



**PRIMERA PARTE DE LA SESIÓN ORDINARIA DE 2014
ASAMBLEA PARLAMENTARIA DEL CONSEJO DE EUROPA
27 AL 30 DE ENERO DE 2014
ESTRASBURGO, FRANCIA**

INFORME

CONTENIDO

1. Integración de la Delegación.
2. Objetivos de la Agenda
3. Agenda de la Asamblea Parlamentaria
4. Oradores principales
5. Próximas Reuniones
6. Anexos

El H. Congreso de la Unión tuvo presencia en la sesión ordinaria de la Asamblea Parlamentaria del Consejo de Europa celebrada del 27 al 30 de enero de 2014.

La delegación mexicana estuvo presente en los debates plenarios, donde se atendieron diversos temas en materia de derechos humanos, democracia y estado de derecho.

1. Integración de la Delegación.

- Sen. Héctor Larios Córdova (PAN)
- Dip. Jorge Iván Villalobos Seáñez (PAN)

2. Objetivo de la Agenda

Se plantearon diversos objetivos para la sesión de la Asamblea Parlamentaria del Consejo de Europa:

- Fortalecer la relación institucional y de amistad de la LXII Legislatura del H. Congreso de México con la Asamblea Parlamentaria del Consejo de Europa.
- Conocer los métodos de trabajo y procedimientos de la Asamblea Parlamentaria del Consejo de Europa.

- Darle seguimiento a los acuerdos entre los miembros de la Asamblea que forman las normas que rigen estos temas para conocer hacia donde se está dirigiendo el debate en Europa en cuanto a normas en materia de derechos humanos, democracia pluralista y estado de derecho.
- Aprovechar el espacio que representa la Asamblea Parlamentaria para intercambiar opiniones y puntos de vista con las otras delegaciones a fin de que estas aporten elementos para la labor legislativa.

3. Agenda de la Asamblea Parlamentaria

- Elección del Presidente

Se realizó la elección del Presidente del Consejo de Europa siendo electa la Sra. Anne Brasseur de Luxemburgo quien representaba la Alianza de los Liberales y Demócratas, obtuvo 165 votos, la mayoría absoluta por lo que no se requirió de una segunda ronda.

Obteniendo el reconocimiento del Sr. Robert Walter de Reino Unido quien representaba a grupo Demócrata Europeo, y quien obtuvo 125 votos.

- Elección de los Vicepresidentes de la Asamblea Parlamentaria y designación de los miembros de las Comisiones.

Se eligieron a los 19 Vicepresidentes (ver anexo) representando a los distintos países y a los integrantes de las Comisiones del Consejo de Europa. Tanto en la elección de vicepresidentes como en la designación de las Comisiones no hubo objeciones y quedaron ratificados los candidatos.

- Informe de avances del Buró y de la Comisión Permanente.

Como es tradición, el Sr. Jean-Claude MIGNON, anterior presidente del Consejo de Europa, presentó el reporte del Buró y la Comisión Permanente (ver anexo),

- Debate para rechazar la impunidad para los asesinos de Sergei Magnitsky.

Se adoptó la Resolución 1966 (2014) para fortalecer la lucha contra la impunidad por el hecho de que Sergei Magnitsky, un contador experto en impuestos para una firma con base en Moscú, falleció mientras se encontraba en detención el 16 de noviembre de 2009 sin que las personas responsables por su muerte hayan sido castigadas.

- Debate libre

El Grupo Democrático Europeo habló sobre la destrucción de armas; la Alianza de Liberales y Demócratas de Europa se reservaron el derecho para hablar el día miércoles; el Grupo de la Izquierda Unificada Europea habló sobre la

tragedia ocurrida en una isla griega en la que fallecieron 12 migrantes; el Grupo Socialista habló sobre las libertades de las mujeres.

También se abordó el tema de la relación entre la Organización Mundial de la Salud y el Consejo Europeo, sobre la situación en los medios que externalizan la situación en Siria, sobre el cambio en el sector energético y sobre el 69 aniversario de la liberación de Auschwitz.

- Debate sobre una estrategia para prevenir el racismo y la intolerancia en Europa.

Se expusieron las diferentes normativas en los países miembros y las acciones que han tomado para cerrarle la puerta al racismo y las conductas intolerantes y se adoptó la Resolución 1967 (2014) para fortalecer la lucha contra el racismo.

- Debate para luchar contra el racismo en la policía.

Después de debatir la idea de que el racismo no tiene fronteras ni conoce de autoridades y que incluso puede estar presente dentro de las fuerzas policíacas; se exhortó a los Estados miembros a observar, actuar y prevenir éste tipo de conductas dentro de sus propias fuerzas policíacas. Se adoptó la resolución 1968 (2014).

- Debate en la evaluación de la asociación para la democracia en relación con el Consejo Nacional Palestino.

La Asamblea Parlamentaria apoyó a Palestina para ser miembro de Naciones Unidas, sin embargo, el consejo de seguridad de Naciones Unidas no pudo realizar la recomendación para la incorporación de la parte Palestina por unanimidad por lo que no se logró que fuera miembro completo aun cuando más de 130 miembros de las Naciones Unidas han reconocido ya el Estado Palestino. Ante esto se adoptó la Resolución 1969 (2014).

- Elección de los Jueces para el Tribunal Europeo de Derechos Humanos.

Se eligió para juez danés de la Corte Europea para los derechos humanos al Sr. Karsten Hagel-Sørensen quien recibió 26 votos, la Sra. Nina Holst-Christensen recibió 48 votos y el Sr. Jon Fridrik Kjølbro con 83 votos fue el ganador obteniendo una mayoría absoluta. Fue elegido por un periodo de 9 años que iniciarán a más tardar después de tres meses de realizada la elección.

4. Oradores Invitados

En esta sesión el Pleno de la Asamblea contó con la presencia de diversos oradores (ver discursos en anexo):

- Sr. Sebastian KURZ, Ministro de Asuntos Exteriores de Austria, Presidente del Comité de Ministros

- Sr. Thorbjørn JAGLAND, Secretario General del Consejo de Europa

5. Próximas Reuniones

La Segunda Parte de la Sesión Ordinaria de 2014 de la Asamblea Parlamentaria del Consejo de Europa tendrá lugar en abril de 2014, igualmente en la sede de esa Asamblea (Estrasburgo, Francia).

6. Anexos

- a) Recomendaciones adoptadas
- b) Resoluciones adoptadas
- c) Candidaturas para Presidente del Consejo de Europa
- d) Candidaturas para Vicepresidente del Consejo de Europa
- e) Informe de avances del Buró y de la Comisión Permanente, Sr. Jean Claude Mignon.
- f) Discursos Oradores Invitados



Recommendation 2031 (2014)¹
Provisional version

Refusing impunity for the killers of Sergei Magnitsky

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1966 \(2014\)](#) on refusing impunity for the killers of Sergei Magnitsky, and invites the Committee of Ministers to examine ways and means:
 - 1.1. of improving international co-operation in investigating the “money trail” of the funds originating in the fraudulent tax reimbursements denounced by Mr Magnitsky; and, in particular,
 - 1.2. of ensuring that the Russian Federation fully participates in these efforts and holds to account the perpetrators and beneficiaries both of the crime committed against Sergei Magnitsky and that denounced by him.

1. *Assembly debate* on 28 January 2014 (3rd Sitting) (see [Doc. 13356](#) and [Addendum](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Gross). *Text adopted by the Assembly* on 28 January 2014 (3rd Sitting).



Recommendation 2032 (2014)¹

Provisional version

A strategy to prevent racism and intolerance in Europe

Parliamentary Assembly

1. Recalling its [Resolution 1967](#) (2014) on a strategy to prevent racism and intolerance in Europe and [Resolution 1968](#) (2014) on tackling racism in the police, the Parliamentary Assembly expresses deep concern at the upsurge of racism, hatred and intolerance in Europe and the dimension, gravity and frequency of their manifestations.

2. Considering that racism, hatred and intolerance run counter to the Council of Europe's most fundamental values, no effort should be spared to assist member States in preventing and combating this scourge. The Assembly acknowledges that, through a wide range of institutions, committees and structures, the Council of Europe is already making a major contribution in this area. However, it calls for a more strategic approach to be taken, with a view to increasing impact.

3. The Assembly therefore asks the Committee of Ministers to instruct the Secretary General of the Council of Europe to elaborate a Strategy against racism, hatred and intolerance in Europe as well as an Action Plan to implement it:

3.1. The Strategy and the Action Plan should be of a limited duration, pull together the existing Council of Europe activities and expertise in the area, involve the entire Organisation, and be implemented in co-operation with national authorities, intergovernmental and non-governmental organisations and other partners.

3.2. The Strategy and the Action Plan should put an emphasis on prevention while strengthening the legal framework and its effective implementation, and include at least the following activities:

3.2.1. campaigning and awareness raising of the general public, also by expanding and strengthening the "No Hate Speech Movement";

3.2.2. stepping up human rights education and the elaboration of school curricula to prevent racism, hatred and intolerance and promote the respect of equality and diversity;

3.2.3. preparing online and distance-learning tools on preventing and combating racism, hatred and intolerance, for police and other law-enforcement officials;

3.2.4. strengthening the legal framework of Council of Europe member States, providing legal advice and expertise and promoting the ratification of the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189);

3.2.5. ensuring that the recommendations of existing monitoring mechanisms on racism, hatred and intolerance are followed up.

1. *Assembly debate* on 28 January 2014 (4th Sitting) (see [Doc. 13385](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Jonas Gunnarsson). *Text adopted by the Assembly* on 28 January 2014 (4th Sitting).



Resolution 1966 (2014)¹

Provisional version

Refusing impunity for the killers of Sergei Magnitsky

Parliamentary Assembly

1. The Parliamentary Assembly reiterates its strong support for the fight against impunity and against corruption as a threat to the rule of law, in line with its [Resolution 1675 \(2009\)](#) and [Recommendation 1876 \(2009\)](#), and [Resolution 1943 \(2013\)](#) and [Recommendation 2019 \(2013\)](#), and for the protection of whistle-blowers expressed in [Resolution 1729 \(2009\)](#) and [Recommendation 1916 \(2009\)](#).
2. It is appalled by the fact that Sergei Magnitsky, a tax and accountancy expert with a Moscow-based law firm, died in pretrial detention in Moscow on 16 November 2009 and that none of the people responsible for his death have yet been punished.
3. Mr Magnitsky had carried out investigations on behalf of a client on a massive fraud against the Russian fiscal authorities. The suspects he had designated had effectively obtained the reimbursement of taxes paid by his client's companies, which had been fraudulently re-registered in the names of known criminals.
4. The complaints were addressed to senior representatives of Russian law enforcement bodies, but they were sent for investigation to the same Interior Ministry officials who had been accused of complicity. Mr Magnitsky had been placed in pretrial detention, in increasingly harsh conditions, for alleged tax evasion committed in 2001 together with his then client William Browder. After six months in detention, Mr Magnitsky was diagnosed with pancreatitis. Shortly before his scheduled treatment, he was transferred to another prison without adequate medical facilities.
5. After almost a year in detention, on 16 November 2009, Mr Magnitsky, whose state of health had further deteriorated, was transferred back to a detention centre equipped with relevant medical facilities. Following his arrival, he was beaten with rubber batons and died the same evening. Civilian emergency doctors called in by prison officials were kept waiting for more than an hour, after which they found Mr Magnitsky's lifeless body on the floor of a holding cell.
6. The precise time and causes of Mr Magnitsky's death are still unclear. Contradictory testimony and official records have not yet been fully investigated.
7. Two prison officials were indicted for negligence. The proceedings against one of them were terminated on 2 April 2012 due to prescription, the other was acquitted in line with the prosecutor's request on 28 December 2012. None of the people present at the time of Mr Magnitsky's death, or accused by his family of having orchestrated the pressures he had complained about, was ever indicted.
8. The trial of Mr Magnitsky, who is now accused of having participated himself in the fraud he had denounced and in alleged tax evasion by his client, is being pursued posthumously, despite numerous protests of his widow and his mother. Russian law allows posthumous trials only exceptionally, at the request of the family, for rehabilitation purposes.

1. *Assembly debate* on 28 January 2014 (3rd Sitting) (see [Doc. 13356](#) and [addendum](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Gross). *Text adopted by the Assembly* on 28 January 2014 (3rd Sitting). See also [Recommendation 2031 \(2014\)](#).

9. The lawyers who acted on behalf of the true owners of the fraudulently re-registered companies, in order to help them regain control, are now being prosecuted for acting on false power of attorney, as they had not obtained their powers from the false owners of the companies.
10. The Russian Public Oversight Committee, mandated by the State to inspect all places of detention in the Russian Federation, carried out an investigation into the circumstances of Mr Magnitsky's ill-treatment and death in detention. It pointed out numerous inconsistencies, omissions and contradictions in the official records concerning the case.
11. The Presidential Council on Human Rights, on the basis of the Public Oversight Committee's findings, thoroughly evaluated the case of Mr Magnitsky and urged the competent Russian authorities to hold to account those responsible for his death.
12. Mr Magnitsky's former client, William Browder, who is now wanted by the Russian authorities for tax fraud, is leading a worldwide campaign in favour of visa bans and account freezes against people allegedly sharing in the responsibility of Mr Magnitsky's death and the ensuing cover-up. Following the adoption of the "Magnitsky Act" in the United States of America, he is campaigning for similar sanctions in Europe.
13. As a reaction to the Magnitsky Act, the Russian State Duma adopted a law envisaging similar measures against United States officials involved in human rights violations. The law also prohibits the adoption of Russian orphans by American families, and senior government representatives have publicly commended the officials covered by sanctions under the Magnitsky Act for their actions.
14. In view of the above, the Assembly urges the competent Russian authorities:
 - 14.1. to fully investigate the circumstances and background of Mr Magnitsky's death and the possible criminal responsibility of all officials involved, in particular:
 - 14.1.1. the contradictory testimony by prison officials and other witnesses concerning the events following Mr Magnitsky's arrival at the Matrosskaya Tishina pretrial detention centre on 16 November 2009;
 - 14.1.2. the existence of two different versions of the "death report" of 16 November 2009 signed by Dr Gaus and others;
 - 14.1.3. the reasons why Mr Magnitsky was moved to Butyrka prison one week before the second ultrasound and surgery scheduled at Matrosskaya Tishina prison;
 - 14.1.4. the assignation of a mere hygiene specialist to provide medical care for Mr Magnitsky, who had previously been diagnosed with serious diseases such as pancreatitis;
 - 14.1.5. the prescription and administration, to Mr Magnitsky, of the drug Dyclofenac, which is suspected of, *inter alia*, aggravating pancreatitis in certain circumstances;
 - 14.1.6. the unavailability of CCTV footage of the arrival of Mr Magnitsky at Matrosskaya Tishina prison on the day of his death, in view of testimony according to which investigators had taken away the recordings;
 - 14.1.7. the incompleteness of the legally required ledger of complaints made during a critical period at Butyrka prison, in view of testimony that the extracts of the ledger presented during the proceedings appeared to have been rewritten on a single occasion;
 - 14.1.8. the personal relations existing between persons suspected of participating in the criminal conspiracy denounced by Mr Magnitsky, including certain officials and former officials of the Ministry of the Interior, of the tax offices involved in the fraudulent tax reimbursement, the owner of the bank used in the laundering of the proceeds, and lawyers involved in the fictitious law suits, including instances of joint travel to Dubai, Cyprus and London;
 - 14.1.9. the origin of the extreme wealth displayed by certain retired Interior Ministry and tax officials;
 - 14.1.10. the fraudulent law suits before the arbitration courts in St Petersburg, Moscow and Kazan recognising the fictitious debts that purportedly annulled the profits of the fraudulently re-registered companies in preparation of the tax reimbursement fraud denounced by Mr Magnitsky;

14.1.11. the procedure followed by the two tax offices involved in the fraud denounced by Mr Magnitsky in approving reimbursements amounting to the equivalent of US\$230 million, within 24 hours of the application, in particular whether the required background checks with the Interior Ministry had taken place, given that the Interior Ministry had previously received detailed information prepared by Mr Magnitsky on the fraudulent re-registration of the companies asking for the reimbursement;

14.2. to fully co-operate with the competent authorities of all countries, including Cyprus, Estonia, Finland, Latvia, Lithuania, the Republic of Moldova and Switzerland, which have opened criminal investigations for money laundering in light of information received on suspect transfers of funds that can be traced back to the fraud denounced by Mr Magnitsky, or to similar crimes committed beforehand or afterwards;

14.3. to hold to account for their acts and omissions all those who share in the responsibility for Mr Magnitsky's death, in particular those who ordered his frequent moves between prisons and cells, with ever deteriorating conditions of detention, failure to provide necessary medical treatment, and, just before his death at Matrosskaya Tishina prison, the beatings and the manner in which Mr Magnitsky was left alone in a cell in an apparently critical condition;

14.4. to close the posthumous trial against Mr Magnitsky and cease putting pressure on his mother and his widow to participate in these proceedings;

14.5. to cease the persecution of other lawyers acting for the true owners of the fraudulently re-registered companies.

15. The Assembly commends the Russian Federation for having set up the robustly mandated and independent Public Oversight Committee, which can serve as a model for many other member States of the Council of Europe. In order to further strengthen this valuable prison oversight instrument, the resources at its disposal should be increased and access by detainees facilitated for preventive purposes.

16. It calls on the competent Russian authorities to persist in fighting corruption at all levels by:

16.1. improving co-ordination between bodies possessing relevant information, such as the Central Bank, and others who are empowered to carry out criminal investigations and to prosecute perpetrators;

16.2. further promoting transparency in business relations, especially by improving public access to corporate information (beneficiary ownership, directors, balance sheets and court and tax records) and by obliging all banks to inform the Central Bank of all transfers of funds over and above a certain threshold;

16.3. promoting modern public service ethics based on transparency (including recruitments and promotions), fair pay and zero tolerance for extortion, bribe-taking and influence-peddling.

17. The Assembly invites all other member States of the Council of Europe to consider ways and means of encouraging the Russian authorities to hold to account those responsible for the death of Mr Magnitsky and to fully investigate the crime he had denounced, in the interest of the Russian Federation and of all her hard-working and tax-paying citizens.

18. The Assembly resolves to follow closely the implementation of the above proposals. It recalls its [Resolution 1597 \(2007\)](#) and [Recommendation 1824 \(2007\)](#) on United Nations Security Council and European Union blacklists. It further resolves that if, within a reasonable period of time, the competent authorities have failed to make any or any adequate response to this resolution, the Assembly should recommend to member States of the Council of Europe to follow as a last resort the example of the United States in adopting targeted sanctions against individuals (visa bans and freezing of accounts), having first given those named individuals the opportunity to make appropriate representations in their defence.



Resolution 1967 (2014)¹

Provisional version

A strategy to prevent racism and intolerance in Europe

Parliamentary Assembly

1. Racism, hatred and intolerance are long-standing problems in Europe. Over the last decade, however, despite Council of Europe member States having strengthened their legal framework against hate crime and hate speech, physical and verbal expressions of intolerance against individuals belonging to some groups have increased both in gravity and in number.
2. The effects of the economic crisis on the social fabric and governments' failure to devise and implement adequate policies on social cohesion, migration and Roma inclusion have triggered this upsurge, which has been amplified by the increasing use of Internet and social media.
3. A report by the European Network Against Racism has emphasised the responsibility borne by political decision-makers who, on the pretext of not remaining silent on real problems, issue dangerous and stigmatising statements against certain communities. The rise of the far right and its rhetoric may also influence conventional political discourse.
4. The fact that some national legislations do not consider racist insults and discrimination as criminal offences effectively sends out a negative signal to European peoples as there is no provision for any official sanction against these actions.
5. The Parliamentary Assembly believes that it has become urgent to address racism, hatred and intolerance in Europe through a strategic rather than a piecemeal approach. The urgency becomes even more acute considering that these phenomena have repercussions that go well beyond the single individuals that are directly targeted: they affect entire groups, leading to group victimisation; they create divides in society between different groups, affecting human rights and social cohesion; and they erode even further the trust in public authorities, the rule of law and ultimately democracy.
6. A strategic approach to racism, hatred and intolerance implies the introduction or strengthening of a comprehensive legal framework, accompanied by greater efforts to ensure its effective implementation. The strategy should place emphasis on prevention, awareness raising and human rights education, while relying on the Internet and social media as valuable tools to reach out to a wider public.
7. Government representatives and more generally politicians should lead the efforts to eliminate racism, hatred and intolerance with resolve and by their example, publicly challenging, rejecting and condemning expressions of hatred, from whatever quarters they come. In this regard, the Assembly expresses its support for the Declaration of Rome against racism and intolerance, which was signed by 17 ministers of European Union member States in September 2013.

1. *Assembly debate* on 28 January 2014 (4th Sitting) (see [Doc. 13385](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Jonas Gunnarsson). *Text adopted by the Assembly* on 28 January 2014 (4th Sitting).
See also [Recommendation 2032](#) (2014).

8. In the light of these considerations, the Assembly calls on the Council of Europe member States to:
 - 8.1. as regards the legal framework on hate speech and hate crime, and its implementation:
 - 8.1.1. ensure that the legal framework on hate speech and hate crime includes the broadest possible range of bias motives, including sex, race, colour, ethnicity, language, religion, disability, migrant status, sexual orientation and gender identity;
 - 8.1.2. require mandatory recording, investigation and public prosecution of suspected hate crimes;
 - 8.1.3. introduce binding guidelines for law-enforcement officials to ensure that any alleged hate motive associated with a crime is promptly, impartially, effectively and thoroughly investigated and duly taken into account in the prosecution and sentencing of those crimes;
 - 8.1.4. train criminal justice personnel, including prosecutors and judges, on how to deal with hate crimes and work with victims;
 - 8.1.5. ensure that the hate motives behind a crime are explicitly mentioned in judicial decisions;
 - 8.1.6. encourage victims and witnesses to report hate speech and hate crime to the authorities, by:
 - 8.1.6.1. circulating, as widely as possible, information on how to report them;
 - 8.1.6.2. ensuring that reporting can be done on the Internet and in other ways that are easily accessible;
 - 8.1.6.3. waiving any fee for reporting or lodging a complaint;
 - 8.1.6.4. ensuring that, when they are in an irregular situation, those who report cannot be expelled while co-operating with law-enforcement authorities;
 - 8.1.7. sign and ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189);
 - 8.2. as regards data classification and collection:
 - 8.2.1. collect and publish on an annual basis disaggregated data on hate speech and crime, thereby enabling a better understanding and comparability of patterns of victimisation and offending;
 - 8.3. as regards prevention:
 - 8.3.1. support the Council of Europe Campaign “No Hate Speech Movement”;
 - 8.3.2. organise large-scale awareness-raising campaigns on combating racism, hatred and intolerance, also using the Internet and social media;
 - 8.3.3. promote the publication of educational material and the provision of training on combating racism, hatred and intolerance in schools;
 - 8.3.4. ensure that law-enforcement officials are trained in diversity and equality issues;
9. The Assembly invites its members to join the national committees set up in the context of the “No Hate Speech Movement” and encourages the Committee on Equality and Non-Discrimination to empower its members to conduct campaigning activities against racism, hatred and intolerance, in co-operation with their national parliaments. The Assembly also calls on its members to co-operate more closely with the European Commission against Racism and Intolerance (ECRI).
10. The Assembly invites national parliaments to adopt codes of conduct for their members including safeguards against hate speech and hate crime, on whatever grounds.



Resolution 1968 (2014)¹
Provisional version

Tackling racism in the police

Parliamentary Assembly

1. Racism does not spare any level of society and no institution appears immune to racism. The police is no exception. Racism can be present in the attitudes or behaviour of police officers, in their interaction with the population or with other officers. It can also be found in rules and regulations applied by the police, which would in that case qualify as institutional racism.
2. Among these, the Parliamentary Assembly is particularly concerned about racial profiling. It corresponds to the use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities. Racist behaviour and practices within the police against visible minorities have a negative impact on public opinion and can increase stereotyping and prejudice.
3. Considering that the acknowledgement of the existence of a problem is the first step towards its solution, the Assembly encourages all member States to look at the situation in their respective countries and have the courage to acknowledge and address, when relevant, the existence of racism in the police. There can be no impunity for manifestations of racism within or by the police and police officers must be held accountable individually for their behaviour.
4. Few Council of Europe member States have established independent police complaints mechanisms. Effective and independent investigations of racist crimes should be conducted and treated as a priority in order to maintain trust in the police and to encourage reporting of such crimes.
5. The Assembly is convinced that concrete change will not happen if there is no change in mindsets and that political will can change cultural attitudes within the police. In addition, diversity training and lifelong learning contribute to ensuring that the police reflects and understands the population it serves. The Assembly acknowledges the difficulties and challenges faced by police officers in their daily work. They represent a link between the law and the population, which should have a high level of trust in them and never hesitate to report violence, including racist violence.
6. The Assembly recalls Committee of Ministers Recommendation Rec(2001)10 on a European code of police ethics and encourages the wide application of its principles. It also recalls the work of the European Commission against Racism and Intolerance (ECRI) and its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, which provides guidelines on ways to prevent racial discrimination and prohibit racial profiling.
7. In the light of these considerations, the Assembly calls on Council of Europe member States to:
 - 7.1. with regard to preventing racism in the police:
 - 7.1.1. review existing legislation and practices of the police with a view to identifying and modifying those that might have a racist connotation;
 - 7.1.2. ask police forces which have not yet done so to adopt an internal code of conduct with regard to the prevention of racism;

1. *Assembly debate* on 28 January 2014 (4th Sitting) (see [Doc. 13384](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr David Davies). *Text adopted by the Assembly* on 28 January 2014 (4th Sitting).

- 7.1.3. encourage diversity in police recruitment, including targets also for senior ranks;
- 7.1.4. provide training following recruitment and throughout each individual's career on preventing and combating racism and racial discrimination, in addition to diversity training;
- 7.1.5. provide, when possible and relevant, language training classes to police officers to allow them to interact and exchange with the population they serve;
- 7.1.6. carry out research and collect information on racist incidents in the police, including the police reaction to acts of racism by the police so as to monitor the situation and ensure an appropriate institutional response;
- 7.1.7. provide the police with sufficient resources to work in satisfactory conditions; take specific measures to ensure that the police have absolute respect for the rights of the persons they deal with;
- 7.1.8. encourage the exchange of good practices between police forces in preventing racism;
- 7.2. with regard to condemning racism and prosecuting racist behaviour or incidents in the police:
 - 7.2.1. urge political leaders and senior officers of the police forces to publicly condemn any form of racial discrimination;
 - 7.2.2. establish independent police complaints mechanisms where they do not yet exist, allocate appropriate means for their functioning and ensure that sanctions are imposed on police officers following a racist incident;
 - 7.2.3. investigate in a prompt, thorough, effective and impartial manner all allegations of racial discrimination, including by the police;
 - 7.2.4. ask police officers to adopt a public profile and attitude, including on social networks, corresponding to the fundamental values of the police;
- 7.3. with regard to enhancing trust in the police:
 - 7.3.1. implement the provisions of ECRI General Policy Recommendation No. 11 on combating racism and racial discrimination in policing;
 - 7.3.2. clearly define racial profiling, ensure its prohibition and provide specific training on identity checks to all police officers;
 - 7.3.3. ensure that police officers wear a visible form of identification, such as identity numbers, at all times;
 - 7.3.4. establish the practice of filling out stop forms following identity checks and searches, where it does not yet exist;
 - 7.3.5. monitor identity checks and search operations;
 - 7.3.6. encourage the establishment of police community liaison officers, where they do not yet exist;
 - 7.3.7. encourage members of parliament and the police to enhance their interaction through regular consultations, including through appropriate parliamentary mechanisms.
8. The Assembly calls on civil society representatives to strengthen their dialogue with the police through regular consultations and other appropriate means.



Resolution 1969 (2014)¹
Provisional version

Evaluation of the partnership for democracy in respect of the Palestinian National Council

Parliamentary Assembly

1. On 4 October 2011, the Parliamentary Assembly adopted [Resolution 1830 \(2011\)](#) on the request for partner for democracy status with the Parliamentary Assembly submitted by the Palestinian National Council, whereby it granted partner for democracy status to the Palestinian National Council (PNC). The PNC thus became the second parliament, after that of Morocco, to request and to be granted this status, introduced by the Assembly in 2009 to develop institutional co-operation with the parliaments of the Council of Europe's neighbouring States.
2. Upon making its official request for this status, the Palestinian National Council declared that it shared the same values as those upheld by the Council of Europe and made political commitments in accordance with Rule 61.2 of the Rules of Procedure of the Assembly. These commitments are set out in paragraph 4 of [Resolution 1830 \(2011\)](#).
3. In addition, the Assembly stated in paragraph 12 of the aforementioned resolution that a number of specific measures were of key importance for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms in the Palestinian territories. It stressed that progress in taking forward reforms is the prime aim of the partnership for democracy and should constitute the benchmark for assessing its efficiency.
4. The Assembly supported the Palestinian bid for full membership of the United Nations in 2011. However, as the United Nations Security Council was not able to make a unanimous recommendation on the Palestinian bid, full membership was not achieved, although over 130 member States of the United Nations, amongst which 18 member States of the Council of Europe, have already recognised the State of Palestine.
5. The Assembly took note of Resolution 67/19 of the General Assembly of the United Nations granting Palestine "non-member State" status, which improves the possibilities for Palestine to join some international organisations and to accede to some international treaties and conventions, and decided, following that resolution, to use the name "Palestine" in the Assembly list and related documents.
6. The Assembly notes that since the adoption of [Resolution 1830 \(2011\)](#) an agreement on reconciliation has been reached between the Palestinian authorities and the *de facto* rulers in Gaza, but regrets that the agreement has not been put into practice, and that the formation of a Palestinian Government of national unity has not succeeded and, consequently, dates for the much needed parliamentary and presidential elections have yet to be agreed upon.
7. The Assembly welcomes the opening of new negotiations between the Governments of Palestine and Israel, also thanks to the efforts of the Government of the United States. Recognising that progress is slow, it urges all parties to support the negotiations and is optimistic that an agreement can be reached. It reiterates its support for a two-State solution, calls for an end to the illegal occupation of the Palestinian territories by Israel and regrets the ongoing construction of illegal settlements in the Palestinian territories.

1. *Assembly debate* on 28 January 2014 (4th Sitting) (see [Doc. 13382](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Tiny Kox). *Text adopted by the Assembly* on 28 January 2014 (4th Sitting).

8. Both the division between the West Bank and the Gaza Strip and the ongoing Israeli occupation of the largest part of the Palestinian territories have made it impossible for the Palestinian National Council to comply with some of the political commitments entered into upon requesting partner for democracy status and to implement some of the reforms mentioned in [Resolution 1830 \(2011\)](#).
9. In this context, the Assembly:
 - 9.1. welcomes the efforts of the Palestinian National Council in striving to comply with the political commitments of a partner for democracy despite all the hardships and impediments of the ongoing occupation and illegal measures such as arbitrary arrests and restrictions on freedom of movement;
 - 9.2. welcomes the active participation of the Palestinian parliamentary delegation in the work of the Assembly and its committees, which provides opportunities to keep the Assembly informed about the political developments in the country in the light of the values upheld by the Council of Europe;
 - 9.3. notes that, while a *de facto* moratorium on executions has been in place since 2005 in the West Bank, courts in Gaza continue to hand down death penalty sentences and Hamas authorities continue to carry out illegal executions. The Assembly strongly condemns all forms of capital punishment. It urges the Palestinian National Council to intervene with the Hamas authorities to stop executions in Gaza and to abolish the death penalty in the Palestinian Penal Code, in line with the commitment entered into under the partnership;
 - 9.4. notes that the structure of the Palestinian National Council has not yet been reformed so that it becomes a democratically elected body and that the Palestinian Legislative Council has not been able to function properly. The Assembly considers that the lack of legislative power causes a severe imbalance in the Palestinian State structures;
 - 9.5. acknowledges the efforts made, in particular by the Ministry of Women's Affairs and women's organisations, to promote the participation of women in political and public life, to fight discrimination based on gender, to ensure effective equality between women and men, and to fight gender-based violence. It expresses concern, however, at the increase of violence against women and calls on the Palestinian authorities to take resolute action against this scourge, in co-operation with civil society and more specifically women's organisations;
 - 9.6. notes that the fact that Palestine is not a full member of the United Nations prevents full co-operation with its special mechanisms, including the United Nations Universal Periodic Review;
 - 9.7. notes, however, that such a fact does not prevent it from adhering to Council of Europe conventions and other legal instruments, provided that there is agreement within the Council of Europe Committee of Ministers (by a two-thirds majority) and among the States Parties to such instruments (unanimity);
 - 9.8. welcomes the fact that the media in the West Bank is in general free and pluralistic but regrets some reported incidents of harassment of journalists by security forces. It notes with concern that there is no freedom of the press in Gaza;
 - 9.9. welcomes the work of the Anti-Corruption Commission, which, together with that of the State Audit and Administrative Control Bureau, has been effective in fighting against corruption;
 - 9.10. notes that, after being postponed several times, local elections were held in the West Bank in October and November 2012. The elections were considered to meet international standards but the low turnout and the refusal of Hamas to take part are to be regretted;
 - 9.11. notes that the soldier Gilad Shalit was released after a long and illegal detention, and in exchange for hundreds of convicted Palestinian prisoners, soon after the partnership for democracy came into force;
 - 9.12. welcomes the fact that the illegal smuggling of weapons into the Gaza Strip and the West Bank has been reduced.
10. The Assembly calls on the Palestinian National Council to speed up the implementation of its general commitment to the core values of the rule of law and respect for human rights and fundamental freedoms, and to address issues in these areas, including those reported by civil society organisations and the media. It is of the utmost importance that the lack of checks and balances, due to the current absence of an effective legislative power in Palestine, be overcome. The Assembly offers, where and when needed, its assistance to the Palestinian delegation to enable it to make full use of its rights to participate in the work of the Assembly.

11. The Assembly recalls that, when granting partner for democracy status to the Palestinian National Council, it had hoped that this would contribute to intensifying co-operation between Palestine and the Council of Europe. The reform of the judiciary, the promotion of good governance and the prevention of trafficking in human beings were identified as areas for co-operation, but unfortunately there has been no follow-up.

12. In this context, the Assembly notes that, due to the lack of a real legislative process in Palestine, there have so far been no grounds to mobilise the expertise of the European Commission for Democracy through Law (Venice Commission). It further notes with regret that participation of the Palestinian Authority in the intergovernmental activities of the Council of Europe has remained very limited and it encourages the Secretary General to take all necessary steps, together with relevant partners, to mobilise the Organisation's expertise to assist in the further development in Palestine of human rights, the rule of law and democracy, and to investigate future possibilities for Palestine to make more use of the relevant instruments of the Council of Europe.

13. The Assembly encourages the members of the Palestinian partner for democracy delegation to accelerate the implementation of the process of reform and to address remaining concerns with regard to the rule of law and respect of human rights and fundamental freedoms, in line with the political commitments entered into under the partnership.

14. In conclusion, the Assembly welcomes the progress achieved and resolves to continue to review the implementation of political reforms in Palestine and to offer its assistance to the PNC. It will make a new assessment of the partnership within two years from the adoption of the present resolution.



AS/Inf (2014) 01

25 January / janvier 2014

Election of the President of the Parliamentary Assembly Election du Président de l'Assemblée parlementaire

CANDIDATURES

Anne BRASSEUR 3
Robert WALTER 4

**Nomination of Ms Anne BRASSEUR (Luxembourg, ALDE) as candidate
Nomination de Mme Anne BRASSEUR (Luxembourg, ADLE) comme candidate**

3 October / octobre 2013

We, the undersigned, support the nomination of **Ms Anne BRASSEUR** (Luxembourg, ALDE) for President of the Parliamentary Assembly of the Council of Europe

Nous, soussignés, soutenons la nomination de **Mme Anne BRASSEUR** (Luxembourg, ADLE) au poste de Présidente de l'Assemblée parlementaire du Conseil de l'Europe

ACKETOFT Tina, Sweden / Suède, ALDE / ADLE
AGRAMUNT Pedro, Spain / Espagne, EPP/CD / PPE/DC
GROSS Andreas, Switzerland / Suisse, SOC
HERKEL Andres, Estonia / Estonie, EPP/CD / PPE/DC
KOX Tiny, Netherlands / Pays-Bas, UEL / GUE
MAURY PASQUIER Liliane, Switzerland / Suisse, SOC
MIGNON Jean-Claude, France, EPP/CD / PPE/DC
SYDOW Björn von, Sweden / Suède, SOC
VIROLAINEN Anne-Mari, Finland / Finlande, EPP/CD / PPE/DC
VUČKOVIĆ Nataša, Serbia / Serbie, SOC
WACH Piotr, Poland / Pologne, EPP/CD / PPE/DC

**Nomination of Mr Robert WALTER (United Kingdom, EDG) as candidate
Nomination de M. Robert WALTER (Royaume-Uni, GDE) comme candidat**

24 January / janvier 2014

We, the undersigned, wish to nominate **Mr Robert WALTER** (United Kingdom) for the office of President of the Parliamentary Assembly of the Council of Europe for the year 2014, in line with Rule 14 on « Election of the President »

Nous, soussignés, souhaitons présenter la candidature de **M. Robert WALTER** (Royaume-Uni) au poste de Président de l'Assemblée parlementaire du Conseil de l'Europe pour l'année 2014, conformément à l'article 14 du Règlement relatif à l'élection du Président.

CHOPE Christopher, United Kingdom / Royaume-Uni, EDG / GDE
DUMERY Daphné, Belgium / Belgique, NR / NI
FETISOV Vyacheslav, Russian Federation / Fédération de Russie, EDG / GDE
GALATI Giuseppe, Italy / Italie, EPP/CD / PPE/DC
KAMIŃSKI Mariusz, Poland / Pologne, NR / NI
KONEČNÁ Kateřina, Czech Republic / République tchèque, UEL / GUE
MARIANI Thierry, France, EPP/CD / PPE/DC
O'REILLY Joseph, Ireland / Irlande, EPP/CD / PPE/DC
PUCHE Gabino, Spain / Espagne, EPP/CD / PPE/DC
SKINNARI Jouko, Finland / Finlande, SOC
VECHERKO Volodymyr, Ukraine, ALDE / ADLE



Parliamentary Assembly
Assemblée parlementaire

<http://assembly.coe.int>



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

AS/Inf (2014) 03
25 January/janvier 2014

Vice-Presidents of the Parliamentary Assembly Vice-Présidents de l'Assemblée parlementaire

CANDIDATURES

**ELECTION OF THE VICE-PRESIDENTS OF THE PARLIAMENTARY ASSEMBLY FOR 2014 /
ELECTION DES VICE-PRÉSIDENTS DE L'ASSEMBLÉE PARLEMENTAIRE POUR 2014**

GROUPS /GROUPE	COUNTRY / PAYS	CANDIDATES / CANDIDATS
GROUP I / GROUPE I	France	Mr René ROUQUET
	Germany / Allemagne	Mr Axel E. FISCHER
	Italy / Italie	Mr Sandro GOZI
	Russian Federation / Fédération de Russie	Mr Alexey PUSHKOV
	United Kingdom / Royaume-Uni	Mr Robert WALTER
GROUP II / GROUPE II	Spain / Espagne	Mr José Maria BENEYTO
	Turkey / Turquie	Mr Reha DENEMEÇ
	Ukraine	Mr Ivan POPESCU
GROUP III / GROUPE III	Switzerland / Suisse	Ms Doris FIALA
	Austria / Autriche	Ms Gisela WURM
	Azerbaijan / Azerbaïdjan	Mr Samad SEYIDOV
	Belgium / Belgique	Mr Philippe MAHOUX
	Bosnia-Herzegovina / Bosnie et Herzégovine	ZZ...
	Bulgaria / Bulgarie	Mr Yanaki STOILOV
	Croatia / Croatie	Mr Gvozden Srečko FLEGO
	Czech Republic / République tchèque	Ms Dana VÁHALOVÁ
GROUP IV / GROUPE IV	Monaco	Mr Jean-Charles ALLAVENA
	Montenegro / Monténégro	Mr Zoran VUKČEVIĆ
	San Marino / Saint-Marin	Mr Gerardo GIOVAGNOLI
	Slovenia / Slovénie	Ms Romana TOMC

ANEXO: INFORME DE AVANCES DEL BURÓ Y DE LA COMISIÓN PERMANENTE

Mr. Jean-Claude MIGNON* (*France*)

This is a moving moment for me, speaking to the Assembly to present the activity report on the work of the Assembly's Bureau and Standing Committee. I will not just talk about our work over the past few weeks; I will use this opportunity to take stock of what we have achieved during my presidency. First, I repeat what I said this morning: I am happy and pleased about your election, Ms Brasseur, in the first round of voting. No one can doubt the legitimacy of that election. The overwhelming result should enable you to start your presidency with full legitimacy.

It is true to say that this period of the presidency has been overshadowed by one word: "reform". When I took over from my predecessor, I was responsible for taking forward the reforms that I presented to the Parliamentary Assembly two years ago. It was a whole process of reform: not just of the Assembly, but of the Council of Europe, too. I presented a report six years ago on the future of the Council of Europe, marking its 60th anniversary, and all members of the Parliamentary Assembly working together to contribute to the main outline of the reform process. Obviously, any reform is an ongoing process and a work in progress, and that means that changes have to be made. We have to take stock of what has been achieved so that the reform process can be pushed forward.

For me, the leitmotif of the past two years has been dialogue with the Parliamentary Assembly, as well as dialogue with the other bodies of the Council of Europe. Within the Parliamentary Assembly, my sincere objective has been to ensure that everyone in the Chamber can play an active role in our work and feel a sense of involvement and ownership of our work. That is why I set up the conference of committee chairs, which was systematically involved in accompanying the President in his work. During every Parliamentary Assembly, the body met on Sunday afternoon to ensure that committee chairs were actively involved in all our work. Another aspect of my work that I am very proud of is the conference of national delegation chairs. To ensure that members felt a sense of ownership for the work of the council, I wanted to ensure that national delegation heads were actively involved. I want to thank all Assembly members for the commitment they have shown and for their contributions to often very frank exchanges, though we never had enough time to discuss everything in enough depth.

On the other bodies of the Council of Europe, I start with the Committee of Ministers and the ambassadors. I pay tribute to the former chairman of the Committee of Ministers, the standing representative of the UK. The UK permanent representative was unstinting in his efforts, and that was instrumental in ensuring that we were able to pave the way to a constructive dialogue between the

Parliamentary Assembly of the Council of Europe and the Committee of Ministers, the two driving forces behind the Council of Europe.

I have also been in close contact with the Venice Commission. I have been in contact almost every day with Gianni Buquicchio. We made a habit of speaking to each other before either of us went on visits to individual countries, to ensure that we were singing from the same hymn sheet—all the other bodies of the Council of Europe, including the Congress of Local and Regional Authorities of the Council of Europe, GRECO, the Group of Experts on Action against Trafficking in Human Beings, the Court and the European Commissioner for Human Rights. I was also delighted to be involved in a trip with the Chairman of the Committee of Ministers, who was then a foreign affairs minister, and the Chairman of the Venice Commission. All three of us went to Tunis to try to help Tunisia. I am delighted to note that just a few days ago Tunisia was finally in a position to vote on its new constitution.

We also engaged in dialogue with a series of other regional organisations. I went to the United Nations – to Geneva and twice to New York. The relations I enjoyed with the United Nations and Ban Ki-moon, who paid us the great honour of opening the first world forum for democracy, underline our closeness. The President of the Commonwealth of Independent States, Ms Matvienko, invited me to go to Moscow to speak on behalf of the Parliamentary Assembly and address the bureau of the CIS. I went to the Nordic Council during a trip to Oslo. The President of the Nordic Council came to Vienna to address the Standing Committee.

Unfortunately, I did not have time to do everything I would have liked to, but I am sure that our new President will continue where I left off, ensuring, for example, that the Parliamentary Assembly can forge closer links with the Black Sea Council, which I spoke to just a few months ago. One of the major priorities that I set out when I took office was to promote a genuine open dialogue with the European Union. I was convinced of the need to work with the European Union. I believed that the time had come for us to stop viewing each other as rivals, because we complement with each other. I commend the excellent relations that I and we enjoy with Martin Schulz, the President of the European Parliament, and Štefan Füle, the Commissioner responsible for enlargement. I am delighted to see that the accession of the European Union to the European Convention on Human Rights is proceeding apace.

I was able to enter into a fruitful dialogue with all member states. I thank all those countries that hosted visits from me as President of the Parliamentary Assembly. That enabled us to engage in fruitful dialogue on many specific issues. Moreover, I always worked in close co-operation with my colleagues and with Assembly members to ensure that we used the power of parliamentary diplomacy to move towards achieving our objectives. I am sure that we will continue to do that in upcoming years to secure more gains for the Council of Europe.

Looking back, what am I particularly proud of? First, I am very proud to have been able to work with you. I am also proud to have been involved in the setting up of the Václav Havel Human Rights Prize. I am convinced that it will continue to be relevant for many years. I also thank the authorities of the Czech Republic, without whom that prize would not have been possible. I have reached the end of my term as President of the Parliamentary Assembly. It falls to me to thank you, to thank the Secretariat, to thank everyone in the Council of Europe and, finally, last but not least, to thank the new President of the Parliamentary Assembly. Anne, you can count on me at any time to do anything I can help you in your new capacity. If you need any information on my work over the past two years, I would be delighted to help you. Many thanks to all of you for the wonderful two years.

ANEXO: DISCURSOS DE LOS ORADORES INVITADOS

MR. Sebastian KURZ (*Minister for Integration Issues, European and International Affairs of Austria, Chairperson of the Committee of Ministers*)

As a new Foreign Minister of Austria, I am pleased to be here before the Parliamentary Assembly of the Council of Europe for the first time. If members are surprised at my age, I should say that not all Ministers in my country are as young as I am. I have served for two and a half years as State Secretary for Integration. Our deputy Chancellor, Michael Spindelegger, decided a few weeks ago that he would take on the role of Minister of Finance in the new government. He asked me to convey his warmest greetings and best wishes for further successful co-operation. He has asked me to become Foreign Minister. That is not just a great honour, but a great challenge.

I am also pleased that this year my country is chairing the Committee of Ministers. That increases the challenge, but I am glad that we can make a contribution. I thank you, Madam President, for the constructive talks. I congratulate you on your election and assure you of our full support. We intend to work closely with you, and I am glad to be able to get to know someone who has been in post for an even shorter time than I have.

As a representative of the younger generation, I cannot count on as much experience as many members here have, but I can contribute the perspective of a young pro-European generation who have grown up in an increasingly expanding Europe in peace, freedom and democracy. I can also convey the gratitude of my generation, who have benefited from the work of bodies such as the Council of Europe.

For my generation in Austria, and many other countries in Europe, it has always been self-evident that we could express our opinions freely and that we would not be exposed to the exercise of arbitrary power by the police. Our rights have been protected through an independent judiciary. However, what is self-evident in my country and others is still, sadly, not the reality for all the people of Europe. Today, International Holocaust Memorial Day, I ask us to remember that Europe is still not free of racism, discrimination and anti-Semitism. We still need to do our best to pull together to defend the achievements of the Council of Europe and protect the rights of every individual. As State Secretary for Integration, I have seen that people who have emigrated from one country to another are affected by prejudice. In a globalised world where more and more people leave their home countries, we should make a particular effort to judge people not on the basis of their origin, colour of skin or religion, but on their willingness to contribute.

In a society that is more and more mixed, we need greater participation. In a united Europe, we all need to make the greatest contribution. When it comes to the

recognition of qualifications gained abroad, we should do more to ensure that each individual can contribute in his or her new country. Religion will be an increasingly important issue. There are more and more people with differing religious backgrounds and faiths in our member states. Religion should never be seen as part of the problem but part of a potential solution. The Council of Europe has fought for those goals in the past and we will advocate them in the future.

Since its accession to the Council of Europe in 1956, Austria has always been concerned to make a constructive and active contribution. Twice we have sent a President to the Parliamentary Assembly. There have been three Austrian Secretaries General and two Austrian Presidents of the Congress of Local and Regional Authorities. Six times an Austrian has chaired the Committee of Ministers and this year, too, we take on that task with great seriousness. It is a particular honour that, as part of the Austrian chairmanship, the Council of Europe will be celebrating its 65th anniversary. We are pleased that you, Madam President, will be with us in Vienna as part of the 124th meeting of the Committee of Ministers.

Austria has consciously set itself certain thematic priorities for its chairmanship. First, there is freedom of expression, without which there can be no democracy. It means being able to express one's opinion without intervention from any authorities and it is a basic condition for a civil society. Journalists have a key role in informing the general public. The European Court of Human Rights rightly states that journalists are the watchdogs of society. Those watchdogs also need support and protection. One of the priorities of our chairmanship will be freedom of expression and the protection of journalists.

Our second priority will be the protection of Internet rights. We can no longer imagine life without the Internet, which links people and facilitates participation. It is an open forum, but that does not mean that it should not be subject to laws; "open" does not mean that we look away if human rights and democratic freedoms are disregarded. There is a right to protection of privacy. That is crucial. Recent events show that there is a need to take action to protect those rights. I invite members to an expert conference in Graz on 13 and 14 March, on shaping the digital environment.

The third priority of our chairmanship will be combating the trafficking of human beings, which is a mark of shame for our societies. We want to use our chairmanship to encourage more states to accede to the Council of Europe Convention on Action against Trafficking in Human Beings. We will also hold a conference in Vienna, together with the Swiss chairmanship of the OSCE. That will be held on 17 and 18 February, to take stock of previous work and to plan the next steps. We need to protect victims of trafficking better and to act in a preventive way.

We have used our chairmanship so far to look carefully at many other issues, and after sometimes difficult negotiations I think we have managed to achieve a biennial budget for years 2014 and 2015. Having the chairmanship, we are called upon, following the recommendation of the Committee of Ministers, to think about the post

of Secretary General, now here in Strasbourg, as clearly a role to act in a neutral, non-partisan way and to achieve the necessary transparency.

We have also decided how to act in terms of content as well as structural efforts. We are thinking about greater efforts to fight the death penalty. Many of us think these efforts are growing throughout the world, but they self-evidently are not. We need to do more to ensure this cruel and degrading punishment is abolished in more countries. On 18 December the Committee of Ministers reflected on the most recent executions in Japan and the USA, and we call on those states to put an end to this inhumane practice or to take a first step towards that and at the very least announce a moratorium on the implementation and respect the values of the Council of Europe.

A declaration was also adopted about the situation in Ukraine. There have been fatalities there and it is clear that the crisis can be solved only in democratic and peaceful ways, respecting freedom of expression and freedom of assembly, and by establishing free and fair negotiations. We have also called upon the Ukraine Parliament to withdraw the unfair and unacceptable laws regarding freedom of expression passed just last week. We need greater freedom and democracy and the rule of law so that the historical achievements of the Council of Europe are fully respected in Ukraine.

Another role of the chairmanship will be participation in the reform process. The Council of Europe has numerous tools at its disposal that at best can achieve great things in the everyday life of men and women in Europe. Our goal should be not just to use these tools but to optimise them and focus them on core tasks. Our utmost goal must be to inform our citizens and to enable them to participate. You know better than I do that our best intentions can be successful only if they are consistently transposed in our respective countries. So it is important that we explain and ensure they are implemented at home. I think the expertise of the Council of Europe is hugely important in terms of human rights. We have great ideas and relevant mechanisms that can enhance these rights.

In Austria we know how fast this expertise can achieve change for good, as in 2012 the relevant commissioner, as part of a regular visit to Austria, suggested a national action plan for Austria. Just one year later we took this suggestion on board and the plan of action for human rights was adopted in the Government's new programme. We have now seen many encouraging signs of progress following a Council of Europe model, and the European Court of Human Rights has a unique position on this, which is symbolic of a Europe that takes the rights of the individual seriously.

The right of the individual to bring petitions is crucial in all of this, and there is some cause for concern. In some countries the rulings of the Court are questioned and there is movement in the wrong direction. The European Convention and the rulings of the Court are essential pillars of the protection of the rights of the individual and the rule of law. We must do our level best to ensure there is no undermining or weakening of the system. During our chairmanship we hope we will witness more

effective implementation of the rulings of the Court at national level. Just today I spoke with the president of the Court on this very issue.

On EU accession to the European Convention, I can tell you that everything so far has been prepared. Various decision-making procedures within the EU have begun and we look forward to further steps in that direction. We wish to pay considerable attention to co-operation between the EU and the Council of Europe. In recent years practical co-operation has produced practical, tangible results for more than 500 million inhabitants of our continent. We need to work together to continue our valuable work and, I hope, go into greater depth, while maintaining the independence of both institutions.

Members of the Parliamentary Assembly, I look forward to further co-operation with you as part of our presidency, but I am sure I can also benefit from your experience here and I hope that together we can build constructively on the potential of this body. Let us fight constructively for the ideals of this Organisation: for human rights, for democracy and for the rule of law. Let us protect and promote it so that many other people can benefit from the strengths of the Council of Europe, just as I have always done throughout my life so far in Austria.

Thank you very much. I look forward to greater co-operation with you, and I look forward very much to the discussion. Thank you.

Mr. Thorbjørn JAGLAND (*Secretary General of the Council of Europe*)

Madam President, I begin by congratulating you. I am indeed looking forward to working and co-operating with you. I fully agree with your opening words. Thank you for them.

I will start with some good news: the Convention on Preventing and Combating Violence against Women and Domestic Violence requires only two more ratifications to enter into force. I hope that that will happen at the ministerial meeting in Vienna in May.

I thank the Parliamentary Assembly, particularly Mr Mendes Bota and his network, for its enormous and important work on drafting the convention and promoting it in member states. It is a very good example of how the Parliamentary Assembly can contribute to the general work of the Council of Europe as a whole.

I want to discuss some of my worries, but I will return to a brighter perspective. It worries me that Europe is at risk of disintegrating. There are real tensions within the European Union; tensions between the EU and other major powers; tensions within our own member countries, particularly with regard to social unrest and growing extremism; and tensions within our own Organisation. That means that the European Convention on Human Rights is more important than ever before, because it constitutes the legal basis that holds Europe together. That has been the case since the war until now, and it will be even more important in the future.

That is why it has been so important to start reforming the Organisation, because four or five years ago it was bogged down with severe economic problems as a result of rapidly growing staff costs and the fact that the Court was so overburdened by applications from member states that we had to transfer more and more money to it from the budget. That could not go on. Had it done so, it would have eaten up more of the budget and the Organisation would have been killed. We had to stop it. I took the view immediately that the transfer of money to the Court had to be stopped and that instead we should emphasise reform of the Court, and that is what we did. The Interlaken, Izmir and Brighton conferences were very important in that respect and now the Court works much better and the backlog is going down.

That is not enough, however, because the Court's problems did not come from the Court itself; they came from the member states that were sending so many applications to it. Therefore, we have to refocus the work of the Council of Europe on assisting member states in getting their legislation and judicial practices to conform to the Convention.

We had to launch major reform programmes in a number of member states. We implemented a broad reform programme in Ukraine, particularly with regard to the judiciary. One may ask, given what is happening now, whether that was in vain. No, it was not in vain. Whoever takes over power in Ukraine and whatever happens, they will have to return to the reform agenda, including further reforms to the judiciary, the implementation of an electoral law that all political forces can accept, and the relaunch of the process of rewriting the constitution and redistributing power.

The Council of Europe has played a major role in the current situation. On the controversial laws adopted by the parliament on 16 January, for example, I met the prime minister last week and told him to send us the laws so that we could go through them and suggest our recommendations and those of world-recognised experts. He said yes and the following day those experts arrived in Strasbourg and sat down with our people. Yesterday we recommended that the laws had to be cancelled and today the Parliament of Ukraine did so. Further work has to be done and I believe that the Council of Europe will be enormously important in that process, which I hope will start in the state bodies and according to the framework of the rule of law.

Returning to the reform process, we have, as I have said, completed the first stage and the second has started. I discussed it the last time I reported to the Parliamentary Assembly. It is about improving the monitoring system, providing assistance and putting all member states on an equal footing. After the fall of the Berlin Wall, the focus was on emerging democracies, which was, of course, justifiable, but now I think we have to shift our emphasis towards monitoring and assistance for all member states.

That is what I announced the last time I spoke here. In the meantime, we have analysed and cross-examined the reports of the monitoring bodies and, on that basis, have identified three challenges for each and every member state. We have entered into a dialogue with them, so that they can respond and so that we can ask them how they want to remedy the shortcomings and what kind of assistance they need from the Council of Europe. We do not want to make public that overview of each member state – one could call it a matrix – because we do not want to shame and blame or assign rankings. We need a solid platform on which to conduct a concrete dialogue with each member state on how to remedy the shortcomings.

As I said at the outset, I think this is the only way we can get the Court to survive. Member states have to take responsibility for human rights domestically by putting in place legislation and mechanisms to deal with human rights issues. It is only the most important human rights issues that should come to the Court, if necessary, and not all the small cases, which should be dealt with at home.

The information we have collected will allow me to write an annual report – which the Committee of Ministers will discuss, for the first time, at its May meeting in Vienna – about the state of human rights, rule of law and democracy

in Europe, in which I will identify the main trends and challenges. More importantly, I will also be able to identify shortcomings in our own Organisation and how member states are dealing with the major trends. I intend to formulate ambitious and far-reaching recommendations for how to fill any voids and reinforce our capacity to set standards and to detect and resolve problems. The Parliamentary Assembly will get the opportunity to discuss the report in April, and I believe that the follow-up to it may be of great historic importance to the Organisation. It may bring the Council of Europe into a new, historical era, moving from the one following the fall of the Berlin Wall into the real pan-European era.

I do not want to go into the content of the report, because it is not ready, but I can say that we have to address many country-specific problems. In addition, we face many common problems in our member states: increasing intolerance, racism and extremism; minorities being under increasing pressure; new social problems appearing; and trans-national crime, including money laundering, violence against women and child abuse. What I can also see is present in most member states: an underlying protest against authorities and against privileged groups, which have often created their own parallel societies. In some countries we can refer to them as oligarchs, whereas in other countries we are talking about nouveau riche money makers who have taken too big a slice of the social pie and refused to share. I associate myself very much with what the Pope has said about this. There is a danger of the winner taking all and those at the bottom of society lagging more and more behind. That is a real threat to our societies. We also face a structural problem in many of our societies and in how our political bodies are set up: those lagging behind are seldom represented in our political parties and state bodies. So the structure of our societies goes in the wrong direction also for political reasons. We should recall the old lesson that although greed may bring happiness to an individual, it is not sufficient to build a society.

The social charter of the Council of Europe is therefore becoming more important than ever. It is a priority for me to expand its relevance, but we face at least two problems in doing so. One is the discrepancy between the social standards in the fundamental rights set out by the European Union and the standards in our social charter, so there is room for forum shopping and we have to overcome that. The other problem is that not all of our member states have ratified the revised charter, and only 13 had ratified the protocol on collective complaint. That is why we are planning a high-level meeting between the European Union and the Council of Europe in Turin when Italy takes over the presidency of the European Union. That will allow us to discuss how to overcome the differences in the standards we have and to expand the relevance of the social standards in general.

Dear parliamentarians, today is the international day for the protection of private data, which relates to one of our core issues: how to secure a global Internet while also securing privacy on the Internet. This is about two human rights: freedom of expression – the freedom to spread information and opinions

on the Internet; and guaranteeing private data. Those things are not easy to combine, and two interlinked questions are involved here. If private data are not safe, we can foresee nation states taking the data of their population back home and creating their own system, which will mean disintegration of the Internet. That would be a very sad thing for freedom of expression. I have been appointed to a global panel to make recommendations on how we can secure better governance of the Internet in the future. We will make recommendations to the upcoming summit in Brazil, which the President of Brazil has called for and which the President of France has said that France wishes to co-sponsor. I think that others will come on board because this is an incredibly important issue for the world: finding a better way of governing the Internet which gives it more legitimacy and moving from a situation where the United States governs the Internet to one where other states are given a say in what is going on.

The second problem we face relates to the protection of data and the revision of an important existing convention, the only one in the world in this area: Budapest convention 108. We are in the process of modernising and revising the convention. I can tell you that the Russian Federation has newly agreed to the European Union's participation in the revision of the convention, and the European Commission has prompted the United States to join the convention. Joining our convention and expanding it is probably a better way to get global rules in this area, given it is open to countries outside the Council of Europe family, than the cumbersome process of achieving a United Nations convention. We need global rules on how to protect private data that apply to everybody. It is not sufficient to say, "You should not spy on friends." That is a tribal approach to a global problem and we need to have rules that apply to everyone on the globe. The Council of Europe is in the forefront of creating such global rules.

At the end, I will come back to where I started. Our statute says that the objective of the Council of Europe is to contribute to greater European unity. That is why EU accession to the convention is so important. Without it, two parallel systems will evolve in Europe – that is certain – which will create new tensions and not more unity on this continent. Therefore, my priority from day one was to establish good relations at the top level of the European Union. The first thing I did was to go to Brussels and do that, because the relations were non-existent at the time. I had to build up trustful, solid relations with the European Union and now the political dialogue is regular at the highest level, as well as at many other levels. When the commissioners come to the European Parliament, they always come to my office. I have regular contact with President Barroso, not only when things happen, but on a more general basis. Even more importantly, the legal co-operation between our two organisations is expanding. We have an agreement in place between the European Commission and our 47 member states on how the EU shall accede to the convention. That will now be sent to the respective bodies on both sides – to our Parliamentary Assembly and Committee of Ministers and to the European Parliament and European Council. Things have come a long way.

I mentioned that the EU is now participating in the revision of Budapest Convention 108 on data protection. The European Commission for the Efficiency of Justice – CEPEJ – is now processing data for the EU, rather than it establishing its own mechanism. The EU is also considering acceding to the GRECO Convention, which would be of enormous importance. As I said, we have also started the process of reconciling the standards in the European Social Charter and the EU Charter of Fundamental Rights.

It is also important to mention that practical co-operation on the ground between our two organisations has gone beyond what anyone could have imagined just four years ago. I am going to give some figures – please do not faint. I am about to sign an agreement with the EU for a seven-year co-operation programme that gives us €100 million for our work in member countries in eastern Europe, €120 million for south-eastern Europe and an additional sum for our work in neighbouring countries. It is really important for us, so we have done something big. We have built a partnership with one of the most powerful structures in Europe, and I have from the beginning put emphasis on building a solid relationship with the other major powers on this continent, because they have to co-operate, for which we are building a pan-European platform.

EU accession to the convention would not be happening were we not able to build a trusting partnership. The reform of this Organisation has been essential, because accession would never happen if the organisation still had a huge bureaucracy and was bogged down economically. The EU would not accede to an accord that was overloaded with applications and cases. Due to the reforms and the relationships we have built, however, we can be more positive that EU accession will happen.

In conclusion, the continuation of reform and the EU's accession go hand in hand. We are only halfway in both processes and we must not stop now. It is about the future of Europe and what kind of Europe we want. I believe in a pan Europe, and the EU is important in that respect. It will never stretch out to the entire continent, but the European Convention on Human Rights does just that. The convention and the mechanisms that we have set up to protect and expand it are pan-European. We have a unique opportunity to constitute the legal basis for a pan Europe, which is why we must make our role relevant. We cannot complain about other institutions; we have to do things here. It has been hard work to regain attention and relevance in member states, in the European Union and in other major players. It was hard to win them back, but they can easily be lost again. Let us keep this train on track. I trust that the Parliamentary Assembly will continue to play the constructive role that I referred to at the start.