Doctors of the World proved that access to health care did not present a pull factor for migration, therefore providing free access to health services for migrants and refugees did not appear to lead to this phenomenon of 'health tourism'. Her report concluded that member states should adopt a human rights based approach to fighting HIV/AIDS: they should ensure that all migrants and asylum seekers have full access to affordable HIV treatment and care and to adapted prevention strategies. Where appropriate health care was unavailable in the country to which a person was to be returned, he or she should not be expelled.

**Mr Ghilechi**, presenting the opinion of the Committee on Social Affairs, Health and Sustainable Development prepared by Ms Maury Pasquier, said that his committee supported the report prepared by Ms Fiala. In its report entitled "Equal access to health care", which had led to the adoption of Resolution 1946 (2013), his committee had noted that factors such as discrimination, financial, language and information barriers, socio-economic inequalities and certain migration and security policies were leading to growing inequalities in access to health care in Europe. Vulnerable groups, including migrants and especially those in an irregular situation, were particularly affected by those inequalities. Ms Fiala's report unfortunately confirmed those findings. The committee proposed nine amendments so as to clarify certain aspects concerning health.

The Standing Committee voted on those nine amendments. The resolution as amended was **adopted** unanimously.

#### **b. Migrant children: what rights at 18?**

Doc 13505

*Rapporteur of the Committee on Migration, Refugees and Displaced Persons:  
Ms Mailis Reps (Estonia, ALDE)*

**Mr Mariani**, Chairperson of the Committee on Migration, Refugees and Population, presented the report of Ms Reps who had been unable to travel to Azerbaijan. He thanked Ms Reps for undertaking that sensitive but still little discussed problem. Whereas reaching the age of majority was a joyful event of independence and freedom for most youngsters, that was not the case for migrant children, for many of whom coming into adulthood signalled the beginning of a nightmare: loss of all their rights and all the benefits previously accorded to them, be it in terms of social welfare, education, housing or access to health care. Their future varied from one country to another. The luckiest ones were in the UK where they could have a resident

status and ask for asylum, which meant that they could be offered accommodation but no right to work. In Hungary, depending on the specific cases, migrant children could be taken in charge by the authorities if they continue their studies. In Spain, the children in the care of guardians could acquire Spanish citizenship after two years if the youngster had a work permit. Spain had also introduced a special transition programme in order to help those young migrants acquire autonomy. However, in most other member states, those children were left with a choice of either returning to their country of origin or going into hiding and thus exposing themselves to risks of falling prey to prostitution or trafficking networks. No pan-European legal instrument existed so far to protect or to guide those young people. The report therefore proposed to establish a transition category for young adults of 18 to 25 years of age that would help them continue to have access to social aid, education and health care. Specific training programmes for social workers were also necessary to be introduced.

**Ms Kyriakides** commended the excellent report which pinpointed many difficulties young migrant children had to endure when reaching adulthood. When turning 18, young migrants lost many of their rights, often without any preparation for that. She therefore thought that a transition period needed to be introduced in order to allow those children to continue their studies or apprenticeship.

**Mr Mariani** agreed that a transition à la carte needed to be introduced. The latter should not impose anything on the person, but it should nevertheless be a personalised project on an individual basis. He called on all members to support the report.

The Standing Committee **adopted** the draft recommendation unanimously.

**c. Alternatives to Europe's substandard IDP and refugee collective centres**

Doc 13507

*Rapporteur of the Committee on Migration, Refugees and Displaced Persons:  
Mr René Rouquet (France, SOC)*

This item was **postponed**.

**14. CULTURE, SCIENCE, EDUCATION AND MEDIA**

**Draft Council of Europe Convention against the manipulation of sports competitions**

Doc. 13464

Doc. 13508

Amendments

*Rapporteur of the Committee on Culture, Science, Education and Media:  
Mr Kent Härstedt (Sweden, SOC)*

**The President** recalled that, at their meeting on 12 March 2014, the Committee of Ministers had decided to transmit to the Assembly, for opinion, the draft Council of Europe Convention on the Manipulation of Sports Competitions.

**Mr Härstedt**, Rapporteur, presented his report. He started first by thanking the involvement of the Assembly's President who, until her election as Assembly President, had been rapporteur on a report on "The need to combat match-fixing". As the Assembly had already signalled on previous occasions, illegal betting and "match-fixing" were growing phenomena which did not only jeopardise sports ethics but also the rule of law as they were closely interconnected with money laundering and international organised crime. No country was immune from that scourge or could remedy it alone. Defeating it needed a global response. There was therefore a compelling need for a Council of Europe Convention on the Manipulation of Sports Competitions that would be open to all member States. In the opinion, he had underlined the need to encourage all forms of co-operation between European and non-European States, especially those who had big betting industries, as well as between national authorities and all other stakeholders. The report also encouraged awareness-raising among young people. The draft opinion presented a long list of different proposals that would strengthen the future Convention.

**The President** personally thanked the Rapporteur for his contribution to the theme that was dear to herself.

**Mr Debono Grech** welcomed the initiative of the Council of Europe to have a European Convention on that sensitive matter; however, he thought that some of the suggestions in the draft opinion were going beyond the scope of the stated objectives. Malta therefore reserved the right to vote against the draft opinion.



**Mr Kox** emphasised that sport was a very important entertainment industry and it was highly important that the Assembly tried to support the rules guaranteeing fair play. When the current President started dealing with that subject, many thought that it was not something that the Council of Europe should take up. Today the situation was very different and the draft convention received more and more support.

**Ms Christoffersen** maintained that sport was considered as the largest democratic movement in Norway and the country took the matters of illegal betting and match-fixing with utmost concern.

**Mr Härstedt** said that he was not at all surprised if the report and the draft opinion were challenged by some. The sports industry today was infected by manipulation. It made it even more important to deal with that subject. In preparing an all-European Convention, it was essential that all voices be heard. For that reason it was also important to hear the voice of the betting industry. However, the draft Convention really did not need to be watered down.

The Standing Committee **took position** on the 4 amendments tabled. Finally it **adopted** both the draft resolution and the draft recommendation unanimously.

## 15. EQUALITY AND NON-DISCRIMINATION

### Improving co-operation between National Human Rights Institutions (NHRIs) and parliaments in addressing equality and non-discrimination issues

Doc. 13506

*Rapporteur of the Committee on Equality and Non-Discrimination:  
Ms Katherine Zappone (Ireland, UEL)*

**Ms Dervoz** presented the report prepared by Ms Katherine Zappone, who was now no longer a member of the Assembly. She started by paying tribute to her work. As a former member of the Irish Human Rights Commission, Ms Zappone had included first-hand information on cooperation between national human rights institutions and parliaments on equality and non-discrimination issues, including a case study on Ireland. The rapporteur had based her work largely on replies to the questionnaire she sent to all European National Human Rights Institutions (NHRIs). Most Council of Europe member States had established NHRIs based on the 1993 Principles relating to the status and functioning of national institutions for the protection and promotion of human rights, also called Paris Principles. They took the form of human rights commissions, ombudspersons, consultative commissions or human rights institutes. They supported the work of legislators and also acted as a check and balance on executive and judicial power. NHRIs were a reliable source of information on the human rights situation at the national level and could be consulted, asked for advice on legislation and provide support to ensure compliance of draft legislation with international human rights treaties. The report thereby concluded that parliaments should encourage the establishment of an NHRI in compliance with the Paris Principles when it was not yet the case and ensure a strong interaction with the parliament.

The report concluded that both parliaments and NHRIs were protectors and guarantors of equality and non-discrimination. They should make the full use of that potential and further explore cooperation possibilities, with full respect for the NHRIs' independence. Both shared a responsibility to raise awareness of equality and non-discrimination issues with the general public: NHRIs had a responsibility to inform parliamentarians on the human rights situation and parliamentarians had in their turn a responsibility to seek information, they should be encouraged to engage in mutual information sharing and to establish partnerships. She stressed that a constructive dialogue and cooperation between NHRIs and parliaments would contribute to improving human rights protection for all.

**Ms Dervoz** recalled that the proposed draft resolution had been unanimously adopted by the Committee on Equality and Non-Discrimination in Vienna in March 2014 and hoped that the Standing Committee would also support the text.

**Mr Walter** observed that the report mentioned that no contribution had been received from the UK, which he deeply regretted. He therefore asked that the delegation heads and secretariats be informed of the requests of that kind, so they could use their own channels to follow up on the requests.

**Ms Dervoz** replied that the report had been discussed on several occasions at the committee level. Members also needed to be pro-active. She had personally called and asked her own Ombudsperson whether the national reply had been sent to the rapporteur.

The Standing Committee **adopted** the draft resolution unanimously.

## 16. OTHER BUSINESS

**Mr Seyidov** said that, Azerbaijan having taken over the six-month chairmanship, everybody was now asking the country to be exemplary. However, when Azerbaijan asked the Organisation to support its one most important value – its territorial integrity – there were just statements and no action. When Azerbaijan became member of the Council of Europe thirteen years before, it had joined the Organisation with a goal of restoring its territorial integrity. However, today, several member states were losing their territories. When they asked for help, they got punished instead: yesterday Georgia, today Azerbaijan and tomorrow Ukraine. He could hear the Assembly's arguments of the supremacy of international agreements; however, those agreements had been created nearly 60 years ago when today's frozen conflicts in Europe did not exist. He compared the Assembly's reaction to religious clerics who would punish anybody who failed to comply with the Holy Book. For his country, UN Resolutions were supreme to any other international agreements. Also, he failed to understand why the Assembly accepted that one of its Vice-Presidents and head of a national delegation violated Azerbaijan's national law and breached Article 5.3 of the code of conduct of Assembly's members. By imposing such meaningless sanctions on Azerbaijan, the Assembly was eventually marginalising itself. He proposed to the Standing Committee, instead of punishing those suffering from the loss of their territories, to set up a sub-committee on occupied territories and to refer the issue of implementation of the Paris Protocols on Privileges and Immunities for revision to the Committee on Rules of Procedure, Immunities and Institutional Affairs.

**Mr Kox** advised the Azerbaijani delegation to stick to the rules and then the Assembly would not need to discuss such issues. He informed the Standing Committee of a side-event organised by Azerbaijani NGOs on the country's human rights situation. Their event had been initially been planned to take place in the Flame Towers' hotel where the Standing Committee was meeting; however, the venue had been refused at the last moment by the hotel, stating security concerns; therefore the event was now moved to another venue, the address of which he conveyed to the members.

## 17. NEXT MEETING

The Standing Committee **decided** to hold its next meeting in Brussels on 18 November 2014.

The meeting **rose** at 1.30 pm.

## APPENDIX I

## LIST OF PARTICIPANTS

**President of the Parliamentary Assembly / Présidente de l'Assemblée parlementaire**

Mme Anne BRASSEUR Luxembourg

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

M. Pedro AGRAMUNT Group of the European People's Party /  
Groupe du Parti populaire européen  
Mr Christopher CHOPE<sup>2</sup> European Democrat Group /  
Groupe démocrate européen  
Mr Jordi XUCLÀ Alliance of Liberals and Democrats for Europe /  
Alliance des démocrates et des libéraux pour l'Europe  
Mr Tiny KOX Group of the Unified European Left /  
Groupe pour la gauche unitaire européenne

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

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Mme Doris FIALA Suisse  
Mr Reha DENEMEÇ Turkey  
Mr Samad SEYIDOV Azerbaijan  
Ms Dana VÁHALOVÁ Czech Republic  
Mr Gerardo GIOVAGNOLI San Marino  
Mr Michele NICOLETTI Italy  
Mr Predrag SEKULIĆ Montenegro

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Mr Ivan RAČAN Croatia  
Ms Stella KYRIAKIDES Cyprus  
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M. Marcel OBERWEIS Luxembourg  
Mr Joseph DEBONO GRECH Malta  
Mr Predrag SEKULIĆ Montenegro  
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Ms Beata BUBLEWICZ Poland  
Mr Gerardo GIOVAGNOLI San Marino  
Ms Aleksandra DJUROVIĆ Serbia  
Ms Oľga NACHTMANNOVÁ Slovak Republic  
Mr Arcadio DÍAZ TEJERA Spain  
Mme Doris FIALA Suisse  
Mr Reha DENEMEÇ Turkey  
Mr Robert WALTER United Kingdom

<sup>2</sup> Acting Chairperson / *Président en exercice*

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

Mr Michael McNAMARA (in the absence of Ireland  
the Chairperson / *en l'absence du Président*)

**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**

Mr Valeriu GHILETCHI Republic of Moldova

**Chairperson of the Committee on Migration, Refugees and Displaced Persons /  
Président de la Commission des migrations, des réfugiés et des personnes déplacées**

M. Thierry MARIANI France

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

Ms Ismeta DERVOZ (in the absence of the Bosnia and Herzegovina  
Chairperson / *en l'absence du Président*)

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

Mr Kent HÄRSTEDT Sweden

**Members of the Parliamentary Assembly / Membres de l'Assemblée parlementaire**

Ms Sevijn FATALIYEVA Azerbaijan

Mr Rafael HUSEYNOV Azerbaijan

Ms Ganira PASHAYEVA Azerbaijan

Mr Jean-Claude MIGNON France

**Invited personalities / Personnalités invitées**

Mr Ogtay ASADOV Speaker of the Milli Məclis of the Republic of Azerbaijan /  
Président du Milli Məclis de la République d'Azerbaïdjan

Mr Elmar MAMMADYAROV Minister for Foreign Affairs of Azerbaijan, Chairperson of the  
Committee of Ministers of the Council of Europe / Ministre des  
Affaires étrangères d'Azerbaïdjan, Président du Comité des  
Ministres du Conseil de l'Europe

**Delegation Secretaries / Secrétaires des délégations**

Mr Ruslan ISMAYILOV Azerbaijan

Mr Ilgar MAJIDLI Azerbaijan

Ms Sonja LANGENHAECK Belgium

Ms Martina PETEK-STUPAR Croatia

Mr Panicos POURGOURIDES Cyprus

Ms Veronika KRUPOVÁ Czech Republic

Ms Tanja ESPE Estonia

Ms Maria FAGERHOLM Finland

Ms Tamara DVALADZE Georgia

Mr Michael HILGER Germany

Ms Voula SYRIGOS Greece

Ms Judit GOTTSCHALL Hungary

Ms Vilborg Ása GUÐJÓNSDÓTTIR Iceland

Mr Federico CASELLI Italy

Mr Martins OLEKŠS Latvia

Ms Dorthe BAKKE Norway

Ms Hanna KUCHARSKA-LESZCZYNSKA Poland

Mr Vladimir FILIPOVIĆ Serbia

Mr Daniel ZEHNDER Switzerland

Mr Nicholas WRIGHT United Kingdom

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

Ms Denise O'HARA	EPP/CD / PPE/DC
Mr Tom VAN DIJCK	EDG / GDE
Ms Maria BIGDAY	ALDE / ADLE

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

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Mr Mário MARTINS	Director General / Directeur Général
Mr Horst SCHADE	Director of General Services / Directeur des services généraux
Mr Mark NEVILLE	Head of the Private Office / Chef du Cabinet
Ms Ivi-Triin ODRATS	Secretary of the Standing Committee / Secrétaire de la Commission permanente
Mme Nathalie BARGELLINI	Press Officer, Communication Division / Attachée de presse de la Division de la Communication
Ms Sally-Ann HONEYMAN	Administrative Assistant, Table Office / Assistante administrative du Service de la séance
Mme Annick SCHNEIDER	Administrative Assistant, Bureau / Assistante administrative du Bureau
Mr Martin McMILLAN	Assistant, Standing Committee / Assistant de la Commission permanente

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

Ms Mireille PAULUS	Secretary of the Committee of Ministers / Secrétaire du Comité des Ministres
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**Other participants / Autres participants**

Ms Lala CHALABIZADA	Senior Adviser, International Relations Department, Milli Məclis / Conseillère principale, Service des Relations internationales, Milli Məclis
Ms Dragana FILIPOVIĆ	Head of the Council of Europe Office, Baku / Chef du Bureau du Conseil de l'Europe, Bakou
Ms Margarita FOULDA	Head of the Directorate of Communication, Hellenic Parliament / Chef de la Direction de la Communication, Parlement Hellénique
Ms Corinne GATT	Legal Adviser / Conseillère juridique, Lotteries and Gaming Authority, Malta

## APPENDIX II

Decisions on documents tabled for references to committees

1. **Phage therapy, a public health issue**  
**Motion for a resolution tabled by Ms Blondin and other members of the Assembly**  
**Doc. 13480**

Transmission to the Committee on Social Affairs, Health and Sustainable Development *for information*

2. **Organised crime and migrants**  
**Motion for a resolution tabled by Mr Chikovani and other members of the Assembly**  
**Doc. 13486**

Reference to the Committee on Migration, Refugees and Displaced persons *for report*

3. **Council of Europe Development Bank strategy**  
**Motion for a recommendation tabled by Ms Bergamini and other members of the Assembly**  
**Doc. 13497**

Transmission to the Committee on Social Affairs, Health and Sustainable Development *for information*