



AS/Per (2013) PV 02
22 June 2013

Standing Committee

Minutes¹

**of the meeting held in Yerevan (Armenia)
on 31 May 2013**

¹ Approved by the Assembly on 24 June 2013.

1. OPENING OF THE MEETING

Mr Mignon, President of the Assembly, opened the meeting at 9 am. The Parliamentary Assembly shared and supported the priorities of the Armenian Chairmanship because they were fully consistent with the main lines of action of the Assembly, which would provide the Armenian Chairmanship with contributions and input in fields such as combating racism and xenophobia in Europe, the religious dimension of intercultural dialogue and strengthening the protection system established under the European Convention on Human Rights. The goal of reinforcing the role of the Council of Europe in the European architecture was to be welcomed as was the European commitment and the major progress on the path to building democratic societies in the three countries in the region – Armenia, Azerbaijan and Georgia. The Council of Europe needed these countries to ensure the success of the European project. Lastly, even though the Minsk Group was the international negotiation framework recognised by all parties, parliamentary diplomacy could play a part in a peaceful settlement to the Nagorno-Karabakh conflict. The President drew attention to the draft declaration on the conflict in Nagorno-Karabakh to be discussed under agenda item 6.

2. WELCOME ADDRESS BY MR HOVIK ABRAHAMYAN, SPEAKER OF THE NATIONAL ASSEMBLY OF ARMENIA

Mr Abrahamyan welcomed the Standing Committee. The European vector in Armenia's development, which had been approved by the voters, was the choice dictated by a system of shared values and a desire to build a democratic state. The Armenian Chairmanship's ambitious agenda dealt with common European challenges such as racism, xenophobia and intolerance. In today's world marked by great movement of people, the cultural environment was becoming more and more diversified, which was leading to new political and social challenges. The Council of Europe needed to use its full range of legal instruments in order to tackle these challenges from a practical point of view. Like Europe, Armenia had been a historic crossroads of different civilisations and cultures, which had provided the basis for peaceful coexistence with mutual respect for cultures, religions and traditions.

3. EXCHANGE OF VIEWS WITH MR EDWARD NALBANDIAN, MINISTER FOR FOREIGN AFFAIRS OF ARMENIA, CHAIRPERSON OF THE COMMITTEE OF MINISTERS

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Mr Nalbandian said that the Armenian Chairmanship of the Council of Europe was both an opportunity and a challenge. The Chairmanship's priorities had been established in the light of common European challenges, including racism and xenophobia, which currently served as a means of political propaganda and encouraged hate crimes. To combat these trends, it was necessary to promote European values and intercultural dialogue. The Armenian Chairmanship would be involved in organising the High-Level Conference on Combating Racism and Xenophobia and Intolerance in Europe and would support activities carried out as part of the No Hate Speech Movement. In addition, the Council of Europe's 2013 Exchange on the Religious Dimension of Intercultural Dialogue would be held in Yerevan.

The Armenian Chairmanship would build upon the efforts of previous Council of Europe chairmanships aimed at strengthening the application of the European Convention on Human Rights. From the angle of continuing discussion of European standards on the rule of law, Armenia would host a conference on European Standards on the Rule of Law and the Scope of Discretion of Powers in the Member States of the Council of Europe. A Conference on Participatory Democracy would look at ways of boosting citizen participation in decision-making at local and regional level in the light of existing best practice. There would also be a particular focus on the issue of capital cities and their role in the development of local democracy.

Education remained a priority for the Chairmanship, which would contribute to co-operation and dialogue in the area of higher education. Armenia would also pay special attention to the area of education for democratic citizenship and youth participation. In this context, Armenia would hold a Youth Policy Symposium, which would serve as a platform for exchange and furthering discussions on youth participation.

Utmost importance would be attached to the cultural dimension of the Council of Europe's activities aimed at raising European citizens' awareness of the richness and cultural diversity of Europe. Lastly, the Armenian Chairmanship would contribute to the Council of Europe's co-operation with international and regional organisations to optimise co-ordination and synergy of their efforts.

Many decisions taken at the 123rd ministerial session of the Council of Europe were important and relevant and geared towards consolidating and focusing the Committee of Ministers' work. They included the decision to secure the long-term effectiveness of the supervisory mechanism of the European Convention on Human Rights, the adoption of Additional Protocol No. 15 to the Convention on Human Rights and the approval of the report on the implementation of the Council of Europe policy towards neighbouring regions. The ministers had also approved the report prepared by the Ministers' Deputies concerning co-operation with the European Union. EU accession to the European Convention on Human Rights was eagerly awaited, as it would bring all of Europe together under the same standards and rules.

In conclusion, increased co-operation between the Committee of Ministers and the Parliamentary Assembly was vital, as the two bodies shared the same objective, which they addressed from the angle of their respective powers and responsibilities.

Mr Volontè welcomed the consistency and continuity of the successive chairmanships' priorities. Co-ordination between the two statutory bodies needed to be further consolidated, in particular in the area of monitoring the honouring of obligations and commitments by member states. **Mr Nalbandian** underlined the great store which the Committee of Ministers set by co-operation between the two bodies and their shared objectives of promoting human rights, democracy and the rule of law. The interaction between the President of the Assembly and the Chair of the Committee of Ministers and between Assembly rapporteurs and the Committee of Ministers' Rapporteur Groups had been stepped up. Looking for synergy did not necessarily imply identical points of view and approaches. He welcomed the Assembly President's proposal for frequent exchanges with the Committee of Ministers and undertook to inform the Assembly regularly about the decisions taken by the Committee of Ministers.

In reply to **Mr Kox**, who was surprised that the need to find a lasting solution to the Nagorno-Karabakh conflict and, more broadly, bring about reconciliation between Armenia and Azerbaijan was not included in the Chairmanship's priorities, **Mr Nalbandian**, speaking in his capacity as Armenian Minister for Foreign Affairs, endorsed the efforts by international institutions, including the Council of Europe, to bring about a peaceful settlement to the conflict. However, only the Minsk Group had an international mandate for mediating and making proposals. Co-chaired by three countries – Russia, France and the United States – the group offered an effective format. The four declarations it had adopted in Aquila, Muskoka, Deauville and Los Cabos, which Armenia welcomed, formed a sound basis for settling the conflict. Moreover, Armenia subscribed to other declarations adopted by the OSCE ministerial councils in Helsinki in 2008, Almaty in 2009, Vilnius in 2011 and Dublin in 2012, as well as at the OSCE summit in Astana, and called for international community support for the positions expressed in these documents and for the efforts of the three Minsk Group co-chairs.

In reply to **Mr Mendes Bota's** request for details about the Chairmanship's action concerning gender equality and combating violence against women and children, **Mr Nalbandian** indicated the determination of the Armenian Chairmanship to continue the efforts made by the previous chairmanships to step up the promotion of equality, which was one of the organisation's founding values. In addition, the Chairmanship would implement the Council of Europe's neighbourhood policy, with a particular focus on the countries of North Africa with the assistance of the North-South Centre.

Mr Walter wondered what the Chairmanship's view was concerning a peaceful settlement of the situation in Syria, given the diverging approaches among Council of Europe member states. A large number of Armenians lived in Syria. **Mr Nalbandian** underlined the Committee of Ministers' ongoing concern regarding the situation in Syria. A declaration adopted on 9 May 2012 had condemned in the strongest terms the human rights violations committed since the start of the hostilities. As Minister for Foreign Affairs and a former ambassador in the region, **Mr Nalbandian** welcomed the agreement between Mr Lavrov and Mr Kerry on holding the Geneva 2 peace conference and said that it was necessary to understand why Geneva 1 had failed. It was vital to bring together all the opposition groups and the representatives of the Syrian authorities, as well as the major regional players with a view to finding a solution quickly, as the situation was getting worse and worse. No section of the population should be ignored. Although the success of Geneva 2 could not be guaranteed in advance, the international community had to do everything it could to put an end to the hostilities and reconcile the various communities by taking account of their fears and aspirations. The Armenian population in Syria, which had been put at between 120 000 and 140 000 people before the conflict, had declined substantially since the outbreak of the fighting and now totalled only 40 000 to 50 000 people. 10 000 had sought refuge in Armenia.

In reply to **Mr Gross** concerning possible political reasons for the recent increase in the price of Russian gas exports to Armenia, **Mr Nalbandian** stressed that bilateral negotiations between strategic partners were ongoing.

Mr Herkel wondered about the solutions which Armenia proposed for addressing Azerbaijan's approach in the Nagorno-Karabakh conflict. Speaking in his national capacity, **Mr Nalbandian** pointed out that the international community's position was already reflected in many documents which Armenia welcomed and on the basis of which it was willing to move forward with resolving the conflict. It was unfortunate that Azerbaijan always rejected any proposals concerning confidence building measures such as the withdrawal of snipers from the contact line and the establishment of the machinery for investigating incidents and violations of ceasefire arrangements. The OSCE ministerial council in Dublin had not led to any agreement because of a lack of consensus on Azerbaijan's part. In the end, a declaration had been signed by the three co-chairs to which Armenia had expressed its support. At the present time the Armenian approach to the settlement of the Nagorno-Karabakh conflict was in line with the international community's approach. It was up to Azerbaijan to align its position on that of the international community.

In reply to **Mr Salles'** question about the Assembly's outdated electronic voting system and the Committee of Ministers' position on the matter, **Mr Nalbandian** said that he was sure that the budgetary proposals which the organisation's Secretary General would submit to the Committee of Ministers would ensure the proper operation of the organisation's statutory bodies.

In reply to **Mr Rouquet's** question about the state of progress of the negotiations on an association agreement between the European Union and Armenia and the establishment of a free-trade area, **Mr Nalbandian** pointed out that the negotiations on the association agreement were nearing their final phase. Negotiations on the Deep Comprehensive Trade Area were in progress. Armenia had signed an agreement on visa facilitation with the European Union in December 2012 and a readmission agreement in April 2013. Once the latter agreement had been ratified by both parties, negotiations on liberalisation of the visa regime could begin.

Mr O'Reilly welcomed the Chairmanship's decision to hold a Youth Policy Symposium. Was the youth unemployment affecting several European countries a flagrant injustice which demanded a radical solution? **Mr Nalbandian** thanked the member for this question, to which he would reply in detail in writing.²

Mr Popescu wondered about the prospects for relations between the countries of the Eastern Partnership and the European Union in the light of the agenda for the Vilnius Summit and asked the minister's opinion about the proposal made recently by the Speaker of the Ukrainian Parliament on drawing up a convention on a visa-free Europe. **Mr Nalbandian** did not wish to assess the prospects of all the countries in the Eastern Partnership, as they all had their own priorities and objectives. A visa-free Europe would be a welcome development, as the visa regime was an obstacle to interpersonal communication. Armenia had lifted the visa regime for European citizens and hoped shortly to begin negotiations about liberalisation of the European Union visa regime.

Ms Kyriakidou underlined the importance of the parliamentary dimension of the One in Five Campaign to stop sexual violence against children. Armenia had signed the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2010. When would it be ratified? **Mr Nalbandian** reiterated Armenia's strong commitment to becoming a party to the Lanzarote convention. The member states had a duty to protect the most vulnerable groups, in particular children. The Council of Europe's Building a Europe for and with Children Programme was a means of promoting children's rights. In February 2013, the Committee of Ministers had adopted a Council of Europe strategy on children's rights with a view to implementing existing standards in the area.

Ms Wurm welcomed the decision to include the fight against racism and xenophobia among the Armenian Chairmanship's priorities and asked what steps would be taken to combat these trends in the current context of economic crisis. In addition, what action would the Chairmanship take concerning Roma? According to **Mr Nalbandian**, while the roots of racism and xenophobia had to be tackled, it was necessary, above all, to adopt a zero tolerance policy to free Europe of racism and xenophobia. That was why combating racism and xenophobia had been adopted as a priority of the successive chairmanships. The question of the Roma was part of the overall issues. The high-level meeting held in 2010 had confirmed the political commitment to implement effective measures to improve the situation of Roma. A number of activities had been carried out in the areas of capacity building, training and awareness-raising, in particular for Roma mediators. The Committee of Ministers' Recommendation on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma had been adopted in 2012. In March 2013, the Committee of Ministers had adopted a reply to Parliamentary Assembly Recommendation 2003 (2012) on "Roma migrants in Europe".

² See Appendix III

4. EXAMINATION OF NEW CREDENTIALS

Doc. 13216

The Standing Committee **ratified** the credentials of the new representatives and substitutes, as set out in Doc. 13216.

5. CHANGES IN THE COMPOSITION OF COMMITTEES

Commissions (2013) 05

The Standing Committee **approved** the changes in the composition of the Assembly committees, as set out in the document Commissions (2013) 05.

6. AGENDA

AS/Per (2013) OJ 02 rev.5

The report on "Gender equality in the countries of the former Yugoslavia" appearing under item 14.a of the draft agenda was referred to the Committee on Equality and Non-Discrimination. The revised draft agenda was adopted.

The Standing Committee **adopted** the declaration on the conflict in Nagorno Karabakh contained in Appendix IV

7. THIRD PART-SESSION OF THE ASSEMBLY (24-28 JUNE 2013)

AS/Bur (2013) 47 rev.

In accordance with Rule 26.4 of the Assembly's Rules of Procedure, the Standing Committee **took note** of the agenda of the third part-session for 2013.

8. REFERENCES TO COMMITTEES AND TRANSMITTALS FOR INFORMATION

AS/Bur (2013) 46

The Standing Committee **approved** the references to committee and transmittals for information as set out in Appendix II.

9. OBSERVATION OF ELECTIONS**Observation of the presidential election in Montenegro (7 April 2013)**

Doc. 13217

*Rapporteur of the Bureau's ad hoc committee:**Mr Christopher Chope (United Kingdom, EDG)*

Mr Chope stressed that the election had been distinguished by genuine competition: the current President had narrowly outstripped his chief opponent by 9 000 votes. He deplored the fact that the problems identified during the previous missions had not been solved. One noted a growing perception that votes were liable to be traced and might thus influence employment or career. This atmosphere of distrust weakened confidence in the democratic system even though, as the central electoral commission pointed out, no instance of pressure on civil servants had been reported. Another recommendation concerned improvement to the counting process so that the preliminary results might be announced within a reasonable time. The delays incurred in announcing the preliminary results had caused needless tension and had not helped strengthen the confidence of the citizens and the political players in the electoral process, and this remained a major concern.

The Standing Committee **took note** of the report.

10. RULES OF PROCEDURE, IMMUNITIES AND INSTITUTIONAL AFFAIRS**a. Budgets and priorities of the Council of Europe for the biennium 2014-2015** Doc. 13204*Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs:**Mr Rudy Salles (France, EPP/CD)*

The rapporteur stressed that for the Council of Europe, the period of recession which the member states were undergoing meant zero growth in nominal terms for the next biennium. In order to cope with this situation, the Assembly reiterated its proposal not to refund the unexpended balance from the previous financial year to the states as provided by the financial regulations, but to place it at the disposal of the

Council of Europe. As to the lines of action presented by the Secretary General of the Organisation, the usefulness of the external offices in Vienna, Geneva and Warsaw should be reassessed and their work should be subordinated more to the priorities of the Council of Europe. Activities relating to democratic governance at the local and regional levels should be consolidated under the authority of the Congress of Local and Regional Authorities. In addition, co-operation in the field of electoral assistance within the Council of Europe should be extended beyond the historical partnership between the Assembly and the Venice Commission. The Assembly supported the quest for a stable and lasting system of financing by the European Union, together with the initiatives taken to allow the inclusion of the Council of Europe in the list of organisations eligible for the OECD system of Public Development Assistance. Lastly, the staff policy should enable the most competent persons to join the Organisation.

Mr Kox welcomed the proposals which the rapporteur had been able to make despite a timetabling difficulty, and expressed the hope that they would be taken into account for the preparation of the next budget. With zero growth in nominal terms, the Council of Europe was now at one with the austerity measures introduced by the states. However, the total cost of the Organisation was negligible in relation to all the unique mechanisms which it embodied. The states made economic recession the pretext for reducing the Council of Europe budget while continuing to fund other forms of co-operation. The Netherlands, which supported zero growth in the Council of Europe budget, would be compelled to pay an additional 300 million euros to the European Union. The austerity policy of the Council of Europe in the long term was counter-productive in that it imperilled the position of human rights, democracy and rule of law in Europe.

The committee Chair endorsed the report, which reviewed the discussions held by the committee.

The Deputy Secretary General commended the work of the rapporteur, who had been able to apprehend the principal budgetary issues confronting the Council of Europe. It was hard to strike a balance in order simultaneously to avoid jeopardising current activities, take account of the states' divergent views about carrying on certain activities, and be able to reallocate resources in favour of certain sectors at the expense of others. The ratio of staff would maintain the downward trend. On 3 July 2013, the Committee of Ministers would decide on the new contractual policy which would nevertheless ensure the competitiveness of the Organisation and equitable treatment of staff. The proposal to keep unexpended resources at the Organisation's disposal would allow certain difficulties to be met. Several specific reports on the implementation of the reform to the Organisation launched three years earlier would be released to the Assembly shortly. The presence on the ground ensured the visibility of the Organisation.

The proposals in the report would be conveyed to the Committee of Ministers Rapporteur Group on Programme, Budget and Administration which would decide on their realisation. The Assembly would be informed of the progress of negotiations with the European Union on establishing a political and financial partnership. The favourable decision on the eligibility of the Council of Europe for the OECD system of Public Development Assistance would allow access to additional resources. The modernisation of the Assembly Chamber had been commenced: a study of the affordability of the cost had been commissioned, and a call for tenders was in preparation. Funding would be guaranteed by an internal budgetary transfer, particularly funds earmarked for the Secretary General's annual reception for the members of the Assembly.

The President commended the staff of the Council of Europe external offices for their dedication. Having regard to the close working relations between the Assembly and the European Parliament, it might be wise to have a permanent representative of the Assembly in Brussels.

The draft opinion **was adopted** unanimously [Opinion 284 (2013)].

b. Expenditure of the Parliamentary Assembly for the biennium 2014-2015 Doc. 13205
Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs:
Mr Rudy Salles (France, EPP/CD)

The rapporteur noted that in order to enable the Assembly to proceed with its work in the context of the budgetary restrictions, the Assembly's budget had been reduced by 275 000 euros of which 70% concerned staff expenditure and 30% operational expenditure. An overhaul of the voting system was indispensable. In addition, following the decision of the Secretary General of the Organisation no longer to invite journalists for the part-sessions, other means of ensuring visibility must be contemplated.

The draft resolution **was adopted** unanimously [Resolution 1935 (2013)].

c. Harmonisation of regulatory and para-regulatory provisions on monitoring and post-monitoring dialogue procedures

Doc. 13206

*Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs:
Mr Pedro Agramunt (Spain, EPP/CD)*

The rapporteur recalled that following the latest changes made in 2010 to the procedure of monitoring and post-monitoring dialogue, the Assembly had invited the committee to harmonise the regulatory and para-regulatory provisions relating to these procedures. More recently at its meeting on 3 September 2012, the Bureau of the Assembly had decided to refer to the committee the question of a possible time limit for the Monitoring Committee to consider the expediency of opening or otherwise a monitoring procedure in respect of a member state. The proposals put forward concerned setting a two year time limit for the Monitoring Committee's examination of a request to open or reopen a monitoring procedure, laying down a unified time limit of three years for the presentation of the Monitoring Committee's reports to the Assembly, broadening the Monitoring Committee's remit so that its terms of reference would enable it draw up a report on the functioning of democratic institutions in a member state, and including in its terms of reference an obligation for all member states to co-operate in the implementation of the procedures.

Ms Memecan welcomed the proposals. A more extensive revision was called for. At the President's request, the national delegation heads would submit their observations with a view to making the monitoring procedure more effective.

Mr Herkel referred to the discussion held by the Monitoring Committee concerning the national delegations' various initiatives and by the Committee of Ministers on rationalisation of the monitoring procedure. An interim report on this subject would be available in October.

Mr Popescu welcomed the harmonisation of time limits and considered that the principle of equality should apply to the entire monitoring procedure.

The committee Chair expressed her approval of the report.

The draft resolution **was adopted** unanimously [Resolution 1936 (2013)].

d. Committee chairpersons' term of office and eligibility for re-election

Doc. 13219

*Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs:
Mr Andreas Gross (Switzerland, SOC)*

The rapporteur recalled that the proposal contained in the report under discussion met the Assembly's practical needs in proposing to make it possible for a former chair and vice-chair who had served the maximum terms of office to be eligible for re-election in order to complete the current term in cases where the chairmanship or the vice-chairmanship fell vacant during the year. This solution would permit Mr Marcenaro's replacement in the chair of the Committee on Political Affairs and Democracy by the former committee chairman.

Mr Marcenaro supported the proposal, although he did not encourage solutions ad personam. However, in this specific case the amendment of the Rules of Procedure would allow the work of the Committee on Political Affairs and Democracy to go ahead smoothly after he left the Assembly in June.

Mr Volontè said he was in favour of the amendment which would obviate reconsideration of the agreement reached by the political groups at the beginning of the year on the bureaux of the committees.

Mr Gross pointed out that the early vacation of the chair also concerned another member of the Italian delegation, Mr Santini, who chaired the Committee on Migration, Refugees and Displaced Persons.

Mr Santini expressed his confidence in the committee's proper functioning after his departure.

The committee chair expressed her approval of the report.

The President paid tribute to the dedicated work of Mr Marcenaro and Mr Santini in the Assembly.

The draft resolution **was adopted** [Resolution 1937 (2013)].

11. LEGAL AFFAIRS AND HUMAN RIGHTS QUESTIONS

Promotion of alternatives to imprisonment

Doc. 13174

*Rapporteur of the Committee on Legal Affairs and Human Rights:
Ms Nataša Vučković (Serbia, SOC)*

The rapporteur mentioned a number of common challenges faced by the member states. The prison population level was on the increase since the 1990s. Twenty-one member states had over 100 inmates per 100 prison places. The budgetary implications and the present economic context, together with considerations relating to better rehabilitation of offenders, were arguments for alternatives to imprisonment. These alternatives were not to be associated with a permissive policy towards crime. Non-custodial penalties could be imposed on petty offenders, first-time offenders, juvenile delinquents, women and others. The latest technological advances had expanded the possibilities for using electronic monitoring devices and improved their cost-effectiveness especially by comparison with the cost of imprisonment which averaged 100 euros per prisoner per day. Use of electronic monitoring devices in combination with house arrest or community service represented a suitable alternative.

Non-custodial penalties should nevertheless comply with elementary demands of human rights. An exploratory mission in London had given an overview of modern policy on prevention and punishment. A number of alternatives to imprisonment had been provided without impinging on the actual notion of punishment. However, there was some scepticism over extensive privatisation of the penalty enforcement services ranging from management of community service to private prisons. Certain alternatives established in the United Kingdom would be hard to transpose in the East European states with an inadequate public service and a high level of corruption. Finally, alternatives to imprisonment should not be used by the courts to punish petty offenders who would otherwise go unpunished.

Mr Popescu reported a recent 30% decline in the number of remand prisoners in Ukraine, owing to the entry into force of the new code of criminal procedure providing for alternative measures such as a surety, house arrest or court supervision.

Mr Marcenaro welcomed the report which bore witness to the significance of the Assembly's commitment. Prison was a place where a state often broke its own undertakings. The Italian Constitutional Court had recently received an application to suspend prison sentences until such time as the state was able to guarantee respect for human rights in prison. A distinction should be drawn between the idea of sanction and the idea of prison, which had become inextricably linked. Besides, over and above its punitive character, the educative and restorative character of the penalty should be recalled.

Mr O'Reilly thought that the best alternative to imprisonment lay in community service which fostered sense of responsibility towards the community. The duration of pre-trial detention remained a major issue. Lastly, every prison sentence must be passed in order to guarantee the security of persons or society, but must be carried out bearing in mind the offender's rehabilitation.

Mr Rouquet congratulated the rapporteur who centred the debate on the role and the place of prison in the system of retributive justice which was to safeguard the interests of society, punish offenders, and permit their rehabilitation. It was necessary to enhance the credibility of alternative penalties with the citizens, develop the culture of alternatives to imprisonment among judges and, for pre-trial detention, resort to alternative supervisory measures more in keeping with the principle of presumption of innocence.

Ms Brasseur was anxious that the arguments surrounding imprisonment and crime-fighting in general were often used by politicians in spuriously security-oriented debates. Discussions of the purpose of the penalty and its effectiveness should be pursued in parallel, having regard to their respective aims. A effective penalty was one averting a repeat offence.

To Mr Kox, alternatives to imprisonment allowed reduction of the prison population, reduced risks of ill-treatment of prisoners and prison staff, and increased the chances of successful rehabilitation. Cost should not be the only reason for using electronic monitoring devices; alternatives to imprisonment should be part of the overall rehabilitation programme. The state should maintain vigilance to prevent the enforcement of penalties from being subjected to the logic of the market economy. Lastly, it was unacceptable for a state with a low prison population level to generate revenue by offering its facilities to states with overcrowded prisons as agreed at present between the Netherlands and Belgium.

Mr Mota Amaral deplored the effects of imprisonment on individuals, hence the need for a prison sentence to be used as a last resort. He wondered whether the principle of equality might be infringed by including

women in the beneficiaries of alternatives to imprisonment. He shared the concern over privatisation of the services enforcing penalties. Finally, an enquiry into the progression of crime in modern society should be launched.

Ms Wurm welcomed the report, which addressed socially and politically sensitive questions. Imprisonment often proved ineffective as a preventive and deterrent measure. Conditional release or community service offered suitable alternatives. In Austria, electronic bracelets were used in cases of conditional release, although their effectiveness remained to be examined in the light of the various statistics and data. The Council of Europe Convention on preventing and combating violence against women and domestic violence covered programmes intended for perpetrators of domestic violence. The similar programmes organised in Minnesota had yielded excellent results. Europe should take account of this positive experience making for reduction of offences, education of offenders and assistance to victims.

Mr Sasi drew attention to the importance of educating offenders, which was assisted by the community service established in Finland. Offenders were invited to meet with the victim and to redress the damage done. A job was an important part of rehabilitation. States must be allowed to survey and promote the best practices in that regard. It was regrettable not to be discussing the report in plenary in order to secure wider dissemination of the recommendations.

The rapporteur expressed the hope that the discussion might publicise the report more widely, and supported the amendments tabled. Pre-trial detention did not come within the ambit of the present report although the concerns expressed on the subject were shared.

The committee Chair stressed that a report like this allowed the Standing Committee meetings to be given greater visibility. He advised caution regarding the statistics on prison overcrowding, which were calculated by the standards specific to each state and could vary from 10 m² per prisoner in Austria to 3 m² in Poland.

An oral amendment moved by Ms Brasseur, to delete from paragraph 6 of the draft resolution the words “and in particular the States with the highest rates of imprisonment” and **an amendment** proposed by Mr Rouquet **were adopted** unanimously.

The draft resolution as amended and the draft recommendation **were adopted** unanimously [Resolution 1938 (2013) and Recommendation 2018 (2013)].

12. EQUALITY AND NON-DISCRIMINATION

- a. **Gender equality in the countries of the former Yugoslavia** Doc. 13092
Rapporteur of the Committee on Equality and Non-Discrimination
Mr Jean-Charles Gardetto (Monaco, EPP/CD)

The report **had been referred** to the Committee on Equality and Non-Discrimination.

- b. **Parental leave as a way to foster gender equality** Doc. 13207
Rapporteur of the Committee on Equality and Non-Discrimination:
Mr Andrea Rigoni (Italy, ALDE)

Rapporteur of the Committee on Social Affairs, Health and Sustainable Development (for opinion): Doc. 13208
Ms Carina Ohlsson (Sweden, SOC)

The report, presented in the rapporteur's absence by **Mr Mendes Bota**, dealt with parental leave, being leave granted to parents irrespective of gender to take care of a new-born or recently adopted child. The fact that the leave could be taken by men as well as by women ensured fair division of rights and duties regarding upbringing, and was significantly conducive to better work-life balance and improved gender parity on the labour market and in society at large. Parental leave could only have a long-term impact on gender equality if a significant proportion of men took advantage of it. To encourage them to do so, the Council of Europe member states should organise information and awareness campaigns and provide incentives. Furthermore, parental leave should be flexible and made available to all employees irrespective of the size and form of enterprise or the type of contract. Financing was the crucial condition for ensuring that these principles were honoured.

The opinion, presented in the rapporteur's absence by **Ms Maury Pasquier**, supported the draft resolution and proposed some amendments intended to lay more stress on the link between parental leave policies

and general policies for helping women and men reconcile private and working life more satisfactorily in the long term.

Ms Wurm mentioned the existence of parental leave in Austria which until recently had seldom been requested by men.

Having been approved unanimously by the Committee on Equality and Non-Discrimination, the amendments of the Committee on Social Affairs, Health and Sustainable Development were declared **adopted** by the Standing Committee in accordance with Rule 33.11 of the Rules of Procedure.

Ms Kyriakides proposed an oral amendment which was to add in paragraph 3.1.1 after the words “reserve a part of the leave for fathers, which cannot be transferred to the other parent and is lost if it is not used” the words “unless there are exceptional circumstances” in order to safeguard the child’s best interests by avoiding unconditional loss of that share of the leave. The oral amendment **was adopted**.

The draft resolution as amended **was adopted** unanimously [Resolution 1939 (2013)].

13. OTHER BUSINESS

None.

14. NEXT MEETING

The Standing Committee **decided** to hold its next meeting in Vienna (Austria) on 22 November 2013.

The meeting **rose** at 1 pm.

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

M. Jean-Claude MIGNON France

Chairpersons of Political Groups / Président(e)s des groupes politiques

Mr Luca VOLONTÈ Group of the European People's Party / Groupe du Parti populaire européen

Mr Andreas GROSS Socialist Group / Groupe socialiste

Mme Anne BRASSEUR Alliance of Liberals and Democrats for Europe / Alliance des démocrates et des libéraux pour l'Europe

Mr Robert WALTER European Democrat Group / Groupe démocrate européen

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

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

Mr Joachim HÖRSTER Germany

M. René ROUQUET France

Mme Liliane MAURY PASQUIER Suisse

Ms Nursuna MEMECAN Turkey

Ms Gisela WURM Austria

Mr Andrzej HALICKI Poland

Ms Aleksandra DJUROVIĆ Serbia

M. Jean-Charles ALLAVENA Monaco

Chairpersons of National Delegations / Président(e)s de délégations nationales

Mme Meritxell MATEU PI Andorre

Mr Davit HARUTYUNYAN Armenia

Ms Gisela WURM Austria

Ms Melita MULIĆ Croatia

Ms Stella KYRIAKIDES Cyprus

Mr Andres HERKEL Estonia

Mr Kimmo SASI Finland

M. René ROUQUET France

Mr Joachim HÖRSTER Germany

Mr Ionnis DRAGASAKIS Greece

Mr Márton BRAUN Hungary

Mr Joseph O'REILLY Ireland

Ms Inese LĪBIŅA-EGNERE Latvia

M. Jean-Charles ALLAVENA Monaco

Mr Andrzej HALICKI Poland

Mr João Bosco MOTA AMARAL Portugal

Ms Aleksandra DJUROVIĆ Serbia

Mme Liliane MAURY PASQUIER Suisse

Ms Nursuna MEMECAN Turkey

M. Ivan POPESCU Ukraine

Mr Robert WALTER United Kingdom

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

M. Pietro MARCENARO Italie

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

Mr Christopher CHOPE United Kingdom

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

Mme Liliane MAURY PASQUIER Suisse

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

Mr Giacomo SANTINI Italy

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

Mr José MENDES BOTA Portugal

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

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 Andres HERKEL

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 Nataša VUČKOVIĆ Serbia

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

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M. Rudy SALLES France

Members of the Parliamentary Assembly / Membres de l'Assemblée parlementaire

Mr Armen RUSTAMYAN Armenia

Mr Levon ZOURABIAN Armenia

Invited personalities / Personnalités invitées

Mr Hovik ABRAHAMYAN President of the National Assembly of Armenia / Président de l'Assemblée Nationale d'Arménie

Mr Edward NALBANDIAN Minister for Foreign Affairs of Armenia, Chairperson of the Committee of Ministers / Ministre des Affaires étrangères de l'Arménie, Président du Comité des Ministres du Conseil de l'Europe

Delegation Secretaries / Secrétaires des délégations

Mr Erick GARASA MINGORANCE Andorre

Ms Sonja LANGENHAECK Belgium

Mr Panicos POURGOURIDES Cyprus

Ms Tanja ESPE Estonia

M. Michel BERMOND France

Mr Michael HILGER Germany

Ms Voula SYRIGOS Greece

Ms Judit GOTTSCHALL Hungary

Mr Martins OLEKŠS Latvia

Ms Laura ŠUMSKIENĖ Lithuania

Ms Dorthe BAKKE Norway

Mme Hanna KUCHARSKA-LESZCZYNSKA Pologne

Mr Valery LEVITSKY Russian Federation

Mr Daniel ZEHNDER	Switzerland
Mr Yuriy MOLOSOV	Ukraine
Mr Nicholas WRIGHT	United Kingdom

Secretaries of Political Groups / Secrétaires des Groupes politiques

Ms Denise O'HARA	EPP/CD / PPE/DC
Mme Francesca ARBOGAST	SOC
Ms Maria BIGDAY	ALDE / ADLE
Mr Tom VAN DIJCK	EDG / GDE

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

Mr Wojciech SAWICKI	Secretary General / Secrétaire Général
Mr Petr SICH	Head of the Private Office of the President of the Assembly / Chef du Cabinet du Président de l'Assemblée
Mr Alfred SIXTO	Head of the Table Office / Chef du Service de la séance
Ms Ivi-Triin ODRATS	Secretary of the Bureau of the Assembly / Secrétaire du Bureau de l'Assemblée
Mme Kateryna GAYEVSKA	Secretary of the Standing Committee / Secrétaire de la Commission permanente
Mme Natalie BARGELLINI	Principal Administrative Assistant, Communication Division / Assistante administrative principale, Division de la communication
Ms Sally-Ann HONEYMAN	Specialised Administrative Assistant, Table Office / Assistante administrative spécialisée du Service de la séance
Mme Annick SCHNEIDER	Assistant / Assistante
Mr Martin McMILLAN	Assistant

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Ms Gabriella BATTAINI-DRAGONI	Deputy Secretary General / Secrétaire Générale Adjointe
Mr Hallvard GORSETH	Adviser to the Deputy Secretary General / Conseiller de la Secrétaire Générale Adjointe
Ms Mireille PAULUS	Secretary to the Committee of Ministers / Secrétaire du Comité des Ministres

Other participants / Autres participants

Mr Zohra MNATSAKANYAN	Deputy Minister for Foreign Affairs of Armenia / Vice-ministre des affaires étrangères d'Arménie
Mr Armen PAPIKYAN	Permanent Representative of Armenia to the Council of Europe / Ambassadeur, Représentant permanent d'Arménie auprès du Conseil de l'Europe
Mr Oleksandr PAVLYUK	Head of the Council of Europe Office, Yerevan / Chef du Bureau du Conseil de l'Europe, Erevan
M. Xavier PINON	Adviser to the President of the Assembly / Conseiller du Président de l'Assemblée

APPENDIX II

Decisions on documents tabled for references to committees

A. REFERENCES TO COMMITTEES

1. **The “backbone” to a successful regional democracy**
Motion for a resolution tabled by Mr Volontè and other members of the Assembly
Doc. 13173

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

2. **Urgent need to deal with new failures to co-operate with the European Court of Human Rights**
Motion for a recommendation tabled by Mr Cilevičs and other members of the Assembly
Doc. 13185

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

3. **Ensuring equal treatment and dignified care for the elderly**
Motion for a resolution tabled by Ms Myller and other members of the Assembly
Doc. 13186

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

4. **Violence against women in Europe**
Motion for a recommendation tabled by Mr Mendes Bota and other members of the Assembly
Doc. 13188

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

5. **Innovative medical treatments of infectious diseases**
Motion for a recommendation tabled by Mr Toshev and other members of the Assembly
Doc. 13189

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

6. **Improving co-operation between National Human Rights Institutions (NHRIs) and Parliaments in addressing Equality and Non-Discrimination Issues**
Motion for a resolution tabled by Ms Zappone and other members of the Assembly
Doc. 13190

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

7. **Measures to combat the rising popularity of right-wing extremism, xenophobia and anti-Semitism in the Council of Europe’s member States**
Motion for a resolution tabled by Mr Montag and other members of the Assembly
Doc. 13103

Reference to the Committee on Political Affairs and Democracy *to be taken into account in the preparation of the report on “Counteraction to manifestations of neo-Nazism and xenophobia”* (Ref. 3816 of 3 October 2011)

8. **Gender equality in South East Europe**
Decision of the Standing Committee (referred back to committee)
Doc. 12517

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

APPENDIX III

Written reply from Mr Edward NALBANDIAN to Mr Joseph O'REILLY (Ireland)

The Committee of Ministers is aware of the challenges facing the younger generations and of the unprecedented rise in youth unemployment in Europe.

The Council of Europe devotes an important part of its work to the prevention of social exclusion of young people, by promoting, among other things, access to good-quality education and recognition of non-formal education and by facilitating the transition to the labour market.

On these issues the Council of Europe works in close co-operation with the European Union, with which, among other things, it has carried out a joint programme on the development of policies to facilitate young people's transition to active life through employment, entrepreneurship, education, training and active citizenship. In the same context, the Youth Policy Symposium which is being organised in the framework of the Youth Partnership between the European Commission and the Council of Europe, will strive to address these and other issues, in particular, what is the situation of education for democratic citizenship and youth participation in Eastern Europe and South Caucasus and especially among rural and disadvantaged youth, and how can education for democratic citizenship and participation be better served through education etc. Participation of young people in society will be discussed in a holistic understanding, focusing on all dimensions of young people's life, including participation in the labour market.

However, the refocusing of the Council of Europe's programme of activities means that it is not possible to carry out activities focusing specifically on youth unemployment as such.

Consideration has also been given to these difficult topical issues at several Council of Europe conferences of specialised ministers³ as well as in the framework of other activities of the youth partnership with the European Union, most recently in the Symposium 'The Current Crisis and Youth – Impact and ways forward' which took place in Strasbourg on 20 and 21 February 2013.⁴

³ 9th Council of Europe Conference of Ministers responsible for Youth (St Petersburg, 23-25 September 2012), which dealt with the innovative role that can be played by youth policies in improving young people's access to rights, 2nd Council of Europe Conference of Ministers responsible for Social Cohesion (Istanbul, 11-12 October 2012), entitled "Building a secure future for all" and, just recently, the 24th Standing Conference of Ministers of Education (Helsinki, 26-27 April 2013) on "Governance and quality education".

⁴ For more information about this event see under :

http://youth-partnership-eu.coe.int/youth-partnership/events/Symposium_Crisis_Youth_2013.html

APPENDIX IV

Statement on the Nagorno-Karabakh conflict

On the occasion of its meeting in Yerevan on 31 May 2013, the Standing Committee of the PACE made the following statement:

“The search for a peaceful solution to the Nagorno-Karabakh conflict is a commitment taken by Armenia and by Azerbaijan upon their accession to the Council of Europe. In this context, we express our full support to the negotiations within the framework of the OSCE Minsk Group, on the basis of the ‘Madrid principles’ which establish a framework for resolving the Nagorno-Karabakh conflict.

The Assembly urges Armenia and Azerbaijan to seize the opportunity offered by their respective chairmanships of the Committee of Ministers of the Council of Europe, to promote reconciliation between these two member states and their populations, as well as to intensify the search, in the framework of the OSCE Minsk Group, for a solution to the Nagorno-Karabakh conflict. This should be reflected in the respective priorities of these two chairmanships.

Our Assembly is ready to do everything it can, through parliamentary diplomacy, to facilitate dialogue and establish a climate of trust between parliamentarians from both member States.”