



AS/Per (2014) PV 01

12 March 2014

Standing Committee

Minutes¹

**of the meeting held in Paris (France)
on 7 March 2014**

¹ Approved by the Assembly on 7 April 2014.

1. OPENING OF THE MEETING

The meeting opened at 9 am with **Ms Brasseur**, President of the Assembly, in the chair.

The President thanked the French National Assembly and the French delegation for their invitation to hold the meeting in Paris. She elaborated on her first activities as President, highlighting her first institutional meetings with the Secretary General, the President of the European Court of Human Rights and a number of Ambassadors and regretting that the Ambassadors of Armenia and Azerbaijan had not been willing to assist the same meeting. She had also held lengthy discussions with MM Popescu and Sobolev on the situation in Ukraine and a phone conversation with Mr Turchinov, Speaker of the Verkhovna Rada of Ukraine, following which she had sent an invitation letter to the new Prime Minister of Ukraine to address the Assembly during the forthcoming part-session.

2. EXAMINATION OF NEW CREDENTIALS

Doc. 13437

The Committee **ratified** the credentials of the new representatives and substitutes, as set out in Doc. 13437.

3. CHANGES IN THE MEMBERSHIP OF COMMITTEES

Commissions (2014) 03 and Addendum 01

The Standing Committee **approved** the changes in the membership of the Assembly committees, as set out in document Commissions (2014) 03 and Addendum 01.

4. REQUEST FOR A CURRENT AFFAIRS DEBATE OR DEBATE UNDER URGENT PROCEDURE

The Chair informed the Standing Committee of the request by the UEL Group for a current affairs debate on “The political crisis in Ukraine”. The request had been approved by the Bureau on the previous day and Mr Kox had been proposed as the introductory speaker. She also proposed that, given the importance of the subject, the debate would be extended to 1 hour 30 minutes with 4 minutes’ speaking time.

The Standing Committee **agreed**.

5. AGENDA

AS/Per (2014) OJ 01 rev.2

For the reason of time constraints added by the current affairs debate, **Ms Fiala** requested that her report on “Migrants and refugees and fight against AIDS” be postponed to the next meeting of the Standing Committee.

The revised draft agenda was **adopted** as amended.

The President indicated that the speaking time during the debates on the reports would be limited to 3 minutes.

6. SECOND PART-SESSION OF THE PARLIAMENTARY ASSEMBLY (7-11 APRIL 2014)

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The Secretary General of the Parliamentary Assembly elaborated on the draft agenda, highlighting the invited guests and the fact that the Bureau had decided to recommend to the Assembly to hold a debate under urgent procedure (requested by the Monitoring Committee) on “Recent developments in Ukraine: threats to the functioning of democratic institutions” and to refer the matter to the Monitoring Committee for report.

In accordance with Rule 26.4 of the Assembly Rules of Procedure, the Standing Committee **took note** of the draft agenda for the second part-session of 2014.

7. REFERENCES, TRANSMISSIONS AND MODIFICATIONS OF REFERENCES TO COMMITTEES

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The Standing Committee **approved** the references and transmissions to committees to committees, as set out in Appendix II.

8. MANDATES OF GENERAL RAPPORTEURS

AS/Per (2014) 05

The President said that, upon the request of the Committee on Equality and Non-Discrimination, the Bureau had on the previous day approved the terms of reference of a general rapporteur on combating racism and intolerance and that they required ratification by the Standing Committee. The Bureau had also agreed that general rapporteurs could keep their function after the expiry of their mandate until a new general rapporteur was appointed by the committee concerned.

The Standing Committee **ratified** the terms of reference of the general rapporteur on combating racism and intolerance.

9. CURRENT AFFAIRS DEBATE (UNDER RULE 52 OF THE RULES OF PROCEDURE)

Mr Kox expressed his satisfaction over the decision of the previous day to send the Presidential Committee to visit Ukraine as soon as possible. He called for humbleness when discussing the political crisis in Ukraine. It was for Ukrainian citizens and their institutions to take decisions concerning their future. The role of all others was to respect Ukraine's sovereignty and territorial integrity. The Assembly could only play a small part of finding a sustainable solution for the geopolitical crisis in and around Ukraine. International diplomacy was working hard to search for a solution. At the same time, it was the responsibility of the Assembly to show that the core values of the Council of Europe were now at stake in Ukraine.

One of the advantages of parliamentary diplomacy was that it enabled difficult matters to be debated more openly than among diplomats. Several frank questions needed to be asked in the current context: Why was it not possible for Ukraine to have strong economic relations with both the European Union and Russia? Was it wise that so many foreign politicians showed up in Ukraine and chose sides? Was it still possible for the agreement of 21 February 2014, signed by all sides and co-signed by three ministers of foreign affairs, to be put back on the table in Ukraine? Why had the European Union not stuck to the execution of the agreement which it had itself brokered, notably as regards the formation of a national unity government? Wouldn't any government in Ukraine be bound to the conventions on minorities the State had signed as a member of the Council of Europe? Was it still true that Russia wanted to protect Ukraine's territorial integrity and develop the country on the basis of the agreement of 21 February or was a Pandora's Box being opened again?

The Assembly had several options on how to react: first, it could confirm the sovereignty and territorial integrity of Ukraine. To respect borders, however strange their history might be, was the basis of living together on this continent. Second, the Assembly could ask all Ukrainian parties involved to decide whether the 21 February agreement could still be the basis of a sustainable way out of the crisis. Third, it could ask all foreign powers to leave decisions on the future of Ukraine to the citizens of Ukraine, thus becoming part of the solution instead of being part of the problem. That would mean that all Russian military would have to return to their barracks, in respect of the agreement signed between Ukraine and Russia. This would require Russia to respect that any decision on the future of Ukraine was the sovereign right of the citizens of Ukraine. This would equally mean that it was not the right moment to discuss the possibility of Ukraine being a proper place for a United States rocket shield or for organising a NATO meeting in Ukraine. Moreover, the European Union needed to be more patient in reaching association agreements with Ukraine.

He called for the Assembly to give Ukrainians the possibility to do first things first: restoring order, respecting the rule of law, and restoring trust by organising free and fair elections. He warned against taking hasty decisions on the prosecution of politicians, sanctions against individuals and other ways of putting the blame on somebody. The Assembly could emphasise the need to use all the expertise of the organs of the Council of Europe to bring Ukrainian legislation in line with Council of Europe standards in relation to the constitution, electoral law, the penal Code and the independence of the judiciary, and to investigate who had been responsible for the violence which cost so many lives.

The Secretary General of the Council of Europe said that the context and the sequence of events were very important when considering the legitimacy of the new government. Former President Yanukovich had signed the agreement but then fled. It was crucial now to launch a proper investigation of the crimes committed on Maidan. With reference to what could be done by the Council of Europe in the current crisis

situation, he was convinced that all the elements that had been pushed for before the crisis broke out should continue. He had sent a special representative to Kyiv, where the Council of Europe now had an office. New laws adopted by the Verkhovna Rada should be in line with the European Court of Human Rights and Venice Commission's recommendations. There was a strong need for improved co-ordination of international efforts to assist Ukraine and the acceptance of Council of Europe standards.

Ms Reps said that she had been to Ukraine more than a dozen times since the breakout of the protest manifestations, and had also experienced the violent crackdown. The two co-rapporteurs of the Monitoring Committee had witnessed a clear choice in favour of violence. First, the now former government made very little to de-escalate the tensions, but rather it did the reverse with some leaders seeking a pretext to justify imposing the state of emergency and launching "anti-terrorist" actions. In all this, former President Yanukovich lost his own party support. By 21 February, he had no support whatsoever in his own camp. Second, both the 1996 and the 2004 constitutions allowed the impeachment of the President by a 2/3 majority vote by the Verkhovna Rada. Hence the parliament had every right to proceed the way they did. Nobody could question the legitimacy of this parliament and its decisions. Third, the Ukrainian constitution itself protects the rights of minorities, so there was no need for any third State to interfere in that. In Crimea, the main minority was in fact Ukrainian. Fourth, there was absolutely no excuse for intervention by foreign troops. She therefore proposed that the Standing Committee issue a statement condemning the Russian aggression in the Crimea and voicing the Assembly's support for Ukraine's territorial integrity and national sovereignty.

Mr Wach supported the idea of a statement launched by Ms Reps. A week before, the Monitoring Committee had issued another statement along the same lines, but things were evolving fast and in the wrong direction. A firm statement supporting Ukraine's sovereignty and territorial integrity was therefore a necessary step. He also welcomed the Presidential Committee's decision to go to Ukraine. The new authorities in Kyiv were in a very difficult situation, having to fight with contested legitimacy, organising elections and restoring the integrity of the country.

Mr Popescu mentioned that he had left the Party of Regions and had therefore asked Mr Sobolev to present the majority position. However, he wished to raise a few points: the constitution of Ukraine provided for the rights of minorities. The language law was also being revised to be in line with the Council of Europe standards. Ukraine was a sovereign State with Crimea being an inalienable part of Ukraine. The Constitution of Ukraine did not foresee any regional referenda. If a referendum was organised, it needed to be all-Ukrainian. Russia would have to withdraw its troops according to the 1994 agreement on the non-proliferation of nuclear weapons, according to which Russia as one of the Guarantor States had pledged to refrain from a threat of force or its use against the territorial integrity or political independence of Ukraine. He called for the establishment of a more efficient Russia-Ukraine dialogue. He also informed the Standing Committee of the Appeal of the Verkhovna Rada of 2 March in which it urged international organisations to hold their on-site meetings in Ukraine. He was adamant that the current conflict needed to be solved by peaceful means through international mediation.

Mr Mota Amaral considered it normal that the 21 February agreement was history. The president had lost his power and fled the country. The revolution had its own legitimacy and the decisions taken after the flight of the president were legitimate. In the current situation of de facto foreign aggression, he thought that the best that the Assembly could do was to appeal for dialogue, condemn any foreign intervention, demand the de-escalation of the Russian intervention, and improve the co-ordination of international bodies.

Mr Ghiletschi thought that the Assembly should send a clear message that nothing could justify military intervention or separatism. He was very concerned about the military intervention by Russia, which threatened to affect his own country as well, Russia having its troops on Moldovan territory. He called for the Standing Committee to make a very strong statement in support of Ukraine's territorial integrity and stopping the military intervention in the Crimea. It was nonsensical to talk about a referendum when guns were there. Europe stood face to face with the most severe crisis since the collapse of the Soviet Union.

Mr Sobolev said that as a Russian-speaking Ukrainian from Zaporozhe, he could confirm that the majority of the Ukrainian Russian-speaking population was not demanding protection from the Russian Federation. He feared planned provocations in different parts of the country and warned that Russia's main aim was to complete the invasion of the whole southern belt stretching from the Crimea to Transnistria. The decisions of the Crimean parliament had been taken at gunpoint. Although Russia pretended that the armed forces blocking the parliament were not Russian troops, it was well known that these were Special Forces deployed from Chechnya. There were also 25000 Russian troops occupying the Crimea which, according to the 2007 treaty, were not allowed to move around outside their barracks. He firmly insisted that a statement be adopted at the outcome of this debate.

Mr Xuclà endorsed issuing a statement. He emphasised the importance of considering the humanitarian dimension of a potential clash in the Crimea where Ukrainians and Crimean Tartars were actually the two main minorities. Their rights needed to be protected as well. He cautioned against further mistakes, as a lot of mistakes had already been made by the different interested parties. The European Union had not been smart or fast in 2004-2008 and Ukraine itself had been extremely slow in carrying out reforms or in building up confidence within the Eastern Partnership. Washington had been a little naïve, not always understanding the day-to-day developments in the country's political life, whereas Russia had been planning a come-back, which it showed in Syria, Iran and Eastern Europe. Europe needed to maintain a dialogue with Russia but on very strict standards.

Mr Mahoux recalled that 80 people had been assassinated in Kyiv on the orders of those in power. It was evident that no country had any right to threaten the territorial integrity of another. On the other hand, in Belgium people had been upset about forbidding the Russian language as a first step of the new authorities. He was also concerned about how nuclear weapons could be used if the crisis escalated.

Mr Walter said that Ukraine had been a fundamental part of the Soviet Union, which had given it two extra seats in the United Nations. In the post-Soviet period, Ukraine had stayed close to Russia through the presence of the Russian fleet but also through energy, economic and cultural links. The European Union had made many mistakes, including making the trade agreement exclusive and failing to see how much public opinion was divided in Ukraine. This exclusive approach made Russia feel isolated and “*revanchist*”. Whatever decision Ukraine was to make, it had to be a decision made by Ukrainians. It was not a role of another member State to intervene in their decisions. The Assembly's role was to defend the sovereignty of Ukraine and to condemn any member State who intervened on whatever grounds. It applied also to Russia, whose task as a member State of the Council of Europe was to respect the current borders. He called on the Assembly to give notice to Russia that unless the situation was resolved quickly, sanctions would follow. Crimea must not become another frozen conflict.

Ms Schou endorsed the position of the Secretary General, underlining that Council of Europe standards ought to prevail in building a peaceful solution. The Russian intervention needed to be strongly condemned. She was greatly worried by the vote of the Russian parliament in clear violation of international law and the sovereignty of Ukraine. She was in full support of making a declaration to this end.

Mr Gunnarson was gravely worried about the developments in Ukraine, which he considered a threat to disarmament in Europe and a security threat to the Baltic Sea area as well. There were two issues at stake: the territorial integrity of Ukraine and its internal political situation. Both needed respect for Council of Europe norms and standards. Everybody representing this organisation had to stand up for those standards.

Ms Fiala was critical of the lack of one voice in Europe. She saw the current events as a remake of 2008, after Russia had amputated the regions of Abkhazia and South Ossetia from Georgia. The fear for Crimea was realistic. She had the feeling that Russia had arrived only half way to the 21st century. On the other hand, the short war in 2008 had unmasked the west as a paper tiger. This image had been further engraved by the unfortunate missions in Lybia, Syria and Iran. Russia was in geographic terms certainly part of Europe but they did not share the same interests or values. The Assembly needed to be very critical with itself in making sure that its further steps really helped Ukraine and did not only have symbolic value.

Mr Japaridze thanked Mr Kox for his very balanced introductory speech. He also agreed with Mr Jagland that everybody representing the Council of Europe needed to base his or her judgment on the organisation's standards and not to take sides. However, in certain circumstances when those fundamental principles were violated, it was necessary to be resolute and principled. Today the issue was not only about Ukraine; it concerned the stability and security of the entire European continent. Europe did not need yet another frozen conflict.

Mr Pushkov claimed to be as worried as everybody else, but not in the same narrow framework. He was looking at the developments from a wider angle. Since the middle of the 1990s, Ukraine's membership of NATO had been under discussion in the United States and the west. Russia had a border with Ukraine and did not wish to have a fighting force at its doorstep. It was a question of security. When talking about international law, some should be humble. When it was in their interest, the British voted for war in Iraq. They should not be hypocritical now when Russia was defending its own interests. Furthermore, in Ukraine there was a revolution, through which the opposition simply wanted to come to power. They did not respect proper impeachment procedures. On 22 February thousands of Ukrainians in Kharkiv came to the streets expressing their fear. Those people also needed protection.

Mr Schennach disagreed with Mr Pushkov. First, the Council of Europe was not a place for geopolitical interests. Ukraine's neutrality was the only way forward. The country suffered from deeply engrained

corruption; this was a huge problem to tackle. If the President fled the country with money, there was every reason for his impeachment. It was the Council of Europe's role to monitor that democracy, rule of law and the rights of minorities and others were upheld. It was not helpful for either Russia or the NATO to stir up the conflict.

Mr Kox concluded the current escalation of tensions threatened the whole region. One hundred years before, diplomacy had failed and had set the stone of war rolling. He believed that the Assembly had the role to see that diplomacy would not fail this time. The Council of Europe was the only organisation with no geopolitical interests; it had its conventions that obliged member States to live up to certain standards.

The President drew members' attention to a draft text of the proposed statement. She asked amendments to be submitted to the Secretariat by 12.30.

Mr Walter made a point of order, indicating that a draft motion challenging the Russian delegation's credentials at the April part-session was available to colleagues for signature. He emphasised that this was being done because the Rules of Procedure of the Assembly required the submission of such a motion before 24 March, while expressing his hope that there would be no need to table the motion.

10. STATEMENT BY THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE

The Secretary General of the Council of Europe first touched upon the need for the organisation to reinforce its monitoring system. The current political situation in Europe had revealed some of the weaknesses of that system. The Council of Europe had values, standards and tools to apply. For instance, with regard to the "referendum" in the Crimea, he would ask the Venice Commission to prepare an opinion on its legality. The Council of Europe also had the tools to help with the elaboration of the Electoral Code and with constitutional changes. Referring to the discussion under the previous item, he maintained that the 2004 constitution had actually been a bad constitution, especially in terms of the independence of the judiciary or the functioning of the Prosecutor's office. In today's situation, it was extremely important that the Council of Europe had its conventions, which were binding to all signed parties. Other organisations such as the OSCE did not have the same legal grounds. The Council of Europe had a big office in Kyiv now, which was focusing on legal issues. The big problem in Ukraine was that it had no real rule of law, separation of power or checks and balances. Most of the parliamentary seats were simply bought by oligarchs who were keen in having immunity. However, the parliament was not autonomous and there were no checks on the government. The Prosecutor's office was controlled by the government and media by the oligarchs. Hence, what the new government in Kyiv had to do in priority was to build up an independent judiciary and to review its electoral and constitutional processes. Ukraine would not have arrived at such turmoil if things had been done correctly. Mismanagement of power would always lead to revolutions.

The Secretary General also mentioned that he was preparing a report on the state of affairs of Human Rights in Europe, which would be presented to the ministerial meeting in Vienna in May, and in which he would present his assessment of how the monitoring system should function in the future. It would also touch upon the future of the Court and on the need to speed up the Court's judgments. For instance, the crucial judgment on Yulia Tymoshenko's case had not been handed down as yet. A timely judgment of this particular case could have altered the course of events in Ukraine.

Mr Sobolev recalled the existence of a Constitutional Committee in the Ukrainian Parliament and that the former President disappeared after having signed the agreement of 21 February.

Ms Reps wished to know what the Council of Europe reaction would be in a situation of redrawing of borders.

Mr Walter noted that both the United Kingdom and the Russian Federation were Council of Europe member States and asked whether concerns were expressed in the Committee of Ministers with regard to Russia.

Mr Kox wanted to know if Mr Van Rompuy's declaration announcing that the agreement between Ukraine and the European Union would be approved before the elections was right.

The Secretary General replied to these questions in saying that the Law on languages had not been promulgated by the President and that therefore a new law would possibly be needed. The Ukrainian people did not agree with the agreement of 21 February which led to a change of power. The Parliament then took a number of decisions, some of them possibly wrong, and he thought that the Council of Europe - if so requested - could give some advice to the Ukrainian Parliament concerning the new constitution and laws.

He said that any possible change of borders was not in conformity with the Council of Europe Statute and relevant conventions and that redrawing maps might be dangerous for Europe. He confirmed that several meetings (including two extraordinary ones) had been held by the Committee of Ministers and that it had taken several unanimous decisions: to support an international investigation of the events; to appoint a personal representative of the Secretary General in Kiev and, in the near future, to deploy an advisory panel as foreseen by the Framework Convention for the Protection of National Minorities.

He further called for caution with regard to future agreements which should take into account free and fair presidential and parliamentary elections in Ukraine and insisted that an Association agreement with the European Union should be left to a decision of the Ukrainian Parliament, preferably the new parliament. He was also in favour of developing dialogue between the European Union and Russia.

The Secretary General warned that everybody needed to be cautious not to take sides. It was up to the Ukrainian people to decide who they would vote for or whether to sign Association Agreements with the European Union. Somebody had to pay for the show and the European Union had the money to help Ukraine in economic terms. Some dialogue was needed between the European Union and Russia.

The President thanked the Secretary General. She concluded by underscoring the need for a dialogue: both internally in the Council of Europe as well as with other partners.

11. EXCHANGE OF VIEWS WITH MR RANKO KRIVOKAPIC, PRESIDENT OF THE PARLIAMENTARY ASSEMBLY OF THE OSCE

The President welcomed Mr Krivokapić, President of the Parliamentary Assembly of the OSCE (OSCE PA) since 2013 and President of the Parliament of Montenegro since 2003. She recalled that the President had for the first time addressed the Assembly in April 2007 upon the accession of Montenegro to the Council of Europe. She also highlighted the close co-operation between the two parliamentary bodies in the field of election observation.

Mr Krivokapić thanked the President for the invitation to share the views and activities of the OSCE PA with the Standing Committee. The common goal of the OSCE and the Council of Europe to achieve peace and security in Europe had never been an abstract endeavour for him; he was forever grateful for the support that the Council of Europe had given to Montenegro before and after its accession. The work of building democracy and protecting human rights would never come to an end; one of the strengths of international parliamentary bodies was that it provided a forum for discussing the various challenges and making progress together. The OSCE was one of the few organisations in the region capable of providing an immediate response to the ever-evolving political landscape. The OSCE PA's annual declarations were a cornerstone in the OSCE's overall project to build a comprehensive Eurasian security community, notably in defusing and resolving existing conflicts, while preventing future ones from emerging.

Talking about the situation in Ukraine, Mr Krivokapić mentioned the OSCE PA Winter Meeting in February, at which the Parliamentary Assembly had been a valued participant. Any plan for permanently resolving the case of Ukraine must be based on the full sovereignty and territorial integrity of Ukraine.

He also touched upon the issue of parliamentary oversight, mentioning that in Europe's mature democracies, the latter was increasingly challenged by security apparatuses in the name of combating terrorism, potentially imperilling fundamental freedoms. At the same time, economic crises had fuelled intolerance and xenophobia, fostering distrust among citizens and contributing to the rise of far-right political parties. In Europe's emerging democracies, there was an acute need for electoral reform, development of independent judiciaries and free and vibrant media environments. Beyond European borders, fragile States such as Afghanistan, Egypt or Libya were seeking European expertise on a wide variety of issues. Ultimately, Europe's common security was conditional on the successful resolution of all of these problems. The two organisations needed to remain engaged and active in facing the numerous challenges that threaten to erode the achievements of the past, and undermine the realization of a stable, peaceful and free Europe.

Finally, Mr Krivokapić commended the fruitful co-operation in election monitoring and said that he was looking forward to renewing this relationship during the elections in Serbia that month and beyond. The integrity of election-observation activities was vital and needed to be preserved. The co-operation between the two organisations went beyond elections. In the protracted conflicts over Transnistria, Nagorno-Karabakh, Abkhazia and South Ossetia, the OSCE helped to defuse tension, facilitate dialogue and implement confidence-building measures. In South-eastern Europe, the OSCE promoted stability and reconciliation while assisting in democratic reforms. The various Field Operations closely co-operated with the Council of Europe's representations through regular contacts and joint efforts in assisting host countries.

He concluded by saying that, although mutual co-operation had been established in many fields, new opportunities should be identified to further complement that work. Every epoch has its challenges but nothing was stronger than progressive vision and responsible political stakeholders implementing that vision.

Mr Kox commended the good co-operation between the two parliamentary assemblies. He wondered whether the President of the OSCE PA thought there was a need for more formal co-operation in order to make that co-operation stronger.

Mr Walter, referring to his two recent experiences with election observation in Armenia and Azerbaijan, thought there was a need for making ODIHR more understanding of parliamentarians' views.

Mr Xuclà asked for more details on the contribution of the OSCE PA in resolving the various frozen conflicts in Europe.

Mr Sobolev enquired about Mr Krivokapic's ideas on solving the problem of access in Crimea, making reference to the OSCE delegation that was still waiting to be granted access to the Crimea.

Mr Japaridze wished to know how to make the OSCE more proactive in conflict prevention.

Mr Schennach mentioned that he had been involved in many common election missions over the past 10 years and confirmed that international election observation had no strong position if it did not act in unison. However, often the problem was that part of the conclusions were written a month before the election day, which was not acceptable. He enquired about Mr Krivokapic's ideas on how the observing organisations could co-operate better.

Mr Krivokapic replied that one of the positive developments in improving co-operation was that inside his own organisation, relations were improving between the Parliamentary Assembly and ODIHR. Long-term observers had unavoidably different views and perceptions in a non-standardised system were difficult to fight. With regard to the frozen conflicts, he was disturbed by the pattern in the history of the wars of the 20th century Europe, which were always carried by arguments of the protection of minorities and soil and territories. With severe economic crisis and the rise of populism in general, time was not working for Ukraine and its people. At the same time it was very dangerous to leave Russia alone. Europe needed Russia as a partner.

12. SOCIAL AFFAIRS, HEALTH AND SUSTAINABLE DEVELOPMENT Increasing the reporting of suspected sexual abuse of children

Doc. 13430

*Rapporteur of the Committee on Social Affairs, Health and Sustainable Development
Mr Valeriu Ghiletschi (Republic of Moldova, EPP/CD)*

Mr Ghiletschi, Rapporteur, thanked the previous rapporteur Ms Rupprecht who had done most of the work on this report. He also thanked Ms Maury Pasquier for her support. The report concluded that there was no preference to be given to either mandatory or voluntary reporting systems of suspected sexual abuse of children. However, both systems suffered from under-reporting, as many cases of child abuse, in particular sexual abuse, remained hidden, either because they were undetected or because they were detected but not reported.

Ms Maury Pasquier, speaking on behalf of the Committee's chairmanship, thanked the rapporteur for replacing Ms Rupprecht and highlighted his long experience in dealing with the issue of sexual abuse against children. The Committee had repeatedly discussed the system of reporting violence against children and the current report was an important contribution in terms of encouraging the setting up of reporting when child sexual abuse is suspected and in working out norms of legal protection for whistleblowers who dare shatter the silence.

Mr Mahoux, himself a doctor by professional background, noted that it was sometimes difficult for doctors to choose between professional secrecy and reporting abuse. However, he was firm that in cases of child sexual abuse there should be no question of choice; it was essential to protect the weakest.

The Standing Committee **adopted** the draft resolution unanimously.

13. MIGRATION, REFUGEES AND DISPLACED PERSONS
Migrants and Refugees and the fight against AIDS

Doc. 13391
 Amendments

Rapporteur of the Committee on Migration, Refugees and Displaced Persons:
 Ms Doris Fiala (Switzerland, ALDE)

Rapporteur of the Committee on Social Affairs, Health and Sustainable Development (for opinion):
 Ms Liliane Maury Pasquier (Switzerland, SOC)

Doc. 13431

At the request by the Rapporteur, the item was postponed to the next meeting.

14. CULTURE, SCIENCE, EDUCATION AND MEDIA
Europe's endangered heritage

Doc. 13428

Rapporteur of the Committee on Culture, Science, Education and Media:
 Ms Vesna Marjanović (Serbia, SOC)

Ms Marjanovic elaborated on her report, emphasising that it was first and foremost about heritage rights in Europe and about the relations between cultural heritage and human rights. The two were closely linked. Access to cultural heritage was extremely important for the future generations. Cultural heritage suffered not only from collateral damage of conflicts but was often the main target of conflicts. It also suffered because of chronic lack of funds, urban development, etc. The report therefore endeavoured to underscore that investment in heritage should not be marginalised in this time of crisis. There were also strong relations between education and culture. In her country, some 80% of children had not been to a single museum in their life. Long-term planning and integrated strategies were needed, which would take into account the potential benefits to society and the local economy as well as the costs of conserving heritage sites. Member States should ratify and implement the Faro Convention, which sets out principles and guidance in this field. They should also encourage more interaction between schools and museums and shoulder enhanced co-operation with the European Union and UNESCO in the field of preserving cultural heritage.

Mr Wach, speaking on behalf of the Committee, pointed out that cultural heritage was endangered in times of conflict and that restoring damaged heritage sites was difficult, sometimes even impossible. Paying attention to heritage also lessened conflicts. It was therefore a very important general field. Both the draft resolution and the draft recommendation presented to the Standing Committee proposed concrete steps to improve the protection of Europe's heritage.

The Standing Committee **adopted** both the draft resolution and the draft recommendation unanimously.

15. LEGAL AFFAIRS AND HUMAN RIGHTS

The European Convention on Human Rights: the need to reinforce the training of legal professionals

Doc. 13429

Rapporteur of the Committee of Legal Affairs and Human Rights:
 Mr Jean-Pierre Michel (France, SOC)

Ms Mateu Pi, replacing the rapporteur, emphasised the importance of solid training for law professionals on the European Convention on Human Rights, as interpreted by the European Court of Human Rights. The report promoted the European Programme for Human Rights Education for Law Professionals (the "HELM" Programme", which was well placed to provide assistance with training on the Convention. It urged the Committee of Ministers to ensure that the HELM Programme was allocated appropriate funds and recommended the updating of its Recommendation Rec(2004)4 on the Convention in university education and professional training.

The Standing Committee **adopted** both the draft resolution and the draft recommendation unanimously.

16. OTHER BUSINESS

The Standing Committee resumed the discussion on the draft statement on Ukraine.

The President noted that three amendments had been tabled. Two of them, presented by Mr Kox, were rejected. One amendment, presented by Mr Ghiletschi, was approved.

The Standing Committee **adopted** the statement.

17. NEXT MEETING

The standing committee **decided** to hold its next meeting in Baku (Azerbaijan) on 23 May 2014.

The meeting **rose** at 12.30 pm.

APPENDIX I

LIST OF PARTICIPANTS

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

Mme Anne BRASSEUR Luxembourg

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

M. Jean-Charles ALLAVENA Group of the European People's Party /
(in the absence of the Chairperson / Groupe du Parti populaire européen
en l'absence du Président)
Mr Alexey PUSHKOV European Democrat Group /
Groupe démocrate européen
Mr Jordi XUCLÀ Alliance of Liberals and Democrats for Europe /
Alliance des démocrates et des libéraux pour l'Europe
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

M. Philippe MAHOUX Belgique
M. René ROUQUET France
Mr Robert WALTER United Kingdom
Mr Alexey PUSHKOV Russian Federation
Mme Doris FIALA Suisse
M. Jean-Charles ALLAVENA Monaco
Mr Reha DENEMEÇ Turkey
M. Ivan POPESCU Ukraine
Ms Dana VÁHALOVÁ Czech Republic
Mr Gerardo GIOVAGNOLI San Marino

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

Mme Meritxell MATEU PI Andorre
Mr Stefan SCHENNACH Austria
M. Philippe MAHOUX Belgique
Ms Dana VÁHALOVÁ Czech Republic
Mr Margus HANSON Estonia
Ms Maria GUZENINA-RICHARDSON Finland
M. René ROUQUET France
Mr Tedo JAPARIDZE Georgia
Mr Konstantinos TRIANTAFYLLOS Greece
Mr Márton BRAUN Hungary
Ms Inese LĪBIŅA-EGNERE Latvia
M. Yves CRUCHTEN Luxembourg
M. Jean-Charles ALLAVENA Monaco
Ms Ingjerd SCHOU Norway
Mr João Bosco MOTA AMARAL Portugal
Mr Alexey PUSHKOV Russian Federation
Ms Aleksandra DJUROVIĆ Serbia
Mme Doris FIALA Suisse
Mr Reha DENEMEÇ Turkey
M. Ivan POPESCU Ukraine
Mr Robert WALTER United Kingdom

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

Ms Mailis REPS (in the absence of the Chairperson / en l'absence du Président) Estonia

**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**
Mr Valeriu GHILETCHI Republic of Moldova

**Chairperson of the Committee on Migration, Refugees and Displaced Persons /
Président de la Commission des migrations, des réfugiés et des personnes déplacées**
M. René ROUQUET (in the absence of the Chairperson / en l'absence du Président) France

**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**
Mr Piotr WACH (in the absence of the Chairperson / en l'absence du Président) Poland

**Chairperson of the Committee on Equality and Non-Discrimination /
Président de la Commission sur l'égalité et la non-discrimination**
Mr Jonas GUNNARSON (in the absence of the Chairperson / en l'absence du Président) Sweden

**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 Etats membres du Conseil de l'Europe (Commission de suivi)**
Mr Stefan SCHENNACH Austria

Rapporteurs (not members of the Standing Committee / non-membres de la Commission permanente)
Mme Liliane MAURY PASQUIER Suisse
Ms Vesna MARJANOVIĆ Serbia

Members of the Parliamentary Assembly / Membres de l'Assemblée parlementaire
Mr Serhiy SOBOLEV Ukraine

Parliamentary Assembly of the OSCE / Assemblée parlementaire de l'OSCE
Mr Ranko KRIVOKAPIC President / Président

M. Alain NÉRI Vice-President / Vice-président

Mr George TSERETELI Vice-President / Vice-président

Mr Spencer OLIVER Secretary General / Secrétaire Général

Mr Roberto MONTELLA Director of Presidential Administration /
Directeur de l'Administration présidentielle

Ms Jelena DAVIDOVIĆ Adviser to Mr Krivokapić / Conseillère de M. Krivokapić

Ms Anđela RADUNOVIĆ Adviser to Mr Krivokapić / Conseillère de M. Krivokapić

Delegation Secretaries / Secrétaires des délégations

Ms Sonja LANGENHAECK Belgium
Ms Martina PETEK-STUPAR Croatia
Ms Veronika KRUPOVÁ Czech Republic
Ms Tanja ESPE Estonia
Mme Sandrine BIDOT France
M. Xavier DUPRIEZ France
Mme Sylvette GUINARD France
Mr Michael HILGER Germany
Ms Artemis KOTSI Greece
Mr Martins OLEKŠS Latvia
Mr Bas NIEUWENHUIZEN Netherlands
Ms Dorthe BAKKE Norway
Ms Yulia ERMOLAEVA Russian Federation

Mr Bohdan KRYLOVETSKY	Ukraine
Mr Nicholas WRIGHT	United Kingdom

Secretaries of Political Groups / Secrétaires des Groupes politiques

Mme Francesca ARBOGAST	SOC
Ms Maria BIGDAY	ALDE / ADLE
Mr Tom VAN DIJCK	EDG / GDE
Ms Violetta RUSHEVA	EDG / GDE
Mme Helena DE ASSIS	UEL / GUE

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

Mr Wojciech SAWICKI	Secretary General / Secrétaire Général
Mr Mário MARTINS	Director General / Directeur Général
Mr Horst SCHADE	Director of General Services / Directeur des services généraux
Mr Mark NEVILLE	Head of the Private Office / Chef du Cabinet
Mr Alfred SIXTO	Head of the Table Office / Chef du Service de la séance
Ms Ivi-Triin ODRATS	Secretary of the Standing Committee / Secrétaire de la Commission permanente
Ms Micaela CATALANO	Head of the Communication Division / Chef de la Division de la communication
Mr Bas KLEIN	Secretary of the Monitoring Committee / Secrétaire de la Commission du suivi
Ms Sally-Ann HONEYMAN	Administrative Assistant, Table Office / Assistante administrative du Service de la séance
Mme Annick SCHNEIDER	Assistant, Bureau / Assistante du Bureau
Mr Martin McMILLAN	Assistant, Standing Committee / Assistant de la Commission permanente

Council of Europe / Conseil de l'Europe

Mr Thorbjørn JAGLAND	Secretary General of the Council of Europe / Secrétaire Général du Conseil de l'Europe
Ms Gabriella BATTAINI-DRAGONI	Deputy Secretary General of the Council of Europe / Secrétaire Générale Adjointe du Conseil de l'Europe
Mr Bjørn BERGE	Director of Private Office of the Secretary General / Directeur du Cabinet du Secrétaire Général
Mr Hallvard GORSETH	Adviser to the Deputy Secretary General / Conseiller de la Secrétaire Générale Adjointe
Ms Mireille PAULUS	Secretary of the Committee of Ministers / Secrétaire du Comité des Ministres

Other participants / Autres participants

Mr Yauheni KRYZHANOUSKI	Personal Assistant to the President of the Assembly / Assistant personnel de la Présidente de l'Assemblée
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APPENDIX II

Decisions on documents tabled for references to committees

A. REFERENCES TO COMMITTEES

1. **Combating sexual violence against children: towards a successful conclusion of the ONE in FIVE campaign**
Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development
Doc. 13401

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

2. **Improving children's access to child-friendly health and social services**
Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development
Doc. 13402

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

3. **Educational and cultural networks of communities living abroad**
Motion for a resolution tabled by Mr Le Borgn' and other members of the Assembly
Doc. 13404

Reference to the Committee on Culture, Science, Education and Media *for report* and to the Committee on Migration, Refugees and Displaced persons *for opinion*

APPENDIX III

Statement on the political crisis in Ukraine

The Parliamentary Assembly strongly supports Ukraine's territorial integrity and national sovereignty

Paris, 7 March 2014. The Standing Committee of the Parliamentary Assembly of the Council of Europe, meeting today in Paris, expressed its full support for the territorial integrity and national unity of Ukraine. It therefore strongly condemned the violation by the Russian Federation of the country's sovereignty and territorial integrity. The actions of Russian military forces in the Crimean peninsula, as well as explicit threats of military actions in the rest of Ukraine's territory, are in direct violation of international law, including the UN Charter, the OSCE Helsinki Final Act, the Statute of the Council of Europe, as well as Russia's accession commitments.

The Standing Committee is especially concerned that the Council of Federation authorised the Russian President to use military force in the Crimea and it regrets the statements by both houses of the Russian parliament that supported calls for separatism and secessionism in an already tense region.

The Assembly expresses its full support for the legitimate new authorities in Kyiv and commends them for their restraint. It urges the authorities to refrain from any actions and rhetoric that could divide the Ukrainian society and undermine national unity. In order to strengthen national unity and the democratic development of the country, it is now important that as soon as possible a new constitution is adopted that is fully in line with Council of Europe standards and an early presidential election is held, followed by early parliamentary elections when the situation allows.

The Assembly stands ready to assist the Ukrainian authorities, and especially the Verkhovna Rada, in these processes.