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COUNCIL OF EUROPE



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AS/Per (2019) PV 03
20 December 2019

Standing Committee

Minutes

**of the meeting held in Strasbourg
on 29 November 2019**

1. OPENING OF THE MEETING

Ms Maury Pasquier, President of the Assembly, opened the meeting at 9 am. She invited members to observe a minute's silence in remembrance of the victims of the earthquake in Albania on 26 November and the 13 French soldiers who died in Mali on 25 November 2019.

She welcomed Mr David Zalkaliani, President of the Committee of Ministers and Minister of Foreign Affairs of Georgia, noting that Georgia was celebrating the 20th anniversary of its accession to the Council of Europe. In the course of these 20 years, Georgia had demonstrated its commitment to the Organisation's values by consolidating its democratic institutions and strengthening the rule of law and, above and beyond the progress made, its determination to continue the reforms.

The Georgian Presidency could count on the Parliamentary Assembly's support in pursuing its priorities. The first priority – human rights and environmental protection – was very much part of the broader process of implementing the United Nations' Sustainable Development Goals for 2030, which the Assembly encouraged in its various reports, through a large number of concrete proposals which the Presidency could draw on. The second priority – civil participation in decision-making – was particularly important at a time when traditional democratic institutions and the mechanisms of representative democracy were being called into question and having to contend with the rise of populist movements and growing mistrust among citizens. Georgian civil society had historically played a very important role in the country's democratic transformation. The third priority – promoting child-friendly justice – was at the heart of the Council of Europe's work: the Council of Europe Strategy on the Rights of the Child (2016-2021) was instrumental in the implementation, at regional level, of the United Nations Convention on the Rights of the Child, whose 30th anniversary was being celebrated. Lastly, the Assembly would play its part in strengthening democracy through education, culture and youth engagement, the fourth priority of the Georgian Presidency. It was essential to provide young people with clear benchmarks, adequate skills and sound knowledge, so that they could develop and become active participants in a democratic society.

Co-operation between the Assembly and the Committee of Ministers was essential in other fields as well. For example, thanks to the joint efforts of the French and Finnish Presidencies, the establishment of a new joint complementary procedure between the Committee of Ministers and the Assembly in response to a serious violation by a member State of its statutory obligations was proceeding apace: the Committee on Political Affairs and Democracy was to prepare a report on this subject while the Ministers' Deputies had finalised a draft decision. The Assembly was counting on the support of the Georgian Presidency to bring this matter to a successful conclusion.

Gender equality was one of the policy areas singled out for special attention during her term as President. She welcomed the progress made in raising awareness of the fight against sexism, harassment and violence against women and the support shown by national parliaments for the #NotInMyParliament campaign, most recently at the European Conference of Presidents of Parliament held in Strasbourg on 24 and 25 October 2019. A 16-day campaign to end violence against women, which included symbolic actions, had begun on 25 November. It was everyone's responsibility and duty to contribute, through concrete measures, to ending violence against women.

She invited members to watch a video which showed the key milestones in the efforts by the Council of Europe and the Assembly to promote gender equality.

2. EXCHANGE OF VIEWS WITH MR DAVID ZALKALIANI, MINISTER OF FOREIGN AFFAIRS OF GEORGIA, PRESIDENT OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

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The President noted that the documents taking stock of France's Presidency of the Committee of Ministers of the Council of Europe and setting out the priorities of the Georgian Presidency of the Committee of Ministers had been included in the files.

Mr David Zalkaliani, President of the Committee of Ministers and Minister of Foreign Affairs of Georgia, spoke of Georgia's historic connection with the European idea, one that had taken concrete form when Georgia joined the Council of Europe twenty years ago. In the course of its Presidency, Georgia intended to contribute to the realisation of the Council of Europe's core values. The one-off €500,000 contribution to the Organisation's budget would be earmarked for implementing various priorities.

Georgia had identified four priorities for its 6-month Presidency. The first – human rights and environmental protection – was ground-breaking. Although the European Convention on Human Rights had not been designed to provide environmental protection, it did nevertheless protect fundamental rights essential to effective protection of the environment – the right to life, respect for private life and family life, etc. – and the Court had interpreted its provisions so as to protect European citizens from the consequences of environmental harm. In addition, existing programmes, mechanisms and treaties devoted to environmental protection would be strengthened in order to promote more robust standards, thereby affording a means to better protect human rights. Two international conferences on environmental protection and human rights would be held in Strasbourg, one on 27 February 2020 and the other on 9 April 2020.

Greater participation by civil society in decision-making – the second priority of the Presidency – and promoting citizen engagement for a more participatory democracy and a truly democratic society was a way to counter the negative trends towards civic disaffection by instituting a social dialogue on fundamental issues. An international conference on civil society participation in decision-making would be held in Strasbourg on 6 March 2020.

The third priority – promoting child-friendly justice – was inspired by the National Human Rights Strategy (2014-2020) and the reform of the juvenile justice system in Georgia, with a justice system built and structured around the concept of "child-friendly justice", which had restorative justice as one of its pillars. A system centred around mediation, diversion, rehabilitation and resocialisation of juveniles in conflict with the law. Georgia had developed a Juvenile Justice Code in 2015. A round table would be held on 23 March 2020 in Strasbourg on child-friendly justice in order firstly to promote Council of Europe standards in this area, as part of the Council of Europe Strategy for the Rights of the Child (2016-2021) and the implementation of the Council of Europe Guidelines on child-friendly justice, and secondly to facilitate the sharing of experience.

The last priority of the Georgian Presidency – strengthening democracy through education, culture and youth engagement – would be addressed through a number of scheduled activities. Promoting education for human rights and democratic citizenship, supporting measures that fostered inclusive quality education which was free from discrimination and provided a safe and secure learning environment and mobilising young people from civil society prepared learners for active democratic citizenship and contributed to the strengthening of democracy, human rights and the rule of law and the proper functioning of democratic institutions. The Georgian Presidency would support the activities of existing networks and programmes. It would also support action to promote cultural participation and the democratisation of culture, as well as existing mechanisms in the field of culture and heritage. It would likewise support the Council of Europe's youth sector and existing instruments and programmes. Youth engagement contributed to the development of active citizenship and made for a more robust democracy.

Mr Corlăţean, co-rapporteur on the monitoring Georgia's obligations and commitments, acknowledged the progress made by Georgia in honouring its commitments over the past twenty years and the close co-operation with the Assembly, which had produced positive results. Some recent developments had given cause for concern, however. The co-rapporteurs were planning a further fact-finding visit in the near future. The Presidency of the Committee of Ministers was a watershed moment and an opportunity to make further progress and he was confident that the country was on the right track. **Mr Zalkaliani** thanked Mr Corlăţean for his support and assured him of the Georgian authorities' full co-operation in the monitoring process. The last visit by the co-rapporteurs, in September 2019, had been constructive and most useful. Integration into the European Union was the Georgian government's number one priority and it was anxious to accelerate that process. The fulfilment of commitments, in this context, was paramount, and the government was determined to overcome any difficulties.

In response to **Mr Daems**, who welcomed Georgia's interest in the environment and the link with human rights and called on it to work with the Assembly to promote an additional protocol to the European Convention on Human Rights on the subject, **Mr Zalkaliani** said this was a very good idea that deserved to be developed further, although it had not yet been discussed by the Committee of Ministers. **The President** noted that the Assembly had been a pioneer in this field when, ten years earlier, it had adopted Assembly Recommendation 1885 (2009) on drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment.

M. Nick wondered about the real reasons that had prompted the Georgian authorities to move the Standing Committee meeting, which was originally to have been held in Tbilisi, to Strasbourg. This surprising decision had been seen as a missed opportunity. **Mr Zalkaliani** said the decision in question had been necessary because of logistical problems and that obviously all members of the Assembly were welcome in Georgia. The Presidential Committee had been invited to meet in Tbilisi and a meeting of the Parliamentary Network on Diaspora Policies would take place there on 16 December.

In reply to the question from **Mr Kiljunen** about how he viewed the process regarding the joint complementary procedure between the Assembly and the Committee of Ministers in response to a serious violation by a member

State of its statutory obligations, **Mr Zalkaliani** said that the two bodies were working together to set up this complementary procedure, which would give effect to the decision taken by the Committee of Ministers in Helsinki the previous May. The Ministers' Deputies had worked hard under the auspices of the French Presidency and were about to reach a decision on the details of this procedure. The French Secretary of State for Foreign Affairs, Amélie de Montchalin, had officially forwarded to the President of the Assembly the text of the draft Committee of Ministers decision which had emerged from these discussions, and asked for it to be circulated to the members of the Assembly. This text had the broad support of the member States. The Deputies were waiting for the PACE Committee on Political Affairs and Democracy to comment on this draft before adopting it at their level. It would be a priority for the Georgian Presidency to bring these discussions to a successful conclusion and to introduce the new procedure swiftly, by the end of January 2020 at the latest.

Mr Kox noted that, thanks to the Finnish and French presidencies and to the Assembly, the Council of Europe had managed to overcome the crisis and had now resumed its normal activities. The return to a budget based on zero real growth, decided by the Committee of Ministers, was certainly a step forward, but it was high time to give the Organisation the means to perform better. **Mr Zalkaliani** confirmed that the Committee of Ministers' decision that week to adopt the 2020-2021 budget on a zero real growth basis would allow the Organisation to be more relevant, efficient and flexible, as the Committee of Ministers had decided, in tandem, to take a series of decisions heralding a package of reforms on long-term sustainability, and had invited the Secretary General to prepare a four-year strategic plan, in consultation with member States. Asked by **Mr Kox** how he perceived the issue of the European Union's accession to the European Convention on Human Rights, which would also have budgetary implications, **Mr Zalkaliani** said this was a priority issue for the Georgian Presidency.

Mr Schennach welcomed the high level of attention accorded by the Georgian Presidency to juvenile justice and noted that the reform of the juvenile justice system in Georgia had been ambitious and had led to one of the best systems in Europe. **Mr Zalkaliani** thanked him for his complimentary remarks and said that this major reform, with the introduction of a Juvenile Justice Code, was intended to implement the principles of the Council of Europe. The Georgian Presidency was fully prepared to share this experience with any interested member States.

In response to **Mr Wold**, who mentioned Georgia's positive experience and good practice regarding child protection, **Mr Zalkaliani** confirmed that Georgia was ahead in the field of child protection, having carried out numerous reforms as part of the National Human Rights Strategy (2014-2020) and the effort to promote child-friendly justice, including the establishment of specialised courts.

In the opinion of **Ms Brynjólfssdóttir**, it was high time to focus on the environment and human rights. Similarly, the issue of migrant children, especially unaccompanied minors, should be placed higher on the agenda. **Mr Zalkaliani** agreed that young migrants and refugees were a very vulnerable group, being exposed to a large number of dangers both on their journey to Europe and after their arrival. The Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019) and the Council of Europe Strategy on the Rights of the Child (2016-2021) addressed that issue. A Committee of Ministers recommendation on the care of unaccompanied or separated migrant children was expected to be adopted in December. The Georgian Presidency would see to it that member States implemented these various instruments.

Sir Roger Gale thanked the Georgian delegation, and its head, for their hospitality at the reception the previous evening. The principles of the Council of Europe were in jeopardy. The Baltic+ group had been set up and Georgia was an important player in that group. Was the Georgian Presidency prepared to guarantee that it would stand up to any country that violated the values of the Council of Europe? **Mr Zalkaliani** confirmed the Georgian Government's determination to continue defending the values on which the Organisation was based. We should thank those who had helped to overcome the crisis in the Council of Europe, especially in the Parliamentary Assembly, where the decision taken the previous June had secured a clear majority. That did not in any way alter Georgia's position on the conflict in Ukraine, which must be settled within the framework of the Minsk agreements. It was to be hoped that the few recent encouraging developments would make it possible to restore dialogue with a view to reaching a friendly settlement. Georgia had reiterated its determination to assist the new Ukrainian Government in its reform process.

The President warmly thanked the Georgian Minister of Foreign Affairs for the fruitful exchange of views and his readiness to answer members' questions.

3. VERIFICATION OF NEW CREDENTIALS

Doc. 15009

The Standing Committee **ratified** the credentials of the new members and substitutes in respect of the parliamentary delegations of Belgium, Croatia, Denmark, France, the Netherlands and Slovenia, as set out in document Doc. 15009.

4. CHANGES IN THE MEMBERSHIP OF COMMITTEES

Commissions (2019) 08
+ Add. 1

The Standing Committee **ratified** the changes in the membership of Assembly committees, in respect of the delegations of Belgium, Croatia, France, Italy, the Netherlands, Slovenia and Sweden, and also in the membership of the Committee on Rules, Immunities and Institutional Affairs, as set out in document Commissions (2019) 08 + Add. 1.

5. AGENDA

AS/Per (2019) OJ 03 rev2

The President announced that no request for a current affairs debate had been submitted to her by the deadline laid down. The revised draft agenda was **adopted**.

6. FIRST PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (27-31 JANUARY 2020)

AS/Bur (2019) 67

Pursuant to Rule 27.4 of the Assembly's Rules of Procedure, the Standing Committee **took note** of the draft agenda for the first part-session of 2020.

7. REFERENCES TO COMMITTEES

AS/Bur (2019) 66

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

8. LEGAL AFFAIRS AND HUMAN RIGHTS

Ms Ævarsdóttir, Chairperson of the Committee on Legal Affairs and Human Rights, presented the report "**Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?**" (Doc. 15004), in the absence of the rapporteur Mr Hasanov who had been promoted to a senior position in his home country. Trans- or multinational companies were increasingly influential and, while they had the potential to contribute to the realisation of human rights, they could also be at the root of human rights abuses, such as exploitative or hazardous working conditions, child labour, environmental pollution, employment discrimination and surveillance of employees while at work. Businesses had responsibilities in the area of human rights, therefore. At international level, there were a number of non-binding legal instruments developed by the ILO, OECD, the European Union or the United Nations, including the United Nations Guiding Principles on Business and Human Rights, approved in 2011. A new, binding instrument was currently being prepared in a United Nations intergovernmental working group. Recommendation CM/Rec(2016)3 of the Committee of Ministers on human rights and business built on these principles and aimed to implement them by asking Council of Europe member States to review their legislation, share good practice and develop national action plans. Only 18 member States had drawn up action plans. The draft resolution called on national governments and parliaments to review their legislation and practice in line with the recommendations of the Committee of Ministers. The draft recommendation presented proposed that the Committee of Ministers should ensure wide dissemination of its Recommendation, evaluate its implementation by 2021 at the latest, and make the online platform for human rights and business operational without delay.

Mr Melkumyan presented the opinion of the Committee on Social Affairs, Health and Sustainable Development (Doc. 15005), which he had had to prepare as a matter of urgency because of the accelerated timetable for the Legal Affairs Committee's work. He stressed the relevance of the European Social Charter as a major legal reference in this context. Recommendation CM/Rec(2016)3 of the Committee of Ministers recognised the important role of businesses in safeguarding human rights in the workplace. Human rights violations committed by businesses occurred both outside and within Europe and concerned issues such as child and forced labour and human trafficking, and vulnerable population groups, such as migrant workers. The employment of children under 15 years of age should be prohibited as stipulated in the European Social Charter. Legal instruments were useful, but they must recognise the fact that companies were not non-profit organisations and seek to make them more socially responsible. Since the lethal collapse of a building housing garment factories in Bangladesh in 2013, corporate social responsibility had been stepped up in the garment industry. There had been a move towards voluntary commitments by some businesses to prevent accidents at work. Stricter standards were needed to improve corporate respect for human rights and dignity. Businesses also had an impact on health, well-being and the environment. It was desirable that the Committee of Ministers Recommendation be updated in response to the new challenges facing society.

Mr Schennach welcomed the fact that this crucial issue had given rise to some meaningful work carried out by an Azerbaijani rapporteur and an Armenian rapporteur for opinion. The amendments submitted by the Committee on Social Affairs, Health and Sustainable Development, which he chaired, sought to further promote, in the draft resolution presented, the Council of Europe's standards, in particular the European Social Charter, and to reiterate the Organisation's priorities.

Mr Seyidov likewise welcomed the exemplary manner in which the two rapporteurs had worked together on such a key issue. The report outlined some solutions and it was important to support them.

The President declared the discussion closed. She said that six amendments to the draft resolution had been put forward and one amendment to the draft recommendation.

Ms Ævarsdóttir pointed out that the Committee on Legal Affairs and Human Rights had not commented on the amendments, but that the rapporteur had informed it of his position.

Mr Melkumyan presented amendment 1 to the draft resolution, which **was adopted** with one dissenting vote.

Amendment 2, presented by **Mr Melkumyan**, and which was opposed by **Ms Ævarsdóttir**, **was adopted** by 7 votes to 5, with one abstention.

Amendments 3 and 6, presented by **Mr Melkumyan**, **were adopted** unanimously.

Amendment 4, presented by **Mr Melkumyan**, and which was opposed by **Ms Ævarsdóttir**, **was adopted** by 6 votes to 5, with three abstentions.

Amendment 5, presented by **Mr Melkumyan**, and which was opposed by **Ms Ævarsdóttir**, **was adopted** by 6 votes to 3, with four abstentions.

The resolution, as amended, was **adopted** unanimously [Resolution 2311 (2019)].

Mr Melkumyan presented amendment 7 to the draft recommendation, which **was adopted** unanimously.

The recommendation, as amended, was **adopted** unanimously [Recommendation 2166 (2019)].

9. SOCIAL AFFAIRS, HEALTH AND SUSTAINABLE DEVELOPMENT

Mr Leite Ramos, rapporteur for the Committee on Social Affairs, Health and Sustainable Development, presented the report on "**The societal impact of the platform economy**" (Doc. 15001), stressing the growing economic and societal significance of the latter in a globalised economy. The platform economy was becoming part of our daily lives in an ever-expanding range of areas – transport, health care, home-based services, financial products. The regulatory challenges in terms of consumer law, tax law and labour law called for responses, in particular from national parliaments. The report mentioned the discussions in the Portuguese Parliament about ways to address these challenges and made a number of proposals. In particular, there was a need to adapt labour law and give rights to platform workers, by insisting that they be treated as employees of the platforms. The wide variety of national legal situations, and the fact that there was sometimes little or no relevant legislation, raised the question of adapting legal standards, including notably labour law, to national circumstances.

Mr Schennach, Chairperson of the Committee on Social Affairs, Health and Sustainable Development, thanked the rapporteur for the effort he had put into producing such an in-depth report. The reality of the platform economy was clearly apparent in all countries and was generating debate: taxi driver strikes, the worsening housing market, "tax optimisation", etc. It was essential that the new economy be a fair one.

The committee **adopted** the resolution unanimously [Resolution 2312 (2019)].

10. CULTURE, SCIENCE, EDUCATION ET MEDIA

Mr Efstathiou, rapporteur for the Committee on Culture, Science, Education and Media, presented the report on the “*Role of education in the digital era: from “digital natives” to “digital citizens”*” (Doc. 15000). Digital technologies had already had, and were continuing to have, a profound impact on economies and societies and the way we lived. Investing in one’s digital skills, and notably those of the younger generations, was of the utmost importance, therefore. Digitisation and online communication had brought indisputable benefits for the public, but they also carried with them new threats for fundamental rights, democracy and the rule of law: vulnerability of citizens and institutions to the manipulation of information, hate speech, incitement to violence, cyber bullying and harassment, indoctrination, threats against cybersecurity. The report made three key points. Firstly, modern education systems must equip all young people, in order to avoid creating social divides, with the necessary information and communication technology skills to meet the future demands of the labour market. There was a need to ensure inclusive access to technology and digital education, in particular for vulnerable groups, to bridge the gender gap, and to reduce disparities in education systems. Secondly, in order to give young people the skills they needed to handle the new digital environment, it was important to redesign education systems to incorporate ICT meaningfully into teaching and learning processes and knowledge transmission, and to rethink training for teachers and educators. What was required was an approach that combined teacher training, curricula and educational materials that were fit for digitally-supported teaching models. Lastly, while the European Union had played a leading role in promoting the digital education agenda, we must work together. It was important that the Council of Europe and all the member states support a comprehensive strategy for digital education that was targeted, innovative, collaborative and inclusive. On 21 November, the Committee of Ministers had adopted a recommendation aimed at developing and promoting digital citizenship education: the proposed amendments to the draft texts were designed to reflect this.

Mr Kiljunen was pleased that Finland had welcomed the rapporteur on a fact-finding visit while he was preparing his report. In Finland, digital technology was integrated throughout the education system. The main practical challenge was that, as the real world was replaced by the digital one, many citizens were being excluded from progress and so cut off from society. With 80% of those over 75 not having computers, people were being discriminated against on the basis of their age. Some 300 000 people in Finland were being marginalised in this way. Because their learning capacity was limited, they did not have access to certain basic services.

Mr Schennach felt that the report was an example of the positive impact that the priorities promoted by the Organisation's Presidency could have on the work of the Assembly. The real world existed, but the challenges of the digital world must be borne in mind. That was why it was so important to develop a digital education strategy for young people.

Mrs Brynjólfssdóttir thought that the report, although timely and useful, was somewhat unbalanced in that it placed too much emphasis on economic competitiveness, production and the labour market, and not enough emphasis on human rights. Education was not a tool for producing manpower. Education was about more than preparing citizens for the labour market.

In response to the speakers, **Mr Efstathiou** said that his report emphasised vigilant and responsible citizenship and stressed the need to protect young people and to set limits on a purely economic approach to digital technology. In this context, it was essential to develop and promote minimum standards.

Mr Reiss, Chairperson of the Committee on Culture, Science, Education and Media, said that the two reports presented by the committee were entirely complementary. He congratulated both rapporteurs on their sterling work and dedication. Both reports reiterated the importance – in the age of digital technology and social media – of education, culture and freedom of expression in democracies. Education had become, in the digital age, an area where stakeholders needed to commit themselves to co-operating in a cross-cutting and co-ordinated manner. Media literacy and digital citizenship education were paramount. At a recent meeting of the member states’ ministers of education, the Secretary General of the Council of Europe had underlined the vital role of education in building open, tolerant and inclusive societies. The Committee of Ministers had just adopted a new recommendation and now the Assembly was playing its part by making a series of concrete recommendations to the member states and other stakeholders in order to promote digital citizenship education and address the challenges in this area.

The President declared the discussion closed. One amendment had been tabled to the draft resolution and two amendments to the draft recommendation.

Amendment 1 to the draft resolution, supported by **Mr Reiss**, was **adopted** unanimously.

The draft resolution, as amended, was **adopted** unanimously [Resolution 2313 (2019)].

Amendments 2 and 3 to the draft recommendation, also presented by **Mr Reiss**, were **adopted** unanimously.

The committee **adopted** the recommendation, as amended, unanimously [Recommendation 2167 (2019)].

Ms Gogvadze, rapporteur for the Committee on Culture, Science, Education and Media, presented the report on “**Media education in the new media environment**” (Doc. 15002). Media education was a crucial issue in today’s rapidly changing technological environment, where communication had become constant, instant and global, with multiple sources of information, providing unprecedented access to cultural, historical, political and technical knowledge. This new media environment carried with it serious risks, such as disinformation, propaganda, manipulation, hate speech and incitement to violence, all of which posed threats to fundamental rights, democracy and the rule of law. In order to minimise the dangers, workable media education strategies needed to be developed at local, national and European level, for all ages and all sections of society. Young people, in particular, who turned to social media as their main source of news, needed to be “media-literate” in order to know how to “consume” information online. While media education should begin in primary school and continue throughout secondary education, it should not be limited to the education sector, but take a cross-sectoral, multi-actor approach, seeking to involve other relevant actors such as public institutions, schools, universities, media – in particular public service media – and media regulatory authorities, civil society, private initiatives, and internet intermediaries. The report cited examples of good practice gleaned from various countries concerning media education strategies and projects, the development of appropriate programmes and tools in the field of media and information literacy, the development of national media literacy networks, and better training for teachers and journalists. In order to improve the co-ordination of national media literacy policies and promote the exchange of information and positive practices developed within national networks, it was proposed to set up a dedicated online Council of Europe platform/observatory.

Sir Roger Gale warmly congratulated the rapporteur on a job well done. He took the view that in media education, it was not only young people or journalists who needed to be trained. Parliamentarians also had a responsibility for the quality and integrity of information.

In the view of **Mr Reiss**, Chairperson of the Committee on Culture, Science, Education and Media, action must be taken to ensure that the values of the Council of Europe were respected. Media education was a lifelong affair. He called for concrete and consistent follow-up to the Assembly’s recommendations in the member states and their effective implementation.

The committee **adopted** the draft resolution unanimously [Resolution 2314 (2019)].

8. LEGAL AFFAIRS AND HUMAN RIGHTS (*cont’d.*)

Mr Pocij, rapporteur for the Committee on Legal Affairs and Human Rights, presented the report “**Interpol reform and extradition proceedings: building trust by fighting abuse**” (Doc. 14997). The right to liberty and security was protected under Article 5 of the European Convention on Human Rights. In problematic cases, the person being extradited ran a real risk of being subjected to torture or inhuman and degrading treatment, or to discrimination and grossly unfair proceedings. The case-law of the European Court of Human Rights contained numerous examples of such abuses. The report took into account the recommendations made by the Council of Europe’s intergovernmental Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC), in particular with regard to extradition. As well as extradition, the report also covered the misuse by some states of Interpol’s Red Notices and Diffusions for political or corrupt purposes. Ever since Assembly Resolution 2161 (2017), which had been the first to tackle this issue, Interpol had undertaken reforms and made progress in implementing the Assembly’s recommendations, even though much still remained to be done. Extraditions were often based on Interpol notices and if the system was to function properly, it was important to minimise abuses and fight against impunity – the impunity of criminals who took advantage of national borders to evade justice. The fact was that abuses undermined the fight against impunity. Since the adoption of the report by the committee, there had been some new developments, foremost among them the rejection of all applications for the extradition of exiled Catalan politicians submitted by Spain to the authorities in countries where these exiles had sought refuge – Belgium, Germany, the United Kingdom and Switzerland. The Spanish authorities had reapplied for extradition on the basis of the Spanish Supreme Court’s decision convicting the Catalan leaders. The opinion of the Advocate General at the Court of Justice of the European Union recognising that the Catalan leaders elected to the European Parliament had immunity was significant. A committee report on these cases was being drafted.

Mr Schennach pointed to the existence of numerous cases in Europe which highlighted the abuse of extradition procedures, in particular against political prisoners, opposition leaders, human rights defenders and their relatives, citing the case of the wife and young daughter of a Kazakh human rights activist who had been arrested in Italy and returned to Kazakhstan, the case of a Tajik human rights activist sent back by Poland, a Uighur opponent sent back to China by Germany, and two Iranian human rights activists returned by Italy and Norway. He had already mentioned in the past the case of a married couple Leyla and Arif Yunus exiled in the Netherlands, who feared being returned to Azerbaijan.

M. Seyidov felt that the report highlighted the problems faced not only by Interpol but also by other international organisations and contained specific proposals that should be implemented. It was counterproductive therefore to stigmatise certain states on the strength of examples that were in fact based on unfounded speculation and not on evidence or official information from Interpol. What criteria were used when compiling country lists of this kind?

Sir Roger Gale said that Interpol was in fact fed by the information it received from requesting countries. Amendment 7 identified three member states – the Russian Federation, Turkey and Azerbaijan – and three non-member states. If we sought to target certain states, there was a risk that others which also made unreasonable requests might be omitted from the list. The report before the committee set out general guidelines, which was why he was against Amendment 7.

Mr Nick welcomed this excellent report. The same criticisms could be levelled at the Schengen information system on account of the abuses that had occurred: human rights activists had also been flagged up in the SIS and expelled by Poland from the Schengen area. In order to ensure international co-operation, particularly in the fight against crime, and to maintain public confidence in these mechanisms, we needed to know that they could not be misused for political purposes. The problems were certainly not confined to just three member states.

Mr Kox observed that reduced border controls and the freedom of movement that Council of Europe states promoted allowed some criminals to escape justice. International co-operation in the field of criminal law included various bilateral conventions and agreements, such as the European Convention on Extradition of 1957. These procedures were based on mutual trust, and their misuse must be prevented. A balance must be struck between the prevention of impunity and the rights of the individuals subject to an extradition request. States that abused these procedures must be held more accountable.

Mr Gutiérrez reacted to the mention of the Catalan leaders in the report and noted that their actions had been found to be in breach of the Spanish constitutional framework. The Spanish Supreme Court had found them guilty of sedition on 14 October. Spain was committed to the principle of the separation of powers and to the values of democracy, the rule of law and human rights. The judgment in question could be challenged in the Constitutional Court and the European Court of Human Rights.

Mr Schwabe noted that some progress had been made since the 2017 report, but many problems remained. He mentioned the case of a Turkish refugee who had been granted asylum by Germany, but who had been arrested in Bulgaria pursuant to an Interpol notice. Co-operation must be effective but people's rights must be protected. It was entirely appropriate in his view to cite concrete cases that were based on verifiable facts. He supported the amendments that had been tabled. It was important to remind Interpol of our requirements.

In the opinion of **Mr Kiliç** the report was balanced and clearly set out the issues at stake and ways to address them. To target certain states, however, was to overlook the work carried out by the rapporteur. We were no longer discussing a general problem in the spirit of the report, but rather seeking to stigmatise certain countries, which deflected attention away from the subject matter.

Ms Trisse considered that the amendments tabled increased the level of requirement in the report, but she wanted Amendment 7 to be withdrawn, as no list of countries could be exhaustive.

Mr Pocij was disappointed that his report had not been debated by the Assembly in plenary but welcomed the soundness and intensity of the comments. He pointed out that, although his native Poland had been challenged and criticised for abuses in many areas, it had never abused the Interpol system to the detriment of Polish citizens. He could support the amendments tabled, with the exception of Amendment No. 7, insofar as some countries such as Algeria, the United States, Bulgaria or Spain, among others, were not mentioned. There were isolated cases or repetitive cases, but we should be careful not to get into that debate.

Ms Ævarsdóttir, Chairperson of the Committee on Legal Affairs and Human Rights, congratulated the rapporteur. The examples mentioned illustrated the full extent of the problem.

The President declared the discussion closed. She said that nine amendments had been tabled to the draft resolution.

Amendment 6, presented by **Mr Schennach**, was the subject of an oral sub-amendment proposed by **Sir Roger Gale**, to delete the second part of the amendment, which was opposed by **Mr Schwabe**. The sub-amendment was **adopted** by 11 votes to 9, with 2 abstentions. Amendment 6, as sub-amended, **was adopted** unanimously.

Mr Nick presented amendment 1, and proposed an oral sub-amendment, which **was adopted** unanimously. Amendment 1, as sub-amended, **was adopted** unanimously.

Mr Schennach withdrew amendment 7.

Amendment 2, presented by **Mr Nick**, **was adopted** with one vote against.

Amendment 3, presented by **Mr Nick**, **was adopted** unanimously.

Amendment 9, presented by **Mr Schennach**, and which was opposed by **Sir Roger Gale**, **was adopted** by 9 votes to 7, with 3 abstentions.

Amendment 4, presented by **Mr Nick**, **was adopted** unanimously with 2 abstentions.

Amendment 5, presented by **Mr Schennach**, and which was opposed by **Sir Roger Gale**, **was adopted** by 11 votes to 10.

Amendment 8, presented by **Mr Schennach**, **was adopted** by 12 votes to 2, with 3 abstentions.

The resolution, as amended, was **adopted** unanimously [Resolution 2315 (2019)].

11. OTHER BUSINESS

M. Pocij told the Standing Committee that Giorgi Kandelaki, who was a member of the Georgian delegation and an opposition MP, had been arrested by the Georgian police. Although he had been released, the incident was worrying as arresting a parliamentarian who enjoyed immunity was illegal.

12. NEXT MEETING

The Standing Committee **decided** to hold its next meeting in Paris on Friday 6 March 2020.

The meeting **rose** at 12.30 pm.

APPENDIX I

Decisions on documents tabled for references to committees

1. **Climate change and the rule of law: baseline study**
Motion for a resolution tabled by the Committee on Legal Affairs and Human Rights
Doc. 14972

Reference to the Committee on Social Affairs, Health and Sustainable Development *for report* and to the Committee on Legal Affairs and Human Rights *for opinion*

2. **Evaluation of the partnership for democracy in respect of the Parliament of Jordan**
Motion for a resolution tabled by the Committee on Political Affairs and Democracy
Doc. 14975

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

3. **The activities of the Organisation for Economic Co-operation and Development (OECD)**
Motion for a resolution tabled by the Committee on Political Affairs and Democracy
Doc. 14976

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

4. **New complementary procedure between the Committee of Ministers and the Parliamentary Assembly in response to the lack of compliance by a member State with its statutory obligations**
Motion for a recommendation tabled by the Committee on Political Affairs and Democracy
Doc. 15007

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

APPENDIX II

List of participants / Liste des participants

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

Mme Liliane MAURY PASQUIER Switzerland / Suisse

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)

Ms Nino GOGUADZE European Conservatives Group and Democratic Alliance (EC/DA) /
(in the absence of the Chairperson / en l'absence du Président) Groupe des conservateurs européens et Alliance Démocratique (CE/AD)

Mr Hendrik DAEMS Alliance of Liberals and Democrats for Europe (ALDE) /
Alliance des démocrates et des libéraux pour l'Europe (ADLE)

Mr Tiny KOX Group of the Unified European Left (UEL) /
Groupe pour la gauche unitaire européenne (GUE)

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

Sir Roger GALE United Kingdom / Royaume-Uni

Mr Hendrik DAEMS Belgium / Belgique

Mme Nicole TRISSE France

Mr Samad SEYIDOV Azerbaijan / Azerbaïdjan

Mr Andreas NICK Germany / Allemagne

Ms Boriána ÅBERG Sweden / Suède

Ms Rósa Björk BRYNJÓLFSDÓTTIR Iceland / Islande

Mr Akif Çağatay KILIÇ Turkey / Turquie

Ms Inese LIBINA-EGNERE Latvia / Lettonie

Ms Sanja PUTICA Croatia / Croatie

Mr Antonio GUTIÉRREZ Spain / Espagne

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

Mr Ruben RUBINYAN Armenia / Arménie

Mr Samad SEYIDOV Azerbaijan / Azerbaïdjan

Mr Indrek SAAR Estonia / Estonie

(in the absence of the Chairperson / en l'absence du Président)

Mr Kimmo KILJUNEN Finland / Finlande

Mme Nicole TRISSE France

Ms Tamar CHUGOSHVILI Georgia / Géorgie

Mr Andreas NICK Germany / Allemagne

Mr Zsolt CSENGER-ZALÁN Hungary / Hongrie

(in the absence of the Chairperson / en l'absence du Président)

Ms Rósa Björk BRYNJÓLFSDÓTTIR Iceland / Islande

Ms Inese LĪBIŅA-EGNERE Latvia / Lettonie

Mr Egidijus VAREIKIS Lithuania / Lituanie

(in the absence of the Chairperson / en l'absence du Président)

Ms Lydia MUTSCH Luxembourg

(in the absence of the Chairperson / en l'absence du Président)

Ms Petra STIENEN Netherlands / Pays-Bas

Mr Morten WOLD Norway / Norvège

(in the absence of the Chairperson / en l'absence du Président)

Mr Piotr TOLSTOY Russian Federation / Fédération de Russie

Mr Andrej ŠIRCELJ Slovenia / Slovénie

Mr Antonio GUTIÉRREZ Spain / Espagne

Ms Boriána ÅBERG Sweden / Suède

Mr Filippo LOMBARDI	Switzerland / Suisse
Mr Akif Çağatay KILIÇ	Turkey / Turquie
Sir Roger GALE	United Kingdom / Royaume-Uni

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

Mr Titus CORLĂȚEAN	Romania / Roumanie
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(in the absence of the Chairperson /
en l'absence du Président)

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

Ms Thorhildur Sunna ÆVARSDOTTIR	Iceland / Islande
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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**

Mr Stefan SCHENNACH	Austria / Autriche
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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. Frédéric REISS	France
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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)**

Sir Roger GALE	United Kingdom / Royaume-Uni
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**Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs /
Président de la Commission du Règlement, des immunités et des affaires institutionnelles**

Mr Indrek SAAR	Estonia / Estonie
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Rapporteurs (not members of the Standing Committee / non-membres de la Commission permanente)

Mr Mikyael MELKUMYAN	Armenia / Arménie
Mr Constantinos EFSTATHIOU	Cyprus / Chypre
Mr Luís LEITE RAMOS	Portugal

Permanent Representation / Représentation permanente

Ms Çiğdem ŞAYLIMAN	Deputy to the Permanent Representative of Turkey / Adjointe au Représentant Permanent de la Turquie
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Invited personality / Personnalité invitée

Mr David ZALKALIANI	Minister of Foreign Affairs of Georgia, President of the Committee of Ministers of the Council of Europe / ministre des Affaires étrangères de la Géorgie, Président du Comité des Ministres du Conseil de l'Europe
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**Secretaries of National Delegations and Partners for Democracy /
Secrétaires de délégations nationales et de partenaires pour la démocratie**

Mr Emin MAMMADOV	Azerbaijan / Azerbaïdjan
Ms Sonja LANGENHAECK	Belgium / Belgique
Ms Gabriella MARANGOU D'AVERNAS	Cyprus / Chypre
Ms Kamilla KJELGAARD	Denmark / Danemark
Ms Maria FAGERHOLM	Finland / Finlande
M. Laurent SAUNIER	National Assembly / Assemblée nationale, France
Mr Aleksandre RAMISHVILI	Georgia / Géorgie
Mr Michael HILGER	Germany / Allemagne
Mr Panagiota MICHA	Greece / Grèce
Ms Judit GOTSCHALL	Hungary / Hongrie
Ms Bylgia ÁRNADÓTTIR	Iceland / Islande
Mr Yaron GAMBURG	Israel / Israël

Mr Martins OLEKSS	Latvia / Lettonie
Mr Arjen WESTERHOFF	Netherlands/ / Pays-Bas
Ms Dorthe BAKKE	Norway / Norvège
Mr Artur ZANIEWSKI	Poland / Pologne
Ms Carmen IONESCU	Romania / Roumanie
Ms Alja ŠKIBIN	Slovenia / Slovénie
Ms Petra SJÖSTRÖM	Sweden / Suède
M. Daniel ZEHNDER	Switzerland / Suisse
Mr Iskender Kemal OKYAY	Turkey / Turquie
Mr Nicholas WRIGHT	United Kingdom / Royaume-Uni

Secretaries of Political Groups / Secrétaires des Groupes politiques

Ms Francesca ARBOGAST	SOC
Ms Marianna NTALLA	SOC
Ms Denise O'HARA	EPP/CD / PPE/DC
Ms Maria BIGDAY	ALDE / ADLE
Ms Anna KOLOTOVA	UEL / GUE

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

Mr Wojciech SAWICKI	Secretary General / Secrétaire Général
Ms Marja RUOTANEN	Director of Committees Directorate / Directrice de la Direction des commissions
Mr Horst SCHADE	Director of General Services / Directeur des Services Généraux
Mr Mark NEVILLE	Head of the Private Office / Chef de Cabinet
Mr Alfred SIXTO	Head of the Table Office / Chef du Service de la Séance
Mme Valérie CLAMER	Head of the Secretariat of the Committee on Rules of Procedure, Immunities and Institutional Affairs / Chef du Secrétariat de la Commission du Règlement, des immunités et des affaires institutionnelles
Mr Francesc FERRER	Deputy to the Head of the Communication Division / Adjoint au Chef de la Division de la communication
Mme Isild HEURTIN	Head of the Secretariat of the Bureau / Chef du Secrétariat du Bureau
Mme Martine MEYER	Administrative assistant of the Standing Committee / Assistante administrative de la Commission permanente
Ms Susan FELLAH	Assistant of the Standing Committee / Assistante de la Commission permanente
Mme Annick SCHNEIDER	Assistant to the Secretary General / Assistant to the Bureau / Assistante du Secrétaire Général / Assistante du Bureau
Mme Aurélie HAUG	Assistant to the Director of Committees Directorate / Assistante de la Directrice de la Direction des commissions

Council of Europe / Conseil de l'Europe

Mr Bjorn BERGE	Secretary to the Committee of Ministers / Secrétaire du Comité des Ministres
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