



AS/Per (2020) PV 01
19 April 2021

Standing Committee

Minutes

of the meeting held by videoconference on

Friday 19 March 2021

from 10:00 to 12:30 and from 14:00 to 16:30

1. OPENING OF THE MEETING

Mr Rik Daems, President of the Parliamentary Assembly, **opened** the meeting of the Standing Committee at 10 am.

2. EXAMINATION OF NEW CREDENTIALS

Doc. 15240

The Standing Committee **ratified** the credentials of new members of the Assembly submitted by the delegations of Belgium, Hungary, Italy, Latvia and Romania.

3. MODIFICATIONS IN THE COMPOSITION OF COMMITTEES

Commissions (2021) 03 and Addendum

The Standing Committee **ratified** the modifications in the composition of Assembly committees in respect of the delegations of Belgium, Latvia and Romania, and in the composition of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), the Committee on Rules of Procedure, Immunities and Institutional Affairs and the Committee on the Election of Judges to the European Court of Human Rights.

4. EXCHANGE OF VIEWS WITH MR MICHAEL ROTH, MINISTER OF STATE FOR EUROPE AT THE FEDERAL FOREIGN OFFICE OF GERMANY, SPECIAL REPRESENTATIVE OF THE FEDERAL GOVERNMENT FOR THE GERMAN PRESIDENCY OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

The President welcomed Mr Roth and assured him of the Assembly's support in achieving the objectives of the German Presidency.

Mr Michael Roth pointed out that, as members of the Council of Europe, States were required to honour their commitments, including the execution of judgments of the European Court of Human Rights. The supervision of the *Kavala* judgment by the Committee of Ministers would be subject to enhanced follow-up and the case would be put on the agenda of each Committee of Ministers meeting. In addition, the Committee of Ministers had asked its Chair, Mr Maas, to write to his Turkish counterpart, Mr Çavuşoğlu, to ensure that Turkey would comply with the judgment by releasing Mr Kavala, who had been held in detention for more than three and a half years. The applicant, Mr Selahattin Demirtaş, whose detention the Court had clearly established had been politically motivated, should also be released.

In the case of Mr Navalny, too, the authorities had failed to comply with the Court's binding demand to release him under an urgent interim measure. To say nothing of the fact that the Court had recognised in 2017 that his prosecution in the *Yves Rocher* case had been arbitrary and manifestly unreasonable. Over forty countries had criticised Russia the previous week before the United Nations Human Rights Council for the treatment meted out to him.

The German presidency was continuing to work on the European Union's accession to the European Convention on Human Rights. It was not a matter of the EU securing some advantages for itself, but its specific nature as a supranational organisation should be taken into account.

The high-level conference on artificial intelligence organised by the German presidency and the Secretariat of the Council of Europe on 20 January had shown the interest in and support for the Council of Europe's work on that subject, including the work by the Parliamentary Assembly. The Ad hoc Committee on Artificial Intelligence (CAHAI) had forwarded to the Committee of Ministers a study on a legal framework for AI that provided an opportunity for the Council of Europe to develop an international legal instrument.

The "Unboxing Hate Speech" conference held on 17 and 18 February 2021 had been followed by an audience of nearly 20 000 people, including Parliamentary Assembly members participating in the No Hate network, and had made a contribution to the Council's work. The work of the Council of Europe's Committee of Experts on Combating Hate Speech would also enable the borderline between permissible freedom of expression and punishable hate speech to be discussed. It was alarming that elected representatives, especially local

councillors, were targets of hostility and threats, a problem that had been debated on 29 January in response to the initiative of the German delegation to the Congress of Local and Regional Authorities.

The Council of Europe conventions formed a common legal area of 47 member states in which 840 million people enjoyed fundamental freedoms. In particular, everyone should be able to show their differences without fear and without suffering discrimination based on their origin, skin colour, religion, membership of a particular group, sex or sexual identity.

Roma and Travellers continued to experience discrimination, which was a matter of concern for the German presidency. A seminar on hate speech against Roma and Travellers in the media had been held on 10 and 11 March by the European Roma Institute for Arts and Culture and the Central Council of German Sinti and Roma. In that context, it was important to establish a link between the Council of Europe's work and, in particular, the Committee of Experts on Roma and Traveller Issues.

Youth and youth employment were also of fundamental importance for the Council's work, and the German presidency was therefore planning substantial funding for the European Youth Centre for 2021.

One issue that had unexpectedly come to the fore again as a result of the Covid-19 pandemic was domestic violence and violence against women. Unfortunately, the figures spoke for themselves: lockdowns in many countries had led to a rise in domestic violence. On the occasion of this year's celebration of the tenth anniversary of the signing of the Istanbul Convention a conference would be organised. Assembly members had an important role to play as intermediaries to convince their colleagues in national parliaments of the Convention's importance and to counter disinformation. The Convention's aim was and would remain the protection of women against violence, and no hidden agenda or gender ideology was involved.

Lastly, Germany would be depositing its instrument of ratification of the revised European Social Charter later in the month. It would continue its efforts to improve social and employment standards and step up its work to bring about equal pay for men and women for equal work.

During its presidency of the Committee of Ministers, Germany would continue to focus on dialogue and close co-operation with the Assembly, just two examples of which were follow-up to the Assembly's reports and participation in the observation of elections. Another example was the Council of Europe's new joint mechanism, which enabled an appropriate response to be made to serious violations by a state of the Organisation's fundamental principles. Close co-ordination between the Committee of Ministers, the Assembly and the Secretary General was necessary in that regard.

Germany would continue to move forward with its efforts at the Council of Europe during the second half of its presidency with a view to setting out its main achievements at the 131th Ministerial Session of the Committee of Ministers in Hamburg at the end of May and to providing impetus for the continuation, and swift conclusion, of the work on the aforementioned issues.

In response to **Mr Zingeris**, who asked about any support the Assembly would be able to provide to bring an end to the violations of Mr Navalny's rights, **Mr Roth** pointed out that the Assembly had important means at its disposal, such as debates, to prevent the case from being forgotten and to stop violations becoming routine occurrences.

In response to **Mr Kox** and **Mr Howell**, who wanted to know more about the process of European Union accession to the European Convention on Human Rights, **Mr Roth** said it was necessary to take account of the specific nature of the EU and its obligation to execute the judgments of the Court of Justice of the European Union. It was in the interests of the Council of Europe and its member states, including non-EU members, for the EU to become a party to the Convention, which would strengthen the Council's role. In addition, the Venice Commission, a Council of Europe institution, played an important role in reinforcing the principle of the rule of law within the EU.

Mr Kox and **Mr Schwabe** voiced their concerns about the banning of Turkey's third-largest party from the country's parliament and wanted to know what steps the Committee of Ministers was taking to avoid democratic backsliding in Turkey. **Mr Roth** informed them that there had been a discussion with the leader of the HDP, the banning from parliament of which constituted a clear violation of the democratic process in that country. By adopting the declarations condemning the banning of the HDP, the various international bodies – the Council of Europe, the European Union and the German presidency – had already sent a powerful signal to the Turkish authorities and were determined to monitor the situation.

Mr Pocij wondered why the Committee of Ministers sometimes struggled to reach a decision. Different points of view were also represented in the Assembly but by following the principle of majority rule it did manage to adopt stances despite the fact that they were not shared by everyone. **Mr Roth** said a similar situation existed in all international organisations that had both an intergovernmental and a parliamentary component. The parliamentary dimension could not be compared to the intergovernmental dimension. In addition, the dialogue in the Committee of Ministers had deteriorated in connection with issues involving clear violations of the Organisation's principles. Unfortunately, two key commitments, namely the execution of judgments of the Court and access by Council of Europe monitoring delegations to given territories, were not honoured everywhere.

In his capacity as rapporteur on the poisoning of Alexei Navalny, **Mr Maire** asked about the German government's refusal to provide information it held on the case. Also, was the Committee of Ministers considering becoming involved in the exchange of prisoners of war between Armenia and Azerbaijan? **Mr Roth** responded that the German government was ready to support Mr maire's endeavour. He regretted Russia's withdrawal of the request for technical assistance it had previously made to the Organisation for the Prohibition of Chemical Weapons. Mr Navalny was a Russian national and he had been poisoned in Russia and had only been in Germany to receive intensive care. As far as the conflict between Armenia and Azerbaijan was concerned, the Council of Europe could play an important role in the exchange of prisoners, especially by calling on the parties to the conflict to honour their international commitments. According to the information available, there were still Armenian prisoners of war in Azerbaijan, which needed to work closely with the International Red Cross.

Ms Trisse regretted the additional testing measures imposed on residents of the Département of Moselle who regularly travelled to the neighbouring *Land* to work or study. That created inequality with other Départements on the French border. Could alternative measures be envisaged and what lessons could be learned from the present situation? **Mr Roth** referred to the recent restrictions adopted by the French government to contain the third wave. All European countries were endeavouring to find a balance between the desire to maintain mobility and the protection of health, by trying to keep restrictions to a minimum. A more dangerous form of the virus was circulating in Moselle and there had been a rise in cases in Saarland, which justified the imposition of measures, but there were exceptions for cross-border commuters.

Mr Yildiz said 13 million doses of the Chinese vaccine, Sinovac, had been administered in Turkey. What would be the impact on prospects of travelling to the European Union when people had been immunised with a Chinese vaccine that was widely used worldwide? **Mr Roth** emphasised the shortage of vaccines experienced by every country in the world and referred to the global COVAX initiative to provide access to vaccines to countries that did not have sufficient resources. The aim of the certificate currently under discussion within the European Union was to facilitate free movement in the EU and it would be issued to persons who had been vaccinated against Covid-19, had received negative test results or had recovered from the virus. The proposal was not to make the certificate compulsory for travellers but for it to be used as a public health tool. In order for any vaccine to be put on the EU market, it had to be given prior approval by the European Medicines Agency. For example, an application for Sputnik V approval had been made.

Mr Howell voiced his concern after the arrest of the chair of the Turkish Human Rights Association, Mr Öztürk Türkdoğan. Mr Türkdoğan was a long-standing partner of the Council of Europe and his arrest was tantamount to an attack on the Organisation. **Mr Roth** pointed out that individuals held in detention for political reasons, including the aforementioned Mr Kavala, Mr Demirtaş and Mr Navalny, were only examples of such cases, but they should be freed as a matter of urgency. The Committee of Ministers and the German presidency were closely monitoring the execution of the judgments concerning those individuals.

Mr Schwabe asked the minister to comment on the cases of corruption revealed in the Assembly, which had, in particular, resulted in four German parliamentarians being placed under investigation. **Mr Roth** said that corruption was not compatible with the Council's values and it eroded citizens' trust in the objectivity of Assembly decisions. In Germany, every corruption allegation had to be swiftly and effectively investigated and the Council should take the same action.

Ms Stienen noted that the current session of the United Nations Commission on the Status of Women was dealing with the question of women's participation in political life. A number of academic reports on the general election in the Netherlands had mentioned instances of online hatred against women candidates. What action could the Assembly take to combat the stereotypes that those hate messages conveyed and how could male elected politicians serve as models for combating that behaviour? **Mr Roth** stressed the importance in that context of the Istanbul Convention, the celebration of the tenth anniversary of which on 11 May would provide an opportunity to address the issues of sexism and stereotypes. There was no hidden agenda and there were no ulterior motives or cultural incompatibilities because no religion or culture tolerated violence against women

and children. Gender equality should become a reality, including in the composition of the national delegations to the Assembly. Parity made debates more effective and more fruitful.

Ms Mezentseva hoped that the Istanbul Convention would be ratified by the Ukrainian parliament in 2022, which was a desire also expressed by the country's civil society. She also hoped that the question of the Crimean Tatars who had been imprisoned for no valid reason would remain on the Committee of Ministers' agenda.

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

The President informed the Standing Committee that two requests for a current affairs debate had been submitted on "Democracies facing Covid-19: the way forward" and "Recent developments in Turkey concerning parliamentary democracy". 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 respectively Mr Ian Liddell-Grainger and Mr Franck Schwabe as the first speakers.

The Bureau's proposal to hold a current affairs debate on "Recent developments in Turkey concerning parliamentary democracy", supported by **Mr Kox** and opposed by **Mr Yildiz**, was **approved** by 15 votes for, 3 against and 3 abstentions.

6. AGENDA

The Standing Committee **adopted** the revised draft agenda (AS/Per (2021) OJ 01 rev2).

7. STATEMENT BY MS MARIJA PEJČINOVIĆ BURIĆ, SECRETARY GENERAL OF THE COUNCIL OF EUROPE, ON "COVID-19 AND THE ROLE OF THE COUNCIL OF EUROPE"

The President welcomed the Secretary General of the Council of Europe and expressed his appreciation that the Council of Europe had been able to take swift action in sharing the toolkit for informing public officials of the state's obligations under the European Convention on Human Rights. The Assembly worked closely with national parliaments and its last five reports on the subject of Covid-19 had contributed to the Athens Declaration adopted at the 130th Ministerial Session of the Committee of Ministers. In addition, special mention should be made of the tripartite consultation and supplementary response of the Secretary General, the Committee of Ministers and the Parliamentary Assembly to the crisis.

The Secretary General of the Council of Europe reiterated that the Council of Europe's duty was to help member states to respond effectively to the pandemic in a way that fully upheld human rights, democracy and the rule of law. In doing so, states were bound by the standards to which they had subscribed, such as the European Convention on Human Rights and the European Social Charter, which enshrined the right to health protection. In this time of crisis, the Council of Europe had been quick to publish the toolkit to assist public authorities and remind them that their public health responses must be necessary, proportionate and limited in time. The Venice Commission had reiterated the principles and conditions for emergency measures, together with the safeguards that should accompany them. Other areas where work had been undertaken included continuity of access to courts and justice during the pandemic, recommendations to ensure the safety and security of persons deprived of their liberty and advice on the problem of the counterfeiting of medical products. States had been alerted to the rise in discrimination against minorities and speakers of minority languages, and to the increased risk of sexual violence and abuse. The fulfilment of the right to education was being challenged by the difficulties of digital education and the assessment and recognition of qualifications. The Council of Europe was also providing support in the form of access to the Pharmacopoeia database for researchers working on vaccines against Covid-19. The Organisation had also provided 52,000 items of personal protective equipment to prisons across Europe. The Council of Europe Development Bank had invested €3 billion in more than 20 projects related to the Covid-19 crisis and had issued a social inclusion bond to help countries overcome the economic and social effects of the pandemic. The issues raised by the health crisis were constantly evolving. After the race to produce a vaccine, new questions arose: should vaccination be compulsory for all or only for a specific group? Should governments issue certificates to allow only vaccinated people access to certain places or activities? The Oviedo Convention required a patient's consent for any medical procedure. Furthermore, the European Convention on Human Rights required any measure in a sensitive area such as health to pass the test of legality and proportionality. Lastly, any difference in treatment between people based on their state of health could raise the issue of non-discrimination under

the Convention and the European Social Charter. These were issues that were the subject of the current debate on finding solutions that were consistent with our common standards.

The President thanked the Secretary General.

8. CURRENT AFFAIRS DEBATE – DEMOCRACIES FACING THE COVID-19 PANDEMIC: THE WAY FORWARD

Mr Liddell-Grainger said that the Covid-19 epidemic was now entering its second consecutive year with a devastating toll of more than 120 million cases and 2.6 million human lives lost. Europe, with 6% of the world's population, had paid a very heavy price with 25% of the total number of Covid-19 related deaths. Current and future generations would pay the price of the consequences of the pandemic on the economic, social and political life of our societies.

Last October, the Parliamentary Assembly had adopted Resolution 2337 (2020) "Democracies facing the Covid-19 pandemic", in which it raised a number of issues that were still of relevance. In particular, it made the point that emergency situations could have a serious adverse impact on the system of checks and balances and warned against the risk of abuse of emergency powers by governments as a means, amongst other things, of silencing the opposition and restricting human rights. It had been reported that in a number of countries there had been a clear tendency on the part of the executive to circumvent the established separation of institutional powers and to make extensive use of emergency powers.

Certain human rights and freedoms were being severely restricted as a result of the limitations imposed by the Covid-19 crisis. Throughout Europe, including in many European Union member states, the police had violently clamped down on spontaneous protests challenging these restrictions. The Assembly had stressed that parliaments, as the institutions that embodied the foundation of democracy, must continue to play their threefold role of representation, legislation and oversight, the latter being even more essential in times of emergency, when the executive acquired additional powers. The uninterrupted work of parliament and media coverage of its work were also of crucial importance, as was the guarantee that all major political forces were represented and took part in democratic decision-making, thereby ensuring the legitimacy of the government. It was therefore very worrying that in some member states, such as Belgium, after a year of exceptional measures, the first formal debate in parliament had still not taken place. It was, however, not encouraging that the current bill had ultimately been assessed by experts as being in total violation of the Constitution. Belgium was not alone in being in such a situation, however, and members of the Assembly could share their concerns, lessons learned and best practices, during this debate.

Many parliaments were in fact side-lined, with governments exercising full control over the procedure for declaring a state of emergency. This was not in contradiction with the European Convention on Human Rights, but could become so if there were no temporary limits and no parliamentary scrutiny of these extraordinary measures, or if the rights of the weakest in our societies, including prisoners, were no longer guaranteed. The previous current affairs debate during the Assembly's January part-session highlighted how privacy was being extensively invaded, not only by governments but also by large technology companies.

Resolution 2337 (2020) further stated that, over and above party divisions, political leaders were required to act with the utmost responsibility to minimise the damage to the population, the economy, social infrastructure and public institutions, to address the causes of the crisis and to work on a post-pandemic recovery plan that would also plan for how to tackle future crises. Unfortunately, this call from the Assembly has not been listened to, let alone acted upon.

Citizens' confidence in public authorities and in democratic institutions and processes was of paramount importance in times of crisis. However, it was suffering from a general feeling that the crisis was being poorly managed, leading to a reduction in grassroots support.

The most recent developments with regard to Covid-19 vaccination were rather worrying. In this respect, it could not be denied that the EU had many issues to resolve if the rumours were true that commercial interests had been placed above the interests of public health. It also appeared that red tape and slow bureaucracy had prevented the EU from taking a more proactive approach. Every day that there was a delay in vaccination, the most vulnerable in our societies paid the ultimate price.

Governments that routinely adopted quarantine measures were under scrutiny by the Council of Europe, whose aim was to defend human rights. In the United States, an interesting comparison had been made between California, which had made masks mandatory and restricted indoor activities, and Florida, which had imposed

no restrictions and had opened Disney World as from July 2020. Despite their different approaches, the two states had had almost identical results in terms of Covid-19 case rates: about 8,900 per 100,000 population since the start of the pandemic. And in terms of death rates from the virus, they ranked about average among all states. Connecticut and South Dakota were another example. These states had some of the highest death rates, even though the governor of Connecticut, a Democrat, had imposed numerous state-wide restrictions, while the governor of South Dakota, a Republican, had issued none. The Assembly's Committee on Political Affairs and Democracy was being asked to conduct a similar analysis to determine the impact on the infection rate of the measures taken by the 47 member states.

Mr Schwabe, speaking on behalf of the Socialists, Democrats and Greens Group, said that the crisis situation had had an impact on the exercise of fundamental rights and freedoms, such as freedom of assembly and the right to education. The inequality that hampered the exercise of these rights even in normal times had been accentuated. Mr Roth referred to the situation of the Roma community that had been affected by the epidemic, particularly with regard to the right to education, health and housing. Other vulnerable groups such as asylum seekers and migrants had been hit hard. Violence against women and the LGBTI community was on the rise. It was essential to resume work before the end of the crisis so that rights and freedoms could be restored.

Mr Pocij, speaking on behalf of the European People's Party Group, began by paying tribute to the victims of the pandemic, which had claimed almost three million lives in over a year. The pandemic had also made democracy more vulnerable, given the enhanced role of the executive, the new restrictions on fundamental rights and freedoms for reasons of health protection and the increasing importance of new technologies. It was also essential to remain vigilant in view of the border closures not only within the Schengen area but also at the external borders. How was it possible to make representative democracy work in this context? The Assembly and its rapporteurs had to continue their activities despite the constraints, with the help of new technologies. The last part-session, which had been held in a hybrid format, with remote debates and voting, had been a success.

Ms O'Loughlin, speaking on behalf of the Alliance of Liberals and Democrats for Europe, wished participants a happy St Patrick's Day in Gaelic. People across Europe were tired of the restrictions and were worried about the impact on their work and their families. Mental health indicators were disturbing. Education had become a challenge, partly due to the digital and socio-economic divide. Domestic violence had skyrocketed. Joint effort was required in order to put a stop to it. The tragic death of Sarah Everard had left a sad mark on International Women's Day this year.

The EU had the Recovery and Resilience Facility and Ireland was set to receive €853 million under this facility in 2021 and 2022 provided it drew up a national plan setting out the reforms. Identified areas of expenditure included climate-related reforms, the digital delivery of public services, social and economic reforms, the use of AI technologies by SMEs, and research and innovation. Ireland was targeting employment support through skills development, particularly for vulnerable groups and low work-intensity households. It was also focusing on the risk of a digital divide and the availability of high-quality childcare. With favourable economic conditions, fiscal policy aimed at debt sustainability would be pursued. Another priority was to improve accessibility to the health system and make it more resilient, including by addressing the needs of health professionals and ensuring universal basic health provision. It was essential to provide support to SMEs and to promote private investment in order to boost economic recovery. Finally, investment must also be made in the green and digital transition, in particular in clean energy production and use. The plan was due to be submitted to the European Commission by 30 April and would, it was to be hoped, lead to an economic upturn.

Mr Kox, speaking on behalf of the Group of the Unified European Left, wished to touch on two points. The first was parliamentary scrutiny in assessing the necessity and duration of the emergency measures taken by governments. Many states had already ended the derogation from the European Convention on Human Rights, previously declared in the context of the health crisis. When under pressure, governments viewed parliamentary scrutiny as a problem, yet in reality parliaments were part of the solution. The other issue was access to medical care and the fair distribution of vaccines, without any economic considerations.

Ms Mezentseva stated that restrictions on fundamental rights and freedoms had to be strictly necessary and limited in time. Unfortunately, while preparations were underway for a joint response to the health crisis and its consequences, this process was not immune to manipulation, disinformation and "fake news", which also represented a challenge to democracy and good governance. Occupied territories were particularly affected. The pandemic had allowed Moscow to make the human rights situation in the occupied territories worse. The occupying power had severely restricted travel to and from Crimea for Ukrainian citizens who did not hold Russian passports. Despite the humanitarian situation in Donbass, the Russian side had not complied with its obligation to open the crossing points at Zolote and Shchastia on 10 November. We were witnessing the use of the current situation to advance one's own political agenda, especially by downplaying the context of the crisis. Such a manipulative exercise was prejudicial to the joint efforts to overcome the crisis.

Mr Zingeris said it was deplorable that some political parties were doing whatever they could to create a climate of crisis. Parties such as the Rassemblement National in France and similar parties in other European countries were obstructing the process in Brussels instead of listening to the needs of citizens. The current situation would result in a banking crisis and the successive bankruptcies of small and medium-sized enterprises, leading to the rise of extremism as in the 1930s. Vaccine hesitancy was another problem, particularly with regard to the AstraZeneca vaccine. What could be done? Imposing compulsory vaccination, as the Lithuanian parliament was about to propose?

Mr Seyidov concurred with Mr Kox on the need to ensure democratic access to vaccines. The Council of Europe must ensure that democracy was evidenced by the fair distribution of vaccines. It was important to avoid a situation in which individual states acted selfishly to the detriment of the international community's efforts to defeat the pandemic. The example of AstraZeneca was indicative of an approach where economic interests were placed above the health of citizens. Furthermore, it was also important to give some thought to the question of vaccines coming from other countries, as Mr Yildiz had mentioned earlier.

Ms Stienen greeted the participants in Limburgish. Her report "Upholding human rights in times of crisis and pandemics: gender, equality and non-discrimination" had concluded that a diversification of measures in response to the crisis was required, that these measures had to take into account the diversity of our societies, that they had to be based on diversified data and, above all, that there had to be a diverse range of voices taking part in public decision-making. How then could we ensure intergenerational solidarity and encourage the participation of different voices? Today, the members of the Assembly, whose average age was well known, were nevertheless making decisions that concerned young people. It was not a matter of debating which generation was suffering the most from the pandemic. What could the Assembly do, including in the drafting of its reports, to ensure that the voices of young representatives from different backgrounds and contexts were heard more?

Ms Bayr referred to the conclusion reached by the Assembly last January: vaccine nationalism would not solve the problem. She wished to add that the same was true of "continental" nationalism. To date, there were more than 100 countries where no doses of vaccine had yet been administered. The profits of pharmaceutical companies should not be placed above human lives. This was why thought had to be given to ways of reviewing licensing fees. Now was the right time for this, with the election of the first woman to head the World Trade Organisation and the first representative from Africa. It was essential that vaccines could be manufactured quickly in those countries that had the necessary production capacity.

Mr Yildiz, said that given the new variants of the virus, it was clear that the pandemic would last longer than expected. Certification of vaccines by each country individually or by organisations such as the European Union was delaying the standardisation process. If an international organisation such as the World Health Organisation were to do this on a global scale it could speed up the process.

Mr Howell was also pessimistic about when the pandemic might end, but was optimistic about its outcome. Many people were tired of the restrictions and it was up to parliaments to ensure that they were limited in time. The UK had decided not to make vaccination compulsory. However, there was still an ethical question with regard to those who refused to be vaccinated. He felt that a vaccination passport would be useful for travelling abroad. As the Prime Minister's special envoy to Nigeria, he had always had a vaccination certificate when he travelled. He was, however, doubtful about the idea of a national certificate. The AstraZeneca vaccine had been declared absolutely safe by the World Health Organisation and could therefore be given, without any fear, to those who needed it.

9. SECOND PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (19-22 APRIL 2021)

The Standing Committee **took note** of the draft agenda of the second part-session of the Parliamentary Assembly (19-22 April 2021).

10. REFERENCES TO COMMITTEES

The Standing Committee **ratified** the references proposed by the Bureau (see Appendix 1).

11. CURRENT AFFAIRS DEBATE – RECENT DEVELOPMENTS IN TURKEY CONCERNING PARLIAMENTARY DEMOCRACY

Mr Schwabe reiterated the facts: the HDP, which was the second largest opposition party and the third largest political force in parliament, was under threat of being banned. This tarnished Turkey's international image and its co-operation with the Council of Europe. Prosecutions such as those against Mr Gergerlioğlu, a doctor and human rights activist, who was sentenced to two and a half years in prison, were based on an absurd accusation and were purely political. The President of the Assembly would soon be visiting Turkey where he would be able to raise these cases, including the cases of Mr Kavala and Mr Demirtaş. This was truly an attack on the opposition without any ideological differentiation. There were no valid reasons behind the arrests of HDP members; they were simply political prosecutions. The United States had spoken out, stating that the current situation was undermining democracy. The German Presidency of the Committee of Ministers had also criticised the situation. The Assembly's monitoring rapporteurs on Turkey had come to the defence of Mr Gergerlioğlu. It was a matter of regret that the HDP now had only 55 members in parliament. Current events were merely a continuation of the pressure the party had been under for some time now, on account of its popularity. Since 2016, more than 10,000 HDP members had been arrested. In 2019, 28 elected mayors were stripped of their elected mandate and replaced by Ankara officials. The leading opposition party, the CHP, was also under pressure. Criminal proceedings had been initiated against its chairman Mr Kılıçdaroğlu and the Chair of the Istanbul branch Ms Kaftancıoğlu. It was not possible, as the Chair of the Turkish parliamentary delegation had requested, to await the decisions of the courts. The assessment of the situation was based on the facts as they stood. For example, in February 2021, 1,363 requests to waive immunity - 247 concerning CHP members and 955 concerning HDP members - had been made, which demonstrated the abuse of the criminal justice system and the attempt to undermine democracy. Fortunately, turnout in the local elections and the fact that the many opposition candidates had been able to win the elections, were evidence that democracy was alive and well. The aim of the pressure was to weaken the opposition parties so that they did not exceed the 10% threshold in the next parliamentary elections. A request to the Constitutional Court for a five-year ban on political activity had been filed against 687 people. Turkey had experienced this situation in the past during the military coup when many politicians were banned from holding office for 10 years. The situation was highly volatile and everything needed to be done to put the country back on the path of upholding its rights and honouring its commitments, including the execution of the judgments of the European Court of Human Rights and the release of Mr Kavala and Mr Demirtaş. Did Turkey wish to continue on the path of repression? Lastly, Mr Schwabe wished to show his solidarity with the students and lecturers of the Bosphorus University who were demonstrating in defence of democracy. He called on his colleagues in the AKP to tell the government that it had crossed a red line and that the politicians in the Assembly would focus their efforts on bringing the violations to an end.

Mr Nick, speaking on behalf of the European People's Party Group, referred to the commitments to the Council of Europe entered into by Turkey, including the execution of the judgments of the European Court of Human Rights. Many judgments, including not only the Kavala and Demirtaş judgments but also others, had still not been complied with. Earlier this morning, Mr Roth had referred to the letter sent to the Turkish Foreign Minister, Mr Çavuşoğlu, outlining the state of play concerning the non-executed judgments. This matter would henceforth appear on the agenda of every meeting of the Committee of Ministers. The high turnout in local and regional elections was evidence of the sound foundation of pluralist democracy. All political positions must be heard, which was why parliamentarians belonged in parliament and not behind bars. The Assembly could not but be alarmed at the threat of a ban on the HDP, a measure of questionable proportionality. It was true that Turkey had faced many challenges, such as an attempted coup d'état and the reception of migrants from neighbouring regions. However, by no means did this justify the criminal prosecution of political opponents. It was essential for Turkey to be more firmly rooted in Europe. Its attitude gave rise to questions about its membership of the Organisation. The European People's Party Group would continue to monitor the situation closely.

Mr Maire, speaking on behalf of the Alliance of Liberals and Democrats for Europe, said that on 19 March the public prosecution service had filed a request with the Turkish Constitutional Court to ban the HDP. This came hours after the revoking of Mr Gergerlioğlu's parliamentary immunity following the confirmation of his two and a half year prison sentence and the arrest of the president of the Human Rights Association, Mr Türkdoğan. There was an urgent need to make the Turkish authorities aware of the gravity of the situation. For years, the Council of Europe bodies and the rapporteurs of the Monitoring Committee had been warning about the arrests of political opponents. The European Court of Human Rights had systematically criticised the Turkish authorities for failing to uphold human rights. In addition to this sad record, there was the pressure exerted on the political opposition under the AKP government. The geopolitical context of Turkey was well understood, but political pluralism could only be beneficial for an inclusive debate. In a democracy, political parties could be banned only if there were serious reasons for doing so, if their activities represented a public danger and if there were no alternative measures available. The activities of the HDP did not fall into this category. In their statement, the rapporteurs for the monitoring of Turkey called on the Turkish authorities to put an end to policies and actions that undermined democracy and the rule of law, to comply with the Court judgments, and to release Mr Demirtaş and Mr Kavala.

The President of the Assembly would shortly be visiting Turkey, during which he would be asked to raise these issues. Turkey must be aware that what was at stake today was its membership of the Council of Europe.

Mr Howell, speaking on behalf of the European Conservatives Group and Democratic Alliance, said that as rapporteurs for the monitoring of Turkey, he and Mr Hammarberg had been active even though they had not been able to go to Turkey due to the current health situation. A fruitful discussion had taken place with the students and lecturers of the Bosphorus University concerning the appointment of the rector. A hearing on Resolution 2347 (2020) "New crackdown on political opposition and civil dissent in Turkey: urgent need to safeguard Council of Europe standards" had been placed on the agenda of the next meeting of the Monitoring Committee. Mr Yildiz was to be thanked for his assistance in arranging for representatives of the authorities to take part. The Committee wanted to see close co-operation with Turkey, particularly as regards the execution of the Court's judgments.

Just that morning Mr Türkdoğan, the president of the Human Rights Association of Turkey, had been arrested in a raid on the association's premises. This arrest amounted to an attack on the Council of Europe because of Mr Türkdoğan's close working relationship with the organisation. The rapporteurs for the monitoring of Turkey had issued a statement strongly condemning the lifting of Mr Gergerlioğlu's immunity. The US State Department had also issued a statement expressing concern about recent developments, including the lifting of Mr Gergerlioğlu's immunity, and had said that the dissolution of the HDP violated the will of the voters. The rapporteurs agreed with those who criticised Turkey's attitude.

Mr Kox, speaking on behalf of the Group of the Unified European Left, expressed his disappointment that in opposing the holding of the current affairs debate this morning, Mr Yildiz had failed to mention that the majority of his delegation had been in favour of holding the debate. Mr Kox welcomed the statement by the rapporteurs for the monitoring of Turkey, the statement by the German Presidency on the threat to ban the HDP and the statement by the Secretary General on the worrying developments in Turkey. Turkey was simply being called upon to honour the commitments it had voluntarily entered into on joining the Council of Europe, which included respect for pluralist democracy. He hoped that Turkey would remain a member of the Council of Europe. However, as Mr Schwabe had mentioned at the opening of the debate, being a member entailed certain obligations. For example, in the Mammadov case, Azerbaijan had finally honoured its duty to execute the Court's judgments. A concerted message from the Committee of Ministers, the Secretary General and the President of the Assembly, who would soon be visiting Turkey, was needed to remind the Turkish authorities of their obligation to honour their commitments, failing which their membership of the Organisation would be called into question.

Mr Fridez wondered where Turkey was heading with its repeated attacks on political parties, the exclusion of HDP MPs from parliament and the arrests of human rights defenders and journalists. How could so many political prisoners be justified? What was Ankara doing about the Committee of Ministers' injunction to execute the Court's judgments? And now there was the threat of banning the HDP, whose members of parliament had been democratically elected and had demonstrated in the Assembly their commitment to democratic values. They were accused of colluding with the terrorist group and of wanting to destroy the Turkish state. From the outside, given the intensity of the crackdown, this looked very much like a witch-hunt against the opposition. Turkey was a vast country that provided aid and protection to millions of refugees from Syria. Voltaire said: "I do not agree with what you say, but I will fight to the death to defend your right to say it". The interpretation of the rule of law, which Turkey must accept, presupposes the existence of pluralism and respect for the ideas and opinions of others.

Ms Bakoyannis agreed with the comments of the previous speakers on the need to preserve democracy in Turkey. She also felt that the current situation did not reflect the will of the majority of AKP party members, but rather that of Mr Erdoğan's alliance with Mr Bahçeli's far-right party, which was resulting in a shift away from democracy. Given the very worrying developments, no headway was in sight. Last year, at the same time, the Monitoring Committee and the Standing Committee had discussed the cases of Mr Demirtaş, Mr Kavala and 46 elected mayors who had their mandates revoked and were then thrown into prison. At that time, the need for the judicial process to take its course was put forward as an argument. A year later Mr Demirtaş, Mr Kavala and the 46 opposition party mayors were still in prison. Political opponents, activists and human rights defenders continued to be arrested and detained. And now the Turkish authorities were bringing charges against the members of parliament of the HDP, the third largest party represented in parliament. The lifting of immunities further undermined an already shaky democracy. It was surprising that Mr Gergerlioğlu's immunity had been lifted even before the Constitutional Court had ruled on his appeal. The Parliamentary Assembly must be uncompromising regarding attacks on parliamentary democracy.

Mr Yildiz expressed his regret that the colleagues who had spoken were confusing political rhetoric and the functioning of the judiciary. The latter had proven its independence on many occasions. Turkey had to fight

terrorism in order to protect its sovereignty and the lives of its citizens. The request to ban the HDP was filed by the prosecutor with the Constitutional Court on the basis of the party's link with the internationally recognised terrorist organisation PKK, which had recently executed 13 hostages. HDP members had never hidden their links with the PKK and openly referred to these links at public meetings. The aim was to manipulate the elections by intimidating those who did not support the party. The HDP leader had said "we rely on the PKK". The decision on the future of the HDP was in the hands of the Constitutional Court and the outcome of the proceedings could not be prejudged. In the past, some parties had been banned, others had been subject to other measures, such as the withdrawal of public funding. Regarding the lifting of Mr Gergerlioğlu's immunity, the decision had not been passed by the parliament. According to the Constitution of Turkey, immunity ended with the confirmation of a conviction by the Court of Cassation whose ruling is read in plenary session, which was the case of Mr Gergerlioğlu whose conviction was confirmed. In conclusion, as demonstrated by the case of Mr Berberoğlu whose political rights were restored following a trial, one should not prejudge the decision of the Constitutional Court.

Mr Seyidov was surprised by the tendency to prejudge the decision of the Constitutional Court and called on colleagues to take into account the facts and not assumptions. As Mr Schwabe had said, civil society in Turkey was strong and the opposition had a prominent role to play. Many democracies could face problems. Turkey seemed to be singled out for the policy it was pursuing, including with regard to the reception of migrants, when the burden should normally have been shared by all countries. It was surprising to see Turkey in the line of fire when the problems of Islamophobia, anti-Semitism and xenophobia faced by other countries were not discussed.

Mr Pocij noted that debates on the situation in Turkey usually involved two camps: those parliamentarians who warned about the worrying events and the two countries which maintained that the situation was normal. This time there were good reasons to be very worried about the forthcoming decision of the Constitutional Court (*at this point the audio transmission was cut off in the meeting room in Strasbourg*).

12. LEGAL AFFAIRS AND HUMAN RIGHTS

Ms Ævarsdóttir, rapporteur of the Committee on Legal Affairs and Human Rights, presented the report on *Urgent need to strengthen financial intelligence units – Sharper tools needed to improve confiscation of illegal assets*. She emphasised the importance of keeping the fight against corruption high on the political agenda. Numerous scandals, including the recent FinCEN leaks, had shown that national and international efforts to combat money laundering and terrorist financing were still insufficient. The World Bank estimated that the proceeds from organised crime and high-level corruption amounted to several trillion US dollars – in other words, thousands of billions of dollars! – every year. Only a tiny fraction was successfully confiscated. The remainder was accumulated in the hands of organised criminals, corrupt public officials and terrorists. This enormous financial firepower posed a considerable threat to democracy, the rule of law and national security in all our countries. At the same time, the successful confiscation of illegal assets was a huge opportunity for states to generate much-needed resources to address the social problems caused by organised crime, corruption and terrorism.

Financial Intelligence Units, or FIUs, received hundreds of thousands of suspicious transaction reports, or STRs, from financial and non-financial institutions. Increasingly, these institutions complied with the relevant regulations or else they faced heavy penalties. However, recent reports concluded that while the number of STRs was increasing, only a very small percentage of them resulted in successful asset recovery. For example, in 2014, FIUs in the European Union received a total of almost one million STRs, 65% of which were sent to the UK and Dutch FIUs alone. On average, barely 10% of STRs sent to EU FIUs resulted in further investigations, a figure unchanged since 2006, and only 1% of the proceeds of crime had been successfully confiscated. It was therefore clear that the "conversion rate", which was the measure of the FIUs' success, could be significantly improved.

The draft resolution included a number of concrete proposals to strengthen FIUs, made by, among others, representatives of GRECO and Moneyval, the Council of Europe's main anti-corruption and anti-money laundering bodies. One of the proposals was to improve statistics on "conversion rates". Better statistics would make it possible to compare the results obtained by different working methods so that FIUs could learn from each other.

FIUs should also be able to engage in a constructive dialogue with, on the one hand, reporting entities in order to help improve the quality of suspicious transaction reports and, on the other, law enforcement agencies, i.e. the police and prosecutors. In this way, FIUs would receive better feedback on what their law enforcement partners expected from them in order to follow up on FIU reports more effectively.

Another proposal was to enable all FIUs to temporarily “freeze” suspicious transactions pending further investigation or a court decision. This was already the case in Moneyval member countries. FIUs should also be given the resources they need to monitor the suspicious activities of non-financial operators such as casinos, property agencies and luxury goods sellers, all of which were sectors where money laundering was prolific. Last but not least, FIUs should be allowed to co-operate more effectively with each other, share intelligence and act accordingly before assets “disappeared” for good.

The documents recently released by FinCEN showed that the existing framework was still far too weak. The documents showed that even large banks operating globally were defying the rules and continued to work extensively with clients about whom they themselves had sent reports of suspicious transactions or activities to FinCEN - the US FIU.

One of Europe's best known experts in this field, Mr Daniel Thelesklaf, former Chair of Moneyval and until recently Head of MROS, the Swiss Money Laundering Reporting Office, had recently denounced the weakness of the Swiss anti-money laundering system. He had courageously singled out the most important problem, namely the lack of political will. In Switzerland, the MROS's 60 staff members were hopelessly overwhelmed by a huge number of reports. These were often submitted in bulk, on paper, requiring a lot of manual effort just to enter the data into the MROS software. Mr Thelesklaf had also made the point that Swiss law enforcement was dependent on mutual legal assistance from the countries of origin of the funds. However, as long as the suspects had not fallen out of favour with the corrupt regimes in their countries, such assistance was never forthcoming. The only realistic solution, in Mr Thelesklaf's view, would be a reversal of the burden of proof, authorising the confiscation of funds except when the account holder could prove their legitimate origin.

This solution had been strongly recommended by the Assembly in Resolution 2218 (2018) “Fighting organised crime by facilitating the confiscation of illegal assets”. Its rapporteur, Mr van de Ven, had shown that this did not violate the presumption of innocence or the protection of property under the Convention. The European Court of Human Rights had already accepted such laws in Ireland and Italy. It therefore came down to a question of political will.

Lack of political will was a problem in many countries. Given, on the one hand, the threat to our democracies posed by the huge amounts of dirty money flowing almost freely across countries and, on the other, the potential gains to be made by confiscating more of this money, it was now more than time for action to be taken.

Mr Čilevičs, Chairperson of the Committee on Legal Affairs and Human Rights, thanked the rapporteur for having resolutely continued the work started by the previous rapporteur, Mr van de Ven. It was regrettable that there was an undeniable lack of political will to put in place measures to expose and combat effectively the scourge of corruption and money laundering.

The rapporteur questioned the lack of serious measures following the Panama Papers scandal in 2016. People at the top of government or in organised crime, civil servants or wealthy people took money out of the public sphere to buy themselves a paradise. This was an injustice that was perpetuated from scandal to scandal and threatened democracy. Financial institutions protected these practices, which led to apathy in our societies. Hidden accounts, money laundering and the weakening of our societies were all interconnected. It was up to the elected representatives of the people to restore confidence by actively supporting the fight against money laundering.

The draft resolution was **adopted** unanimously by 20 votes in favour [Resolution 2365 (2021)]. The draft recommendation was **adopted** unanimously by 18 votes in favour, with 1 abstention [Recommendation 2195 (2021)].

13. SOCIAL AFFAIRS, HEALTH AND SUSTAINABLE DEVELOPMENT

Mr Badea, rapporteur for the Committee on Social Affairs, Health and Sustainable Development, presented the report on the *Impact of labour migration on left-behind children*. He said that labour migration had admittedly brought many benefits to those who had found better-paid jobs, but it had also brought a number of disadvantages. Entire generations of children whose parents worked abroad remained in their country of origin and were left in the care of grandparents or older siblings, as their parents sometimes feared that they would be placed in institutions. Furthermore, this situation created a dangerous imbalance in the labour market with disastrous long-term effects on the economy of these countries and with serious consequences for the balance of public finances, especially in countries with a contributory retirement pension system.

Children left behind in their home countries were vulnerable to labour exploitation, sexual exploitation and abuse, human trafficking and, most seriously, organ trafficking. The need for affection, attention and self-esteem, combined with the inevitable confusion associated with teenage years, could lead to a situation where children believed the promises of traffickers.

Recent research suggested that children who had remained in their country of origin may be faced with responsibilities and pressures that were inappropriate for their age and level of maturity. For example, children might be doing housework or helping the elderly instead of doing their homework. In other cases, the lack of appropriate parental upbringing, in a context of limited sexual information, had led to extremely worrying situations where 12-13 year old girls had become pregnant and very young girls and boys faced problems with alcohol or drug abuse. Many of these young people entered adulthood with severe emotional trauma that prevented them from integrating easily into society.

The health crisis caused by the Covid-19 pandemic had created difficulties both for parents who had gone abroad to work and for children who had been left behind. Many parents were caught up in the uncertainty caused by having lost their jobs, and there had been a substantial reduction in the amount of money sent back to the countries of origin, a trend that was likely to continue for a long time to come.

In Romania, a working group set up in 2016 under the patronage of the President of Romania, Klaus Iohannis, published a report in 2018 with a series of public policy recommendations, which had been implemented by the main players in this field. In order to implement these recommendations, in February 2021, the Romanian Government, through the Ministry of European Funds, initiated a programme to encourage children whose parents worked abroad to attend school. The measures launched under the EU's Human Capital operational programme focused initially on providing support for 3,000 children whose parents worked abroad. The measures covered pre-school, primary and secondary school pupils, and also relatives or guardians of children left behind in the less developed regions of Romania. This programme would make it possible to finance integrated programmes of services to pupils covering academic and psychosocial support, activities to encourage attendance at school and counselling for children, and parenting education and social counselling services for the legal representatives of children left behind in the country.

Three important steps were needed to alleviate the impact of labour migration on the children left behind: reducing poverty-induced labour migration, improving child protection in the countries of origin, and assisting with family reunification. These steps could only be achieved through a commitment to common standards and the promotion of international co-operation in this field, in particular by drawing up and ratifying the relevant international legal instruments.

Mr Goncharenko, rapporteur for opinion of the Committee on Migration, Refugees and Displaced Persons, firstly emphasised that labour migration had dramatic consequences for children left behind. A study by the International Organisation for Migration found that one in five Ukrainian children left behind was permanently abandoned. The Ministry of Family, Youth and Sport estimated that there were about 200,000 children left behind in Ukraine. Many Eastern European countries, including Ukraine, did not have a viable social security system that provided appropriate health protection for children when their parents were abroad. In addition, drug addiction could develop rapidly among children left behind in the so-called "social orphanhood" phenomenon. The subject being discussed today was of the utmost importance and required urgent measures to protect children and families as a whole.

The Committee proposed a number of amendments, most of which, with the exception of Amendment 3, had been approved by a large majority in the Committee on Social Affairs, Health and Sustainable Development. Children living in regions affected by military conflicts faced serious difficulties. This was true of Ukraine, where many families had been separated as a result of Russian aggression. The parents often remained in the occupied territories while the children were sent to live with their grandparents in the free territories. Amendment 3 proposed the addition of a new paragraph in this regard in the draft resolution. This amendment made particular reference to the situation in Ukraine. The rapporteur intended proposing a sub-amendment to replace the reference to the specific situation in Ukraine with a more general sentence referring to frozen or protracted conflicts in Europe. He therefore called on the Standing Committee to support the original version of amendment 3.

Ms Mezentseva said that in Ukraine 1.3 million people had been displaced, 30% of whom were children. She urged members to support the original wording of amendment 3.

Mr Tolstoi on behalf of the Russian delegation, opposed Amendment 3, which was politicised and manipulative, as were other amendments tabled by members of the Ukrainian delegation. He urged the Standing Committee to support the rapporteur's sub-amendment.

The rapporteur said that the purpose of the sub-amendment, which had been approved by the Committee on Social Affairs, Health and Sustainable Development, was to give a general overview that covered several Council of Europe member states.

Mr Leite Ramos, Chairperson of the Committee on Social Affairs, Health and Sustainable Development, welcomed the report, which highlighted an issue that was often overlooked and still not adequately addressed by policy makers, given that children were a specific group. In response to the health crisis, it was essential to prevent any deprivation of parental protection, which was a violation of human rights. National parliaments were urged to hold debates along the lines of the recommendations in the report in order to promote compassionate immigration and the protection of the best interests of the child.

The President said that amendments 4 to 8 to the draft resolution had been adopted unanimously by the Committee on Social Affairs, Health and Sustainable Development. In accordance with Rule 34.11 of the Rules of Procedure, as no member objected, amendments 4 to 8 **were adopted**.

Amendment 1 **was adopted** with 17 votes in favour and 1 abstention.

Amendment 2 **was adopted** by 16 votes to 1, with 2 abstentions.

The sub-amendment to Amendment 3 **was adopted** with 14 votes in favour, 2 against and 1 abstention. Amendment 3, as sub-amended, **was adopted** with 17 votes in favour and 2 abstentions.

Amendment 11 **was adopted** with 18 votes in favour.

Amendment 9 **was adopted** with 18 votes in favour and 2 abstentions.

Amendment 12 **was adopted** with 19 votes in favour.

The draft resolution, as amended, **was adopted** unanimously with 20 votes in favour and 1 abstention [Resolution 2366 (2021)].

Amendment 10 to the draft recommendation **was adopted** with 16 votes in favour and 1 abstention.

The draft recommendation, as amended, **was adopted** unanimously with 19 votes in favour, and 1 abstention [Recommendation 2196 (2021)].

14. MIGRATION, REFUGEES AND DISPLACED PERSONS

Mr Fridez, Chairperson of the Committee on Migration, Refugees and Displaced Persons, presented the report on *The protection of victims of arbitrary displacement*, in the absence of the rapporteur, Mr Gouttefarde, who had apologised for not being able to attend. Population displacement was occurring in higher proportions today than before the Covid-19 pandemic, inflicting additional suffering alongside other diseases and hostile conditions. The United Nations High Commissioner for Refugees estimated that nearly 80 million people had been forcibly displaced worldwide, most of whom had been displaced within their own countries. Given such increased suffering, this report reminded Council of Europe member states of their commitments and sought to encourage more effective legal and political action to support victims of forced or arbitrary displacement.

Drawing on the African Union's Kampala Convention, the Committee had adopted the term "arbitrary displacement", as the term "forced displacement" sometimes included displacement as a result of natural factors or poverty. This report, however, focused on measures relating to forced or collateral displacement caused by human-originated acts, such as war, armed aggression, terrorism and serious human rights violations. In its most heinous form such displacement was perpetrated for the political purpose of displacing an ethnic group, euphemistically referred to as ethnic cleansing. One such case was Nadia Murad, who was awarded the Assembly's Vaclav Havel Prize in 2016 for resisting and surviving death threats, sexual abuse and torture at the hands of terrorists seeking to exterminate the Yezidi people in Iraq.

On the tenth anniversary of the Syrian uprising, the Foreign Ministers of France, Germany, Italy, the United Kingdom and the United States of America adopted the following joint statement on 15 March: "Impunity is unacceptable and we will firmly continue to press for accountability for the most serious crimes. We will continue to support the important role of the Commission of Inquiry and the International, Impartial and Independent Mechanism. We welcome the ongoing efforts by national courts to investigate and prosecute crimes within their

jurisdiction committed in Syria.” It was therefore very positive that the Italian Court of Cassation had issued a ruling upholding the conviction of a man to life imprisonment for killing and abusing detainees at the Bani Walid camp in Libya. In the same vein, a higher court in Germany had sentenced a Syrian asylum seeker and former member of the Syrian secret service to four and a half years in prison for complicity in crimes against humanity.

The first war crimes trial in Liberia had taken place recently in a Swiss civilian court against a Liberian rebel commander facing allegations of rape, executions and cannibalism. Eight years earlier, Switzerland had frozen the bank account of Liberian leader Charles Taylor, accused of war crimes. More states should take into account the atrocities committed against their asylum seekers and prosecute the perpetrators. Any European or international body should only be a last resort. National action was needed, for example by national prosecutors investigating crimes against humanity under universal jurisdiction.

In order for the measures to combat arbitrary displacement to be effective, the victims must be protected and the displacement prohibited, and those responsible must be prosecuted and prevented from profiting from their actions. It was therefore also necessary to use international law to seize any proceeds or material benefits derived from the arbitrary displacement of persons. The Council of Europe had created several relevant legal standards in this context. Consequently, our organisation could prove very useful in protecting the rights of displaced persons. National legislation should ensure the practical implementation of these standards. In addition, the Assembly was called upon to contribute to the action plan of the United Nations Special Rapporteur on the human rights of internally displaced persons.

In reply to **Mr Zingeris**, who asked whether an international court such as the International Criminal Court or a specialised UN court could be tasked with examining crimes relating to forced displacement, **Mr Fridez** said that justice could indeed be delivered at the level of international bodies such as those he had mentioned. However, it was preferable to strengthen universal jurisdiction for crimes against humanity as this would speed up justice by authorising national courts to try the perpetrators of crimes arrested on their territory.

The draft resolution **was adopted** unanimously with 19 votes in favour (Resolution 2367 (2021)). The draft recommendation **was adopted** with 19 votes in favour and 1 vote against [Recommendation 2197 (2021)].

15. OTHER BUSINESS

None.

16. NEXT MEETING

The President announced that the next Standing Committee meeting will be held on 28 May 2021, its venue and format having to be confirmed.

APPENDIX 1

Decisions on documents tabled for references to committees

1. **Resolution 2358 (2021) on the implementation of judgments of the European Court of Human Rights**
Bureau decision

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

2. **The arrest and detention of Alexei Navalny in January 2021**
Bureau decision

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

3. **The Assembly's vision on the strategic priorities for the Council of Europe**
Bureau decision

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

4. **Deliberate germline editing in human beings**
Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development
[Doc. 15217](#)

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

5. **Youth and the media**
Motion for a resolution tabled by the Committee on Culture, Science, Education and Media
[Doc. 15222](#)

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

6. **Taking into consideration the impact of the fight against the Covid-19 pandemic on the mental health of minors and young adults**
Motion for a resolution tabled by Mr Simon Moutquin and other members of the Assembly
[Doc. 15223](#)

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

7. **The impact of the Covid-19 pandemic on prison population in Europe**
Motion for a resolution tabled by Mr Givi Mikanadze and other members of the Assembly
[Doc. 15224](#)

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

8. **The future of work is here: revisiting labour rights**
Motion for a resolution tabled by Ms Selin Sayek Böke and other members of the Assembly
[Doc. 15226](#)

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

9. **The honouring of membership obligations to the Council of Europe by France**
Terms of reference of the Committee

Reference to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) *for report*

10. The honouring of membership obligations to the Council of Europe by the Netherlands
Terms of reference of the Committee

Reference to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) *for report*

11. The honouring of membership obligations to the Council of Europe by San Marino
Terms of reference of the Committee

Reference to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) *for report*

12. Budget and priorities of the Council of Europe for the period 2022-2025
Terms of reference of the committee

Reference to the Committee on Rules of Procedure, Immunities and Institutional Affairs *for report*

13. Expenditure of the Parliamentary Assembly for the period 2022-2025
Terms of reference of the committee

Reference to the Committee on Rules of Procedure, Immunities and Institutional Affairs *for report*

APPENDIX 2

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)

M. Jacques MAIRE Alliance of Liberals and Democrats for Europe (ALDE) /
Alliance des démocrates et des libéraux pour l'Europe (ADLE)

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

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

Mr Kimmo KILJUNEN Finland / Finlande

Ms Theodora BAKOYANNIS Greece / Grèce

Mr John HOWELL United Kingdom / Royaume-Uni

Ms Laima Liucija ANDRIKIENĖ Lithuania / Lituanie

Mme Nicole TRISSE France

Mr Zsolt NÉMETH Hungary / Hongrie

Mr Ahmet YILDIZ Turkey / Turquie

Mr Andreas NICK Germany / Allemagne

M. Petr TOLSTOI Russian Federation / Fédération de Russie

Mr Arkadiusz MULARCZYK Poland / Pologne

Mr Oleksandr MERZHKO Ukraine

Mr Lars Aslan RASMUSSEN Denmark / Danemark

Chairpersons of National Delegations / Président·e·s de délégations nationales

Ms Mònica BONELL Andorra / Andorre

Mr Ruben RUBINYAN Armenia / Arménie

Mr Reinhold LOPATKA Austria / Autriche

Mr Samad SEYIDOV Azerbaijan / Azerbaïdjan

Ms Alma ČOLO Bosnia and Herzegovina / Bosnie-Herzégovine

Ms Marijna BALIĆ Croatia / Croatie

Mr Lars Aslan RASMUSSEN Denmark / Danemark

Ms Maria JUFEREVA-SKURATOVSKI Estonia / Estonie

Mr Kimmo KILJUNEN Finland / Finlande

Mme Nicole TRISSE France

Mr Kakhaber KUTCHAVA Georgia / Géorgie

Mr Andreas NICK Germany / Allemagne

Ms Dora BAKOYANNIS Greece / Grèce

Mr Zsolt NÉMETH Hungary / Hongrie

Mr Ólafur Þór GUNNARSSON Iceland / Islande

Ms Fiona O'LOUGHLIN Ireland / Irlande

Ms Inese LIBINA-EGNERE Latvia / Lettonie

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Ms Ingjerd SCHOU	Norway / Norvège
Mr Arkadiusz MULARCZYK	Poland / Pologne
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M. Petr TOLSTOI	Russian Federation / Fédération de Russie
Mr Ivica DAČIĆ	Serbia / Serbie
Ms Anna ZÁBORSKÁ	Slovak Republic / République slovaque
Ms Suzana LEP ŠIMENKO	Slovenia / Slovénie
Mr Antonio GUTIÉRREZ	Spain / Espagne
Ms Boriana ÅBERG	Sweden / Suède
M. Pierre-Alain FRIDEZ	Switzerland / Suisse
Mr Ahmet YILDIZ	Turkey / Turquie
Ms Mariia MEZENTSEVA	Ukraine
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Mr Andreas NICK	Germany / Allemagne
Mr Zsolt NÉMETH	Hungary / Hongrie

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

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

M. Olivier BECHT	France
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**Chairperson of the Committee on Equality and Non-Discrimination /
Présidente de la Commission sur l'égalité et la non-discrimination**

Ms Petra BAYR	Austria / Autriche
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**Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of
the Council of Europe (Monitoring Committee) /
Président de la Commission pour le respect des obligations et engagements des États membres du
Conseil de l'Europe (commission de suivi)**

Mr Michael Aastrup JENSEN	Denmark / Danemark
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**Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs /
Présidente de la Commission du Règlement, des immunités et des affaires institutionnelles**

Ms Ingjerd SCHOU	Norway / Norvège
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**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 Volker ULLRICH Germany / Allemagne

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Mr Viorel-Riceard BADEA Romania / Roumanie

Ms Thorhildur Sunna AEVARSDÓTTIR Iceland / Islande

Mr Oleksii GONCHARENKO Ukraine

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

Mr Raivo TAMM Estonia / Estonie

Ms Anne-Mari VIROLAINEN Finland / Finlande

Ms Olena KHOMENKO Ukraine

Invited personality / Personnalité invitée

Mr Michael ROTH Minister of State for Europe at the Federal Foreign Office of Germany, Special Representative of the Federal Government for the German Presidency of the Committee of Ministers of the Council of Europe / Ministre adjoint chargé des Affaires européennes au ministère fédéral des Affaires étrangères de l'Allemagne, Représentant spécial du Gouvernement fédéral pour la Présidence allemande du Comité des Ministres du Conseil de l'Europe

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Mr Artemy KARPENKO Head of the Office of the Secretary General / Chef du Bureau de la Secrétaire Générale

Mme Isild HEURTIN Head of the Secretariat of the Bureau of the Assembly / Advisor to the Director of Committees / Cheffe du Secrétariat du Bureau de l'Assemblée / Conseillère de la Directrice des commissions

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Mme Annick SCHNEIDER Principal administrative assistant, Central Division / Assistante administrative principale, Division centrale

Mme Martine MEYER Administrative assistant of the Standing Committee / Assistante administrative de la Commission permanente

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Ms Leyla KAYACIK Secretary to the Committee of Ministers ad interim / Secrétaire du Comité des Ministres ad interim
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