



SECRETARIAT

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25 May 2022

**To the members of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)**

## Synopsis of the meeting held in Paris on 24 May 2022

**The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)**, meeting in Paris on 24 May 2022 in camera, with Mr Piero Fassino (Italy, SOC) in the Chair:

- **on Tuesday, 24 May 2022 at 09.30 am.**, as regards:
  - ***The honouring of membership obligations to the Council of Europe by Malta*** (co-rapporteurs: Mr Bernard Fournier, France, EPP/CD and Mr George Loucaides, Cyprus, UEL): considered a draft report and adopted unanimously a draft resolution as amended; decided to request the Bureau of the Assembly that the consideration of the report by the Assembly, currently scheduled for Friday, 24 June, be moved to a date earlier during that part-Session;
  - ***Sub-Committee on Conflicts concerning Member States of the Council of Europe***: heard a statement by Mr Claude Kern (France, ALDE), Chairperson of the Sub-Committee; approved a revised decision to establish a Sub-Committee on conflicts concerning Member States of the Council of Europe (see appendix) and took note of its workplan;
  - ***Post-monitoring dialogue with Bulgaria*** (co-rapporteurs: Ms Thórhildur Sunna Evarsdóttir, Iceland, SOC and Ms María Valentina Martínez Ferro, Spain, EPP/CD): heard a statement by the co-rapporteur and held an exchange of views; authorised the co-rapporteurs to make a fact-finding visit to Brussels for meetings with representatives of the European Commission;
  - ***The honouring of obligations and commitments by Albania*** (co-rapporteurs: Mr Joseph O'Reilly, Ireland, EPP/CD and Mr Asim Mollazada, Azerbaijan, EC/DA): heard a statement by the co-rapporteur and agreed, in accordance with paragraph 11.4 of [Resolution 1115 \(1997\)](#) as amended, to prolong for a period of six months the term of office of Mr Joseph O'Reilly (Ireland, EPP/CD), as co-rapporteur for the honouring of obligations and commitments by Albania;
  - ***The honouring of obligations and commitments by Serbia*** (co-rapporteurs: Ms Lise Christoffersen, Norway, SOC and Ms Eva Decroix, Czech Republic, EC/DA): appointed Ms Eva Decroix (Czech Republic, EC/DA) as co-rapporteur and heard from her a declaration of non-conflict of interests;
  - ***The honouring of obligations and commitments by Azerbaijan*** (co-rapporteurs: Mr Stefan Schennach, Austria, SOC and Mr Ian Liddell-Grainger, United Kingdom, EC/DA): appointed Mr Ian Liddell-Grainger (United Kingdom, EC/DA) as co-rapporteur, subject to receiving his declaration of non-conflict of interests at the next meeting;
  - ***Post-monitoring dialogue with North Macedonia*** (co-rapporteurs: Ms Sibel Arslan, Switzerland, SOC and ....): postponed the appointment of a co-rapporteur to replace Mr Zsolt Csenger-Zálan (Hungary, EPP/CD) until the next meeting;

- **Call for candidates:** made a call for candidates for the position of rapporteur for opinion on *The role of the Council of Europe in preventing human suffering resulting from international armed conflicts: different stages of conflict prevention and best practices to be employed* (Committee for report: Committee on Political Affairs and Democracy);
- **Authorisation of fact-finding visits:** authorised the co-rapporteurs for Montenegro and Albania to conduct a fact-finding visit to the countries under their respective responsibilities, subject to the availability of financial resources;
- **Václav Havel Human Rights Prize 2022:** took note of the extension of the deadline until 30 June 2022 for the call for nominations;
- **Parliamentary Platform for the rights of LGBTI people in Europe:** was informed of the details concerning the call for nominations;
- **Hearing on recent developments in Spain: (continued at 2.00 pm):** held a hearing with the participation of Mr Joaquim Urias, Professor of Constitutional Law, University of Sevilla, Spain, Ms Paz Lloria, Professor of Criminal Law, University of Valencia, Spain and Mr Schnutz Durr, Deputy Secretary of the Venice Commission;
- **on Tuesday, 24 May 2022 at 02.00 pm.,** as regards:
  - **The honouring of obligations and commitments by Turkey** (co-rapporteurs: Mr John Howell, United Kingdom, EC/DA and Mr Boriss Cilevičs, Latvia, SOC): heard an oral report by the co-rapporteurs on their fact-finding visit to Istanbul and Ankara (18-20 May 2022) and held an exchange of views;
  - **Other business:**
    - heard statements by Mr Emanuelis Zingeris (Lithuania, EPP/CD) and Mr Damien Cottier (Switzerland, ALDE), Chairperson of the Committee on Legal Affairs and Human Rights, on the Ad hoc Sub-Committee of the Committee on Legal Affairs and Human Rights on carrying out a fact-finding visit to Ukraine for the purpose of gathering information on possible war crimes and crimes against humanity committed during the war of aggression launched by the Russian Federation against Ukraine and agreed to discuss the issue of a possible visit to Ukraine by the rapporteurs of the Monitoring Committee for this country during its next meeting;
    - heard statements by Mr Samad Seyidov (Azerbaijan, EC/DA) and Mr Ruben Rubinyan (Armenia, EPP/CD) on the trilateral meeting held in Brussels on 22 May 2022 between the president of the European Council, Mr Michel, the President of Azerbaijan, Mr Aliyev, and the Prime minister of Armenia, Mr Pashinyan;
  - **Next meetings:**
    - Strasbourg, 20-24 June 2022 [during the Assembly part-session]
    - 15 September 2022, Paris
    - 10-14 October 2022 [during the Assembly part-session]
    - 16 November 2022, Paris
    - 14 December 2022, Paris

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**Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)****Revised decision<sup>1</sup>****to establish a Sub-Committee on Conflicts concerning Council of Europe member States**

- 1) The Monitoring Committee decides to set up a Sub-Committee on “Conflicts concerning Council of Europe member States” in line with Rule 49 of the Assembly’s Rules of Procedure.
- 2) For the competences and work of the sub-committee, the conflicts in question are understood to mean “a situation in which active armed conflict has been brought to an end, but no peace treaty or other political framework resolves the conflict to the satisfaction of the combatants. Therefore, legally the conflict can start again at any moment, creating an environment of insecurity and instability”.
- 3) The competence of the sub-committee is to explore on the basis of the findings of the co-rapporteurs concerned, how the application of the standards as well as obligations and commitments to the Council of Europe can be ensured in the areas affected by the current unresolved conflicts concerning Council of Europe member States and that, as a result of these conflicts, are not under the control of the authorities of the member State to which they pertain. In particular it will explore how Council of Europe principles and standards with regard to democracy, the rule of law and human rights can be safeguarded in these areas. In this context, any action undertaken by the sub-committee will be status neutral and undertaken in such a manner that it cannot be interpreted as an explicit or implicit recognition of the *de facto status quo*.
- 4) In addition, and in this context, the sub-committee aims to facilitate the co-ordination and harmonise the approaches taken by the respective teams of co-rapporteurs towards the conflict(s) that the country under their responsibility is party to. In this regard, the sub-committee will also explore how the monitoring procedure can support the work of the existing structures and mechanisms established to mediate in the unresolved conflicts in the Council of Europe’s geographical area.
- 5) It should be emphasised that the aim of this sub-committee is not to provide an alternative to the already established diplomatic and political mechanisms for the resolution of these conflicts. It does not intend and does not claim to be a conflict-resolution mechanism as such. On the contrary, the aim of this sub-committee is to explore how the Assembly, through its Monitoring Committee, can support the work of the existing conflict-resolution mechanisms that have been established for the conflicts in question. At the same time, the sub-committee shall explore and promote the possibility for a formal role, where opportune, of the Council of Europe in the relevant conflict-resolution mechanisms.
- 6) In practical terms, and within the context of its competences as described above, the sub-committee shall deal with the conflicts regarding South Ossetia/Georgia and Abkhazia/Georgia, north of Cyprus, Nagorno-Karabakh and other occupied territories, Transnistria and Ukraine<sup>2</sup>.

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<sup>1</sup> Adopted by the Committee at its meeting on 24 May 2022.

<sup>2</sup> Pending the developments with regard to the Russian aggression against Ukraine.

- 7) The sub-committee's principal aim is to make a positive contribution to the environment in which the conflict-resolution mechanisms function. Therefore, the sub-committee *will* develop its work with regard to a particular conflict if it has the agreement of the delegation(s) of the member State(s) concerned<sup>3</sup>. For the same reasons, one of the key criteria for the sub-committee to decide to focus on a particular conflict should be the opportunity for establishing a constructive dialogue with all parties to the conflict, including the communities in the conflict area themselves.
- 8) Through its parent committee, the sub-committee shall co-ordinate its work with that of the other committees of the Assembly.
- 9) The sub-committee shall be composed of:
- a) The co-rapporteurs of the Monitoring Committee for Armenia, Azerbaijan, Georgia, the Republic of Moldova, Turkey and Ukraine.
  - b) A member of the Monitoring Committee of each of the member States that are party to the conflicts under the terms of reference of the sub-committee: Armenia, Azerbaijan, Cyprus, Georgia, the Republic of Moldova, Turkey and Ukraine. In the event more than one member of these countries is a member of the Monitoring Committee, the member to the sub-committee shall be designated by the national delegation in question from among its members in the Monitoring Committee.
  - c) Ex-officio: the Chairpersons of the Committee on Political Affairs and Democracy and the Committee on Legal Affairs and Human Rights insofar as they are not covered under category (a)
  - d) The chairpersons of the political groups of the Assembly, insofar as they are not covered under category (a), (b) and (c)
  - e) The Chairperson of the Monitoring Committee, in line with Rule 49.6.
- 10) The members of the sub-committee cannot be substituted.
- 11) In order to foster free exchanges of views within the sub-committee, the minutes of its meetings will remain restricted to the members of the sub-committee, unless specifically decided otherwise by the sub-committee.

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<sup>3</sup> During its meeting on 9 March 2021, the sub-committee agreed that it is understood that this requirement is not applicable to exchanges of views with independent experts and representatives of international bodies to inform the sub-committee.