



AS/Per (2016) PV 03

9 January 2017

Standing Committee

Minutes¹

**of the meeting held in Nicosia (Cyprus)
on 25 November 2016**

¹ Approved by the Assembly on 23 January 2017.

1. OPENING OF THE MEETING

The meeting began at 9:30a.m. with **Mr Agramunt**, President of the Assembly, in the chair.

The Standing Committee was meeting at a historic moment in the negotiations on the reunification of Cyprus. The latest talks in Switzerland had not produced the expected results. The Parliamentary Assembly encouraged the Cypriot President, Nicos Anastasiades, and the Turkish Cypriot leader, Mustafa Akinci, in their efforts to find a solution to put an end to a conflict that had lasted 42 years. Today the world was celebrating World Day for the elimination of violence against women. Ms Gafarova, rapporteur general of the Assembly on violence against women, wished to make a statement to mark the occasion.

Ms Gafarova said that countering violence against women was part of the Assembly's commitment to upholding democratic values. It was regrettable to see that thousands of women continued to die every year and that the perpetrators of these crimes continued to go unpunished. The parliamentarians work consisted in closing the gap between the promises made on paper and the actual everyday situation. In addition to supporting the associations working in this field, the necessary funds needed to be assigned to putting in place measures to ensure prevention and to provide assistance to the victims. Over the course of the year three new countries had ratified the Istanbul Convention and four others had signed it. The countries which had not yet done so were invited to follow this example so that the phenomenon of violence was no longer shrouded in silence.

The President thanked Ms Gafarova for her statement.

The Cypriot chairmanship of the Committee of Ministers had fixed its priorities in a difficult context marked by terrorist threats, the refugee crisis, the rise of nationalist, populist and extremist rhetoric, as well as the emergence of new dividing lines in Europe. The aim of the declared priorities was to strengthen democratic security in Europe, an aim which could only be achieved through the joint efforts of all European states and actors. The European Human Rights Convention was at the heart of the Council of Europe's activities. Consequently, the Chairmanship's commitment to maintaining the Convention system and ensuring the execution of judgments was greatly appreciated, in particular, in the light of the 55th anniversary of Cyprus' accession to the convention. Cyprus' efforts to promote the Council of Europe's work to complete the new Convention on Offences relating to Cultural Property were welcomed. The Assembly undertook to promote this instrument in member states. The Assembly's Committee on Equality and Non-Discrimination would give its support to the Chairmanship's activities relating to the rights of persons with disabilities. The conference on "Social rights in today's Europe" would help to consolidate the implementation of the European Social Charter, and the conference on "Securing Democracy through Education" would help to assess the progress made in implementing the educational aspects of the Action Plan on "the fight against violent extremism and radicalisation leading to terrorism" and the "Action Plan on building inclusive societies (2016-2019)". The Assembly's #NoHateNoFear initiative, which had received the support of a large number of parliamentarians, would contribute to these activities. Finally, the Assembly would give all its support to the consultation process on the holding of a 4th Summit of Heads of State and Government of the Council Europe, to which the Chairmanship was committed.

2. WELCOME ADDRESS BY MR DEMETRIS SYLLOURIS, PRESIDENT OF THE HOUSE OF REPRESENTATIVES OF CYPRUS

The President welcomed the Standing Committee to Nicosia.

It was of fundamental importance in today's Europe to uphold the values on which the Council of Europe had been founded. European countries shared the same concerns: disputes between Council of Europe member states, the economic crisis and the migratory crisis - and a concerted and inclusive effort was required to solve these disputes, including the one concerning the Russian Federation.

The refugee crisis, which was the outcome of conflicts some of which were taking place on Europe's borders, was a tragedy involving human beings who were trying to survive. Peace and security could not be taken for granted and Cypriots were aware of this as 37% of the island continued to be occupied by Turkey. The inhabitants of the island wished to live in an environment, where there were no conflicts, only social well-being and respect for human rights. The judgments of the European Court of Human Rights and the texts of the United Nations Organisation recognised this by taking account of multicultural diversity. To ensure that reunification could become a reality, it was necessary to avoid variable geometry policies.

The victims of armed conflicts, wars or economic difficulties were leaving their home countries in search of a better future, thereby contributing to an unprecedented migration crisis. The week before 217 persons had

landed on the coast close to Paphos. Sometimes these persons died or became the victims of people traffickers. It was their duty to protect them. To that end it was necessary to reconsider former policies. The countries which had encouraged the military interventions that had led to this crisis had greater responsibility. The situation in Alep and the continuation of the conflict in Syria had opened Pandora's Box. If mistakes had been made in the past, they had to be rectified so as to re-establish peace.

The Chairmanship's efforts to strengthen democratic security in Europe had identified a number of challenges for all countries, and national parliaments needed to work on them concretely. The meetings to be held in Cyprus during the chairmanship would provide the opportunity for fruitful discussions.

Finally, the President of the Assembly's #NoHateNoFear initiative was an important effort to establish peace in Europe and the Cypriot Chairmanship fully supported it.

3. EXCHANGE OF VIEWS WITH MR IOANNIS KASOULIDES, MINISTER FOR FOREIGN AFFAIRS OF CYPRUS, CHAIRPERSON OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

CM/Inf (2016) 29

CM/Inf (2016) 30

The Minister said that Cyprus was taking on the responsibilities of the chairmanship of the Committee of Ministers for the 5th time since it had become a member of the Council of Europe in 1961. The current chairmanship was taking place amidst economic difficulties, and an increase in populist and extremist rhetoric which was undermining confidence in public authorities and international organisations. The #NoHateNoFear launched by President Agramunt was taking on particular significance. In the current context, the Council of Europe played an important role on account of its different bodies, its expertise and its ability to enhance co-operation between member states. Finally, they should support those democratic institutions and inclusive societies which promoted tolerant and democratically active citizenship so as to strengthen democratic security in Europe. The Parliamentary Assembly, a forum for the expression of political ideas, played an important role in enhancing democratic security and restoring confidence in public institutions. The priorities of the Cypriot chairmanship were described in detail in the document that had been distributed. However, some of them deserved special attention.

The Cypriot chairmanship attached great importance to protecting the cultural heritage. The Cypriot diplomacy had launched an international initiative to enhance the protection of cultural property against destruction and against unlawful trafficking, by exploring new approaches to establish synergies and strengthen international capacities. Culture, which was defined as the common heritage and cultural values of Europe, was an integral part of European identity. Cyprus therefore intended to do its utmost to finalise the Convention on offences relating to cultural property, a field in which the Council of Europe was a pioneer. It was hoped that the convention would be opened for signature at the meeting which the Committee of Ministers would be holding in Cyprus in May 2017.

The conference on "Securing Democracy through Education" had helped to assess the progress made in implementing the educational aspects of the two action plans. The Commissioner for Administration and Human Rights (Ombudsman) would be hosting a thematic round table on Government Focal Points on LGBT Equality Mainstreaming Policies. The Chairmanship would also host two thematic debates in Strasbourg, the first of which would concern human rights and security, and the second the Council of Europe and the European Union's approach to the migration crisis.

Developing synergies was another important element in fostering democratic security. The Chairmanship would focus on enhancing dialogue and co-operation with regional and international partners. Cyprus would seize the opportunity of the chairmanship to strengthen the Council of Europe's relations with its southern neighbours. The Assembly was an important channel of dialogue and co-operation with countries south of the Mediterranean which held observer status with the Parliamentary Assembly (Israel) or were partners for democracy (Jordan, Morocco and Palestine).

It was essential to work together to turn today's challenges into opportunities to consolidate their values and principles, and with persistence and coherence they would succeed in doing so.

Mr Kox asked how much progress had been made in the negotiations on the reunification of Cyprus. **The Minister** said that the negotiations had reached an advanced level of progress, without the intervention of other institutions. An agreement had been reached on over 90% of the issues under discussion, i.e. with regard to the 4 domestic issues relating to governance, representation with the European Union, the

economy and properties. With regard to the 5th issue – territorial arrangements – the negotiations concerned the return of refugees, the percentage of the territory and the coastline. As far as the Cypriot government was concerned, consensus on the question of territory was a fundamental prerequisite for moving on to the next, final stage of the talks: an international multiparty conference to discuss security. However, this was only a short break in the negotiations, in which considerable progress had been made. The political resolve of the two leaders was to agree on a solution. The objective of Cyprus was to become a sovereign and independent country, which would not be possible if the Treaty of Guarantee continued to apply and a foreign army was present on its territory.

Sir Roger Gale wished to know more about the timetable of negotiations and the date set for the final agreement and asked what the Parliamentary Assembly could do to provide support. **The Minister** thanked the Assembly for its support and said he was confident that in the coming weeks a new compromise would be found. Neither of the parties intended to put an end to the talks. The difficulties were undoubtedly linked to the determination to make the issues of territory and security interdependent. The position of the Greek government was that, before embarking on discussions concerning security, which involved external authorities, all internal issues had to be resolved between the Cypriots themselves. The two parties should be ready to reach agreement.

Mr Németh pointed out that the talks, which were aimed at the reunification of two communities with different cultural and religious backgrounds, were in keeping with the Council of Europe's mission and required the support of the Assembly. He asked for further details on the role of the guarantors of the negotiations, on Cyprus' future attitude to NATO and on the Council of Europe's possible role in helping Cyprus to put in place the main legal mechanisms of the new state. **The Minister** said that religious matters had never been a factor of division, unlike nationalist aspirations, which actually originated from outside the island. With regard to the Treaty of Guarantee, Turkey wished to maintain it and to put forward its own interpretation of the right to unilateral intervention, while Greece wished to revoke the Treaty. The United Kingdom would take its decision once it had heard the arguments of the parties concerned. The role of the guarantors would be decided at the multilateral conference at the same time as the decision on the future of the Treaty of Guarantee, which, it seemed, only one guarantor wished to maintain. Participation in NATO's programme on the Partnership for Peace, which was an objective of the new Cypriot government elected in 2015, had been thwarted by Turkey. The assistance of the Council of Europe, and in particular of the Venice Commission, was welcome. The legal system of the two communities was based on common law, which would serve as the necessary basis for harmonising laws.

Mr Arieu asked what the Committee of Ministers could do to secure the implementation of the resolutions concerning the illegal annexation of Crimea by the Russian Federation and Russian military aggressions in Eastern Ukraine. **The Minister** said that the situation in Ukraine was an on-going concern of the Committee of Ministers, whose approach was aimed at finding a peaceful solution, the need to implement the Minsk agreements, and respecting territorial integrity and human rights. On 12 August 2016, the Chair of the Committee of Ministers had issued a statement in which he had expressed his concern with regard to mounting tensions in Crimea. The Committee of Ministers had approved the programme of assistance for Ukraine, including support for the holding of local elections, constitutional reforms, the reform of the judicial system, decentralisation, the protection of minorities and investigations into the violent incidents that took place during the Maidan protests and those in Odessa. The sanctions had been unanimously decided by the Council of the European Union.

Mr Gutiérrez wondered whether the challenges currently facing Europe, such as the migration crisis, the rise in populism, and Brexit did not offer the opportunity to consolidate the European project. **The Minister** first stressed the fact that it was necessary to comply with all decisions taken in a democratic manner, including Brexit and the election of Mr Trump. Part of the response to these challenges was to ensure that Council of Europe member states upheld their human rights values. The Council of Europe's work in preventing the radicalisation of young people and social exclusion, and in protecting minorities, migrants, LGBT rights, and action against hate crimes and other such crimes prepared the ground for democratic citizenship, which prioritised the rule of law and democratic security.

Ms Centemero welcomed the fact that the substantial priority given to democratic citizenship was also considered from its historical aspect. The Committee on Equality and Non-Discrimination was aiming its efforts against hate speech towards the LGBTI community. What was the content of democratic citizenship in the light of the gender question? **The Minister** welcomed the reference framework for democratic culture launched in Brussels in the presence of the Ministers of Culture. At the end of the conference which would take place in the context of this initiative, a meeting would be held to decide on the measures to be taken to approve the programme on democratic citizenship in secondary education. This programme would teach young people about the values of society and encourage action against radicalisation on the Internet.

Mr Xuclà said that the Assembly had close relations with the countries on the southern shores of the Mediterranean. What were the prospects for the development of Libya and Egypt after the end of the Arab Spring? **The Minister** confirmed that the Organisation would continue its relations with neighbouring countries, in particular those which had become parties to Council of Europe conventions. It was essential to foster efforts aimed at stability. The Committee of Ministers had not taken any recent decisions concerning Libya. Cyprus was following the situation closely. As for Egypt the key point continued to be stability. A great deal of progress had been made with regard to democracy and a great deal remained to be done in the human rights field.

Mr Schrijver welcomed the fact that the Chairmanship would be holding a seminar on minimum standards for the detention of illegal migrants pending their expulsion. What could they do to ensure equal rights in a Europe under the pressure of migratory flows?

Ms Kavvadia thought it was necessary to give the negotiations on the reunification of the island more time. The leaders of the two communities were best placed to decide on the fate of their respective communities. Greece was confronted with an unprecedented migration crisis. What could the Cypriot chairmanship do to convince the leaders of some countries that the problem of the refugees was not a Greek or Italian but a European problem and that the solution could not be the construction of a wall?

The Minister reiterated the position of the Committee of Ministers: the resolution of the crisis was the responsibility of all member states which had international commitments under the Geneva Convention on the status of refugees, the European Human Rights Convention and the European Convention for the Prevention of Torture and Inhuman or Degrading Punishment or Treatment. The activities of the Council of Europe consisted in monitoring compliance with these commitments. The Secretary General had appointed a special representative for migration and refugees, who had made several visits to Greece, Italy, "the Former Yugoslav Republic of Macedonia" and France. He had made several suggestions regarding assistance, improving the conditions in which migrants and refugees were received, fair proceedings to determine the status of refugee and action against people trafficking. The Secretary General had also announced the preparation of an action plan on the protection of refugee children, as minors were particularly vulnerable. It was essential that a balance be struck between the manner in which the crisis was dealt with and respect for human rights. Member states should also comply with a number of other principles deriving from the case-law of the European Court of Human Rights, such as the principle of *non-refoulement*. Finally, Greece and Italy had received most of the migrants and other states should also show solidarity and extend a helping hand.

Sir Roger Gale took the chair.

4. EXAMINATION OF NEW CREDENTIALS

Doc. 14205

The Standing Committee **ratified** the credentials of the new representatives and substitutes, as set out in document Doc.14205.

5. CHANGES IN THE COMPOSITION OF THE COMMITTEES

Committees (2016) 08
and addendum

The Standing Committee **approved** the changes in the composition of Assembly committees, as set out in the document Committees (2016) 08 and addendum 01.

6. REQUEST FOR A CURRENT AFFAIRS DEBATE

The President informed the Standing Committee no request for a current affairs debate had been submitted.

7. AGENDA

The draft agenda was **adopted**.

8. (FIRST PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (23 – 27 JANUARY 2017))

AS/Bur (2016) 56 rev.

In accordance with Rule 27.4 of the Rules of Procedure of the Assembly, the Standing Committee **took note** of the draft agenda of the first part-session in 2017.

9. REFERENCES, TRANSMISSIONS AND MODIFICATIONS OF REFERENCES TO COMMITTEES

AS/Per (2016) 08

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

The President resumed the chair.

10. DRAFT DECLARATION

AS/Per (2016) 09

The President presented the text of the declaration approved unanimously by the Presidential Committee, which was entitled “Call for an inclusive constituent process to tackle today’s challenges”. It mentioned the challenges facing Europe: terrorism, the migration crisis, Euroscepticism, populist and nationalist discourse, the persistence of frozen and open conflicts and the wars on Europe’s doorstep. Given these challenges, it was necessary to reassess the Council of Europe’s role and equip it better to tackle them. The Assembly also needed to start a process of reflection on its role and working methods. The declaration was a first step towards these goals and should be taken together with the Sofia declaration adopted in November 2015 and the report under preparation, “Call for a Council of Europe summit to defend and promote democratic security in Europe”, for which Mr Nicoletti (Italy/SOC) was rapporteur.

Mr Gunnarsson reiterated the stance he had taken in Sofia calling into question the text which ran the risk of weakening standards when what was actually needed was to increase the level of respect for human rights. Moreover, what would the review of the Assembly’s operating rules referred to in the declaration involve?

Mr Schwabe endorsed the list of challenges given by the President and also said that it was necessary to ensure continued respect for values. What was the procedure to be followed after adoption of the declaration and what would the timetable and intermediate objectives be? Which mechanisms and tools did the declaration say should be reviewed?

Ms Brasseur agreed with the previous speakers that it was important not to weaken the organisation’s standards. The Assembly was not just a forum for dialogue but also involved work on binding conventions. Which internal rules of the Assembly were to be reviewed? In her view, in paragraph 4 of the draft text, it would be better to replace “start an in-depth reflection” with “continue an in-depth reflection”, as the Assembly had already looked into its identity and working methods in the past.

Mr Rouquet said that the reflection process should be conducted at national level in consultation with national leaders. He himself had recently held a colloquy on the future of the Council of Europe with the participation of senior political leaders. The results of consultation and dialogue among the national delegations could provide a sound basis for the possible summit. It was vital to discuss the issue of financing and zero nominal growth.

Mr Arieu welcomed the declaration which listed challenges and sought solutions for tackling them. If there was to be discussion of changes to the Rules of Procedure, this would have to be dealt with by a committee on which representatives of all member states had seats. Paragraph 1 should be amended so as to complete the list of challenges by adding “the annexation of a neighbour’s territories”. In paragraph 5, concerning the review of the Assembly’s internal rules, he proposed that “should be reviewed” should be replaced with “might be reviewed”. Lastly, in paragraph 6, the words “who share the common values of the Council of Europe” should be added after “all its national delegations”.

Mr Xuclà said that the draft text had been approved both by the Presidential Committee and by the Bureau. After several years of a peaceful European construction process, nationalist demands were now being made. It was no longer a matter of considering how to review operating rules, as had been the case in the report by Mr Mignon adopted in 2012; instead, it was a matter of starting discussion about the future at the end of an

era. The aim was in no way to undermine the organisation's values, but to think about action to be taken regarding states which were undermining them. The text should be approved as it stood.

Mr Davies said that it was unfortunate that some governments were blaming foreigners for the current instability. It was vital that the declaration reiterated the organisation's unchanged objectives. He therefore proposed that the words "promoting our core values of democracy, human rights and the rule of law" be added at the end of paragraph 3.

Ms Grozdanova supported the text, which shared the spirit of the Sofia declaration of 27 November 2015, to which reference could be made in paragraph 3.

Mr Kox agreed with the previous speaker that the Nicosia declaration followed on from the Sofia declaration. The text asked what role the Council of Europe could play when Europe was facing so many challenges. The situation had been no less complicated in the aftermath of World War II, which had destroyed moral values. Nevertheless, three years after the war, the call to establish a common legal area had been successful: the Council of Europe had been set up and the European Convention on Human Rights had been adopted. It had then been necessary to wait until the beginning of the 1990s before being able to talk about a united Europe again. Safeguarding European unity under the aegis of the Convention remained the key objective. The fourth summit, prepared with the participation of the Assembly, would be an opportunity to see whether the organisation could play the role which its founders had assigned to it 70 years previously.

The amendment to paragraph 1, proposed by Mr Arieu and sub-amended by Ms Kobakhidze, who added "or occupation", **was adopted** by 17 votes to 4.

The amendment by Ms Grozdanova to paragraph 3 **was adopted** unanimously.

The amendment by Mr Davies to paragraph 3 **was adopted** unanimously.

The amendment by Ms Brasseur to paragraph 4 **was adopted** unanimously.

The amendment by Mr Arieu to paragraph 5, which Mr Kox opposed, **was rejected** by 14 votes to 2.

The amendment by Mr Arieu to paragraph 6, which Mr Heer opposed, **was rejected** by 14 votes to 5.

The draft declaration as amended **was adopted** (as set out in Appendix III).

11. CURRENT AFFAIRS DEBATE (UNDER RULE 53 OF THE RULES OF PROCEDURE)

No request for a current affairs debate **had been tabled**.

12. OBSERVATION OF ELECTIONS

a. Observation of the parliamentary elections in Morocco (7 October 2016)

Doc. 14201

*Rapporteur of the Ad hoc Committee of the Bureau:
Mr Ian Liddell-Grainger (United Kingdom, EC)*

Mr Kox, who presented the report in the absence of the rapporteur, thanked the Moroccan authorities for their help with arranging the visit and for the remarks concerning the report, which could probably be added to it. Polling day had been calm. The new electoral system introduced after the 2011 constitutional changes had been used for the second time. Turnout at the elections had, unfortunately, been low. Only 15 million inhabitants in a country of 33 million had registered on the voters' lists and only 43% of those who had registered had cast their votes. It was strongly recommended that turnout be increased, in particular by providing for a passive registration system. Access to polling stations for persons with reduced mobility should be improved. The lack of a real central electoral commission could pose a problem in the long term, even though this time the organisational logistics had been impeccable. In order to vote, expatriate citizens either had to return to the country or vote by proxy. Consideration could be given to opening polling stations in embassies. In general, the organisation of the elections had been exemplary. Many young people and women had been elected.

Mr Atmoun praised the ad hoc committee's very professional work. A number of technical comments, for instance regarding certain dates and the voting system, had been submitted to the secretariat.

Mr Lebbar stressed the exemplary nature of the partnership between the Assembly and the Moroccan Parliament, which was willing to work on improving the electoral system in the light of other countries' experience.

In reply, **Mr Kox** again underlined the excellent organisation of the elections and stressed the need to improve turnout and set up a central electoral commission, if necessary with assistance from the Venice Commission.

The committee **took note** of the report.

b. Observation of the parliamentary elections in Georgia (8 October 2016)

Doc. 14204

*Rapporteur of the Ad hoc Committee of the Bureau:
Mr Emanuelis Zingeris (Lithuania, EPP/CD)*

By way of introduction, **the rapporteur** stressed that Georgia still looked to the Council of Europe and its values and continued to play a full part in the EU co-operation programmes. The country had struggled hard for democracy in the 1990s and could now serve as an example for the other countries in the region, including Turkey. Following the elections, which had been held in two rounds, Georgian Dream had won a majority of 115 seats in the new parliament. The ad hoc committee had operated as part of an international mission comprising other delegations, including one from the European Parliament headed by Ms Ana Gomez. The OSCE/ODIHR election observation mission had provided information that was useful in assessing the overall context prior to the polling. Improvements over the previous elections had been noted. However, there had been a great imbalance between the funding for Georgian Dream and other parties. Following the elections, the observers had issued a recommendation on the need to maintain proper checks and balances, including by avoiding any pressure on media outlets critical of the authorities. Another recommendation concerned the need to strengthen the judicial system, as the courts had not responded quickly enough to irregularities. However, the overall trend remained positive and indicated that Georgia was making democratic progress. The Assembly could ask for further details about the conduct of the investigation into the bomb attack against the opposition party leader in October 2016.

Ms Kobakhidze stressed that the authorities were willing to remedy all legal or practical shortcomings to improve the conduct of elections. Steps had been taken to prevent isolated incidents falsifying the results. In spite of these incidents, the international and national observers had concluded that the run-up to the elections had been competitive and open to all political parties. Georgian Dream had based its campaign on a plan to develop society which had won over the voters. The confidence which they had shown, which was reflected in a constitutional majority, was both a great responsibility and an opportunity for improving the constitution and carrying out democratic reforms.

Mr Xuclà confirmed that there had been improvements over the previous elections. The authorities should take note of the various incidents, irregularities and legal loopholes with a view to improving the electoral code. Even though Georgian Dream had lost a few seats, the party had not lodged any protests. Georgia still looked towards Europe and the ruling party had responsibilities, including in terms of complying with international standards.

The rapporteur referred to the similarity between the history of his own country, Lithuania, and that of Georgia, which had also suffered totalitarian communist repression. It was important to ensure freedom of expression for opposition voices and to avoid monopolising the state apparatus. It was to be hoped that democratic governance would take hold in Georgia.

The committee **took note** of the report.

c. Observation of the parliamentary elections in Montenegro (16 October 2016)

Doc. 14203

*Rapporteur of the Ad hoc Committee of the Bureau:
Mr Aleksander Pocij (Poland, EPP/CD)*

The rapporteur stressed that the ad hoc committee had been pleased to note that considerable efforts had been made since the last parliamentary elections in 2012 and the presidential election in 2013 in order to improve the legal framework. Key changes had included provisions on voter registration and voter identification on polling day, provisions on the allocation of mandates to minority lists, provisions on gender equality and provisions on the competences of the electoral commissions. However, a lack of strong collective leadership, deficiencies in management and political tensions had often led to unproductive

sessions of the state electoral commission. Moreover, despite earlier recommendations, the law did not provide for proportional representation for national minorities in either the municipal electoral commissions or the polling station boards. The 24-month residence requirement, which had been criticised before, had been kept in force. In spite of the announcement of information about constituency boundaries, on polling day, many voters had not been informed about the change in their polling station. Although the legislation on political party and campaign funding had been improved, the authority in charge of implementing it had not succeeded in ensuring sufficient transparency in campaign activities or party expenditure. This had led to accusations from both sides concerning the use of public funds and funding from Russia. 20 Serbian citizens had been arrested on polling day for allegedly planning attacks against the Prime Minister and members of his party. However, the possibility of a provocation could not be ruled out. In conclusion, even though the elections could be regarded as having been free, the use of administrative resources and the allegations of corruption and foreign funding had meant that there had not been a level playing field for the various candidates standing.

Mr Zingeris wondered about who could be behind a possible coup against the Prime Minister and the ruling classes. **The rapporteur** urged caution about referring to a possible coup because two days before the events, the two sides had accused each other of attempted provocations. The committee had not had the impression that the events had had an influence on the outcome of the voting.

Ms Anttila asked for more details about the possibility of removing the 24-month residence requirement for voting or for standing for election. **The rapporteur** agreed that the requirement had to be repealed since it had not been implemented, as had been demonstrated by the massive turnout of Kosovar Albanians in the elections.

The committee **took note** of the report.

**d. Observation of the presidential election in the Republic of Moldova
(30 October and 13 November 2016)**

Doc. 14202

*Rapporteur of the Ad hoc Committee of the Bureau:
Ms Elisabeth Schneider-Schneiter (Switzerland, EPP/CD)*

The rapporteur pointed out that the Assembly had observed elections in the Republic of Moldova since 1994. The election had been the first direct presidential election since 1996. The country was marked by the situation in Transnistria, an entity not recognised under international law which was supported by Russia. It was surprising to note that, apart from their “pro-Russian” or “pro-European” stances, the candidates had not had any programmes for developing the country in terms of the economy, education or infrastructure so as to combat population exodus. A substantial number of voters lived abroad. The government had been accused of influencing the results of the vote in deciding the number of polling stations abroad, as there had been large numbers in some countries but not enough in others. There had also been a shortage of ballot papers in some polling stations in foreign countries, for instance in London. In the second round, Mr Dodon, the “pro-Russian” candidate, had won 52.29% of the votes and Ms Sandu, the “pro-European” candidate, had won 47.71%. The voting process had been satisfactory. The difficulties relating to access to polling stations for persons with reduced mobility had been offset with mobile ballot boxes. The main difficulties had been during the election campaign: control of the media by private interests, lack of transparency in campaign funding with funds allegedly from foreign countries, corruption, the abuse of administrative resources and the excessive involvement of the church in spite of the principle of the separation of church and state. It was important for an election observation committee to work impartially.

Ms Mikko understood the difficulties of the observation team, as she herself had observed elections in the Republic of Moldova as an MEP. What had been the situation regarding the polling stations in foreign countries, in particular Russia and Ukraine? **The rapporteur** said that the lack of polling stations was a problem that had been noted both in the East and in the West: queues had been seen at the border with Transnistria and voters had been bussed in from Romania. The central electoral commission was certainly going to have to reorganise the distribution of polling stations.

Mr Zingeris asked the rapporteur what the most striking point seemed to be.

Mr Pocij wanted to share his views about the campaign by Ms Sandu, who had managed to win 47% of the votes despite not having access to the media or proper funding. That bore witness to the younger generation’s break with the old political system and augured well for a new future.

The rapporteur confirmed that, although she could not give a value judgment on the election results, she could nevertheless pass on the sense of exasperation among the population regarding the outgoing government's broken promises about improving governance in the country. Mr Dodon had made many electoral promises, including strengthening commercial ties with Russia. At the same time, he had not given up the country's European aspirations. This openness to both sides had probably played to his advantage during the election.

13. POLITICAL AFFAIRS AND DEMOCRACY

The situation in Aleppo

Doc. 14197

*Rapporteur of the Committee on Political Affairs and Democracy:
Mr Jean-Claude Mignon (France, EPP/CD)*

In the absence of the rapporteur, the report was presented by committee member **Mr Rouquet**, who said that the Assembly could not remain indifferent to the Syrian crisis, both for human reasons and also because of the impact the situation was having on the flow of refugees. The report took a stance and called for a settlement to the conflict, which had resulted in over 300,000 deaths and 6.5 million refugees. The resolution proposed that the attacks on the civilian population be condemned and called for the ending of the bombardment of Aleppo by Syrian and Russian forces, the implementation of the ceasefire agreement and permission for access for humanitarian aid. The civil war in Syria was marked by the intervention of regional and international foreign powers in the conflict, including the United States, Russia, Iran, Turkey and France. It was to be hoped that the United States and Russia would reach a common position. It was important for Syria to decide about its own future once the situation had been stabilised. The Council of Europe and its institutions could make a contribution here. The international community was called upon to support the process of reconstruction and the restoration of peace through financial, diplomatic and military efforts. There was likely to be reluctance among the European public concerning additional expenditure. In France, a recent study by the Court of Auditors had shown that the cost of foreign operations had at least doubled.

Mr Davies fully endorsed the text but said that it was important not to forget the underlying strategic objective of the bombardment of civilians by the Russian Federation leading to refugee flows to Europe. Four weeks before Brexit, Mr Putin had said that he had fulfilled his objective. His goal was to divide Europe so that he could have a free hand in Ukraine and elsewhere. Mr Trump's election had made Russia even more powerful.

Mr Zingeris said that it was vital to have a mechanism for prosecuting and handing down sentences for the crimes committed by so-called Islamic State and other terrorist groups.

Mr Arieu thanked the rapporteur and proposed an **amendment** condemning the bombardments of civilian targets as war crimes. **Mr Kox** opposed the amendment because a separate report was going to address the issue of war crimes in armed conflicts. The amendment **was adopted** by 9 votes to 7.

The committee **adopted** a draft resolution [Resolution 2139 (2016)] and a draft recommendation [Recommendation 2096 (2016)].

Sir Roger Gale took the chair.

14. SOCIAL AFFAIRS, HEALTH AND SUSTAINABLE DEVELOPMENT

a. Ensuring access to health care for all children in Europe

Doc. 14194

*Rapporteur of the Committee on Social Affairs, Health and Sustainable Development:
Ms Stella Kyriakides (Cyprus, EPP/CD)*

The rapporteur reminded members of the purpose of the report. Health services had been affected by austerity policies in some countries. Access to health care had become much more difficult for children and families living in precarious situations, for example due to unemployment, poverty or migration. The systems should offer all children the best possible care, including preventive and palliative care and with regard to chronic or mental illnesses. To that end, it was necessary to improve data collection in the health field, in particular regarding health determinants such as education and income inequalities. Particular emphasis should be placed on the most vulnerable groups of children from ethnic minorities. Children should have a say on the delivery of health care. The barriers to access to health care included lack of insurance coverage, lack of mobility, lack of language proficiency and lack of access to information. During the preparation of the

report, she had paid a visit to Greece, which had been seriously affected by the economic crisis, and had also looked into the situation in the Republic of Moldova. Lastly, prenatal care had also been analysed.

The committee **adopted** a draft resolution [Resolution 2139 (2016)].

The President took the chair again.

b. The exploration and exploitation of non-conventional hydrocarbons in Europe Doc. 14196

*Rapporteur of the Committee on Social Affairs, Health and Sustainable Development:
Mr Geraint Davies (United Kingdom, SOC)*

The rapporteur referred to the context characterised by the Paris agreement, the Marrakesh climate change conference and the election of Mr Trump, who wanted to move forward with hydraulic fracturing (fracking) and did not accept the idea of climate change. It was therefore necessary to be realistic. The level of warming had to be monitored: it was currently 2°C a year or 4°C in Africa. The report considered hydraulic fracturing, which was seen as a strategic solution and was already carried out in some countries like the United States. This had reduced the oil price and also investment in renewable energy sources. 75% of fossil fuels had been used up. Given the impact of methane emissions, hydraulic fracturing was more harmful to Earth than carbon emissions. Fracking involved the injection of 6 million gallons of water containing chemical products into rock formations. The resulting blowback was full of carcinogenic products. In the United States, fracking was granted exemptions from the Clean Water and Clean Air Acts. Europe could make provision for better regulation of the practices, in particular by laying down criteria for human and animal health. Fracking should continue to be banned in those countries where it already was (Bulgaria, France and Germany). Moreover, Europe needed to invest more in renewables or solar panels in North Africa linked up to southern Europe. In the United Kingdom, there were fiscal incentives for fracking but not for solar panels. The Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic Trade Agreement (CETA) should not allow American or Canadian companies to sue Europeans for changing the rules. The draft resolution recommended focusing on renewables, strictly regulating any fracking, keeping global warming below 2°C and monitoring air quality, and stressed the need for failure to comply with environmental standards to be a criminal offence.

Mr O'Reilly congratulated the rapporteur on his committed efforts and said that Ireland had recently banned fracking. However, the fracking industry continued to maintain that their new methods were less harmful and more environmentally friendly.

The rapporteur stressed that the draft resolution urged the use of the most environmentally friendly methods in the event of fracking. In the United States, fracking was still unregulated, which had caused problems in terms of water contamination, for instance in Arizona, and earth tremors. Methane emissions in the United States had increased 30% since 2004. Admittedly, there had been technological advances. Nevertheless, the draft resolution called for overall upstream fugitive emissions to be kept under 1%, with those at fracking sites no higher than 0.1% of natural gas production, and for water to be decontaminated. These were expensive processes which could be circumvented in the United States because of the exemptions from environmental legislation. Even though Europe did not have the same potential because of difficult geological conditions, it should show that the world was not willing to accept more hydraulic fracturing. It was necessary to move forward with the Paris initiatives in spite of Mr Trump's election.

Ms Kyriakides, Chair of the Committee on Social Affairs, Health and Sustainable Development, congratulated the rapporteur.

The committee **adopted** a draft resolution [Resolution 2140 (2016)].

15. OTHER BUSINESS

None.

16. NEXT MEETING

The Standing Committee **agreed** to hold its next meeting in Madrid in March 2017.

The meeting rose at 4.30 p.m.

APPENDIX I

Decisions on documents tabled for references to committees

A. REFERENCES TO COMMITTEES

1. The situation in Turkey

Motion for a resolution tabled by Mr M.A. Jensen and other members of the Assembly

[Doc. 14163](#)

Reference to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) *to be taken into account in the preparation of the report on "Post-monitoring dialogue with Turkey"*

2. Inquiry into growing antimicrobial resistance in Europe

Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development

[Doc. 14164](#)

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

3. Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh

Motion for a resolution tabled by Mr Destexhe and other members of the Assembly

[Doc. 14167](#)

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

4. Human rights implications of the European response to transit migration across the Mediterranean

Motion for a resolution tabled by Ms Strik and other members of the Assembly

[Doc. 14168](#)

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

(The Assembly has adopted [Resolution 2073 \(2015\)](#) and [Recommendation 2078 \(2015\)](#) "Countries of transit: meeting new migration and asylum challenges", and [Resolution 2050 \(2015\)](#) "The human tragedy in the Mediterranean: immediate action needed")

5. Supporting humanitarian actions in favour of vulnerable refugees in the Mediterranean

Motion for a resolution tabled by Ms Santerini and other members of the Assembly

[Doc. 14170](#)

Reference to the Committee on Migration, Refugees and Displaced Persons *to be taken into account in the preparation of the report on "A comprehensive humanitarian and political response to the migration and refugee crisis in Europe" (Ref. 4203 of 22 April 2016)*

6. Fighting organised crime by facilitating the confiscation of illegal assets

Motion for a resolution tabled by Mr van de Ven and other members of the Assembly

[Doc. 14171](#)

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

7. New threats to the Rule of Law in Council of Europe member States

Motion for a resolution tabled by Mr Fabritius and other members of the Assembly

[Doc. 14172](#)

Reference to the Committee on Legal Affairs and Human Rights *to be taken into account in the preparation of the report on "Strengthening the rule of law in South-East European countries through targeted reform of the legal system" (Reference 4087 of 17 November 2014, extended until 30 June 2017)*

8. State of media freedom in Hungary
Motion for a resolution tabled by Mr Mesterházy and other members of the Assembly
Doc. 14173

Reference to the Committee on Culture, Science, Education and Media *to be taken into account in the preparation of the report on "Attacks against journalists and media freedom in Europe" (Ref. 4136 of 22 June 2015)*

B. REQUEST FOR MODIFICATION OF A REFERENCE

1. Counter-narratives to terrorism
Motion for a resolution tabled by Mr Byrne and other members of the Assembly
Doc. 14032
Ref. 4209 of 27 May 2016 – validity: 27 May 2018

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

APPENDIX II

List of participants

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

Mr Pedro AGRAMUNT Spain

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

Mr Jordi XUCLÀ Alliance of Liberals and Democrats for Europe (ALDE) /
Alliance des démocrates et des libéraux pour l'Europe (ADLE)
Mr Tiny KOX Group of the Unified European Left (UEL) /
Groupe pour la gauche unitaire européenne (GUE)

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

Sir Roger GALE United Kingdom
M. René ROUQUET France
Mr Włodzimierz BERNACKI Poland
Mr Zsolt NÉMETH Hungary
Ms Ioanetta KAVVADIA Greece
Mr Michael Astrup JENSEN Denmark
Ms Antonio GUTIÉRREZ Spain

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

Ms Dzhema GROZDANOVA Bulgaria
Ms Stella KYRIAKIDES Cyprus
Ms Dana VÁHALOVÁ Czech Republic
Ms Marianne MIKKO Estonia
Mr Michael Astrup JENSEN Denmark
Ms Sirkka-Liisa ANTTILA Finland
M. René ROUQUET France
Mr Frank SCHWABE Germany
Ms Manana KOBAKHIDZE Georgia
Ms Ioanetta KAVVADIA Greece
Mr Zsolt NÉMETH Hungary
Mr Joseph O'REILLY Ireland
Mr Emanuelis ZINGERIS Lithuania
Mme Anne BRASSEUR Luxembourg
Mr Nico SCHRIJVER Netherlands
Mr Włodzimierz BERNACKI Poland
Ms Aleksandra DJUROVIĆ Serbia
Ms Ksenija KORENJAK KRAMAR Slovenia
Mr Pedro AGRAMUNT Spain
Mr Jonas GUNNARSSON Sweden
Mr Alfred HEER Switzerland
Mr Volodymyr ARIEV Ukraine
Sir Roger GALE United Kingdom

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

Mr Mogens JENSEN Denmark

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

Mr Frank SCHWABE (in the absence of the Chairperson / en l'absence du Président) Belgique

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

**Chairperson of the Committee on Migration, Refugees and Displaced Persons /
Présidente de la Commission des migrations, des réfugiés et des personnes déplacées**
Ms Sahiba GAFAROVA Azerbaijan

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

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

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

**Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs /
Présidente de la Commission du règlement, des immunités et des affaires institutionnelles**
Mme Liliane MAURY PASQUIER Suisse

**Chairperson of the Committee on the Election of Judges to the European Court of Human Rights /
Président de la Commission sur l'élection des juges à la Cour européenne des droits de l'homme**
Mr Boriss CILEVIČS Latvia

**Rapporteurs (not members of the Standing Committee) /
Rapporteur(e)s (non-membres de la Commission permanente)**
M. Aleksander POČIEJ Pologne
Mme Elisabeth SCHNEIDER-SCHNEITER Suisse
Mr Geraint DAVIES United Kingdom

Members of the Parliamentary Assembly / Membres de l'Assemblée parlementaire
Ms Christiana EROTKRITOU Cyprus

Partners for Democracy / Partenaires pour la démocratie
Mr El Mehdi ATMOUN Morocco
M. Abdesselam LEBBAR Maroc

Invited personalities / Personnalités invitées

Mr Demetris SYLLOURIS President of the House of Representatives of Cyprus / Président de la Chambre des Représentants de Chypre

Mr Ioannis KASOULIDES Minister for Foreign Affairs of Cyprus and Chairperson of the Committee of Ministers / ministre des Affaires étrangères de Chypre et Présidente du Comité des Ministres

Delegation Secretaries / Secrétaires de délégations

Ms Sonja LANGENHAECK Belgium
Mr Petar VITANOV Bulgaria
Ms Veronika KRUPOVÁ Czech Republic
Ms Gabriella MARANGOU d'AVERNAS Cyprus
Mr Panicos POURGOURIDES Cyprus
Mr Kenneth FINSEN Denmark
Ms Mette VESTERGAARD Denmark

Ms Liisi VAHTRAMÄE	Estonia
Ms Maria FAGERHOLM	Finland
M. Xavier PINON	France
Mr Aleksandre RAMISHVILI	Georgia
Mr Michael HILGER	Germany
Ms Voula SYRIGOS	Greece
Ms Judit GOTTSCHALL	Hungary
Mr Martins OLEKŠS	Latvia
M. Mohammed Taib COHEN	Maroc
Mr Bas NIEUWENHUIZEN	Netherlands
Mme Hanna KUCHARSKA- LESZCZYNSKA	Pologne
Mr Vladimir FILIPOVIĆ	Serbia
Ms Alja ŠKIBIN	Slovenia
Mr Magnus NORDSTRÖM	Sweden
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
Mme Francesca ARBOGAST	SOC
Mr Tom VAN DIJCK	EC / CE
Ms Valeriia ANDRONENKOVA	EC / CE (Assistant / Assistante)
Ms Anna KOLOTOVA	UEL / GUE

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

Mr Wojciech SAWICKI	Secretary General / Secrétaire Général
Mr Mário MARTINS	Director General / Directeur Général
Mr Mark NEVILLE	Head of the Private Office / Chef du Cabinet
Mr Alfred SIXTO	Head of the Table Office / Chef du Service de la Séance
Ms Sonia SIRTORI	Secretary of the Bureau / Secrétaire du Bureau
Mme Kateryna GAYEVSKA	Secretary of the Standing Committee / Secrétaire de la Commission permanente
Ms Nathalie BARGELLINI	Principal Administrative Assistant, Communication Division / Assistante administrative principale de la Division de la Communication
Ms Sally-Ann HONEYMAN	Administrative Assistant, Table Office / Assistante administrative du Service de la séance
Mme Annick SCHNEIDER	Assistant to the Secretary General / Assistante du Secrétaire Général
Mme Naouelle TEFIFEHA	Assistant of the Bureau / Assistante du Bureau
Mr Martin McMILLAN	Assistant of the Standing Committee / Assistant de la Commission permanente

Council of Europe / Conseil de l'Europe

Mme Mireille PAULUS	Secretary of the Committee of Ministers / Secrétaire du Comité des Ministres
Ms Biljana PRLJA	Political Advisor, Directorate of Political Affairs / Conseillère politique, Direction des affaires politiques

Other participants / Autres participants

Ms Theodora CONSTANTINIDOU	Permanent Representative of Cyprus to the Council of Europe / Représentante Permanente de Chypre auprès du Conseil de l'Europe
----------------------------	--

Ms Vassiliki ANASTASSIADOU	Secretary General of the House of Representatives of Cyprus / Secrétaire Générale de la Chambre des représentants de Chypre
Mr Socrates SOCRATOUS	Director of International Relations, House of Representatives of Cyprus / Directeur des relations internationales, Chambre des représentants de Chypre
Ms Avgousta CHRISTOU	International Relations Officer, House of Representatives of Cyprus / Chargée des relations internationales, Chambre des représentants de Chypre
Ms Louikia MOUYI	International Relations Officer, House of Representatives of Cyprus / Chargée des relations internationales, Chambre des représentants de Chypre
Ms Maria AGROTOU	Senior Stenographer, House of Representatives of Cyprus / Sténographe principale, Chambre des représentants de Chypre
Ms Antigoni PAPADOPOULOU	Former member of the Parliamentary Assembly (Cyprus) / Ancienne membre de l'Assemblée parlementaire (Chypre)

APPENDIX III

Declaration of Nicosia

Adopted by the Standing Committee on 25 November 2016²

Call for an inclusive constituent process to tackle today's challenges

Several momentous challenges confront today's Europe: terrorism, migratory pressure and refugee flows, increasing inequalities, the rise of Euro-scepticism, nationalism, populism and xenophobia, the persistence of frozen and open conflicts, the annexation or occupation of a neighbour's territories, and the re-emergence of divisions between Council of Europe member States.

The situation in Europe's neighbourhood is even more unstable and volatile, due to political and social tensions, insecurity and ongoing wars in Syria and Libya. At the same time, at global level, the geopolitical weight of Europe is receding.

It is urgent and imperative for the Council of Europe to adapt to today's context and be better equipped to tackle current challenges. The Parliamentary Assembly, as stated in its Sofia Declaration of 27 November 2015, has therefore launched a process of reflection on the need to organise a fourth Summit of Heads of State and Government of Council of Europe member States, which would provide the appropriate forum for relaunching the Council of Europe's core mission as a pan-European Organisation offering a common legal space to 820 million Europeans promoting our core values of democracy, human rights and the rule of law.

For its part, and in parallel with the overall reflection on the Organisation's role and functions, the Assembly should continue an in-depth reflection on its identity, role and mission as a statutory organ of the Organisation and, in a broader sense, as a European forum for inter-parliamentary dialogue which aims at having an impact in all Council of Europe member States.

In doing so, the Assembly should assess whether its mechanisms, tools and rules of internal functioning are still apt to achieve the results for which they were designed or whether they should be reviewed and updated to take account of the major changes that are under way.

To give the best chances of success to this process, including the preparation of a fourth Summit, the Assembly should rely on the active participation and engagement of all its national delegations.

² Submitted by the President of the Parliamentary Assembly