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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**AS/Per (2020) PV 05**

12 October 2020

## **Standing Committee**

### **Minutes**

**of the meeting held by videoconference  
on 15 September 2020**

## 1. OPENING OF THE MEETING

**Mr Rik Daems**, President of the Assembly, **opened** the meeting at 10 am and referred to his written communication setting out his recent activities.

## 2. EXCHANGE OF VIEWS WITH MR MILTIADIS VARVITSIOTIS, ALTERNATE MINISTER OF FOREIGN AFFAIRS OF GREECE, CHAIRMAN OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

**The President** welcomed Mr Varvitsiotis, Alternate Minister of Foreign Affairs of Greece and Chairman of the Committee of Ministers of the Council of Europe.

**Mr Varvitsiotis** regretted the fact that the Standing Committee had been unable to meet in Crete at the invitation of the Greek parliamentary delegation, as health requirements took precedence over all other considerations. The successive cancellations of the sessions both of the Parliamentary Assembly and of the European Parliament were also having unfortunate consequences for local economic life in Strasbourg. The Greek Chairmanship of the Committee of Ministers was continuing to follow the development of the pandemic and its consequences closely. Greece had adapted its economic and social life to the pandemic, like other member States, while adhering to strict health measures and ensuring that the latter had the least impact possible on the smooth functioning both of the public sector and of the private sector and did not have any negative consequences. The concerns which had arisen in recent months regarding respect for democracy, human rights and the rule of law in this extraordinary situation still applied. The continued operation of public institutions had helped to limit the negative effects of the health crisis, in particular regarding social cohesion and the economy. Domestic violence and violence against women had become key priorities and it was unfortunate that some member States had indicated their intention to withdraw from the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The same concerns applied regarding the situation of the LGBTI community in some countries. The Greek Chairmanship had been working on preparing the draft Athens Declaration, “Effectively responding to a sanitary crisis in full respect for democracy, rule of law and human rights”, which would be adopted at the 130th Session of the Committee of Ministers on 4 November 2020. As its title indicated, it was not intended to address all the issues relating to the health crisis.

The Greek Chairmanship was also continuing its efforts to highlight the relevance of the Council of Europe in promoting the values it upheld. The situation in Belarus following the presidential election in the country was a major subject of concern for Europe. A statement by the Triadlogue had been published, in which the Secretary General of the Council of Europe, the President of the Parliamentary Assembly and he himself called on the Belarusian authorities immediately to release all detained demonstrators and reaffirmed that the legitimacy of institutions came from a free and fair electoral process and respect for human rights and in no circumstances from repression. Respect for religious tolerance and diversity was also a major challenge for the Greek Chairmanship, in particular given the identity-politics process affecting cultural monuments such as Hagía Sophía and Chora Monastery, which were iconic because they symbolised religious freedom, tolerance and plurality. The Greek Chairmanship also intended to reach out to younger generations and focus on their concerns and aspirations, as he had indicated when presenting the priorities of the chairmanship. This involved the areas of education and democratic culture in a digital era; protecting children as vulnerable persons at risk of poverty, violence, trafficking and forced labour, including unaccompanied migrant minors; safeguarding the right of younger generations to enjoy cultural heritage unaffected by the impact of climate change; and the European Social Charter and the protection of social rights, in particular in connection with the impact of the health crisis on the rights of vulnerable social groups and access by them to healthcare. The Athens Declaration would also mention the protection of vulnerable social groups, namely children, women, persons with disabilities, the elderly and refugees. The refugee situation had been being exploited for political purposes and that could not be tolerated, as it ran counter to Europe’s values and principles; it had to stop.

He hoped that the Session of the Committee of Ministers could be held as a face-to-face meeting or, failing that, in hybrid format. The visibility of the work of the Council of Europe was at stake here; while some online events had been a success, without physical presence and direct interaction, it remained a challenge to retain individuals’ interest and involvement under the circumstances, quite apart from the interest of the media.

**The President** hoped that the position and recommendations which the Assembly would set out in the five reports it had prepared on the Covid-19 pandemic would be reflected in the Athens Declaration.

**Mr Tornaritis** thanked Mr Varvitsiotis for his excellent statement and welcomed the Assembly’s support for the priorities of the Greek Chairmanship of the Committee of Ministers. New challenges were emerging for Europe. Cyprus was facing considerable pressure, regarding both the increase in refugee flows and the situation in the

occupied part of the island. He was extremely concerned by the threats to his country being posed by Turkey, in breach of international law, in terms both of the drilling work in Cypriot territorial waters in the Aegean and of the reopening of the town of Famagusta, which was under Turkish occupation. These issues had to be resolved through dialogue and peaceful means in compliance with the values of the Organisation.

**Mr Schwabe** referred to the Kavala case and the execution of the judgment of the European Court of Human Rights. The Committee of Ministers had taken a decision, but Mr Osman Kavala was still in detention. What could the Committee of Ministers and the Assembly do so that Mr Kavala was released immediately? He also referred to the refugee situation and the evidence of refugees being turned back from Greece to Turkey, as well as the horrible situation in Moria refugee camp, and called on Greece to comply with international law.

**Mr Kox** also mentioned the dramatic situation on the Greek islands and asked to what extent all member States had shared with Greece the burden of taking in refugees and migrants. As far as the Demirtaş and Kavala cases were concerned, the credibility of the Council of Europe was at stake if a State failed to execute a final judgment of the Court.

**Mr Varvitsiotis** acknowledged that, as the situation in Cyprus involved an unresolved conflict, it was necessary to avoid throwing oil on the fire. That did not help resolve conflicts peacefully. As far as migratory pressure was concerned, using refugees and migrants as a political weapon was clearly contrary to the Council's values. Since February, Greece had changed its policy towards refugees in compliance with the rules laid down in its legislation; it had stepped up its monitoring of its land and sea borders and was not turning back migrants but applying a policy that was in line with the European legal framework and limited the influx of migrants. Some States had demonstrated their solidarity in taking in and resettling unaccompanied minors from Moria. The events in Moria were a humanitarian disaster, as the camp had been totally destroyed and many refugees were refusing to be accommodated in the temporary shelters that had been put up in the meantime. Greece examined asylum requests in line with its own legislation and European practice, as was also the case for resettlement requests. With regard to the execution of the Court's judgment in the Kavala case, which was now final, the Committee of Ministers had discussed the matter at its last human rights (DH) meeting. It had concluded that the fresh criminal charges against Mr Kavala strongly suggested that his current detention was a continuation of the violations found by the Court; it had called on the Turkish authorities to ensure Mr Kavala's immediate release and that his application to the Constitutional Court was examined at the earliest opportunity. The Committee of Ministers would resume consideration of the case at its next meeting at the end of September. The Committee of Ministers was also supervising the execution of the judgments in several other cases involving Turkey. In addition, it was following the issue of the arrest of several opposition mayors, whose immediate release it would call for once the judgment became final.

**Mr Fridez** referred to the decision by the Bureau of the Assembly authorising an ad hoc sub-committee of the Committee on Migration, Refugees and Displaced Persons to visit Lesbos if the health conditions so permitted and the Greek authorities allowed the visit. The committee wanted to be part of a constructive approach aimed at finding solutions. Greece was under huge pressure and the situation in Moria called for greater support from other countries and the stepping up of resettlement.

**Mr Pocij** thanked Ms Bakoyannis for the efforts she had made with a view to arranging the Standing Committee meeting in Chania. It was acceptable for Greece sometimes to be able to refuse illegal migrants who arrived from Turkey; Turkey had to make greater efforts to stop illegal immigration.

**Dame Cheryl Gillan** referred to the Novichok poisoning of the Russian opposition leader, Alexei Navalny, which had been confirmed by the German, French and Swedish authorities. Several Council of Europe member States had demanded explanations from the Russian authorities. What was the Committee of Ministers intending to do to ensure that justice was done? The member States were also concerned about the very worrying situation in Belarus. Was the Committee of Ministers considering sending a delegation on a good offices mission to the country?

**Mr Varvitsiotis** confirmed that the refugee and migrant resettlement policy and the assistance of other countries were welcome, especially since capacity in Moria was now very limited and time was still needed to build a new camp with satisfactory sanitary conditions. The resettlement strategy should be a pillar of EU migration policy, even though it should not be the only one. A strong borders policy was necessary, in co-operation with the EU's partners, in particular Turkey, on the basis of the March 2016 co-operation agreement which called on Turkey to monitor its borders with Greece and co-operate with it in preventing illegal immigration and with regard to return procedures, as Turkey was regarded as a safe third country by the EU. As far as the Navalny case was concerned, he, of course, wished him a speedy recovery. The use of such a poison was deplorable and completely unacceptable and an independent judicial inquiry needed to be conducted without delay in order to shed full light on all the facts. In both cases which Mr Navalny had brought before the European Court of Human

Rights, the Court had clearly ruled that his repeated arrests in connection with his peaceful participation in public gatherings had been illegal and arbitrary and had actually sought to “suppress that political pluralism” which formed part of “effective political democracy” governed by “the rule of law”. The Committee of Ministers had examined these cases at its last human rights (DH) meeting in September and called on the Russian authorities to take action as a matter of urgency with a view to ensuring that the applicant was able without hindrance to exercise his rights to freedom of peaceful assembly and freedom of expression. As far as the situation in Belarus was concerned, the joint statement by the Trialogue of 26 August 2020 called on the Belarusian authorities and all relevant stakeholders to urgently initiate a broad-based and inclusive national dialogue, fully involving civil society, to ensure a peaceful way out of the current crisis and opening the door for necessary reforms benefiting all Belarusian citizens. The Secretary General had also expressed grave concern about the serious human rights violations in Belarus. The Trialogue had discussed the steps which the Organisation could take, given that Belarus co-operated with the Council of Europe in several areas and was a party to several of its conventions; it had concluded that the OSCE was the organisation that was best placed to monitor the situation and bring about concrete results and that the Council of Europe should support the OSCE in its efforts.

**Mr Kiliç** wondered, on the subject of the decision to open Hagía Sophía to Muslim worship, why the Council of Europe should react. Hagía Sophía remained open to tourists as it had always been and its historic and cultural heritage was preserved. As far as migrants and refugees were concerned, Turkey had been providing a home to four million of them for years. No other European country had taken in so many refugees and migrants as Turkey.

**Mr Yildiz** said that the debate in Turkey on the Istanbul Convention, which he supported personally, was moving in the right direction. On the subject of Cyprus and the tensions in the Mediterranean, they had started when Greece had unilaterally undertaken its own prospecting work and rejected other options and the offers from Turkey. Lastly, it was clear that people were being turned back and that the EU should relieve Turkey of the migrant burden.

**Mr Maire** raised the issue of the budget and the delay in the renovation and upgrading work in the Assembly Chamber following Turkey’s decision to end its major contributor status; the work schedule needed to be speeded up so that the Assembly could hold its 2021 session in hybrid form. He also supported Dame Cheryl’s comments about Alexei Navalny.

**Mr Varvitsiotis** underlined how grateful Greece and the EU were to Turkey for taking in those millions of refugees, which undeniably linked Europe to Turkey in solving the problem. Nevertheless, Turkey had undertaken not to let the migrants cross the EU border or get to the Greek islands and that was its responsibility under the agreement concluded in 2016. At the time of the events in February and March, when the Turkish authorities had put pressure on Brussels and Athens by letting thousands of migrants and refugees cross the border, the exploitation of migrants and refugees for political purposes had been roundly condemned. The issue of irregular migrants and refugees in Turkey was a matter for both parties, which had to work together to find a solution, as both respect for human rights and the preservation of security were at stake. Irregular migrants should not settle in Europe on a long-term basis. As for Hagía Sophía, it had been a Christian church for eight centuries, a mosque for five centuries and then a museum open to everyone and a symbol of tolerance and religious diversity for 80 years. Opening it up to Muslim worship was a step backwards and was not a sign of tolerance or a multifaith approach. The tensions in the eastern Mediterranean could be discussed in other forums outside the Council of Europe. For instance, both he and his Turkish counterpart, Mevlüt Çavuşoğlu, had had the opportunity to address the European Parliament Foreign Affairs Committee at its meeting on 10 September. The tensions had been provoked by the presence of Turkish naval and military forces, which did not really help to promote security and stability in the region or peaceful dialogue between partners and neighbours. It was necessary to avoid any unilateral action or belligerent rhetoric and to get back to the discussion table. De-escalation was needed and any initiative by the EU, Germany or France would be welcomed for restoring dialogue.

**Sir Roger Gale** noted that Russia was once again responsible for an illegal act of poisoning of the kind it had committed in the United Kingdom. Yet the Council of Europe was still very reluctant to take steps or impose sanctions against Russia. The Committee of Ministers needed to take serious measures.

**Ms Bakoyannis** said that Hagía Sophía was part of world heritage and belonged to everyone, as had been decided by President Atatürk. However, half of the works of art and mosaics on display there had been covered up and were now inaccessible to the public. The same went for the Chora Museum, a former church where the frescoes and mosaics had also been covered up. There already were a large number of mosques in Istanbul. Decisions of this kind were not really the message of tolerance and respect for the heritage that was to be expected.

**Mr Varvitsiotis** thanked Ms Bakoyannis, whose comments were in line with his own on the subject. Being a member of the Council of Europe meant having rights, but also obligations. All member States were required to honour their commitments under the European Convention on Human Rights and other conventions. The Committee of Ministers regularly discussed the situation of human rights and democracy in the member States and remained determined to discuss fundamental issues with the Russian authorities in a constructive manner and provide any expertise needed concerning ongoing reforms. As far as execution of the judgments of the European Court of Human Rights was concerned, Article 46 of the convention required all States to abide by the judgments that concerned them. The Venice Commission had issued an opinion on the recent amendments to the Constitution setting out constructive recommendations, which the Russian authorities would have to turn to the best account in conformity with their international obligations. The Committee of Ministers would examine these issues again. He thanked the members of the Standing Committee and the President of the Assembly, who had shown great willingness to help, and welcomed the Council of Europe's ability to continue its work and remain an active pillar of the European legal system and the fundamental values of democracy, human rights and the rule of law. The Assembly was the Organisation's driving force. Lastly, he confirmed the intention of the Greek Prime Minister, Mr Mitsotakis, to visit Strasbourg in the next few months.

**The President** thanked the minister for the fruitful exchange of views and his readiness to answer members' questions, of which, as a former member of the Assembly, he obviously understood the sensitivity in some cases.

### 3. EXAMINATION OF NEW CREDENTIALS

Doc. 15136

The Standing Committee **ratified** the credentials of the new members and substitutes in respect of the parliamentary delegations of Bulgaria, Croatia, Ireland, the Russian Federation, Slovenia, Switzerland and Turkey, as set out in document Doc. 15136.

### 4. MODIFICATIONS IN THE COMPOSITION OF COMMITTEES

Commissions (2020) 07  
Commissions (2020) 07 Add

**The President** announced that the Bureau's decision the previous day to appoint Mr Loucaides to chair the ad hoc committee to observe the parliamentary elections in Georgia had to be altered. As Mr Loucaides was a member of his parliament's group for friendship with Georgia, he was not eligible for the post. Mr Kox was appointed to replace him.

**Mr Kox** said that it was unfortunate that Mr Loucaides could not chair the ad hoc committee and pointed out that in small parliaments members all belonged to friendship groups.

**The President** also announced that the Bureau's proposal that Ms Gyde Jensen (Germany, ALDE) be appointed to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), as set out in document Commissions (2020) 07 Add, had been withdrawn. With her appointment, the Monitoring Committee would have five German members.

**Mr Maire** pointed out that Ms Jensen chaired the Bundestag Committee on Human Rights and Humanitarian Aid and would be a great asset for the Monitoring Committee. He nevertheless agreed to the Presidential Committee discussing the issue again. He also said that there was imbalance in the representation of the Ukrainian majority and opposition parties on the Monitoring Committee.

The Standing Committee **ratified** the changes in the composition of Assembly committees in respect of the delegations of Bulgaria, Croatia, Ireland, the Russian Federation, Slovenia, Spain, Switzerland and Turkey, as set out in document Commissions (2020) 07.

### 5. REQUEST FOR A CURRENT AFFAIRS DEBATE (UNDER RULE 53 OF THE RULES OF PROCEDURE)

**The President** informed the Standing Committee that a request for a current affairs debate had been submitted by Mr Kiljunen on "Events and current situation in Belarus". At its meeting the previous day, the Bureau of the Assembly had decided to recommend the holding of such a current affairs debate and appointed Mr Kiljunen as the first speaker.

## 6. AGENDA

AS/Per (2020) OJ 06 rev2

The revised draft agenda was **adopted**.

## 7. MINUTES OF THE MEETING OF THE STANDING COMMITTEE (26 JUNE 2020)

AS/Per (2020) PV 04

The minutes of the meeting held by the Standing Committee by videoconference on 26 June 2020 were **approved**.

## 8. FOURTH PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (12-16 OCTOBER 2020)

**The President** announced that the Bureau had decided to replace the fourth part-session of the Parliamentary Assembly (12-16 October 2020) by an enlarged meeting of the Standing Committee, which would be held in two stages on 12-13 and 22-23 October 2020, thus enabling the Assembly to continue its activities because the Standing Committee had the same authority as the Assembly. All the members of the Parliamentary Assembly would be able to take part in the debates on the agenda of this meeting but only the members of the Standing Committee would have the right to vote. The decision on whether to hold the meeting remotely or face to face would be taken in the following few days.

The Standing Committee **took note** of this decision and the arrangements provided for.

## 9. REFERENCES TO COMMITTEES

AS/Per (2020) 09

The Standing Committee **ratified** the references to Committees (see Appendix I).

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

**Mr Kiljunen** introduced the debate on "**Events and current situation in Belarus**", pointing out that the Council of Europe was not the pan-European organisation of democratic states that one might wish because one member was missing. The history of Belarus's relations with the Council of Europe was well known and it was regrettable that it was not a member and that special guest status had had to be suspended in 1997 because of the policy pursued by the leaders of Belarus, which was at variance with our shared values and principles. The current situation in Belarus was the subject of much discussion at the Council of Europe, in several of its bodies, and many statements had already been made. The Secretary General of the Council of Europe, the President of the Parliamentary Assembly, the Chairmanship of the Committee of Ministers, the President of the Congress of Local and Regional Authorities and the President of the Venice Commission had each pointed out that the Council of Europe had mechanisms which made it possible to arrive at a peaceful outcome to this crisis. He agreed with the viewpoint of the President of the Assembly, who had said that the solution could only come from the Belarusian people. It was essential to listen to what the people's representatives had to say and respect the democratic processes at work in the country. A lasting change could only be brought about by a peaceful process, the use of force was not acceptable, and repression and violence against civil society and the independent mass media could not be tolerated, whether before, during or after the elections. All political prisoners should be released. Dialogue and co-operation with all the parties concerned were the main means of effecting change. In a representative democracy, it was the will of people that was expressed in elections, and these had to be held in accordance with democratic principles. Belarus had also undertaken to comply with this principle of the organisation of free elections by subscribing to the OSCE's Copenhagen Declaration. This meant that the opposition had the same rights as the ruling powers. The opposition had the right to contest measures, and demand change through a peaceful process. The Assembly, as in the past, had found that the presidential election of 9 August 2020 had failed to honour Belarus's international commitments, failed to meet the requirements of democracy and the rule of law and had been neither free nor fair. The rights of the opposition were not respected in Belarus as things stood. The situation in the country had been discussed in several committees, in the presence of representatives both of the ruling powers and of the opposition, particularly at the meeting of the Committee of Political Affairs and Democracy of 8 September, with Ms Svetlana Tikhanovskaya, former presidential candidate, and Mr Andrei Savinykh, Chairperson of the Standing Committee of International Affairs of the Belarus National Assembly. These discussions were crucial and served as a basis for dialogue between all the parties, whether the representatives in parliament of the ruling powers, the members of the opposition or civil society. The Parliamentary Assembly had to support this dialogue process. The

Committee of Ministers of the Council of Europe had adopted an action plan for 2019-2021 for Belarus based on a joint initiative by the Council of Europe and the Belarus authorities. Regrettably, this co-operation could not continue under current circumstances as if all was well. It was essential to send out a clear signal that violence could not be used against the people and to assert the desire of the Assembly to monitor the situation closely, support initiatives for peaceful change, domestic dialogue and reform, and encourage efforts to arrive at a peaceful solution to the crisis. The Assembly backed the Secretary General of the Council of Europe in her efforts to contribute to this through diplomatic channels. The Assembly had to support the constitutional change and the reform of the electoral legislation that had been called for by all the stakeholders in Belarus. The international community played a very important role in this situation but it had to be ensured that the changes called for by civil society in Belarus could take place without external interference. Lastly, he entirely agreed with the idea of adopting a declaration in support of the democratic process in Belarus and welcomed the fact that two reports were being prepared on a "Call for an inclusive national political process in Belarus" and the "Urgent need for electoral reform in Belarus". It was important for this work by the Assembly to contribute to peaceful change for the benefit of the people of Belarus and Europe as a whole.

**Sir Roger Gale** talked of the conduct of the Russian Federation vis-à-vis Belarus. He called to mind the intervention of Russian forces in Hungary in 1956 and in Czechoslovakia in 1968. It would be good for the Council of Europe to make plans to deal with the possibility of such an intervention in Belarus, although it would be the last thing anyone would wish for. It would be useful to hear clear assurances from Russian colleagues that the Russian Federation had no intention of intervening in Belarus and interfering in the internal and electoral affairs of a sovereign State. The fact that this State was not a member of the Council of Europe was irrelevant in this context because the issue at stake here was democracy and respect for human rights, and the Council of Europe promoted these values. It could only be hoped that Belarus would ultimately become a democratic country and be able to join the Council of Europe.

**Mr Pocij** pointed out that he had been a member of the observation mission for the parliamentary elections in Belarus in 2016 and that they had been the worst elections that had ever been observed. Anyone who wished to evoke the results of the presidential election, in which Mr Lukashenko had been re-elected with over 80% of the vote, should read the report of the ad hoc committee for the observation of these elections. The last elections held by the Communist regime in Poland had attributed 100% of the votes to parties linked to the Communist regime, but at the first free elections in 1989, 99% of the citizens had voted against the Communist regime. To call this fact to mind was a way of forestalling certain comments on the results of the election in Belarus. Mr Kiljunen should be thanked for calling for this debate. The Presidential Committee had asked the President of the Assembly to make every effort to establish contact with the Belarusian authorities to enable the Council of Europe to play a role as an intermediary.

**Mr Nemeth** thought that this was the right moment to express our solidarity with Belarusian colleagues and the people of Belarus. There was a lot of solidarity with the people of Belarus. On the one hand we were witnessing appalling acts and on the other, we were glad to see that a nation was on the march. The political elites of central and eastern Europe had moved quickly; the prime ministers of the Visegrad Group had called for the organisation of new elections as they did not recognise those of 9 August. In this situation, the Council of Europe could play an important role as a mediator. He expressed his gratitude to Mr Kiljunen and said that he supported the draft declaration, considering that a determined effort had to be made to foster a broad and inclusive political dialogue in Belarus. He hoped that the Council of Europe community would soon be able to welcome Belarus as a member.

**Ms Schou** thanked Mr Kiljunen for instigating this debate. After the presidential election on 9 August in Belarus, there had been both discouraging and encouraging signs. The brutality of the authorities towards protesters should be firmly condemned and the authorities should be asked to release all political prisoners immediately, establish dialogue with all opposition groups and carry out a reform of the election system to guarantee free and fair elections in the future. It was encouraging to see the population demonstrating peaceably; this showed that the people wanted change and democracy. The Assembly should do what it could to lend its support to those who were working to promote democratic change. Belarus was a European country. It was currently the right moment to intensify the Organisation's support for the people of Belarus and to contribute to the process of democratisation by providing the expertise and experience that the Council of Europe possessed in the area of democracy, human rights and the rule of law. It was to be hoped that Belarus would become a member of the Council of Europe and that the people of Belarus could enjoy all the benefits of membership. We should remain committed and continue to monitor the situation.

In **Ms Brynjólfsdóttir's** view, the population of Belarus was terrified; the people had been demonstrating non-stop since the results of the presidential election and hundreds of thousands of people were making their voices heard; the situation was extremely fragile and volatile and could degenerate, even into armed conflict. Foreign military intervention could not be ruled out. It had become clear what violence Mr Lukashenko could inflict on the

population. Opposition leaders were being persecuted: Ms Tikhonovskaya had fled to Lithuania, Ms Kolesnikova had been abducted in a failed attempt to expel her from the country by force and Ms Tsepikalo had fled to Poland. Svetlana Alexievich, winner of the Nobel Prize for Literature, had been threatened with arrest. The European Union had threatened to impose trade sanctions, condemned repression, and called for democratic reforms and the immediate release of political prisoners. Ministers of Foreign Affairs had also condemned the violence and appealed for democratic negotiations with the opposition. The Committee of Ministers had sent a clear message that violence could not be tolerated and all political prisoners should be released immediately. Direct measures had been taken by Finland, Sweden and Denmark. Although it was not a member State, it was essential for Belarus to have the Council of Europe's support. The parliamentarians had given their support to the people of Belarus and upheld their rights, particularly by asserting that the presidential election had been far from compatible with international standards with regard to democracy and by making a strong call to the authorities to release political prisoners, halt persecution, put a stop to police violence and agree to enter into dialogue with the opposition to lay a path to democracy. Ms Brynjólfssdóttir's political group, the ALDE, condemned all violence targeting peaceful demonstrators and called for the immediate release of political prisoners; it would like there to be rapid consultation between the government and opposition groups and for a new presidential election to be held, and was strongly in favour of sending a Council of Europe mission to Minsk if the authorities and the opposition agreed. The Assembly could hold a round table to seek a peaceful solution to the crisis. The Council of Europe could make an effective contribution by supporting democratic and electoral reforms and putting all its expertise at the service of promoting human rights in Belarus.

**Ms Yasko** said that the Ukrainian Parliament was about to adopt a declaration on Belarus. She welcomed the work that was under way in some Assembly committees on the situation in Belarus. The people of Belarus needed the Assembly's support and the voice of the international community was important to people who were going out into the street to fight for freedom, as had been the case in Ukraine. How was it possible that in the 21<sup>st</sup> century there was still a country in Europe which applied the death penalty? There was a desire for Belarus to become a Council of Europe member State and action had to be taken to further this. All violence should be condemned and penalties should be imposed on perpetrators of violence against the people. A mechanism to monitor human rights violations in Belarus should also be set up. Russian interference in Belarus was a concern, particularly when the President of the Russian Federation, Vladimir Putin, said that he was ready to provide any form of support to put a halt to the demonstrations. This was alarming and dangerous and we should speak up about it. Ukraine was in favour of holding new elections, which should be in line with international standards, and the OSCE should also be involved in this democratic process.

**Mr Kiljunen** thanked the members for their contributions. This debate was a necessary one and it was not over. History was full of catastrophic examples of interventions by foreign forces. Clearly, sooner or later, Belarus would become a member of the Council of Europe once it fulfilled the membership criteria and the undertakings to abide by the Organisation's values and principles. The authorities' violence against peaceful opposition demonstrators had to be condemned. The Council of Europe had to react, support the democratisation process and get things moving. The Venice Commission could help with the reform of electoral law and the Assembly should support political dialogue, which it had begun to do. Change was under way in Belarus and it had to be hoped that the outcome would be positive.

## 11. DRAFT DECLARATION ON THE EVENTS AND CURRENT SITUATION IN BELARUS

AS/Per (2020) 08

**The President** presented the members with a draft declaration on the urgent need for a democratic, broad-based and inclusive political process in Belarus, following on from the current affairs debate that the Standing Committee had just held.

The Standing Committee **adopted** a declaration, by 25 votes for and one against, with one abstention (see Appendix II).

## 12. POLITICAL AFFAIRS AND DEMOCRACY

**Dame Cheryl Gillan**, Chairperson of the Committee on Political Affairs and Democracy, presented a report on "*Setting minimum standards for electoral systems in order to offer the basis for free and fair elections*" (Doc. 15027), and congratulated the rapporteur – Mr Rik Daems (Belgium, ALDE) – on the quality of his work, which included a comparative analysis of various electoral systems in Europe and an overview of problems which had an impact on the proper functioning of an electoral system. While electoral systems might be consistent with democratic standards, this was not necessarily the case with their results. Some systems provided for a better correlation between the will of the voters and the result of the vote. In some electoral systems, even though the legal rules



were observed, a large share of voters were not represented in elected institutions or did not see the candidates they voted for in parliament. Conversely, some systems provided the winning parties with parliamentary majorities which largely exceeded the real support they enjoyed among citizens. The choice of electoral system had a strong impact on the distribution of seats and, consequently, on the representativeness of an elected body, which in turn could raise questions about the fairness of elections and, more generally, weaken public confidence in the democratic process.

Mr Daems' report provided material for the Venice Commission to update its Code of good practice in electoral matters of 2002. This code, whose aim was to promote the harmonisation of electoral standards and serve as a reference for evaluating elections, did not contain any specific criteria which an electoral system had to respect in order to be deemed fair and democratic. The goal therefore should be to set minimum standards that electoral systems had to comply with to guarantee not just free elections but also fair results. The code could also be updated in other respects such as the voting rights of citizens abroad; independent candidacies; turnout requirements; legal thresholds; ranking order of party lists; and balanced participation of women and men and equal representation of women. It could also take into account the use of social media, the misuse of traditional media and social media to spread "fake news", abuse of political advertising and the growing influence of party bureaucracies.

**Mr Fridez** presented the oral opinion of the Committee of Legal Affairs and Human Rights and congratulated the author of the report on his very interesting comparative analysis of various electoral systems. Holding free elections, which should be truly democratic and representative, was one of the key foundations of the rule of law and democracy. The variety of current electoral systems reflected the margin of discretion afforded to States in this area. The example of the election of the Flemish Parliament showed that with the same election results, the winning party could have won between 25 and 66% of the seats depending on the type of electoral system. An electoral system was the product of the history of a country's democratic construction and was based on each State's unique political tradition and culture, and that dictated how governable the country was.

The report highlighted the inconsistency between the legality and the legitimacy of some electoral systems – in short, there could be situations in which voters did not feel that they were represented although the legal rules on the organisation of the elections had been observed. It showed how important it was to address the issues of fairness in the electoral process and the balance between representativeness and governability. At present, there was no specific mandatory condition which an electoral system had to fulfil to be deemed fair and democratic. In the current political context, the Council of Europe member States had to try to build up public trust in the legitimacy of their democratic system and avoid the feeling of exclusion which was a breeding ground for populism and extremism. The members of the Assembly had all been elected on the basis of different electoral systems, but for each member each system was legitimate, and could be explained in the light of its history as the product of a national consensus which made it possible to ensure that his or her country was governable. The Committee of Legal Affairs and Human Rights supported the proposal to invite the Venice Commission, which played an important role in establishing electoral standards in Europe, to think about how to improve and harmonise electoral rules and practices by establishing minimum standards with which electoral systems should comply, so as to remedy any democratic deficits and guarantee not just free elections but also fair results, in accordance with the general principles of democracy and the rule of law subscribed to by the member States.

**The President** noted that the quorum, which was 20 members, had been achieved and indicated that no amendments had been submitted to the draft resolution.

The draft resolution **was adopted** unanimously, by 22 votes for (Resolution 2332 (2020)).

### 13. LEGAL AFFAIRS AND HUMAN RIGHTS

**Ms Bardell**, rapporteur of the Committee on Legal Affairs and Human Rights, presented a report on "*Drug policy and human rights in Europe: a baseline study*" (Doc. 15086). She mentioned as a preamble the judgment of the European Court of Human Rights in February 2020 in the case of a drug-addicted mother who had been deprived of her parental authority and whose three children had been taken away from her. The Court had reaffirmed that splitting up a family was a very serious interference with her right to respect for her family life, and that such a measure should only be applied in exceptional circumstances and could only be justified if it was motivated by an overriding requirement pertaining to the child's best interests. The Court had found that the mother's drug addiction appeared to have been the main, if not the only, ground for depriving her of parental authority as she did not have a history of neglecting her children. It had reaffirmed that the authorities' role in the social welfare field was, precisely, to help persons in difficulty, to provide them with guidance in their contact with the welfare authorities and to advise them, inter alia, on how to overcome their difficulties.

The report was a dense account of the recent global commitments and actions to address and counter societal problems relating to psychoactive substances - “drugs”-, with full respect for all human rights and fundamental freedoms. Over the years, countries in Europe and beyond had faced evolving patterns of drug use, drug related harm and drug related crime. Polydrug consumption was common and individual patterns of use range from experimental to habitual and dependent consumption. The “drug problem” had generated severe harm and risks for the health and safety of those concerned and societies in general. There was clear evidence today that drug-control efforts focusing primarily on repression had been unsuccessful, if not counterproductive and responsible for generating large-scale human rights abuses – such as damaging spill-over in terms of public health and mortality rates, violence and corruption, discrimination, stigmatisation and marginalisation, disproportionate sentencing, prison overcrowding, or unjustified family separations.

Furthermore, History showed that there had never been any society without psychoactive drugs, begging the question whether a world free of drugs was a realistic aim. The “war on drugs” had been first declared by U.S. President Richard Nixon in 1971, with the goal of eradicating what he had viewed as the growing problem of drug addiction. Since then, it had had dire consequences, including the exacerbation of human rights violations and erosion of democratic institutions around the world. In 2016 the then UN Secretary General Ban Ki-moon called for all participating countries “to conduct a wide-ranging and open debate that considers all options.” In Europe and globally, there had been increasing emphasis on a comprehensive, integrated, balanced, and scientific evidence-based approach. This approach must be closely connected to public health and socio-economic responsibilities, human rights, and sustainable development. Human rights must be mainstreamed into drug policies. This Assembly had previously called for a European convention on promoting public health policy in drug control.

We must recognise people who used drugs as people, not just “drug addicts”. Drug policy was about people: People of all ages and types of personal backgrounds, who might find themselves living in difficult social situations, who were dealing with traumas, diseases, or who, often, had been cast aside by the very system that should support them. Too often, governments’ policies on drug control didn’t see these human faces. It was time to realise there was a disconnect between policy and the reality of people’s lives. It was time to recognise the costs that some of our policies had on citizens and societies. It was time to repair the disastrous and disproportionate harms of the war on drugs. It was time to find sustainable solutions which respect the human rights of those that are most vulnerable. Europe should play a leading role in integrating human rights into drug policies. A consensus must be found on what a ‘human rights-based approach’ meant for the design, implementation, monitoring and evaluation of drug policies. The International Guidelines on Human Rights and Drug Policy drafted by the UNDP, the OHCHR and civil society should be welcome. These were helpful guidelines to assess whether the intended and unintended effects of drug-related measures were consistent with international human rights standards and adapt these measures accordingly.

The draft resolution called for data, statistics and adequate indicators to be developed to show a policy’s real impact on individuals and communities. Indicators should help tailor policies to respond to different needs, risks and harms faced by certain vulnerable groups. Traditional indicators such as the number of arrests or drug seizures were no longer enough to show a policy’s real impact on individuals and communities. Good indicators should provide guidance to member States on the effectiveness of drug policies in meeting human rights obligations as well as global sustainable development goals. Our policies should be not to wage war on anyone or indeed anything but to “leave no one behind”.

The draft resolution focused on four concrete strategies on drugs – prevention, harm reduction, treatment and law enforcement – which reflect a more human rights-based approach. Co-operation with the Pompidou Group as a drug policy cooperation platform for member States was essential. The Assembly should call on member States that were not members of the Pompidou Group to join and all member States to co-operate fully in its activities. The draft recommendation to the Committee of Ministers also advocated for a human rights-based approach to the mandate of the Pompidou Group. It also encouraged the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to be particularly attentive to the availability and quality of services for detainees who use drugs, when conducting visits.

**Mr O’Reilly** presented the opinion of the Committee on Social Affairs, Health and Sustainable Development (Doc. 15114) and congratulated the rapporteur for having taken into account the previous work of the Social Affairs Committee and placing particular emphasis on the human rights aspect. Child protection was a concern which required special attention and needed to be mainstreamed into all drug policy. A separate Assembly report on the protection of children against drugs would be required in this context. Children needed protection from criminalisation because of their drug use or possession of drugs for personal use. Furthermore, any drug policy required a public health approach. Even human rights-compliant measures could lead to a negative public health outcome. This was why the countries which had prioritised a public health approach when dealing with drugs

and drug addiction had had so much better outcomes than those which treated this with a “tough-on-crime” approach.

The Standing Committee **examined** the amendments tabled to the draft resolution. Amendments 1 to 11 and 13 tabled by the Committee on Social Affairs, Health and Sustainable Development had been approved unanimously by the Committee on Legal Affairs and Human Rights and were considered **adopted**.

A sub-amendment to amendment 12 was put to the vote. In the absence of a quorum, **the President** announced that the votes on Amendment 12, on the draft resolution, and on the draft recommendation, including Amendments 14 to 16 - which had been unanimously approved by the Committee on Legal Affairs and Human Rights - would be postponed until the next meeting of the Standing Committee.

**Sir Roger Gale** noted that there were many technical problems in connecting members, which could explain the quorum problem.

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

**Mr Büchel**, rapporteur of the Committee on Culture, Science, Education and Media presented the report “*Time to act: Europe’s political response to fighting the manipulation of sports competitions*” (Doc. 15116), referring to the cancellation or postponement of major sports competitions in recent months due to the Covid-19 pandemic, including the Tokyo Olympics. Covid-19 had caused the biggest disruption in sports since World War II. The postponing of the Euro 2020 alone cost an estimated €300 million in revenue. Yet, while the world of sports had been shut down to a large extent, the threats to its integrity had grown. There had been a limited number of sporting competitions offered on betting markets in a limited number of countries, generating a huge turnover growth in sports betting. Criminal groups had exploited this situation to gain even further influence. Interpol, Europol, IOC, UNODC, the Global Lotteries Monitoring System and many others had rung the alarm bells: online betting was increasingly used to manipulate sports competitions. The integrity of sport must become the core of the “new normal”, much more than it had been so far.

Fighting corruption in sport and manipulation of sports competitions in particular could only be tackled through a common political commitment and legally binding international co-operation in the fields of information exchange, data protection, law enforcement and judicial co-operation. The Council of Europe Macolin Convention was the only international legally binding document providing avenues to pave this way through a multi-stakeholder partnership network. However, six years on from its opening to signature, only seven member States had ratified the convention, which had helped it to come into force but not to progress as it should. The EU institutions were still stuck in institutional issues that prevent 27 member States from making their commitment binding. However, the efforts that many governments had made were remarkable: 32 national platforms were currently operational; many countries had updated their legislation to comply with the convention; and co-operation through informal networks was active.

What was grossly lacking today was the necessary political will to put the issue of sport integrity higher up on the political agenda. The problem required a political solution. It was clear from the European Court of Justice caselaw that the definition of “illegal sports betting” did not cause any legal issue under European law. However, Malta’s challenge to this definition continued to hold the Council of the European Union hostage, which was moving attention away from some of the key issues that were a matter of utmost urgency, notably: the possibility of a swift implementation of the convention with clear terms of reference for the follow-up Committee; introducing a more efficient sports betting integrity regulatory framework; creating efficient and legally binding data exchange and intelligence sharing mechanisms, or settling the various issues related inter alia to transparency and conflict of interest.

The draft resolution sent three signals. First, that Malta should stop seeking new legal nuances to change the definition it contested. The Maltese authorities had recently made a new attempt to amend the convention, which fortunately had not found any support in the Committee of Ministers in March last. Secondly, the European Union had the necessary political and legal instruments at its disposal to clarify its positions rapidly and to find the way forward to ratify this important convention. Thirdly, the Council of Europe’s statutory bodies should themselves place the issue much higher on the political agenda, starting by allocating appropriate financial and human resources into advocacy, outreach and a proper communication policy of the convention.

Parliamentarians and parliaments must exercise greater responsibility and commitment: each of us must raise the issue of the ratification of the Macolin Convention with their relevant parliamentary committees and governments. Mr Giorgios Mavrotas, former chair of the Assembly’s Sub-committee on Education, Youth and Sports, had done

a remarkable job, upon taking office in the Hellenic Ministry of Sports, and obtained that the Hellenic Parliament ratified the convention six months later.

We shouldn't forget that a large chunk of what was earned at the top went back into sport. It would be those on the lower rungs who suffered first. Match-fixing related to the sport betting manipulation was now growing into an alternative source of income for bankrupted sports clubs, unpaid players, coaches, officials, etc. The re-starting of competitions and events required extra preventative measures, heightened vigilance and enhanced international co-operation. The sport movement should see that any savings from cancelled sports competitions and events should be used to support the most vulnerable and severely affected athletes, sports organisations and related employees to prevent poverty-related temptations to corruption.

The lockdown had also increased a number of customers replacing their relatively limited sports betting with much more addictive virtual casino games and virtual sports, which was an enormous public health concern and called for the need of drafting a full new report on responsible gambling and sports betting integrity.

**Mr Kiliç** congratulated the rapporteur on his important work. It was a fight that must be engaged against these illegal bets and we must work in solidarity. It affected all sports competitions, not just the football world or the Olympic Games. Illegal betting was financing terrorism and other acts of violence in Europe. Turkey had adopted a recent national legislation that provided for strong measures in case of rigging and doping. Article 23 of the convention stated that clubs involved in such activities could be shut down; such a very harsh provision was a brake on the signature of some countries like Turkey. Some of these ancestral clubs were in danger of disappearing through the simple mistake of a single manager.

**Mr Büchel** recalled that the Macolin Convention said that those who violated its provisions would be punished. Such sanctions would obviously be harsh for some clubs, which would suffer, but it was necessary to go through that if the world of sport was to be improved.

**The President** noted that there was not a quorum and announced that votes on the draft resolution and draft recommendation would be postponed to the next meeting of the Standing Committee.

**Mr Schennach**, rapporteur of the Committee on Culture, Science, Education and Media, presented a report on "*Ethics in science and technology: a new culture of public dialogue*" (Doc. 15117). Member States should develop a "new culture of public dialogue" on scientific and technological progress, so that advances in these fields respected fundamental values and human dignity. At political level, we were not sufficiently aware of the growing impact of science and technology on society and on the daily lives of every individual. In terms of governance, it was increasingly difficult for lawmakers to match the speed at which science and technologies evolved with the required regulations and standards. The timespan was getting increasingly shorter to evaluate risks and determine the medium and long-term consequences on human health and the implications for human rights. As a result, parliaments were risking finding themselves powerless in the face of the development of new technologies by companies and large groups experienced in the rapid commercialisation of innovations. To reverse this general trend of law-lagging, we would need new types of legislation that could be reviewed regularly as was the case in France with the Framework Law on Bioethics which was designed to be reviewed periodically to match the speed of developments. We should also anticipate and publicly discuss, from the outset of the process, the directions that research should take to make sure that progress in science and technology corresponded to human progress. The scientific and technological foresight should no longer remain the exclusive remit of researchers and industry. We needed to re-connect scientific and technological developments with fundamental values. To face these challenges, we should develop a culture of permanent dialogue and work together to prepare younger generations for this. It would no longer be a question of organising a series of "one-off" public consultations which precede legislative changes, but rather to maintain an open dialogue. Informed debate on scientific and technological developments and ethical considerations should be part of the school curricula, both in terms of regular practice to cultivate dialogue and to develop the ability to understand and analyse complex matters in the domain of science and technology. Given the complexities of scientific and technological convergence, scientists and experts must be more involved in an interdisciplinary exchange. They should be part of new forms of open, informed and adversarial public debate. It was essential to ensure that scientists and experts had a transparent position, to demonstrate any connection to corporate interests of industry. They also needed to gain the ability to communicate their research in a clear and understandable way to a wider public.

We also needed to reinforce the capacity of parliamentary bodies to be pro-active in this complex decision-making process and ensure that "informed decisions" were the outcome. The development of parliamentary technology assessment institutions, with adequate resources, should be encouraged. The European Parliamentary Technology Assessment (EPTA) network was a good example, and we should make better use of the expertise that this network could provide. The Covid-19 pandemic gave us a totally new perspective and opened a wide

spectrum of issues that needed to be considered. Many issues of concern required immediate attention: surveillance, tracking and sharing of telecommunications metadata; restrictions on access to information and media freedom; access to healthcare, equal treatment and non-discrimination of all citizens; co-ordination and synergy in scientific research; equity in use of technology and access to remote education; etc. However, broader issues which would be fundamental for the future should also be considered: the social value attributed to jobs; the value of public services; the social value of “real” economy as opposed to value driven by financial markets; the role of agriculture and local production; energy, water and food supply security; self-reliance and resilience of public health systems; the environmental footprint of our choices and lifestyles; and the need for international co-operation and solidarity. Maintaining an open dialogue on such key issues would be essential to strengthen our democracies. For this reason, we must promote a culture of public dialogue and seek to develop the capacities of young people and the wider public to analyse different options for a sustainable functioning of our societies.

Member States should make use of new tools, such as the Guide to Public Debate on Human Rights and Biomedicine which has been drafted by the Council of Europe Bioethics Committee, and the toolkit developed by the European Union project “Engage2020”, which provided examples how to organise public debates in different contexts and situations. In terms of policy actions, member States were invited to set up intermediary institutions, to create the link between science and technology, the relevant public and policy making; to establish “train-the-trainers” programmes to distribute knowledge and build the capacity of institutions at different levels to organise and facilitate public debate; to introduce modules on public debate in the academic curriculum for future scientists; to encourage media and public service broadcasters to co-operate with practitioners in order to support – not take over – processes of engaging citizens in public debates; to use specialised tools to support fair, open, transparent and un-manipulated online public debate, and to stimulate also cross-national and multi-lingual engagement of citizens across borders. National parliaments had a key role to play in this process and should make a wider use of public debate as part of the parliamentary decision-making processes, and provide targeted training to members; explore the cross-political and cross-ideological value of public debate, for example by setting up “committees for the future”; consider setting up parliamentary technology assessment, with a requirement to make use of public debate in assessment procedures. Finally, the European Union was invited to co-operate with the Council of Europe

**The President** declared that the quorum of 20 members was met.

The draft resolution was **adopted** unanimously by 21 votes in favour (Resolution 2333 (2020)).

The draft recommendation was **adopted** unanimously by 22 votes in favour (Recommendation 2176 (2020)).

**Mr Reiss**, rapporteur of the Committee on Culture, Science, Education and Media, presented the report “*Towards an Internet Ombudsman institution*” (Doc. 15085). How could we avoid the drifts and pitfalls that we encountered in the internet space, where the best was sometimes to be found alongside the worst? How could we take up the challenge of making good use of the web, this magnificent tool for access to information and creation, while preserving our values and fundamental rights? A draft law in France aimed at combating hateful content on the internet had been recently censured by the *Conseil d’Etat*, with regard to the measure that required, under penalty, operators of online platforms to remove hateful or sexual content within 24 hours – for which there were already legal provisions requiring operators to remove illegal or non-legal content reported to them –, as well as the 24-hour period which was deemed too short. The *Conseil d’Etat* had also censured the measure obliging operators to remove within one hour terrorist and child pornography content reported by the authorities, on the grounds that it was contrary to the protection of freedom of expression guaranteed by the French Constitution and the European Convention on Human Rights.

The balance between the right to freedom of expression and the protection of other rights was to be preserved, in particular because of the global and instantaneous nature of publications on the internet and the unfortunately serious and sometimes irreversible damage that illegal content could cause. With the proliferation of social media, harmful content was increasingly found on the internet. In some cases, this was clearly illegal – such as incitement to terrorism, hate speech, harassment – but in other cases it was more difficult to qualify their legal or illegal nature. While everyone agreed that social media should take more responsibility for the content they published, the idea of controlling them raised a serious problem with the need to preserve freedom of expression, especially as the web was a global medium connecting people with different histories, traditions and legal cultures.

In order to reconcile freedom of expression and the fight against illegal content online, consideration should be given to the establishment of an Ombudsman institution with the necessary independence, competence and authority to assess the legal or illegal nature of content published on the internet. The implementation of this idea could bring a number of benefits for those involved in online communication, in particular internet

intermediaries and internet users. Internet intermediaries could submit doubtful cases to this institution for recommendations on how to deal with them. Thus, the creation of an internet Ombudsman institution should help to speed up the removal of harmful content. Furthermore, by complying with the Ombudsman's opinion, internet intermediaries could avoid possible criminal sanctions. Private persons could also report to the Ombudsman any situation where they considered that their rights to freedom of expression or other rights had been violated. Member States should consider establishing an internet Ombudsman institution in their national legal systems, either as an autonomous institution or by extending the mandate of a pre-existing body, such as a data protection office, a media regulatory institution or an ombudsman body for the protection of human rights. In order to make this institution viable, effective and useful, member States should identify mechanisms, procedures and measures that could ensure the political independence of the internet Ombudsman, constructive interaction between this institution and the legislature, the executive and the judiciary, as well as the national data protection authority. In addition, States should ensure the economic independence of the institution. It would be necessary to discuss with major social media platforms the issue of financial support for the institution of the Ombudsman, in return for judicial benefits for intermediaries who follow the Ombudsman's advice. At the same time, the creation of an insurance-type compensation mechanism should be considered, allowing internet users harmed by illegal decisions to be compensated and internet intermediaries to avoid cumbersome legal proceedings. Finally, given the transnational nature of the web, Ombudsman institutions established in the member States should co-operate and network. Despite the diversity of legal frameworks and socio-cultural traditions among member States, the European Convention on Human Rights and its rich jurisprudence provided a solid basis for close co-operation between Ombudsman institutions in different countries and for harmonised approaches to the resolution of cases.

**Mr Yildiz** wondered about paragraph 9 of the draft resolution which called on the European Union to establish an internet Ombudsman institution at EU level. **Mr Reiss** stressed that the European Union was also working on the same issue, which was why there was a need to harmonise legislation and coordinate efforts in this area.

The draft resolution was **adopted** by 19 votes in favour (Resolution 2334 (2020)).

## 15. OTHER BUSINESS

None.

## 16. NEXT MEETING

The Standing Committee **decided** to hold its next meeting by videoconference on 12-13 and 22-23 October 2020.

## APPENDIX I

### Decisions on documents tabled for references to committees

#### A. REFERENCES TO COMMITTEES

1. **Creation of a reserve fund out of unused funds of the Parliamentary Assembly**  
**Motion for a recommendation tabled by Mr Sergiy Vlasenko and other members of the Assembly**  
**Doc. 15118**

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

2. **The impact of the COVID-19 pandemic on education and culture**  
**Motion for a resolution tabled by Mr Constantinos Efstathiou and other members of the Assembly**  
**Doc. 15119**

Reference to the Committee on Culture, Science, Education and Media *for report*

3. **Combatting rising hate against LGBTI people in Europe**  
**Motion for a resolution tabled by the Committee on Equality and Non-Discrimination**  
**Doc. 15121**

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

4. **Impact of COVID-19 on children's rights**  
**Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development**  
**Doc. 15125**

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

5. **Air quality strategy to reduce the spread of coronavirus**  
**Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development**  
**Doc. 15126**

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

6. **Call for an inclusive national political process in Belarus**  
**Motion for a resolution tabled by Ms Cheryl Gillan and other members of the Assembly**  
**Doc. 15130**

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

7. **Urgent need for electoral reform in Belarus**  
**Motion for a resolution tabled by Mr David Blencathra and other members of the Assembly**  
**Doc. 15131**

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

8. **Human rights violations in Belarus require an international investigation**  
**Motion for a resolution tabled by Mr Emanuelis Zingeris and other members of the Assembly**  
**Doc. 15135**

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

**9. Addressing issues of criminal and civil liability in the context of climate change  
Decision of the Bureau**

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

**10. Addressing inequalities in access to environmental rights  
Decision of the Bureau**

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

**11. Research policies and environment protection  
Decision of the Bureau**

Reference to the Committee on Culture, Science, Education and Media *for report*



**APPENDIX II****Declaration on an urgent need for a democratic, broad-based and inclusive political process in Belarus**

1. The Parliamentary Assembly's political dialogue with the representatives of the Belarusian National Assembly, the opposition forces as well as the civil society aims at promoting in Belarus the values and principles of pluralist democracy, rule of law and fundamental rights and freedoms, thus opening the Pan-European acquis for the people of Belarus.
2. The Assembly recalls that its relations with the National Assembly of Belarus date back to 1992, when it was granted Special Guest status. Lack of democratic progress and continued violation of human rights led to the suspension of the Special Guest Status in 1997. The accession process, initiated in 1993, was subsequently frozen.
3. Nevertheless, the Assembly recalls that, although not a member state of the Council of Europe, to date, Belarus has signed and ratified 12 Council of Europe treaties and protocols and has joined four Partial Agreements: the European Commission for Democracy through Law (Venice Commission), the Group of States against Corruption (GRECO), the Enlarged Partial Agreement on Sports and the European Pharmacopeia. Recently, the co-operation was intensified through two successive Action Plans whose implementation is facilitated by the Council of Europe Information Point in Minsk.
4. While welcoming existing avenues of co-operation which aim at bringing Belarus's legal and institutional framework closer to Council of Europe standards, the Assembly deplores the lack of respect, by the authorities, of democratic standards and fundamental rights and freedoms.
5. It recalls that, in its past reports on the situation in Belarus, it expressed strong concerns about systemic human rights violations. Furthermore, it notes that the existence of death penalty and the continued practice of execution of death sentences makes Belarus the only European country to use this inhuman and unacceptable punishment which constitutes a major obstacle for the development of our relations.
6. Furthermore, in its reports on the observation of parliamentary and presidential elections, the Assembly has repeatedly highlighted the lack of level playing field in the electoral process that prevented candidates from campaigning on equal footing and did not allow the voters to make an informed, free and democratic choice.
7. Against this background, the Assembly strongly regrets the fact that the presidential election of 9 August 2020, conducted under the existing electoral system, were far from being free and fair and failed to meet international standards for democratic elections and Belarus's commitments under international human rights legal instruments.
8. The Assembly strongly condemns the excessive use of force by law enforcement and the military against peaceful protestors in the aftermath of the elections and urges the Belarus authorities to put an immediate halt on violence and intimidation, to release all detained protesters and to promptly launch full, transparent and impartial investigation into the multiple cases of police violence and brutality in order to bring to justice all those responsible. This is an essential first step for restoring the confidence of the citizens in the authorities and in institutions.
9. The Assembly expresses solidarity with the courage and determination of the people of Belarus who continue to defend their fundamental rights and freedoms peacefully and responsibly.
10. The Assembly commends in particular women's active participation in the political process as engaged citizens, voters, leaders and campaigners, and stresses once more that the participation of women in political and public decision-making is a fundamental right and a key condition for justice and democracy.
11. The people of Belarus have demonstrated their commitment to the common values of the European family where they fully belong. Their demand for democratic change and reforms must be met with an open and constructive attitude by the authorities.

12. The Assembly recalls that the Council of Europe's strategic objective remains the rapprochement and accession of Belarus to the Organisation, its values and principles. It hopes that Belarus will initiate political and democratic reforms and work together with the Assembly and the Council of Europe towards restoring the Special Guest status and resuming the accession process.

13. The Assembly considers that a democratic, broad-based and inclusive national political process, fully involving civil society, needs to be urgently launched in Belarus, as a first step towards a peaceful way out of the current crisis and to open the door for the necessary reforms, starting from the constitutional and electoral reforms.

14. The Assembly reiterates its readiness to support this process – in close co-operation with the Council of Europe advisory bodies, in particular the Venice Commission – by intensifying co-operation with the National Assembly of Belarus, all political stakeholders, as well as the civil society. In this regard, the Assembly welcomes the initiatives of its Committees and calls on the authorities, all political stakeholders and the civil society to fully co-operate with the Assembly rapporteurs.

**APPENDIX III****List of participants / Liste des participants****President of the Parliamentary Assembly / Président de l'Assemblée parlementaire**

Mr Rik DAEMS Belgium / Belgique

**Chairpersons of Political Groups / Présidents des groupes politiques**

Mr Frank SCHWABE Socialists, Democrats and Greens Group (SOC) /  
Groupe des socialistes, démocrates et verts (SOC)

Mr Aleksander POCIEJ Group of the European People's Party (EPP/CD) /  
Groupe du Parti populaire européen (PPE/DC)

Mr Ian LIDDELL-GRAINGER European Conservatives Group and Democratic Alliance  
(EC/DA) / Groupe des Conservateurs européens et Alliance  
démocratique (CE/AD)

M. Jacques MAIRE 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 / Royaume-Uni

Mr Kimmo KILJUNEN Finland / Finlande

Mr Egidijus VAREIKIS Lithuania / Lituanie

Ms Susanne EBERLE-STRAUB Liechtenstein

Mr Antonio GUTIÉRREZ Spain / Espagne

Mme Nicole TRISSE France

Mr Andreas NICK Germany / Allemagne

M. Petr TOLSTOI Russian Federation / Fédération de Russie

Mr Oleksandr MERESHKO Ukraine

Mr Akif Çağatay KILIÇ Turkey / Turquie

Ms Inese LIBINA-EGNERE Latvia / Lettonie

Mr Irakli KOBAKHIDZE Georgia / Géorgie

Mr Alvis MANIERO Italy / Italie

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

Mr Reinhold LOPATKA Austria / Autriche

Mr Samad SEYIDOV Azerbaijan / Azerbaïdjan

Mr Dimitar GLAVCHEV Bulgaria / Bulgarie

Ms Marijna BALIĆ Croatia / Croatie

Mr Nicos TORNARITIS Cyprus / Chypre

Ms Maria JUFEREVA-SKURATOVSKI Estonia / Estonie

Mr Kimmo KILJUNEN Finland / Finlande

Mme Nicole TRISSE France

Mr Irakli KOBAKHIDZE Georgia / Géorgie

Mr Andreas NICK Germany / Allemagne

Ms Dora BAKOYANNIS Greece / Grèce

Mr Zsolt NEMETH Hungary / Hongrie

Ms Rósa Björk BRYNJÓLFSDÓTTIR Iceland / Islande

Ms Fiona O'LOUGHLIN Ireland / Irlande

Mr Alvis MANIERO Italy / Italie

Ms Inese LIBINA-EGNERE Latvia / Lettonie

Ms Susanne EBERLE-STRAUB Liechtenstein

Mr Emanuel MALLIA Malta / Malte

Mr Arkadiusz MULARCZYK Poland / Pologne

(representing the Chairperson /  
*représentant le Président*)

M. Petr TOLSTOI Russian Federation / Fédération de Russie  
Ms Tadeja SUSTAR Slovenia / Slovénie

(in the absence of the Chairperson /  
*en l'absence de la Présidente*)

Mr Antonio GUTIÉRREZ Spain / Espagne  
Mr Ahmet YILDIZ Turkey / Turquie  
Ms Yelyzaveta YASKO Ukraine  
Sir Roger GALE United Kingdom / Royaume-Uni

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

Dame Cheryl GILLAN United Kingdom / Royaume-Uni

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

Mr Boriss CILEVIČS Latvia / Lettonie

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

M. Luis LEITE RAMOS Portugal

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

M. Pierre-Alain FRIDEZ Switzerland / Suisse

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

Ms Petra BAYR Austria / Autriche

**Committee on Rules of Procedure, Immunities and Institutional Affairs /  
Commission du Règlement, des immunités et des affaires institutionnelles**

Ms Ingjerd SCHOU Norway / Norvège

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

Ms Hannah BARDELL United Kingdom / Royaume-Uni  
Mr Roland BUCHEL Switzerland / Suisse  
Mr Joseph O'REILLY Ireland / Irlande  
Mr Frédéric REISS France  
Mr Stefan SCHENNACH Austria / Autriche

**Other member of the Parliamentary Assembly**

Ms Anne-Mari VIROLAINEN Finland / Finlande

**Invited personality / Personnalité invitée**

Mr Miltiadis VARVITSIOTIS Alternate Minister of Foreign Affairs of Greece, Chairman of the Committee of Ministers of the Council of Europe / Ministre délégué aux Affaires européennes de la Grèce, Président du Comité des Ministres du Conseil de l'Europe

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Mr Georg MAGERL Austria / Autriche  
Mr Arjen WESTERHOFF Austria / Autriche

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Mr Emin MAMMADOV	Azerbaijan / Azerbaïdjan
Mr Adnan BEŠIĆ	Bosnia and Herzegovina / Bosnie-Herzégovine
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Ms Panagiota MICHA	Greece / Grèce
Ms Voula SYRIGOS	Greece / Grèce
Ms Foteini TSOUNI	Greece / Grèce
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Ms Ana GUAPO	Portugal
Ms Alina ILIE	Romania / Roumanie
Ms Carmen IONESCU	Romania / Roumanie
Mr Ravzan TANASE	Romania / Roumanie
Ms Elizaveta GROMOGLASOVA	Russian Federation / Fédération de Russie
Ms Alja ŠKIBIN	Slovenia / Slovénie
Ms Jelena SUDIMAC	Serbia / Serbie
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Mr Luis Manuel MIRANDA	Spain / Espagne
Ms Petra SJOSTROM	Sweden / Suède
Mr Daniel ZEHNDER	Switzerland / Suisse
Mr Kenan ARPACIOĞLU	Turkey / Turquie
Mr Semih Emre ÖZER	Turkey / Turquie
Mr Iaroslav ZHYDENKO	Ukraine
Mr Nicholas WRIGHT	United Kingdom / Royaume-Uni
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Ms Micaela CATALANO	Head of the Communication Division / Chef de la Division de la communication
Mme Isild HEURTIN	Head of the Secretariat of the Bureau / Chef du Secrétariat du Bureau
Mme Martine MEYER	Administrative assistant of the Standing Committee / Assistante administrative de la Commission permanente
Mme Rachel MOREL	Principal administrative assistant of the Table Office / Assistante administrative principale du Service de la Séance
Mme Annick SCHNEIDER	Assistant to the Secretary General / Assistant to the Bureau Assistante du Secrétaire Général / Assistante du Bureau

**Private Office of the Secretary General and Deputy Secretary General /  
Cabinet du Secrétaire Général et de la Secrétaire Générale adjointe du Conseil de l'Europe**

Ms Gabriella BATTAINI-DRAGONI	Deputy Secretary General of the Council of Europe / Secrétaire Générale adjointe du Conseil de l'Europe
Mr Markus ADELSBACH	Adviser, Private Office of the Secretary General and Deputy Secretary General of the Council of Europe / Conseiller, Cabinet du Secrétaire Général et de la Secrétaire Générale adjointe du Conseil de l'Europe

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

Mr Bjorn BERGE	Secretary to the Committee of Ministers / Secrétaire du Comité des Ministres
Mr Alexander GUESSEL	Director, Directorate of Political Affairs / Directeur, Direction des affaires politiques
Ms Leyla KAYACIK	Deputy Secretary to the Committee of Ministers / Secrétaire adjointe du Comité des Ministres