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Committee on Social Affairs, Health and Sustainable Development

Sub-Committee on Children

Minutes

Public hearing on “Protecting children’s rights in pandemic times” held via videoconference on Tuesday, 10 November 2020, from 2 to 4.30 pm

In the framework of the preparation of the reports on “Giving a voice to every child: promoting child participation as a foundation for democratic societies”; “Impact of Covid-19 on children’s rights” and “For an assessment of the means and provisions to combat children’s exposure to pornographic content” and in the framework of the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November) the Sub-Committee held three public hearings with the participation of:

- ✓ Ms Martine Wonner, Chairperson of the PACE Sub-Committee on Children
- ✓ Ms Katelyn Farrenson, Assistant Principal and Rights Respecting School Lead, Burntwood School, London, United Kingdom
- ✓ Mr Khabib Hasanov, Secondary school student, Azerbaijan
- ✓ Mr Thomas Kaybaki, Co-ordinator, Themis Association, Strasbourg, France
- ✓ Ms Zsuzsana Rutai, Expert on child participation
- ✓ Mr Najib Benarafa, Earth and Life Sciences Teacher, Sustainable Development Co-Ordinator, Joan of Arc High School, Colombes, France
- ✓ Ms Cath Larkins, Chair of Eurochild’s Child Participation Reference Group, United Kingdom
- ✓ Baroness Doreen E. Massey, Rapporteur on “Giving a voice to every child: promoting child participation as a foundation for democratic societies” & “Impact of Covid-19 on children’s rights”
- ✓ Mr Niall Muldoon, Ombudsman for Children, Ireland
- ✓ Mr Dimitri Houbbron, Rapporteur on “For an assessment of the means and provisions to combat children’s exposure to pornographic content”
- ✓ Mr Matthew B. Ezzell, Board Member, Culture Reframed
- ✓ Mr Anton Toni Klančnik, EUROPOL – O3 European Cyber Crime Centre (EC3)

Session 1: Giving a voice to every child: promoting child participation as a foundation for democratic societies

Baroness Massey provided background information on the Assembly initiative on child participation. Parliamentarians had already shown great interest. Child participation benefitted not only children, who developed their self-confidence and self-esteem, but also the involved organisations, which learned a great deal from child participation. Materials had been developed and should be tested by facilitators with young people. As part of a similar initiative in the UK, 519 students from 37 schools had recently learned about parliamentary procedures. In-depth evaluations had been foreseen for this initiative, including interviews with parliamentarians and facilitators in the UK and France.

Lord Russell spoke about the ongoing work with Baroness Massey at the House of Lords, organised with the help of the Education Unit, which ran a well-established programme for talking to school children of all ages in the UK throughout the year. As part of the programme, 250 students had recently been invited to debate topical issues, such as climate change.

¹The minutes were approved and declassified by the Sub-Committee on Children at its meeting on 27 January 2021, held in Strasbourg & via videoconference.

Ms Farrenson described the work of the Burntwood School in London, which was part of the UNICEF Rights Respecting Schools network. This was a secondary school for children aged 11-18, and they had achieved “Gold level” according to the UNICEF Rights Respecting Schools standard which put the UN Convention on the Rights of the Child – including Article 12 on the right to be heard – at the heart of its policy, curriculum and extra-curricular activities. The school brought together different student groups on important matters, including equality and environment, and a student council allowed students to get involved and share their experiences. Each year 80 student ambassadors met once a week to discuss key activities. Outreach events consisted of the involvement of local primary schools and the Youth Ambassador in the Mayor of London Student Participation Group. As a role model, the school had recently hosted a large delegation from the Serbian Education Department.

Mr Schennach pointed out that in the Austrian parliament the “School of Democracy” brought together school children aged between 6-18 from all over Austria. As part of the project, children were able to produce video materials, newspapers, radio programmes and interviews with parliamentarians. At a meeting with representatives the day before this hearing, children had requested that schools and kindergartens should not be closed during the pandemic. The students had emphasised their right to education and the importance of social contacts and physical activity. The most difficult part of the project was to provide answers to questions about democracy, law and the parliamentary system to children aged 6-9 years. As part of the project, there was an award programme called “Master of Democracy” where different schools across Austria took part every year. The School of Democracy also organised online debates for the youth aged 14-19 years.

Ms Fataliyeva noted that child participation was an established practice at the parliament in Azerbaijan. There was a tradition of inviting children aged 7-17 to the national Parliament on Children’s Day on 1 June each year. Children were frequently invited to hearings where their rights were discussed. Ms Fataliyeva often worked with children, which included school visits and discussions with students, their parents and teachers on matters ranging from violence against children to protecting the environment. On the issue of domestic violence, there was an incident during a visit when a girl had asked “why parents had to hide when the father was kissing the mother, but there was no hiding when the father was beating the mother?”. This was an important message which made its way to a TV broadcast in Azerbaijan. As children got actively involved in online activities, there was a need to hear their voice in the best way to ensure child protection in the digital environment. Children from divorced families needed more psychological support and their views had to be considered in decision-making processes. There was clearly a need to include children in legislative processes in such contexts.

Mr Hasanov shared his experience of child participation, including various trainings and conferences on the protection of children against violence. In his school, there was a “School Parliament” where they met once a week to discuss important matters and submitted questions to the school administration. Protection of children in cyberspace was one of the most important areas for ensuring child protection. Child participation had a substantial impact on psychological development and positive implications on self-control, responsibility, communication skills and the ability to perceive others’ point of view, as well as expressing one’s own opinions. Being able to discuss their problems and to ask for help allowed children to lower stress levels and to build better foundations for their future. The negative effects of not participating included high levels of uncertainty and anxiety. The main reasons for children not participating included lack of experience and the lack of opportunities for expressing their feelings, opinions and wishes. Adults could help children to prepare from an early age to make decisions by themselves, by giving them freedom and options to make choices, while ensuring necessary control and providing support. Adults could also advise children on possible consequences of their decisions, and arrange children’s participation at different levels, in accordance with their age and maturity.

Ms Woner, the Chairperson, asked if there were many school students who wanted to participate and whether it was difficult for them to take part in decision making.

Mr Hasanov replied that some pupils were afraid or felt shy about expressing their views, but members of his “School Parliament” were not afraid and enjoyed freedom of speech.

Mr Kaybaki presented the experimental project with participation of children aged 9-10. This project had been launched over 2 years ago in order to engage children in the development of a “City Council for Children” in Strasbourg. Child participation could take place in three ways in this project: 1) within the classroom; 2) within the school; 3) within the neighbourhood. Students from the school could participate in this project all year round with the help of their teachers. A special “toolbox” had been set up in the classroom to facilitate children’s participation in local activities. The project aimed at “practicing democracy with children, by children”.

Ms Rutai recalled that the methodological guide on child participation included step-by-step instructions and child-friendly materials, as well as information about the Council of Europe and the Parliamentary Assembly. This methodology ensured that all children worked on the same issues along the same guidelines across

different countries. The Council of Europe had successfully implemented child participation projects in several member States based on a similar approach, including the latest occasion in Slovenia where children discussed their opinions at a meeting with the Minister of Justice. Parliamentarians were to play a crucial role in ensuring a direct link between children and the Parliamentary Assembly in this process. Besides finding the right partners to implement child consultations (such as NGOs or schools), and identifying possible sources of funding, parliamentarians were also to take part in discussions with children. Children had to be prepared before the consultations, supported during the whole process, and involved in the evaluations and debriefings after the activities took place. Adults with prior experience of working with children should be chosen for such tasks, preferably with formal education in the area of children's rights and with experience of child participation. The visit of parliamentarians should be scheduled after the first session where children would have already been informed about the work of Assembly and have started to work on their own contributions. All other activities could be changed or adjusted as long as the aim was achieved. Suggested topics for discussion could include climate change, the UN Sustainable Development Goals (SDGs), or violence against children. Support would be provided to the parliamentarians and their partners to adjust the methodology and to prepare the sessions. Feedback on the methodology would be welcome.

Ms Larkins was pleased that the contents of her book on child participation published in 2011 was being fed into the PACE policy processes. On the question of evaluation, three strands could be proposed as follows: 1) inclusivity; 2) impact; and 3) embeddedness in the learning loop. Inclusivity implied the number as well as diversity of children including age; marginalised groups; safety and support; as well as being informed about the processes. The impact aspect aimed at making sure that children's ideas would be fed into the report writing processes and shaped the actual recommendations. The embeddedness would be explained later if there was enough time.

Ms De Temmerman pointed out that as her report focused on climate change and children's rights, it was important to involve children and young people in its preparation. It was foreseen to include children from Joan of Arc High School in the Paris region in the Committee hearing on 1 December 2020. Another idea was to invite a young representative (22-year-old) with experience of working with youth issues, the UN and climate change to get engaged in this process. Co-operation with the groups of children from the UK taking part in the pilot initiative on child participation, such as the Rights Respecting School mentioned earlier during this meeting, would be welcome. This matter must not be left to adults alone to decide.

Mr Benarafa explained that the work on the UN SDGs had started five years ago at his school and included training of the staff. It aimed at transforming the entire school, with the help of children. Eco-deputies were elected from amongst the students (one per class) who were involved in actions related to SDGs such as waste processing, sorting, composting, energy saving and water purification. Children had opportunities to make a diagnosis of environmental issues at their school, and to find solutions. Debates were held on different proposals. Pupils also received feedback on their activities. The children had produced materials such as videos and cartoons. They had had opportunities to conceptualise and elaborate various activities, practice time management and run exhibitions. The school management was involved as well. It was essential to ensure that experienced facilitators supported such activities.

Ms Lambrecht stressed that the consultation process was at the heart of child participation. People should get involved in child consultations with the right mindset and open ears and be committed to the process. Child participation was a delicate process that required scientific discipline and professional support. It was essential to allow for sufficient time in organising activities, preparing materials, finding the children and preparing them, as well as for running the events and the subsequent follow up. Such process could not be organised in 2-3 weeks' time, it had to be considered at least a few months in advance. Members of the Sub-Committee were encouraged to follow CDENF's activities and other inter-governmental developments, as well as to get involved in the new child consultations round concerning the new strategy on the rights of the child. Information about the countries supporting this program would be available at the next meeting of the steering committee (to be held the following week). The Sub-Committee members were welcome to ask for more information about this work and for guidance and support concerning their work on child participation.

Mr Grin emphasised the need to engage young people in politics and asked whether school curricula needed to contain lessons about political and democratic processes to better prepare the children for getting actively engaged in these areas.

Ms Farrenson explained that Personal, Social, Health and Economic education (PSHE) was included in the curriculum in the UK. Elements of democratic process were taught to all students aged 7-11; children aged 11-16 were introduced to these processes at different levels as they progressed through the school system. The school also took part in mock elections whenever there were local or national elections that they would "mirror". This enabled students to put theory into practice and gain experience in exercising their democratic rights. Such practices usefully complemented the theoretical curriculum.

Ms Larkins pointed out that learning about democracy was something that we experienced through our bodies, emotions and daily relationships with people. Hence teaching children about democracy was about giving them opportunities to experience it in their schools and communities and in relation to the institutions, such as the Council of Europe. By enabling children to identify their concerns and to take those issues forward in democratic ways, schools helped children to feel included and respected. These were more effective ways for children to learn about democracy than just including it in the curriculum.

Baroness Massey agreed that consultations with children required sufficient time. Voting rates in Europe had been low in recent years and youth needed to be encouraged to take part in democratic processes. Children had to be encouraged to ask questions about democracy and to learn about the Council of Europe, the Parliamentary Assembly and local and national elections. They needed to know how they could take part in decision making and lead democracies in future. For this, they needed to develop the confidence to question the existing norms and decisions.

Session 2: Impact of Covid-19 on children's rights

Mr Muldoon said that the crisis had affected children's rights and that children had become more vulnerable across Europe. Children were often seen as a major source of infection with dangerous narratives blaming them for spreading the virus. Online education increased the gap for disadvantaged children and increased anxiety, especially during exams. Parents were stressed, either because they feared losing their jobs or had to work from home. As a result, in many cases home was not a safe place for children any longer. In Ireland, over 27,000 cases of domestic violence had been reported during the lockdown, which was a 20% increase from 2019. Local district courts had reported a 17% increase in domestic violence cases, while overall numbers could be even higher due to cases that had never reached the courts. Child abuse cases had increased by 50% including neglect and physical, emotional or sexual abuse. At the same time, many early warning systems could not function properly as public health nurses could not visit homes, doctors could not see patients and teachers could not engage with children as much as before. Social care for children could not take place in a face-to-face manner. Vulnerable children were therefore exposed to violence and abuse, and opportunities to protect them were substantially reduced.

There was also an increase in cyberbullying in connection with the increased use of online platforms. A recent study by Dublin University showed that 28% of teenagers had been the target of cyberbullying during the lockdown and 50% had reported witnessing it online. While everyone suffered from increased anxiety, children were more likely to experience suicidal ideation, thoughts of harm and self-harm. Poor living conditions exacerbated the situation under lockdown. Ireland, with one of the 5 highest suicide rates in Europe, had strong concerns over increasing rates for children during the pandemic. To protect children's wellbeing, all schools would remain open during the second lockdown, despite one of the strictest lockdowns in the world. All public playgrounds and parks would be kept open to reduce stress in the household. However, the situation of disabled children and children with special needs, children with cancer, homeless children, Roma, migrant and other marginalised children was of great concern. In the absence of a quick economic recovery, child poverty rates could rise as high as 23% in Ireland where the rate was already worse than the EU average. The member States should include child rights experts in their Covid-19 emergency planning to ensure that their rights were not forgotten.

Baroness Massey commented that mental health services in the UK had been in trouble even before the pandemic, suffering from a lack of funding and personnel. Around 80% of referrals to mental health services in the UK were made through schools but with their closing it had become "double trouble". Loss of jobs and income, as well as increased domestic violence were additional problems during the pandemic. It was an excellent idea to include child rights experts in Covid-19 emergency planning.

Ms Wonner added that there was a similar problem in France where it had been taking over a year to get an appointment for mental health issues for children even before the pandemic. There were not enough psychologists and physicians at schools and not even enough nurses. The pandemic had made the situation even worse. There were concerns with respect to infants and toddlers (1-2 years old) not being able to see people's faces and emotions behind their masks, and the implications of such a lack of sensory input from adults on children's development.

Baroness Massey expressed concern over child participation for marginalised children, as well as the digital divide, due to the lack of access to the internet and digital means of communication.

Session 3: The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): Addressing the challenges raised by child self-generated sexual images and/or videos

Mr Ezzell pointed out that the practice of “sexting”, i.e. the sharing of sexually explicit images, videos and messages through electronic means, was a growing phenomenon around the globe. The results of two studies from 2009 and 2018 had shown a significant increase in the prevalence of sending and receiving sexual content among teenagers. The 2009 study of children aged 12-17 showed 4% sending and 15% receiving sexual content, while in 2018 a meta-analysis of studies showed that among 15-year-old teenagers the average had risen to 14.8% for sending and 27.4% for receiving such content, mostly through mobile devices. Studies had shown that sexting was associated with depression, anxiety and other mental health issues, in addition to the use of alcohol and drugs. Nonetheless, most teenagers regarded sexting as the reality and “no big deal” and viewed it as an acceptable and common practice. Both girls and boys were involved, but more girls were expected to do so under pressure from boys. Girls were often both pressured to engage in such practices and judged upon practicing it. Boys were found to be less affected, but still experienced anxiety and depression due to increased consumption of pornographic content. These findings called for serious consideration in education programs and media literacy training.

Mr Klančnik stressed that self-generated explicit materials (SGEM) were one of the key drivers of the continuous growth of online child sexual abuse. During lockdowns children spent more time online sharing images and videos that subsequently ended up with offenders, based on the study by IOCTA (Internet Organized Crime Threat Assessment).² With respect to the question of whether sexting was a crime, it was important to consider whether the person concerned was a potential victim or already a victim. It should be rather a health or psychological question and it had to be seen whether the child needed therapy, assistance or guidance. Regrettably, some online platforms and apps offered payment for the sharing of explicit materials by teenagers. As a Lanzarote Committee observer, Europol supported the Committee’s Opinion on child’s sexually explicit materials. It agreed that the practice of self-produced images should not be considered a crime unless the child was tricked, exposed or exploited. Europol did not distinguish self-generated and other types of material, but rather considered them altogether as child sexual abuse materials and it considered possession of such materials in conjunction with the question of whether there was online grooming, sexual extortion or coercion involved. However, the line could quickly be crossed, and laws broken due to further handling or dissemination of such materials. In such situations, the law enforcement procedures at Europol considered three forms of actions: 1) victim identification; 2) investigation, prevention and awareness; 3) co-operation. All decisions in this regard should be supported by considering children’s opinions.

Mr Houbron highlighted the importance of giving more visibility to the Lanzarote Convention. With regard to sexually explicit images or videos, laws in France did not make a distinction for self-generated materials, and there was no specific provision regarding sexually explicit materials of children who accepted that such materials were produced and shared with the help of information technologies; hence such materials were criminalised similar to those produced by adults. Moreover, the expression “pedo-pornography” was not defined in the Lanzarote Convention and needed a well-balanced response. The issue of self-produced images had already been raised in the Parliamentary Assembly Resolution on “Fighting the over-sexualisation of children”.³ It also pointed out to the need to assess the means to combat children’s exposure to pornographic content. These two subjects were closely related and constituted a driving force behind sexism and persistent inequality between men and women. The fight to address the consequences of sexually explicit content self-produced by children raised questions of a social and societal nature. It also challenged the capacity of our rule of law system to tackle the problems of tomorrow.

The Chairperson thanked all the participants and closed the discussion.

² Report available on Europol website: www.europol.europa.eu/activities-services/main-reports/internet-organised-crime-threat-assessment-iocta-2020

³ <https://pace.coe.int/en/files/22937>

Committee on Social Affairs, Health and Sustainable Development
 Commission des questions sociales, de la santé et du développement durable

Sub-Committee on Children
Sous-commission sur les enfants

List of participants / Liste des participants
 (28 seats / 28 sièges) 10.11.2020

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