

OFFICIAL REPORT OF DEBATES

26th Session (25-27 March 2014)

The Congress
of Local and Regional Authorities

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FIRST SITTING OF THE CONGRESS

Tuesday 25 March 2014 at 11.00 a.m.

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1. OPENING OF THE 26TH SESSION OF THE CONGRESS BY THE PRESIDENT OF THE CONGRESS

The sitting opened at 11.08 a.m. with Herwig van Staa (Austria, R, EPP/CCE) in the chair.

THE PRESIDENT declared the 26th Session of the Congress of Local and Regional Authorities of the Council of Europe open, in accordance with Rule 17.1 of the Congress's Rules of Procedure. He welcomed Congress members, the representatives of the observer organisations and the delegation from China.

The participants stood to listen to the European anthem.

THE PRESIDENT said he was sad to announce that, since the previous session, one member of the Congress of Local and Regional Authorities had died. Helen Eadie, who had been from the UK and a member of the Scottish Parliament, had passed away on 9 November 2013.

The Assembly observed a minute's silence.

THE PRESIDENT said that the current session was taking place against the backdrop of a very serious crisis in Europe. That afternoon, there would be an urgent debate on the situation in Ukraine and the ramifications of the referendum held on 16 March.

The overarching theme of the sessions in 2014 was "Empowering youth: a shared responsibility for cities and regions". Particular emphasis would be given to this subject at the October session, when young people would be invited to participate as part of their national delegations to the Congress. During the current session, the Congress would look at various themes concerning youth participation in the democratic process.

This session would also see celebrations to mark 20 years of the Congress, which had been set up after the Vienna Summit in 1994 to replace the European Conference of Local Authorities. A ceremony would be held that afternoon with representatives from the Committee of the Regions, the Council of European Municipalities and Regions and the Assembly of European Regions. Two former presidents of the Congress would also be present.

The President wished to take this opportunity to pay tribute to those Congress members who had been there from the start, twenty years ago, and who were still among the most active members of the Congress: the Vice-President Jean-Claude Frécon, Michel Guégan, Alberto João Jardim, Jean-Pierre Klein, the Vice-President Anders Knappe, the Vice-President Michael O'Brien and István Schrick.

The ceremony would begin with a recording of an extract from the speech given by Jacques Chaban-Delmas, former mayor of Bordeaux and then Prime Minister of France, when he chaired the first session of the European Conference of Local Authorities on 12 January 1957. This remarkable and visionary statesman had understood that local authorities were an intangible part of the process of long-term European integration and had worked hard to promote this vision.

The anniversary would also be marked by a special edition of the Congress's annual magazine, devoted to the institution's 20-year history. The annual edition contained an overview of the Congress's activities in 2013.

Also on the agenda this session were debates on the implementation of human rights at local and regional level, being a local councillor today, digital media and urban mobilisation, the consultation of local authorities by other levels of government, the examination of various monitoring reports on Armenia, the Netherlands, the United Kingdom and Sweden and a post-monitoring report on Bosnia and Herzegovina.

The President announced that the Congress would be delighted to welcome Andr  Ruppachter, Federal Minister for Agriculture, Forestry, Environment and Water, representing the Austrian Chairmanship of the Committee of Ministers. Mr Ruppachter had extensive experience of regional government and had even been elected Secretary General of the Committee of the Regions although he had had to give up the post when he became a member of the Austrian government. The Congress would then hear from Thorbj rn Jagland, Secretary General of the Council of Europe, and from Anne Brasseur, the newly elected President of the Parliamentary Assembly of the Council of Europe.

The session would be punctuated by numerous events, including receptions hosted by the Austrian Chairmanship, the Slovenian delegation, the Permanent Representation of Moldova and the city of Strasbourg.

The President drew attention to the fact that a smartphone app had been launched the previous October to enable members to follow Congress news, access session documents and contact other members.

The President announced that there had been a change of procedure regarding voting devices: Congress members were to keep their handsets for the entire session. With regard to the reimbursement of expenses, Congress members were asked to go to Office 1040.

2. VERIFICATION OF NEW MEMBERS' CREDENTIALS

[CG(26)2] (RES)

THE PRESIDENT said that, at its meeting on 24 March 2014, the Congress Bureau had examined the credentials of the new members. Following discussion, the draft resolution prepared by the Bureau would be put to the vote. The President began by inviting the rapporteurs to take the floor.

Ludmila SFIRLOAGA (Romania, R, SOC), rapporteur, read out the draft resolution prepared by the Bureau. In accordance with Rule 4.1 of the Rules of Procedure, the Bureau had verified the credentials of the new members. It was proposed that the Congress approve the credentials of the members of the national delegations, as they appeared in the appendix to this resolution. Ms Sfirloaga ended by welcoming the national delegation from Serbia, which had returned to Strasbourg after a break of several years. All the member states of the Council of Europe were now represented in the Congress.

Anders KNAPE (Sweden, L, EPP/CCE), rapporteur, noted that no amendments had been tabled to this draft resolution. He was pleased to see that the targets set had been achieved and that all the delegations had complied with the rules that had been agreed. He also welcomed the Serbian delegation.

THE PRESIDENT noted that none of the speakers had asked to take the floor.

The President thanked the rapporteurs for their work. No amendments having been tabled to the draft resolution, he proposed that Congress members vote on this text. A simple majority was required.

The draft resolution on new members' credentials was adopted.

3. ADOPTION OF THE DRAFT AGENDA OF THE SESSION

[CG(26)OJ1PROV]

THE PRESIDENT said it was time to adopt the draft agenda for the Congress and the Chambers. As far as the Chambers were concerned, it was only necessary to decide on the times and not the content of their meetings, as they were responsible for their own agenda. The President asked whether the Congress members had any objections to the proposals contained in notice no. 1.

The President noted that there were no objections.

The draft agenda was adopted.

4. ADOPTION OF THE DRAFT MINUTES OF THE LAST SITTING OF THE 25TH SESSION (31 OCTOBER 2013)

[CG(25)PV3]

THE PRESIDENT said that the next item on the agenda was the adoption by the Congress of the draft minutes of the last sitting of the 25th Session. This document was available at the document counter. The President asked whether there were any objections.

The President noted that there were no objections.

The minutes of the sitting of 31 October 2013 of the 25th Session were approved.

5. ADOPTION OF THE COMPOSITION OF THE CONGRESS COMMITTEES

[CG(26)3]

THE PRESIDENT invited Congress members to decide on the composition of the committees, as set out in Document CG(26)3.

The President noted that there were no objections.

The proposed composition of the committees was approved.

6. COMMUNICATION BY THE PRESIDENT OF THE CONGRESS

THE PRESIDENT noted that this 26th Session of the Congress was taking place in an atmosphere of grave concern.

The Congress had, of course, accomplished a great deal in the 20 years that it had been in existence and there would be a special ceremony during the session to mark this anniversary, together with the Congress's European partners.

The monitoring of local and regional democracy carried out by the Congress had been yielding positive results, helping Congress members to build experience, to identify recurrent problems in member states and, on this basis, to engage in political dialogue with national authorities. Today, the Congress was taking further steps in developing co-operation activities through bilateral projects and within Council of Europe action plans. Such projects had already been launched with eight member states.

The monitoring was constantly improving in quality, thanks to professional preparation of missions. At the October session, five reports had been presented and on the agenda for this session were monitoring reports for four more countries and post-monitoring dialogue with another member state. Government ministers from several of these countries would be present for an exchange of views. This work lent credibility to the Congress and underscored its role as a pan-European assembly of local and regional representatives. It also highlighted the role of local and regional democracy as a crucial element in any democratic system.

The Congress had also pressed ahead with its thematic work in a large number of areas. The European Alliance of Cities and Regions for Roma Inclusion now had more than 120 participating local and regional entities, and the Congress Pact of Towns and Regions to stop sexual violence against children had been signed by 31 towns, regions and organisations. The Congress had also been addressing today's challenges to local and regional democracy, from the economic crisis and cultural diversity to integration, education for democratic citizenship and youth engagement. Young people from member states would be invited to participate in the October session, as part of their national delegations to the Congress.

The Congress was celebrating its 20th anniversary this year but it was actually the culmination of a process that had begun over 60 years ago, with the creation in 1952, by decision of the Council of Europe's Parliamentary Assembly, of a committee on the local and regional dimension. The work of this committee had led to the establishment in 1957 of a European Conference of Local Authorities, when the Committee of Ministers decided to give a voice to elected representatives at the grassroots. This conference of local and regional authorities of Europe had initiated the European Charter of Local Self-Government, a key international treaty for local democracy. In 1993, the Congress in its current form had been set up at the Vienna Summit of Heads of State and Government of the Council of Europe. The first session was held on 31 May 1994. Historically speaking, therefore, the Congress was a child in the institutional family of the Council of Europe, created to pursue the Charter's implementation and to advance the cause of local and regional democracy. The accomplishments of the last six decades, however, were being marred today by a growing loss of public confidence in the institutions of governance. The Council of Europe had been raising the alarm about an impending crisis of democracy caused, *inter alia*, by a disconnect between politicians and citizens, a lack of access to decision-making and corruption. People had responded to this crisis, in some cases through channels other than the established institutions and instruments of governance. There had been protest movements in Athens, Madrid, Istanbul, Sarajevo and Kyiv. And at the gates to Europe, similar examples of urban mobilisation had been seen in Tunis and Cairo, and across the southern Mediterranean, bringing about tremendous changes.

Today, it was cities and regions that were acting as a crucible for popular expression and a catalyst for change. Local and regional authorities could not remain on the side-lines of these changes. Instead, they needed to be an integral part of the process. The Chamber of Local Authorities, incidentally, would be holding a debate on the role of digital media in urban political mobilisation, with guest speakers from Turkey and Ukraine. The crisis of public confidence also highlighted the need for a new system of multi-level governance, to be able to respond better to citizens' concerns. Discussions were currently under way within the EU Committee of the Regions on drafting a non-binding European Charter of Multi-level Governance. The Congress should then prepare a document that would be binding, modelled on this charter. Multi-level governance was important for cross-border co-operation in Europe, for implementing macro-regional strategies and promoting interaction between European Groupings of Territorial Co-operation and non-EU countries. Cultural, economic and social competences on each side of the border might belong to different levels of governance and the system of multi-level governance allowed for the necessary co-ordination between them.

The President then moved on to the situation in Ukraine, saying that it was a subject of the gravest concern in Europe today. The uprising and the establishment of a new government by the Ukrainian parliament had set off momentous transformations in the country. In a statement made two weeks earlier, the President of the Congress had stressed that the holding of a unilateral referendum in Crimea was not in conformity with international law. The Russian Federation's annexation of Crimea was not in conformity with international law and treaties either, in the view of the Venice Commission. The President called on the Congress to express solidarity with the people and authorities of Ukraine in the face of the crisis. That afternoon, there would be a debate and a declaration would be adopted on the situation in Ukraine. The Congress wished to play its part in defusing the tension and to keep the channels of communication open with both sides, based on the European Charter of Local Self-Government.

The President invited the members who had put their names down to speak.

HU SICHE (China), observer, said it was an honour and a pleasure to attend this 26th Session of the Congress of Local and Regional Authorities of the Council of Europe. On behalf of the China International Friendship Cities Association, he wished to congratulate the Congress on its 20th anniversary. He thanked the organisers for inviting him.

The China International Friendship Cities Association was attending this Session in its capacity as an observer. The purpose of the association was to promote the establishment of friendship ties between Chinese cities and local governments and their counterparts in other countries, and to forge closer economic co-operation in the economic, scientific and cultural spheres. To date, Chinese cities and local governments had established more than 2,000 friendship ties with over 1,000 cities and 400 provinces across 133 countries, 41 of them in Europe.

For many years, the Association had been engaged in fruitful co-operation with the Congress and members of the European Union. A Sino-European association and a Sino-Polish association had been set up. Various activities had been organised, including a Chinese international cities co-operation forum and a national assembly of friendship cities, dialogue between Chinese and European peoples, a forum for Sino-European agriculture, a Sino-German urban development forum, a Sino-Spanish forum, a Sino-European culture forum, a forum for co-operation between Chinese and Polish local and regional authorities, a Sino-Hungarian assembly of friendship cities and various celebrations to mark the establishment of diplomatic relations between China and European countries.

Hu Siche wished to say a special thank-you to the Finnish association of local and regional authorities which had sent a delegation to the Chinese international cities co-operation forum in 2013. The Finnish association had forged close contacts with Chinese cities in the field of urban development and had built a solid foundation for co-operation.

Thanks to co-operation with the Congress, the China International Friendship Cities Association had been able to send a delegation to the Congress's 26th Session for the purpose of sharing experience. China was a major developing nation but it lacked experience in many areas. The Chinese were hoping to use this opportunity to learn from the experience of Congress members in order to better contribute to China's development. For four years now, the China International Friendship Cities Association had had observer status with the Congress. It accordingly wished to build closer co-operation between local and regional authorities in China and Europe. In November 2014, the Association would be holding the 4th assembly of Chinese international friendship cities in Canton. Hu Siche invited Congress members to attend this event. Certainly, it was a long way from France to China but as a Chinese poet had once said: "no amount of blue sky can separate true friends".

China and European countries had common interests in wide-ranging areas. There were extensive opportunities for co-operation to be had in a context of stability, development and prosperity. China and Europe were at different stages of their development. In Europe, urbanisation was already at a very advanced stage whereas China was going through a period of accelerated growth and having to deal with issues such as urbanisation, unemployment, pollution and youth education. It needed to work with European countries and to learn from their experience. Through this co-operation, the Association hoped to build an effective group of Chinese and European local and regional authorities to promote democracy, good governance, harmony and social development.

Hu Siche ended by saying he hoped the 26th Session would be a great success and thanked the Congress again for inviting him.

THE PRESIDENT thanked Mr Siche for his statement and for attending the session. He said that he himself had visited China ten years earlier, with a Congress delegation, and that it had made a very deep impression on him, as indeed it had on other visits, in particular during the Olympic games. He thanked Mr Siche for the excellent co-operation that had been established between the Congress and the China International Friendship Cities Association.

7. STATEMENT BY THORBJØRN JAGLAND, SECRETARY GENERAL OF THE COUNCIL OF EUROPE

THE PRESIDENT, on behalf of the Congress, welcomed the Secretary General of the Council of Europe and thanked him for coming. At the previous session, Congress members had appreciated the discussion that had taken place in the form of a spontaneous question-and-answer session and the President was delighted that Mr Jagland had been willing to repeat the exercise.

The President said the events in Ukraine were a major concern for the Congress. An urgent debate would be held late that afternoon. Mr Jagland had reacted swiftly on behalf of the Council of Europe when he visited Kyiv at the beginning of March, with the representative from the Committee of Ministers, for talks with the governmental authorities and civil society. The President asked Mr Jagland to outline his proposals for legal assistance for Ukraine.

Thorbjørn JAGLAND, Secretary General of the Council of Europe, said it was a great pleasure to be addressing the Congress of Local and Regional Authorities. He himself had started out in local politics and he was aware of the important role played by local and regional authorities in a democracy. In the words of the former British Prime Minister James Callaghan, if you couldn't ride two horses at the same time, you shouldn't enter the circus or politics. Being a local councillor was not easy, as it required one to maintain close links both with the people and with politicians. Anyone who tried to ride two horses at the local level would soon be caught out, especially if the horses headed off in different directions. At local and regional level, what was needed was consistency.

In the course of this session, the Congress would look at ways of encouraging young people to become more involved in local and regional politics. The fact was that political engagement began at the grassroots level. The number of young people participating in the political process, whether at national, local or regional level, was declining year by year, however. Young people might be very active in social media but they were not part of the political process and they were not joining political parties. Mr Jagland felt that direct democracy needed to be developed further. Ways must be found of enabling young people who wished to make their voices heard to become actively involved. As well as using social media, young people should also participate in the work of representative bodies. This was a real challenge.

The Congress was also planning to examine the crisis in Ukraine, which was one of the worst in Europe since the Second World War. This crisis was threatening to undermine pan-European cohesion. The danger that new dividing lines might emerge was very real, but the situation could also be seen as an opportunity. The Council of Europe must use its values and instruments to maintain cohesion across Europe.

This crisis had begun not with last November's demonstrations in Kyiv, but long before that. The latest events were a backlash by Ukrainian society against corruption, abuse of authority, and mismanagement. The crisis was also due to the fact that in Ukraine, there was neither a legislative system nor a constitution that included the whole country. Discontent had grown, and the people had taken to the streets in November, after which the movement had spread from day to day. A full-scale revolution had occurred, with a change of government. In answer to the question of whether such a change was legal, Mr Jagland said that no revolution was ever done "by the book". In Kyiv, the president had fled the country, and the parliament had elected a new president and put a new government in place. The country's elected legislature had managed to take action when the need arose.

On 24 February, the former president Viktor Yanukovych had signed an agreement with three foreign affairs ministers on the future of the country. Mr Jagland said his feelings then had been similar to his feelings at the time of the fall of the Berlin wall. Many leaders in Europe had not wanted the Berlin wall to collapse, fearing for the stability of Europe. The people had taken charge of their own destiny, however, and no one could have prevented the wall from coming down. Similarly, in Kyiv, it was the people who had seized control.

What would happen now? Ukraine was in an extremely difficult financial situation. While this was not a matter for the Council of Europe, Mr Jagland did personally wonder how much money had been spent on military action in Afghanistan, Iraq and elsewhere. How much money might be spent on building a solid, stable democracy in Ukraine? No was talking about it. Evidently, it was easier to finance military action than to fund efforts to stabilise a country that badly needed stabilising. What happened next in Ukraine would depend both on what could be done in the short term to address the financial crisis and on Europe's ability to build a stable, solid democracy, based on respect for human rights and the rule of law.

In this area, the Congress had a role to play. The Council of Europe had been observing Ukraine's problems for several years now. The reform launched by the Secretary General of the Council of Europe on taking office five years previously had aimed to put more emphasis on helping member states to implement the necessary reforms. Ukraine could not really be said to have an independent judiciary and an autonomous parliament. Parliamentary immunity was such that the status was sought after purely because it allowed those who had it to act with impunity. The media was tightly controlled. In such circumstances, and as could be observed in various other parts of the world, corruption set in, something that ordinary people were ultimately not prepared to tolerate. A similar situation had been observed in Tunisia and in many other countries. This situation would continue as long as there were no safeguards in place and no real separation of powers. The revolution that had ensued had created instability in Ukraine and unfortunately the Russian Federation had taken advantage of this to annex Crimea.

The Council of Europe had, however, developed a wide-ranging series of reforms for Ukraine, with the focus on developing an independent judiciary and an independent prosecution service. New legislation had been framed with the Ukrainian authorities and adopted by the Ukrainian parliament, including notably a new procedural code. One new law aimed to ensure an independent, impartial public prosecutor, as it was clear from the luxury in which he lived that the current Prosecutor General was corrupt.

Mr Jagland felt that, in order to ensure Ukraine's territorial integrity and sovereignty, all these reform efforts needed to be resumed. The Council of Europe was currently working on this. A new electoral law that ensured all the regions were represented was vital. Ukraine, after all, was a divided country, which was home to numerous minorities. All the regions and all sections of the population needed to be represented in parliament. The Constitution must likewise reflect the realities in the country. The action plan put in place by the Council of Europe before the revolution had sought to strengthen local, regional and national authorities. This was crucial if there was to be greater cohesion. The Congress had a key role to play in this area.

On a more practical note, a special representative of the Council of Europe had been sent to Kyiv to work on new legislation in close consultation with the Ukrainian government and parliament. The Venice Commission was also working on the new Constitution, so that it would be recognised by all the forces present in Ukraine and by the international community. It was encouraging to see that the Ukrainian parliament, the Verkhovna Rada, was eager to involve the Venice Commission in its work.

Mr Jagland said he had been in Kyiv at the beginning of December, when the demonstrations had started, and had seen violence and human rights abuses at first hand. The opposition and human rights organisations had emphasised the need to conduct an impartial investigation into these events but had no confidence in the Prosecutor General. The Council of Europe had suggested setting up an international panel, to be led by the Council, to monitor the progress of the investigation. All the events that had taken place until the point at which the demonstrations had ended would need to be investigated. This panel had attracted support from numerous international players.

A great deal still remained to be done in terms of helping Ukraine to build a stable democracy, including at local and regional level. The Congress would play a major role in the 2015 local and regional elections, just as the Council of Europe would play a role in the presidential elections which would probably take place in May. The parliamentary elections could be held over the summer or between now and the end of the year. Before the elections could take place, however, a democratic, legislative framework would have to be put in place.

Mr Jagland said it was clear from the events in Ukraine that human rights, the rule of law and democratic principles were essential for Europe's security. The lack of respect for basic rights and the rule of law had created instability that was now affecting large swathes of Europe. Further developments of this kind could not be ruled out. It was essential to insist that democratic principles be observed as part of a broader security concept for Europe. The Council of Europe, the only pan-European organisation to encompass 47 states across the continent, must play a central role in this new security concept in Europe. For although the European Union had a major role to play, its territory did not cover the entire continent. The OSCE was also a vital player, but it was not based on legal standards and conventions.

The role of the Council of Europe in restoring security in Europe was fundamental therefore. Local and regional authorities could also play a part in this. Mr Jagland felt that democracy should provide a way of involving people more in the political process, in particular young people. This would be one of the main topics at the next World Forum for Democracy, which would also be looking at exclusion and ways of including young people more in decision-making and within representative bodies.

THE PRESIDENT thanked the Secretary General and opened the debate.

ORAL REPLY TO QUESTIONS FROM THE FLOOR

Nataliia PILIUS (Russian Federation, L, ILDG) spoke of the importance of youth participation in the decision-making process. Youth unemployment stood at 20% or more in some Council of Europe member states. The low level of youth participation in political life showed that traditional political models were out of date. Young people must be able not only to express their opinions but also to participate fully in the policy-making process. This process must be designed in such a way that young people and also the most vulnerable and marginalised sections of the community were able to take part in the political life of society.

Thorbjørn JAGLAND, Secretary General of the Council of Europe, said the history of Europe showed that the socialisation of young people, in certain places, had proven effective. The workplace and education were where people became socialised. A person who lost their job and had no access to education facilities soon found themselves excluded from society. Mr Jagland assured the Congress that he was very worried about the high unemployment in Europe, in particular youth unemployment, and believed that the situation posed a threat to democracy. The Council of Europe had no means of resolving the problem but every country and every political leader owed it to themselves to take an interest in the issue. Marginalisation was a major problem. It was spreading even within the political parties, in that most of the people in senior positions in these parties did not come from marginalised sections of the population. Increasing numbers of people were thus finding themselves excluded from employment, education and now too, the political process, in a way that was liable to undermine the democratic system.

THE PRESIDENT suggested that members group the questions together.

Artur TORRES PEREIRA (Portugal, L, EPP/CCE) noted that the Congress had decided to continue the dialogue initiated with national governments during the monitoring procedures in order to see how the Congress's recommendations were being implemented. Portugal had led the way in this regard. Mr Torres Pereira asked Mr Jagland for his opinion on the monitoring exercise carried out by the Congress. He also wished the Secretary General luck in the forthcoming election.

John WARMISHAM (United Kingdom, L, SOC) referred to the adoption of the Strasbourg declaration in 2010. Since then, the Council of Europe, under Mr Jagland's leadership, had taken steps to ensure effective Roma inclusion both at national and at local level. The European Alliance of Cities and Regions for Roma Inclusion, which now covered 120 cities in 27 countries, had received considerable support, both political and financial, from the EU institutions, whether the European Parliament, the Committee of the Regions or the Council of European Municipalities and Regions. Mr Warmisham asked Mr Jagland how he thought he could help the Alliance to become sustainable.

Thorbjørn JAGLAND, Secretary General of the Council of Europe, congratulated the Portuguese representative for the exemplary work carried out in the field of monitoring. Within the Organisation in general, good results were being achieved as regarded monitoring, although there was still some room for improvement. In particular, more use could be made of the conclusions of the monitoring exercise. Reforms were currently under way to allow a better dialogue, based on the findings made during monitoring, and to remedy certain shortcomings.

Mr Jagland congratulated the Congress on its efforts to help the Roma and assured participants that the European Alliance of Cities and Regions for Roma Inclusion had his full support. He would be attending the conference that was to be held on this subject in Brussels the following week with representatives of the European Commission. It was vital to join forces to finance initiatives to help the Roma. A co-operation agreement between the European Union and the Council of Europe would be signed in Brussels during the conference. Under this agreement, roughly 100 million euros would be made available. The Council of Europe was thus making a significant contribution to the joint programme put in place with the European Union.

Jean-Claude FRECON (France, L, SOC) wished to know what specifically the Council of Europe could do in the short term to help resolve the crisis in Ukraine. Could the Congress be involved here and, if so, in what way? In the long term, what could be done to support the process of democracy-building in Ukraine?

Marc COOLS (Belgium, L, ILDG), likewise inquired as to how the Congress could help Ukraine. He asked whether the Russian Federation's illegal annexation of Crimea would not have the effect of delaying the process of devolution, for fear of triggering further secessions. In this context, what contribution could the Congress make to strengthening democracy in the country, not only at national level but also at local and regional level?

Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC) thanked the Secretary General for his very clear explanations concerning the events in Ukraine. She noted that the president of the Russian Federation had spoken of the need to protect Russian nationals living abroad. What did he think about this stance? Considering the ethnic diversity that existed in Europe, wouldn't such a doctrine open a real Pandora's box?

Knud ANDERSEN (Denmark, R, ILDG) pointed out that since 2011, Ukraine had been the subject of a Council of Europe action plan which included observing local democracy. The latest events had shown the major role that could be played by the grassroots level in the process of democratic transition. Mr Andersen hoped that the action plan would continue and that it would take account of the new realities in the country. The Congress stood ready to help the new government in Ukraine to develop local and regional democracy. Mr Andersen hoped that the Council of Europe would incorporate this aspect in its priorities under the new action plan.

Thorbjørn JAGLAND, Secretary General of the Council of Europe, in reply to Mr Frécon, said he thought the Council of Europe could draw on Mr Frécon's considerable experience and expertise to help Ukraine's new government introduce reforms in line with European standards. Mr Jagland had sent an adviser to the Ukrainian parliament to help it draw up new legislation. In addition, the Venice Commission was contributing to the constitutional process currently under way. Naturally, the Council of Europe would provide assistance in putting in place new electoral legislation. In particular, care must be taken to ensure that parliament was representative of the population. The Congress would have a major role to play in developing reforms at local and regional level and in the local elections that were to be held in 2015.

Mr Jagland assured Congress members that he attached great importance to devolution. The Ukrainian Constitution must be clear on this subject. The Congress and the Council of Europe had a key role to play in this area, as had been mentioned in the action plan. Mr Jagland, in reply to Mr Cools, said he did not think that the events in Crimea would delay the transfer of power from central to local and region level, quite the contrary in fact. The best way to protect Ukraine's national sovereignty was to build a stable democracy, based on respect for the rights of minorities. The Framework Convention for the Protection of National Minorities, which had been signed both by the Russian Federation and by Ukraine, could be of use here. Representatives of the body responsible for monitoring compliance with the convention were currently in Ukraine, observing the situation. The convention contained binding requirements designed to protect minorities.

Mr Jagland noted the relevance of the question put by Ms Mosler-Törnström. Any change to national borders in Europe was liable to create a dangerous situation, especially if these borders were changed on the basis of ethnic criteria. Given the large number of ethnic minorities and majorities that existed in Europe, any such process was liable to prove difficult to manage. Mr Jagland felt it was preferable to contain the situation, by trying to develop the notion of a security concept for Europe, as he had mentioned earlier.

Ludmila SFIRLOAGA (Romania, R, SOC) asked Mr Jagland for his assessment of the Council of Europe reform in the wake of the report on democracy, human rights and the rule of law in Europe.

Hande Özsan BOZATLI (Turkey, R, EPP/CCE), President of the Assembly of European Regions, said that the AER, which included Ukrainian members, was fighting for environmentally responsible growth and greater respect for social rights. Youth-related issues were one of its foremost concerns. Following the economic crisis, regional TV stations all over the world had experienced financial problems, forcing some of them to close down. The fact was, however, that these stations played a key role in providing information to the population, ensuring pluralism and diversity. What was the Council of Europe, and the European Audiovisual Observatory, doing in this area?

Svetlana ORLOVA (Russian Federation, R, EPP/CCE) thanked Mr Jagland, saying that he had provided an in-depth assessment of events in Ukraine unlike the Congress rapporteur who had relied solely on the media and included inaccurate information in the report. Ms Orlova spoke of the extremely serious problems facing not only the eastern part of Ukraine but also the western part. In particular, she lamented the lack of direct elections, which would have helped settle a number of issues. Russia had followed the Council of Europe's advice in this area and Ms Orlova, along with her colleagues, had been elected directly. She wished to know the Secretary General's opinion on this subject.

Thorbjørn JAGLAND, Secretary General of the Council of Europe, in reply to Ms Sfirloaga, explained that the reform which he had launched five years previously had been prompted by his belief that the convention system as a whole was under threat. With 130,000 cases pending before the Court, it had been felt that the right of individual petition before the European Court of Human Rights was in jeopardy. In that context, there had been a need for the Russian Federation to ratify the protocol that would pave the way for reforms in the Court, something that the Russian Federation had in fact now done. The main problem, however, had stemmed from the fact that many member states' practices were not compatible with the conventions, resulting in large numbers of applications to the Court. The Council of Europe had therefore worked with the member states, starting with Ukraine incidentally, so that they could embark on the necessary reforms. The monitoring carried out by the

Congress was extremely important and must be used to establish a dialogue with all member states with a view to encouraging them to undertake reforms. The Council of Europe could help member states move down this path, thanks to its expertise. This process must continue.

Thorbjørn Jagland echoed what Ms Bozatli had said about the importance of regional television. It was up to national, local and regional authorities to find the funding needed to ensure that these stations survived. It would indeed be most helpful if the Observatory were to look into this issue.

In reply to Ms Orlova, Mr Jagland said he approved of the Russian Federation's decision to introduce direct elections for governors. With regard to Ukraine, it was for the Ukrainian authorities to decide whether or not they wished to follow suit. Any reforms conducted in Ukraine must be the result of choices made by the Ukrainian population. Mr Jagland felt it was important that the people make themselves better heard, in particular at local and regional levels. Ukraine needed to develop an electoral system that would allow each region to be represented in the national parliament. He cited the example of his own country, Norway, which had been divided into 19 districts to ensure that all the various population groups were represented in parliament in a balanced way. If there was to be national cohesion in Ukraine, representatives of all the regions must sit in parliament. In this way, the Council of Europe could help Ukraine to build a stable, representative society, which respected the rights of all the populations present within its territory.

THE PRESIDENT thanked the Secretary General of the Council of Europe for his statement. He invited participants to attend the reception hosted by the Austrian Chairmanship of the Council of Europe.

The sitting was suspended at 12.45 p.m.

The sitting resumed at 2.10 p.m. with Herwig van Staa (Austria, R, EPP/CCE), President of the Congress, in the chair.

8. AUSTRIAN CHAIRMANSHIP OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE (NOVEMBER 2013 – MAY 2014)

STATEMENT BY ANDRÄ RUPPRECHTER, FEDERAL MINISTER FOR AGRICULTURE, FORESTRY, ENVIRONMENT AND WATER, REPRESENTING THE AUSTRIAN CHAIRMANSHIP OF THE COMMITTEE OF MINISTERS

THE PRESIDENT said he was pleased to announce that the afternoon's debates would begin with an exchange of views with Andrä Rupprechter. It was now customary for a representative of the Chairmanship of the Committee of Ministers to address Congress members at each Session. These discussions, indeed, were part of the regular, constructive dialogue that the Congress had developed in recent years with Council of Europe member states and their representatives.

Europe was currently going through a serious political crisis because of the events in Ukraine and the annexation of Crimea. These events were taking place against a backdrop of economic and financial crisis which had hit both national and local governments hard. Added to that was a crisis of identity, involving a loss of public confidence in the authorities, democratic institutions and the models on which European societies were built. Local and regional elected officials were closely acquainted with the everyday problems facing their fellow citizens and it was their job to provide solutions. To do that, they needed the political and financial support of their national authorities. The Chairmanship of the Committee of Ministers was an opportunity for member states to promote local and regional democracy as one of the building blocks of European democracy and to support the Congress's efforts in this regard.

The President gave the floor to Mr Rupprechter.

Andrä RUPPRECHTER, Federal Minister for Agriculture, Forestry, Environment and Water, said it was a great honour for him to be at the Congress that day representing the Austrian Chairmanship of the Committee of Ministers. This was the sixth time in the history of the Organisation that Austria had held the Chairmanship. More than ever, the Council of Europe was called upon to defend and promote the values of human rights, democracy and the rule of law across the continent. The Council of Europe possessed unique instruments and mechanisms that could be used to address the many complex challenges facing all levels of government.

Mr Rupprechter wished to extend a warm greeting to the President of the Congress and his staff. He also wished to extend greetings to another friend from the Tyrol, who would soon be celebrating his 80th birthday, the former Chair of the Council of Europe's agriculture committee, Sixtus Lanner, who had been a pioneer in the field of rural development in the late 1980s. Rural development was now at the heart of the European Union's work. Mr Lanner had devised ways of meeting the new challenges increasingly facing society.

Mr Rupprechter referred to the current crisis in Ukraine, about which the Committee of Ministers was extremely concerned and to which it had been devoting constant attention since December. Until February, it had been possible to make decisions concerning Ukraine based on consensus. On 10 March, the Chairman of the Committee of Ministers, Sebastian Kurz, and the Secretary General of the Council of Europe, had met with Ukrainian senior officials in Kyiv to explain what assistance the Council of Europe could provide to help Ukraine strengthen its democratic institutions and protect human rights. A tripartite working group made up of the Council of Europe, the Ukrainian parliament and the Ukrainian Ministry of Justice had been set up to prepare the ground for legislative reform. The Venice Commission had been asked for its opinion. The Ministers' Deputies had condemned the holding of a referendum in Crimea in breach of Ukrainian law and the new Russian law incorporating the city of Sevastopol and the autonomous region of Crimea in the Russian Federation. The Committee of Ministers had called for direct dialogue between Russia and Ukraine in order to find a peaceful solution to the dispute.

The promotion of local and regional self-government was particularly important in this context. As local and regional authorities, members of the Congress had a key role to play in democratic institutions. Local and regional authorities, after all, were the ones who delivered essential services to the population, including minorities. Viewed from this perspective, the assistance provided by the Congress under the Council of Europe action plan for Ukraine was of the utmost importance.

Mr Rupprechter went on to talk about multi-level governance, saying that, before taking up ministerial office, he had been unanimously elected Secretary General of the EU's Committee of the Regions. His appointment to the position of Minister for Agriculture had led him to change his plans, however. Austria was founded on a strong federal tradition. Mr Rupprechter had always taken the view that the regions could make a key contribution to European integration. The principle of multi-level governance was that the regions should not only be consulted but that they should also exercise responsibilities and participate in discussions at European level. The Council of Europe, through the Congress, provided an excellent platform for local and regional policy makers. In Mr Rupprechter's view, multi-level governance must be based first and foremost on the principle of subsidiarity, one close to the hearts of Christian Democrats.

The Austrian Chairmanship attached considerable importance to the implementation of human rights policies at the level closest to ordinary citizens. It was deemed essential to tackle the problems threatening social cohesion at local level. Of particular relevance in this context was the issue of internet governance. Transparency and access to information were thus among the subjects exercising Mr Rupprechter. To be meaningful, the fundamental rights and values defended by the Council of Europe must be effectively protected and promoted on the ground. Local and regional authorities had a crucial role in this respect. When citizens were in difficulty, when they were isolated, vulnerable, in ill health or had been the victims of injustice or discrimination, it was often because access to their fundamental rights had been compromised. Such persons needed support at the closest possible level, that is to say, local authorities. And they expected responses worthy of a caring society. Meeting this challenge in times of economic crisis required commitment, and a willingness to extend a helping hand, something that was also part of Christian ethics.

The Committee of Ministers supported the Congress's work in promoting cross-border co-operation. The Austrian Chairmanship was willing to work closely with the Congress in this area. The Congress had also expressed its commitment to ethical conduct. The fight against corruption at all levels was essential in this context. In co-operation with the Congress, an international conference dedicated to fighting corruption would be held in Innsbruck in May 2014. Mr Rupprechter invited Congress members to attend and to contribute to the event, drawing on their own experiences in this field.

With regard to social inclusion, the Austrian Chairmanship was working on some issues which should receive special attention from governments at all levels. Poverty among women in old age, for example, was a problem in many member states, including the more wealthy ones. Specific measures were needed to target both the causes and effects of this problem. The Chairmanship would be hosting a conference in Vienna on 3 and 4 April during which attention would focus on the pension reforms under way in several member states and possible solutions to address this worrying issue.

Equal opportunities and autonomy were essential for improving the quality of life of people with disabilities and their social inclusion. To this end, we must constantly review and adapt established policies. A symposium on "Human rights and disability" would be held in Vienna on 10 and 11 April 2014 to evaluate the Council of Europe's legal instruments aimed at securing the rights of persons with disabilities. Local and regional authorities had a very important role to play in these areas. Mr Rupprechter hoped that Congress members would be able to make an active contribution to this event.

The Austrian Chairmanship was also focusing on education for democratic citizenship with particular emphasis on human rights education and training in preventing racism, xenophobia and intolerance. Austria would be organising a citizenship day on 5 May to raise awareness about the Charter on Education for Democratic Citizenship and Human Rights Education. Once again, any support the Congress could lend to this initiative would be most welcome.

Another priority of the Austrian Chairmanship was internet governance, access to information and transparency. The internet had become an essential tool for connecting people, but it could also separate them. It could be an essential tool for participation in the democratic process. People used the internet on a daily basis to retrieve and disseminate information, pursuing educational aims, entering into business and interacting with public authorities. Human rights and fundamental freedoms could also be endangered on the internet. The Council of Europe had been a forerunner in all issues related to internet governance, not least through its work on the Strategy for Internet Governance. Mr Rupprechter encouraged the Congress to contribute to the Council of Europe Internet Governance Strategy, with a view to highlighting the place of local and regional authorities in this field. At a conference held in Graz on 13 and 14 March 2014, entitled "Shaping the digital environment: ensuring our rights on the internet", the various players, including heads of local and regional governments, had been called upon to take responsibility in this area. Mr Rupprechter cited the example of the city of Vienna which, the previous year, had introduced e-petitions, where local constituents could raise issues with the city council. Twenty or so such e-petitions had been lodged so far.

Mr Rupprechter said that Austria's regions were contributing to the Chairmanship with specific conferences on different aspects of local and regional democracy such as education and citizen empowerment. These conferences were taking place in Salzburg, Eisenstadt and Klagenfurt. Mr Rupprechter said he was glad to see that the Austrian delegation to the Congress had itself been quite active, bringing out a brochure on the Council of Europe's activities, specifically targeted at key decision-makers and stakeholders in Austria.

As a government minister responsible for the environment, Mr Rupprechter was disappointed that there was so little mention of sustainability and natural resources in the Congress's work. Local and regional authorities were key actors in this area. Greater consideration for the environment required the adoption of policies to combat climate change. And if these policies in favour of the environment were to be effective, local and regional authorities must play their part. Mr Rupprechter called on the Congress to put these important issues on the agenda for its sessions. Congress members were also invited to attend the international conference on climate protection and renewable energies to be held on 9 and 10 October in Vienna.

To conclude, Mr Rupprechter said he wished to convey the congratulations of the Austrian Chairmanship and the Committee of Ministers on this, the 20th anniversary of the Congress of Local and Regional Authorities. The Committee of the Regions was also celebrating its 20th anniversary, and the negotiations leading up to Austria's accession to the European Union had likewise concluded twenty years ago. The 20th anniversary of the Congress was indeed a birthday worth celebrating, at a time when strong local and regional government, through robust democratic processes, was more important than ever. Our fellow citizens needed to be convinced that the decisions taken by their elected representatives were indeed a reflection of the will of the majority, and they also needed to understand those decisions. As the World Forum for Democracy held in Strasbourg the previous November had shown, democracy must be seen to be legitimate, and it was through active citizenship and transparent democratic processes that this legitimacy could be strengthened. Although there was reason to be pleased with the results achieved to date, care must be taken not to lose touch with changing societies. Political leaders must be capable of responding effectively to the legitimate expectations of the electorate and the new challenges emerging. The Congress undoubtedly had an important role to play in this respect.

ORAL REPLY TO WRITTEN QUESTIONS

[CG(26)4]

THE PRESIDENT thanked the Minister for this statement and gave the floor to the nine participants who had tabled questions.

Karl-Heinz LAMBERTZ (Belgium, R, SOC) noted that the Congress had recently written to the Committee of Ministers to inform the Ministers' Deputies about the main recurrent themes to emerge from monitoring implementation of the European Charter of Local Self-Government and from observing local elections. The letter mainly concerned practices that were incompatible with the Charter and international electoral standards. Mr Lambertz asked whether this contribution from the Congress of Local and Regional Authorities met the Committee of Ministers' expectations with regard to monitoring.

Andrä RUPPRECHTER, Federal Minister for Agriculture, Forestry, Environment and Water of Austria, said that the work done by the Congress in terms of identifying underlying problems related to local and regional democracy in various member states was very useful. This factual diagnosis carried out by experts was an invaluable tool. The Council of Europe sought to find solutions to the problems observed through sharing good practice between member states, its assistance activities and its legal instruments. The Committee of Ministers and its committees of experts, the Organisation as a whole and in particular the Congress and the Centre of Expertise for Local Government Reform had a role to play in finding answers. All the advice on recurrent problems identified would be most useful. The dialogue established between the Congress and the Committee of Ministers rapporteur group on democracy would continue in the coming months.

Sevdia UGREKHELIDZE (Georgia, R, EPP/CCE) observed that the Committee of Ministers' local and regional democracy committee had been replaced by the European Committee on Democracy and Governance (CDDG). The terms of reference of this new body were wider, as it was responsible for democratic governance at all levels. Mr Ugrekhelidze wished to know more about the Committee of Ministers' expectations in relation to this new committee, and also about its composition.

Andrä RUPPRECHTER, Federal Minister for Agriculture, Forestry, Environment and Water of Austria, confirmed that the new committee did indeed have a broader remit. It was no longer solely concerned with local and regional matters. This committee should accordingly serve as a framework for co-operation between member states on issues related to the modernisation of public administration, including notably citizens' democratic participation and e-governance. It should provide a forum for sharing experience and spreading best practice at all levels of governance. Particular emphasis was placed on the local and regional levels. Any input the Congress could provide in this area would be extremely useful and it was hoped that synergies would develop between the Congress and the new committee with due regard to their respective competences.

As for the composition of this committee, member states would be asked to send whichever experts were best qualified to discuss the issues at hand. Since the terms of reference were very wide, membership would undoubtedly be fairly diverse. The first meeting was due to take place the following week in Strasbourg.

John WARMISHAM (United Kingdom, L, SOC) reminded participants that in March 2013, the Congress had set up, with the support of the Committee of Ministers' Special Representative for Roma Issues, the European Alliance of Cities and Regions for Roma Inclusion, whose main aim was to build, through pooling good practice and experience, the capacity of cities and regions in the member states to develop policies to promote Roma integration.

Over the past few months, the Alliance, which now spanned 122 cities and regions in 27 countries (Paris and Kragujevac being the latest to join) had attracted considerable support from the main EU institutions. Mr Warmisham observed that while political support was obviously necessary, financial support would be even more valuable. He inquired as to what the Committee of Ministers could do to ensure that the Alliance obtained the financial assistance it needed in order to be sustainable in the long term and better serve the needs of the Roma people.

Andrä RUPPRECHTER, Federal Minister of Agriculture, Forestry, Environment and Water of Austria, assured the Congress that since 2010 and the adoption of the Strasbourg declaration, the Committee of Ministers had given a high priority to the issue of Roma inclusion. Extensive efforts had been made at European and national levels, in the form of standards, policy guidelines and national strategies implemented in a large number of member states. To resolve the everyday problems facing the Roma population, however, action needed to be taken at local and regional levels. The Committee of Ministers had therefore welcomed the setting-up of the Alliance. The Austrian Chairmanship was very happy with the results already achieved by the new body, whose work was being followed with interest in Austria, in particular by the cities of Graz and Innsbruck and by the state of Upper Austria, which were members of the Alliance. Mr Ruppachter hoped that other regional authorities in Austria would follow this example. The Committee of Ministers supported the Alliance and was willing to commit to ensuring its development and long-term sustainability, including through programmes conducted jointly with the European Union, such as ROMACT, which had been launched in October 2013, or through voluntary contributions from the member states.

Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC) said that the German Chancellor Angela Merkel had expressed concern about the situation in Ukraine and emphasised the need for Europe to rally round. Europe seemed to have run out of steam since the Dayton agreements and the crisis in the Balkans. Yet there were signs that the situation in Bosnia and Herzegovina was deteriorating. The population was venting its frustration over the economic crisis through protest movements and there was a risk that the unrest could spread to other countries. Ms Mosler-Törnström wondered what the European Union and the Council of Europe could do to meet the hopes of the populations concerned?

Andrä RUPPRECHTER, Federal Minister of Agriculture, Forestry, Environment and Water of Austria, assured the Congress that the Committee of Ministers had been closely following the demonstrations that had been taking place in Bosnia and Herzegovina since February. The Council of Europe was not really competent to come up with a solution to Bosnia and Herzegovina's economic problems but it could nevertheless provide valuable assistance in building democratic institutions within the country. A new action plan was being prepared, moreover, and would shortly be examined by the Committee of Ministers. Solutions to the country's economic problems must come first and foremost from the competent national authorities. It was important to create a conducive environment

for long-term economic development, and effective national institutions were naturally crucial in this respect.

THE PRESIDENT decided to group the next two questions together, since both of them related to Ukraine.

Leen VERBEEK (Netherlands, R, SOC) pointed out that the Committee of Ministers, following lengthy discussions, had already adopted declarations on the situation in Ukraine. Mr Verbeek asked Andrä Rupprechter to confirm that the Committee of Ministers had unequivocally condemned the Russian Federation's annexation of Crimea following the referendum which the Venice Commission had found to be unconstitutional and illegal.

Andres KNAPE (Sweden, L, EPP/CCE) said the Council of Europe liked to think of itself as the guardian of democracy, human rights and the rule of law, values which formed the bedrock of Europe. The previous week, the Venice Commission had declared the referendum in Crimea to be illegal. The Russian Federation's annexation of Crimea was therefore a violation of international law and the undertaking given by Russia to ensure the territorial integrity of Ukraine under the Budapest Memorandum. Mr Knapé wondered about the seemingly contradictory nature of this situation.

Andrä RUPPRECHTER, Federal Minister of Agriculture, Forestry, Environment and Water of Austria, said that the Committee of Ministers was extremely concerned about the way in which the situation in Ukraine was developing. On 10 March, the Chairman of the Committee of Ministers (the Austrian Foreign Affairs Minister, Sebastian Kurz) and the Secretary General of the Council of Europe had travelled to Kyiv for a meeting with the country's senior officials. The Ministers' Deputies, meanwhile, had had lengthy discussions on this subject and two extraordinary meetings had led to the adoption of a series of major decisions. It had accordingly been decided to provide political and financial support for the setting-up of an international advisory panel to investigate the violent incidents that had occurred in Ukraine. This panel would be led by Judge Bratza, former president of the European Court of Human Rights, who would supervise the investigations conducted by the Ukrainian authorities to ensure they met the requirements of the European Convention on Human Rights. The Committee of Ministers, at the request of Ukraine, had also called on the Advisory Committee on the Framework Convention for the Protection of National Minorities to review the situation in Ukraine, in the light of recent events. A mission by a group of experts on minorities was currently in progress, moreover. A tripartite working group with members drawn from the Ukrainian Parliament, the Ukrainian Justice Ministry and the Council of Europe would be set up to assist the authorities with legislative reform. The Council of Europe would also help Ukraine to organise the presidential elections scheduled for 25 May 2014, to ensure they went as smoothly as possible.

The previous week, the Committee of Ministers had reiterated its solidarity with Ukraine and emphasised that the crisis should be resolved peacefully with due regard to Ukraine's territorial integrity, sovereignty and independence. It had condemned the referendum in Crimea which violated Ukrainian legislation and deplored the Russian Federation's decision to annex Crimea and Sevastopol. The Committee of Ministers had invited the Russian Federation to engage in direct dialogue with the Ukrainian government and had pointed out that it was incumbent on all Council of Europe member states to honour the commitments entered into under the Statute and other legal instruments of the Council of Europe. The Committee of Ministers would be keeping the situation in Ukraine under very close review and would discuss the matter again at its next meeting on 2 April.

Mikhail GULEVSKIY (Russian Federation, L, ILDG) said the Austrian Chairmanship of the Council of Europe set a high value on freedom of expression and media freedom. He wished to know how Mr Rupprechter felt about a law that had recently been adopted in Ukraine and which prohibited Russian TV channels from broadcasting in the country. He also referred to the case of Mr Panteleymonov, head of the national broadcasting company, who had been beaten up by MPs from the Svoboda party on 17 March and forced to resign. He had been accused of broadcasting the Russian President's speech to the Federal Assembly. The OSCE representative on media freedom, Dunja Mijatović, had officially condemned the ban prohibiting Russian channels from broadcasting.

Andrä RUPPRECHTER, Federal Minister of Agriculture, Forestry, Environment and Water of Austria, said that freedom of expression and information was of the utmost importance in any democratic society. All Council of Europe member states must honour the obligations laid down in Article 10 of the European Convention on Human Rights. Any threats or attacks against journalists or members of the media were unacceptable and must be condemned. The persons responsible for these acts must be prosecuted. The OSCE representative had indeed expressed dismay over the attack on the head of Ukraine's national broadcasting company. During her visit to Strasbourg the previous day, she has also drawn attention to the threats and attacks directed against journalists in Crimea. Mr Rupprechter stressed that there must be an immediate halt to such behaviour. Journalists must be free to cover the events taking place in Ukraine as they saw fit.

Stepan BARNA (Ukraine, R, NR) asked for further information on the measures which the Austrian Chairmanship of the Committee of Ministers was planning to take with regard to the occupation of Crimea, an autonomous republic of Ukraine. An occupation that was endangering the lives of the native Ukrainians but also of Tatars living in Crimea and in the city of Sevastopol. Mr Barna asked that attention be given to this matter at the next ministerial session.

Andrä RUPPRECHTER, Federal Minister of Agriculture, Forestry, Environment and Water of Austria, agreed that the situation in Crimea was of the highest importance. The Committee of Ministers was following the situation very closely. The agenda for the ministerial session on 6 May was being discussed by the Ministers' Deputies. Mr Rupprechter could not give any guarantees that it would include an item on the situation in Crimea as that was for the ministers to decide.

Vladimir VARNAVSKIY (Russian Federation, R, ILDG) hoped that those gathered in the room that day who had been making unacceptable remarks and inaccurate assessments of the situation would stop doing so. He recalled how on 3 December 2009, the representative of Austria Helmut Tichy, addressing the International Court of Justice, during the hearings on Kosovo's unilateral declaration of independence, had said that there was no rule in international law that banned people inhabiting a certain territory and represented by elected leaders from adopting a declaration of independence. Similar declarations had been made by representatives of the United States, France and Germany and other countries. Mr Varnavskiy wondered why the Austrian authorities and those of other Council of Europe states as well as the United States were now taking a different line when it came to the referendum in Crimea, declaring it unlawful. Surely such double standards were contrary to the whole spirit of the Council of Europe?

Andrä RUPPRECHTER, Federal Minister of Agriculture, Forestry, Environment and Water of Austria, noted that Mr Varnavskiy's question was addressed to him as a member of the Austrian government and not as a spokesman for the Chairmanship of the Committee of Ministers. He felt that the situation in Kosovo at the time in question needed to be seen in its historical context and was in no way comparable with the current situation.

THE PRESIDENT thanked the Minister for his statement and for answering the questions put to him.

The sitting was suspended at 3 p.m.

9. CEREMONY: 20 YEARS PROMOTING LOCAL AND REGIONAL DEMOCRACY

THE PRESIDENT opened the ceremony to mark the 20th anniversary of the Congress of Local and Regional Authorities. The Congress had been set up in 1994 following a decision by the heads of state and government at the Vienna Summit in October 1993. It had been the brainchild of European leaders who were determined to strengthen local democracy in their countries. The Congress replaced the European Conference of Local Authorities, which had itself been set up at the instigation of the Parliamentary Assembly of the Council of Europe. The first session of the Congress's predecessor had been held on 12 January 1957, with Jacques Chaban-Delmas in the chair, a great statesman and the then mayor Bordeaux who went on to become prime minister. At this session, Mr Chaban-Delmas had made a visionary speech demonstrating his commitment to promoting local and regional democracy.

The President invited participants to listen to an extract from this speech and to let themselves be inspired by the message.

The following recording was played:

"The sitting was opened at 10.10 a.m., with Mr Jacques Chaban-Delmas, Chairman of the Special Committee on Municipal and Regional Affairs, in the chair."

"The sitting is open. Under Resolution 76 of 14 October 1955 of the Consultative Assembly of the Council of Europe and in accordance with Rule 9 of the Rules of Procedure of the Conference, at the beginning of each session the Chairman of the Special Committee on Municipal and Regional Affairs shall preside until a President is elected. I accordingly declare open the first session of the European Conference of Local Authorities.

No one here can fail to realise the significance of this occasion. In the name of the Committee on Municipal and Regional Affairs I have the greatest pleasure in welcoming the Representatives of local authorities from the member states of the Council of Europe, and I do so, on behalf of the whole Consultative Assembly as well as of the Committee. I am glad to be able to announce that Mr Dehousse, President of the Consultative Assembly, has himself agreed to address the Conference. Our meeting today represents the crowning achievement of many years devoted to the cause of Europe both by the Council of Europe itself and by associations such as yours whose whole-hearted response to our appeal has made this Conference so fully representative of European local authorities.

The first result of our efforts was the creation in Strasbourg in 1952 of a new specialised Committee on Municipal and Regional Affairs. Even at that time, our main object was to try to counter the lack of public interest shown by the various Member States, a lack of interest that resulted as we realised from lack of information, but which nevertheless was depriving our work for European unification of the necessary driving force that could only come from public pressure exerted upon the governments of the democratic countries to induce them to work for a united Europe that would include as many countries as possible and be based on a system approved by the majority. From this point of view, we have no more numerous and efficient adherents than the local authorities. Mayors, municipal councillors and, generally speaking, all local officials, whether in cities, towns, villages or the most widely scattered country districts, form one huge group, several million strong, representing all the European member states, which is characterised above all by devotion to the interests of its fellow citizens and by the personal confidence placed by the latter in its members. At a time when the building of Europe threatened to founder in a bog of controversy, learned no doubt but none the less sterile, the triple aim of awakening the interest of local authorities in the European idea, winning their support for it and entrusting them with the task of instructing their fellow citizens, seemed an important one to pursue.

After careful consideration, the Consultative Assembly recognised the justice of this claim, in spite of certain very natural reservations of principle on the part of some who feared that members of local authorities who owed their election above all to their administrative ability might be diverted from their appointed task of administration into political controversies for which they were not designed. From the moment when the Committee on Municipal and Regional Affairs was first set up, therefore, it was strictly laid down that, while every effort would be made to propagate the European idea both

among and by local authorities, these authorities would in no circumstances be themselves invited to take any part in the inevitable political controversies as to the choice to be made by national parliaments and governments between the various European institutions or organisations. This fundamental undertaking has always been scrupulously observed by our Committee and by the Consultative Assembly, irrespective of the nationality or political party of any individual. Thus it is that our Committee, which began in a very small way both as regards numbers and terms of reference, has gradually risen to a position of prominence in the Council of Europe. Since 1952, the Presidents of the Consultative Assembly, first Mr de Menthon, then Mr Guy Mollet and finally Mr Dehousse, have never failed to show the greatest sympathy for our work and their example has been followed by the eminent representatives of the Assembly.

Before I turn to the organisation of the Conference, I should like to pay a well-deserved tribute to a devoted statesman who has always realised the essential value of our work, I mean the former Burgomaster of Antwerp, Mr van Cauwelaert, without whose active help, as Chairman of the Committee on Rules and Privileges, the Committee on Municipal and Regional Affairs would never have seen the light of day, and hence without whom the European Conference of Local Authorities would not now be meeting.

After making its way through a hitherto unexplored field in which each step constituted a new departure requiring a constant display both of boldness and of prudence, and on the basis of wide preliminary studies the new Committee set to work to discover how to provide local authorities with the information and means necessary to solve the problems raised by the inauguration of the first European organisations. The other day, for instance, the problems were those raised by the founding of the European Coal and Steel Community; doubtless, tomorrow, other new organisations will raise other problems. I feel sure that this conference will be able to shed a great deal of light on the best means of carrying out its task. Lastly, I must mention the side of your work which undoubtedly shows most plainly the unusual, I am almost tempted to say sensational, nature of this meeting. You have been invited here to discover, if not a path, at least a signpost towards some procedure that will enable local authorities to take a direct part in building Europe, even perhaps to have their representatives as full members of future European organisations, even though it may not be our business here and now to define the form these organisations should take.

So far as I know, this is the first time in the history of democracies that representatives of the local authorities have been invited by representatives of the national parliaments, with the consent of their governments, to give their opinion as to how they might participate in the organisations now in the process of being set up. That is the key point of the present meeting. This innovation is a memorable one. In the first place, it is a recognition, even if a small and belated one, of the respect due to the whole body of magistrates and elected local officials, a body of men who are mostly little known but who represent an indispensable element in human society. In the second place, it is an expression of our desire to prevent a united Europe of the future from falling into the trap of over-centralisation with its countless resulting ills that are sometimes a veritable scourge in the life of a nation."

THE PRESIDENT said that Jacques Chaban-Delmas had been a great statesman but also, most importantly, a visionary. He had understood that Europe could not be built without local democracy. Local and regional authorities were essential in shaping European policies and listening closely to citizens.

To mark 20 years of the Congress, the President wished to pay tribute to former presidents of the Conference of Local Authorities such as Henry Cravatte, from Luxembourg, who had twice held this office, or Alois Lugger, Herwig van Staa's predecessor in the city of Innsbruck. The President was particularly happy to see among those gathered there that day Alexander Tchernoff, president of the Congress from 1994 to 1995, Claude Haegi, president from 1996 to 1997, Llibert Cuatrecasas, president from 2000 to 2001, Giovanni di Stasi, president from 2004 to 2006, Halvdan Skard, president from 2006 to 2008, Ian Micallef, acting President, and Keith Whitmore, president from 2010 to 2012. He called on Congress members to spare a thought for those former presidents who could not be there that day: Alain Chénard, president from 1998 to 2000, former mayor of the city of Nantes, and Yavuz Mildon, from Turkey.

The ceremony was an opportunity to hear how the Congress's most important institutional partners saw the future for co-operation and interaction at local and regional level. It was also an opportunity to evaluate the progress made by the Congress in building a genuine democracy from the bottom up in the cities and regions of Europe, the main goal of the Congress and its predecessor, the Conference of Local Authorities, for more than 50 years. Congress leaders and members had worked for devolution and had helped to develop new ways of involving citizens in the decision-making process. They had been promoting the emergence of multi-level governance, based on both exclusive and shared responsibilities as well as clearly defined competences at each level.

Ratification of the European Charter of Local Self-Government by all 47 Council of Europe member states had created a unified European space of common standards for local democracy. At the same time, the Congress had changed by reforming and refocusing its activities on the areas where its expertise was the most recognised and crucial. The Congress, for example, was the only pan-European body to monitor local and regional democracy. It would pursue its efforts to develop democracy at grassroots, to support local and regional authorities and to improve the governance of our communities across the continent.

The President wished to extend a special greeting to those members who had been with the Congress from the start: Jean-Claude Frécon, President of the Chamber of Local Authorities, Michel Guégan from France, Michael O'Brien from Ireland, Jean-Pierre Klein from Luxembourg, Alberto Joao Jardim from Portugal (or more accurately Madeira) and Anders Knappe from Sweden. Anders Knappe was representing the Council of European Municipalities and Regions at the ceremony.

Luc VAN DEN BRANDE, Vice-President of the Committee of the Regions (CoR), naturally wished to be involved in this ceremony which coincided with the 20th anniversary of the Committee of the Regions. This dual anniversary was no accident, but rather the result of a common commitment to the cause of democracy. To celebrate the 20th anniversaries of the Congress and the Committee of the Regions was to celebrate the entrenchment of local democracy, guaranteed through respect for local and regional self-government. European integration had usefully contributed to the transfer of power from central to local and regional level. The Council of Europe's legal instruments, in particular the European Charter of Local Self-Government, the anchoring of democratic principles and respect for fundamental rights in the European Union's underlying values, and the recognition of the principle of subsidiarity in the constitutional texts of the European Union were all examples of the progress that had been made over the past twenty years.

The two institutions had been brought together that day by a joint project, the Charter of Multi-Level Governance, which guaranteed co-operation between all levels of government in the exercise of powers and responsibilities and decision-making processes. Subsidiarity and governance could not be separated, therefore, from robust local and regional self-government. The horizontal dimension of subsidiarity led to the concept of multi-stakeholder governance. The Charter, which the Committee of the Regions was planning to announce on 9 May next, Europe Day, and which was to be adopted at the next session, on 3 April, should be seen as a genuine political manifesto that politically committed those who signed up to it to use their powers for the benefit of multi-level governance. The Congress was the natural ally of the Committee of the Regions in this ambitious endeavour, with the potential to enhance its pan-European dimension.

Another example of the Congress and the CoR working successfully together could be seen in the efforts to reach out to neighbouring countries, eastern Europe or the southern Mediterranean. The Committee of the Regions and the Congress of Local and Regional Authorities had become fully-fledged partners in the field of political dialogue. In this respect, Mr van den Brande felt that the recent events in Crimea were not worthy of European history and ran completely counter to international and domestic law.

Mr van den Brande said that devolution had radically changed the balance of powers within the two institutions' member states, and had had a major budgetary impact, not least when responsibilities were transferred to local and regional authorities. All democracies, both old and new, were under financial strain at present. If the European dream was not to turn into a nightmare and if the process of European construction was not to be eroded, greater effort must be made to win back the hearts of Europe's citizens. Most of these citizens thought that Europe was no more than a

collection of soulless treaties. At the same time, they were struggling to cope with the rigours of globalisation. The Committee of the Regions and the Congress needed to develop a strategy that would provide a way out of the crisis and lend fresh impetus to the European project. It was a question of reviewing the way states were organised and redistributing powers between the different levels of government.

Mr van den Brande concluded by pointing out that co-operation between the Committee of the Regions and the Congress was not merely a political partnership but went right to the heart of their respective missions. Such co-operation was absolutely vital when it came to strengthening democracy across Europe. There were still many exciting challenges to be met so as to implant the ideals of good governance all over Europe and meet the expectations of ordinary people.

Anders KNAPE, Executive President of the Council of European Municipalities and Regions (CEMR), said he was delighted to be present at the celebrations to mark the 20th anniversary of the Congress of Local and Regional Authorities, not only on behalf of the CEMR but also as a member of the Congress. For twenty years, the Congress and the CEMR had been working together. The creation of a body representing towns and regions within the Council of Europe was one of the principal objectives of the CEMR. Some sixty local elected officials from France, Switzerland, Italy and the Benelux had created in Geneva what was later to become the CEMR. The first major achievement of this new body was the establishment of a Special Committee on Municipal and Regional Affairs within the Parliamentary Assembly of the Council of Europe. In 1957, this committee became the European Conference of Local Authorities. At the time, the Council of Europe comprised only 15 member states. In 1961, this conference was renamed the Standing Conference and then reformed in 1973, before finally giving birth in 1994 to the Congress of Local and Regional Authorities.

Throughout this long history, the CEMR remained closely linked to this body. The two institutions had partly the same members, and the same delegations. Back when the Congress was founded, there had been a genuine symbiosis between it and the CEMR. One of the Congress's most notable achievements, the European Charter of Local Self-Government, had been inspired by a document adopted by the CEMR entitled the Charter of Municipal Liberties. In 2012, the Deputy Secretary General of the Council of Europe, Ms Battaini-Dragoni, had declared that this text constituted the founding act of local democracy in Europe. The Congress today was the guardian of local and regional democracy. It observed local and regional elections and promoted the local and regional dimension of human rights all over the continent. The previous year, the 47th Council of Europe state had ratified the Charter, thereby demonstrating the vitality and relevance of this instrument.

Mr Knappe assured the Congress that it could count on the support of the CEMR which shared the same objectives. Local and regional democracy, and respect for the principle of subsidiarity were by no means firmly entrenched in all parts of Europe. The European Charter of Local Self-Government was a living instrument. There was an ongoing need to ensure that it was applied and, where necessary, that it evolved. The Charter may have been ratified by all the member states of the Council of Europe but many of them had expressed reservations about what were nevertheless key articles. Lifting these reservations should be the next goal of the CEMR and the Congress. It was first and foremost at local level, with the participation of citizens, that action could be taken. Involving citizens in initiatives was crucial for their continued confidence in the various institutions. Local and regional elected representatives were the authorities closest to ordinary people. It was absolutely essential that this special relationship with the public be maintained. Unfortunately, because of the financial pressures placed on them, these representatives were not always able to provide answers to the problems facing ordinary people, or to deliver all the services they expected. It was more important than ever to be innovative and to improve the efficiency of public services. Local and regional authorities had achieved a great deal and had been instrumental in building democracy in Europe, but their job was not finished yet. The CEMR had played a leading role in the development of the Congress and it hoped to continue doing so.

Hande Özsan BOZATLI, President of the Assembly of European Regions (AER), began by welcoming Congress members on behalf of Yavuz Mildon, the former Congress president, who was unable to be there that day. Ms Bozatli said she felt honoured to be president of the Assembly of European Regions, the first body to give the regions a political voice in Europe. The AER would be celebrating its 30th anniversary in 2015. At the invitation of Edgar Faure, the then Vice-Chair of the European Parliament's Committee on Regional Policy, regional presidents had gathered in Strasbourg in 1985 and set up the Council of Regions of Europe. The Council of Regions of Europe had held its statutory founding meeting in June 1985 in Louvain-la-Neuve. 47 regions had been present, as well as inter-regional organisations. In 1987, the CRE had changed its name to the "Assembly of European Regions", thus underlining its desire to be a genuine political forum.

The AER was an independent voice which reflected the diversity of Europe's regions. For the first time in the history of the European institutions, the regions had their own representative body, with a number of seats that was practically sufficient to ensure the representation of most of the main regions of the Council of Europe member states. In its 29 years of existence, the AER had developed into the widest network of regions in all of Europe, encompassing 230 regions in 35 countries and 15 inter-regional organisations. The AER sought to promote regionalism, trained regional leaders, implemented co-operation programmes, encouraged the exchange of best practice and supported the development of the principle of subsidiarity. It had also lobbied for the creation of the Committee of the Regions and the Congress of Local and Regional Authorities.

Ms Bozatli said that each of the four organisations, namely the Congress, the CoR, the CEMR and the AER, had a role to play. After all, they covered different themes, geographical areas and institutional levels. The Congress of Local and Regional Authorities focused on local and regional democracy and sought to improve local and regional governance at these various levels throughout the wider Europe. The Committee of the Regions was crucial in voicing local and regional concerns within the European Union. The CEMR was closer to the AER in terms of its remit but, unlike the AER, it covered local authorities as well. The AER, which covered regional authorities throughout the wider Europe, engaged in lobbying and exchanges of best practice.

Before the close of the ceremony, the former presidents of the Congress of Local and Regional Authorities were invited to sign the commemorative poster: Herwig van Staa, Alexander Tchernoff, Claude Haegi, Libert Cuatrecasas, Giovanni di Stasi, Halvdan Skard, Ian Micallef and Keith Whitmore took it in turns to perform this symbolic gesture.

10. SIGNING CEREMONY OF THE CO-OPERATION AGREEMENT BETWEEN THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE AND THE ASSEMBLY OF EUROPEAN REGIONS

THE PRESIDENT said he was delighted to be signing this first-ever co-operation agreement between the Assembly of European Regions and the Congress. The AER was a long-standing partner of the Congress. Alongside the Congress, it took care to ensure that due account was taken of the role of the regions in European institutions. It helped regional governments to ensure that draft domestic laws were in keeping with the principle of subsidiarity. The Congress and the AER had many common goals, in particular strengthening regional democracy and giving the regions a greater role in national and European institutions.

The Congress's Chamber of Regions and the AER had wanted to put this co-operation on a more formal footing so as to co-ordinate their activities more closely. As envisaged in the co-operation agreement, the Congress and the AER would share any relevant information concerning the implementation of their respective priorities. Henceforth, representatives of each institution would attend their respective Bureau meetings, and their respective general assemblies or plenary sessions.

The agreement included a specific action plan for the period 2014-2015, which would be updated every two years. Over the coming two years, both institutions would devote their attention to issues of regional concern: how to deal with the economic crisis, how to involve the younger generation in political life, implementation of the principle of subsidiarity and multi-level governance, promoting local democracy and regional self-government in Europe and neighbouring states, and promoting minority regional languages. A debate the following day in the Congress's Chamber of Regions would focus on the main activities to be implemented under the agreement.

Hande Özsan BOZATLI, President of the Assembly of European Regions (AER), wished to take a brief look back at the history of the Assembly of European Regions. The AER had been the prime mover in setting up the Congress and had observer status with it. The AER was already therefore, working in close co-operation with the Congress, not least through the Centurio programme which had provided support for an exchange of public officials and had continued to operate until 2004. Likewise close ties had been established in other areas such as the Black Sea. The aim of the co-operation agreement was to place this co-operation on a more formal footing and to give greater prominence to the partnership. The AER and the Congress, after all, shared the same concerns. The agreement focused on three main priorities for the years 2014 and 2015 and possibly beyond. The first was promoting regional self-government by supporting devolution in Europe. The AER had, for instance, helped Poland, Romania and Bulgaria to join the European Union by encouraging the transfer of power from central to local and regional level. The second priority concerned regions' response to the political, economic and social crisis. In this regard, the AER had held three crisis summits and had brought out a publication that year. The third priority concerned youth participation in political, economic and social life. The AER had prepared a policy report on this subject.

Under the co-operation agreement, the AER would make an active contribution to the sessions of the Congress's Chamber of Regions and to its Bureau meetings, as well as to the Congress's plenary sessions and its committees. The following day, for example, Urs Wüthrich-Pelloli, from Basel-Landschaft (CH), would provide the Chamber of Regions with details of the co-operation agreement. He would be accompanied by Beat Rohner, the president of the Youth Regional Network and member of the Executive Board of the AER. The discussion would focus in particular on the issue of youth employment.

Ms Bozatli said that the AER was looking forward to working alongside Congress members. Regionalism was a very topical issue, at a time when extensive reforms were under way in Europe. The AER and the Congress must do their best to ensure that the changes proposed came from the bottom up and were properly communicated to citizens. She cited the example of Croatia where under a territorial reform, the number of regions was to be reduced to five. So far, there had been no real consultation with the regions and local communities concerned. AER members had called on the Croatian government to adopt a bottom-up approach when implementing its planned reforms. It was vital that the government work closely with the regions to achieve a territorial structure that was democratic and fair. The AER, 18 of whose members were from Croatia, had offered to partner the Croatian government in the regionalisation process.

The President of the Congress of Local and Regional Authorities and the President of the Assembly of European Regions proceeded to sign the Memorandum.

An official photograph was taken.

The sitting resumed at 4.11 p.m.

Jean-Claude FRECON (France, L, SOC), Vice-President of the Congress, took the Chair at 4.11 p.m.

11. IS THERE A REAL PLACE FOR YOUNG PEOPLE IN LOCAL AND REGIONAL DEMOCRACY?

THE PRESIDENT reminded participants that the theme chosen for the 2014 sessions was "Empowering youth: a shared responsibility for cities and regions". This first debate of the session would focus on the role of young people in local and regional democracy. What opportunities were

actually available for young people to participate in local and regional democratic life? Were they really managing to make their voices heard? Or did local and regional authorities merely pay lip service to youth involvement?

The three young people who were going to be taking part in this discussion were all three involved in the democratic process, in one way or another. The first speaker used the channels of representative democracy to convey her message, having been elected by her fellow citizens in regional elections. The second speaker had also been elected, although only by his peers. The third speaker has chosen on-line activism as her way of speaking out. The final guest would explain what the city of Cluj-Napoca in Romania, which had been designated European youth capital for 2015, was doing to ensure effective youth participation in public life.

STATEMENT BY MARTINA JÖBSTL, MEMBER OF THE REGIONAL PARLIAMENT OF SALZBURG, AUSTRIA

THE PRESIDENT welcomed Martina Jöbstl, member of the regional parliament of Salzburg, Austria. Ms Jöbstl belonged to the Austrian People's Party which held 11 out of the 36 seats in the Salzburg regional parliament. Her particular areas of expertise were youth and sport. Deputy chair of the committee on education, schools, sport and culture, she also sat on the regional parliament's committee for Europe, integration and external policy. At the age of 22, she was the youngest politician to have been elected to a regional parliament in Austria.

Martina JÖBSTL, member of the regional parliament of Salzburg (Austria), said it was a great honour to have this opportunity to talk about youth policy in Austria and about her own personal experience. Personal motivation was vital if one wished to enter politics. She herself had always been particularly passionate about education policy. She had started out as a classroom leader and had represented her fellow pupils not only in school but also at state level. In Austria, sixth-form pupils were represented in the regional parliaments. Gradually, they learnt what it meant to be part of a representative democracy and to deal with issues that affected their everyday lives. Later on, political engagement could take many forms: they might become an elected representative, join an NGO or work as an adviser to a politician. Ms Jöbstl stressed the importance of making room for young people in politics. Young people had innovative ideas, and perhaps took themselves less seriously than their older colleagues. She herself did not always share the same political vision as her elders, for example on women's policy. She had not grown up in a context where women were subject to all kinds of strictures. When it came to political involvement, furthermore, young people should not be confined to youth issues but should be able to express their opinions on other issues as well.

Ms Jöbstl said that as a young politician in Austria, she had never suffered any discrimination, either within her own party or vis-à-vis other political groups or administrations. Some difficulties could nevertheless arise in dealings with society at large. When attending meetings as representative of the Land of Salzburg, for example, she was often mistaken for the secretary. It was a case of changing public attitudes so that young people were properly appreciated. It was important to recognise that politics was multi-faceted. Young people, however, must be willing to adapt to certain political conventions, regarding, for example, external appearance, while still preserving their own fresh way of thinking and remaining true to themselves. It was vital that they not allow themselves to be boxed into a corner.

Ms Jöbstl noted that even young people such as herself were rooted in a party structure and that this was inevitable if one was to be effective in politics. Occasionally, other young people accused her of becoming part of the establishment and of losing touch with her peers. In answer to these criticisms, Ms Jöbstl said it was vital to be able to see the bigger picture and not to allow oneself to be confined solely to youth issues. She wanted to be able to represent her province or town in their own right and to help change society in all areas.

Ms Jöbstl said that, in order to persuade their peers to get involved in politics, young politicians needed to stay young and, most importantly, authentic. It was important to have fun doing politics and to be able to communicate this sense of enjoyment to other youngsters. In Austria, Sebastian Kurz, the young minister of foreign affairs, who had risen to prominence not only within Austria but also on the international stage, was a fine role model. Another important factor was language. There was no need to use the language of young people in every sentence, but it was certainly important to speak in a way that was direct and to take young people seriously. The latter wanted to be fully involved in discussions and to obtain clear answers to their questions.

Ms Jöbstl then touched on the issue of the age of eligibility. In Austria, the minimum age was 16 for voting in elections and 18 for standing as a candidate. In some countries, the minimum age for standing for election was 25. In Ms Jöbstl's view, it made no sense to try to persuade young people to become politically engaged if they had to wait until the age of 25 before they could stand for election. In the last municipal elections in Austria, 3 municipalities out of 119 had elected a mayor who was under the age of 25 years. All the municipal assemblies had members under the age of 25. In the municipalities, various schemes had been introduced to encourage youth engagement. Once a year, for example, young people were invited to a youth forum to discuss topics of direct relevance to them such as plans to build a new swimming pool or a park. Such initiatives could kindle young people's interest in politics, by providing tangible proof of how it could make a difference. Ms Jöbstl hoped that in future, there would be more and more politicians under the age of 30.

THE PRESIDENT thanked Martina Jöbstl for her enthusiasm and her candour.

STATEMENT BY JACOB SAKIL, FORMER YOUNG MAYOR OF THE LONDON BOROUGH OF LEWISHAM, UNITED KINGDOM

THE PRESIDENT welcomed Jacob Sakil, who had been elected by his peers as Young Mayor of Lewisham in 2009. Every youngster aged between 11 and 18 years who lived, worked or attended school in Lewisham could vote to elect the Young Mayor. This mayor acted as their spokesperson for one year, communicating young people's vision to policy makers. He had a team of young councillors or a group of young citizens to assist him and an annual budget of around 36,000 euros to improve the everyday lives of local youngsters.

Jacob SAKIL, former Young Mayor of the London Borough of Lewisham, United Kingdom, said that politics started with an opinion and everyone, including young people, had an opinion on matters that affected their everyday lives. Was there a real place for young people in local and regional democracy? To answer that question, Mr Sakil wished to talk about his own experience as the Young Mayor of Lewisham and his continuing involvement in politics, speaking and representing young people's experiences and aspirations locally, in south east London, in the UK and parts of Europe. He had visited Sweden, Denmark and Poland. He was currently living in south east London but he was originally from Brooklyn, New York. The population of Lewisham was young and diverse: more than 70% of schoolchildren were from an immigrant background. This population had a significant contribution to make to political life. Young people wanted to change society and the Young Mayor scheme gave them an opportunity to do so. Young people from 13 to 18 years could stand as candidates in the mayoral elections, put their ideas forward and hold a leadership role within their community and local government.

What could be done to help young people become involved in politics? Mr Sakil felt it was important to enable them to give practical expression to their ideas and to accomplish projects that concerned them directly. The election for the Young Mayor of Lewisham took place in all the secondary schools and colleges in Lewisham. Young people aged between 11 and 18 who lived or attended school in the borough could participate. The average turnout was 49.4% which was considerably more than in elections reserved for adults, proof that whenever they were given the chance, young people were far more active in politics than adults.

Mr Sakil said that becoming Young Mayor of Lewisham had given him an opportunity to use the democratic process as a means of bringing about change in Greater London. Politics was first and foremost about ideas, and trying to create lasting solutions for creating a better society. Future generations should have a voice from the beginning. Young people must be able to see an idea through from conception to execution. Some people were disappointed with politics. They saw that, as soon as they reached the age of 18, suddenly the parties were keen to win their votes whereas before, they had happily ignored them.

What could adults and in particular politicians do to ensure that young people were genuinely able to influence decisions about their future? Mr Sakil said that in Lewisham, he had had an opportunity to study issues concerning employment. The challenge was to ensure that everyone had access to employment and not only the privileged few. Mr Sakil said he tried support any youngsters who wished to set up in business. As a business founder himself, he was aware of how hard it was to make such a project work. Another challenge was to support young people's well-being and mental health, as they sometimes struggled with the everyday demands and stresses that were put on them by the education system. This stress needed to be recognised by the community.

Young people needed to find democratic means of resolving these problems as active participants in society. Lewisham's Young Mayor programme was one way of doing that. Young people had the sense that they could really make a contribution, that they were actively shaping their own future and helping to transform the world they lived in. Some young people, whether they lived in the United Kingdom or in other countries, played an active role in their local community, not necessarily through a Young Mayor scheme, but in a variety of ways. They were concerned with many different issues but all had one thing in common: they were committed to making a change.

Mr Sakil urged the audience to give young people a chance in their local communities, and to start by listening to their aspirations. Sometimes, it was important to stop talking and to listen.

THE PRESIDENT thanked Mr Sakil. The conclusions of the Congress's 2012 report on "youth and democracy: the changing face of youth political engagement" demonstrated that, contrary to what was widely supposed, young people were not disengaging from democratic and civic practices, despite their growing tendency to abstain from voting, especially local elections. Nor was there any statistical evidence to suggest that they were disengaging from political parties. Young people were involved in various forms of democratic activity, which more closely matched their vision of citizenship in a society where they felt excluded from the political process. More and more young people, for example, were turning to social media as a means of being politically active.

STATEMENT BY ADRIANA DELGADO, ON-LINE YOUTH ACTIVIST, PORTUGAL

THE PRESIDENT introduced Adriana Delgado, who had been an activist in the Youth Network for Equality since 2009. In April 2013, she had joined the team of on-line activists of the Council of Europe's *No Hate Speech* movement, a campaign designed to combat hate speech on the internet.

Adriana DELGADO, on-line activist (Portugal), thanked the Congress for giving her this opportunity to talk about her experience as an on-line activist. She was part of the group of activists helping with the *No Hate Speech* campaign. This campaign, developed by the Council of Europe, was aimed mainly at young people. Ms Delgado was also involved in a couple of other cross-platform projects that dealt mostly with gender issues. On-line activism helped to enhance the impact of what she did, enabling her to reach more people, beyond her own personal contacts. Being an on-line activist did not mean, however, that she spent most of her time in front of a computer. On-line activism was mostly just an extension of what happened off-line, with the internet making it possible to reach a much wider audience in a shorter space of time.

Ms Delgado did not agree with those who maintained that young people today were not politically engaged. It was perhaps true that young people made less use of the traditional methods of participation, such as voting and joining political parties, but that did not mean that they were not interested in politics and that they were not active. Many young people still wanted to change society into one that was more just. New media might then provide a useful tool for developing synergies and opening up new possibilities. And while it was important to beware of somewhat naïve talk about the internet being a massive *Agora* where everyone had a say, new technologies could be used to enhance and strengthen representative democracies. They could serve as a means of consultation or as a method of participation. Such participation could take various forms depending on the goal: agenda setting, analysis, policy creation and implementation or monitoring.

It was important to understand that this e-participation took place in dialogue with existing off-line methods. Take on-line petitions, for example: the internet allowed more people to have access to petitions. The increase in the number of petitions, however, meant that they tended to become atomised and disappear in the flow of information. Only those with a good marketing strategy actually made it to public debate. More information did not mean better information, and this proliferation of methods of participation could, if mismanaged, end up producing initiatives that had very little impact. The best way to use new technologies such as websites, on-line forums, smartphone apps, etc. was to incorporate them in a broader strategy. Instead of creating new spaces, it was more effective to go to where people already were. The Internet thus allowed us to use existing tools to strengthen local ties and to spread a particular message.

Ms Delgado said that her own experience of activism had taken place mostly at European level, rather than at local level. She had learnt, however, about a few interesting experiences in this area. In Helsinki, Finland, for example, in the neighbourhood of Kallio, a community of people who lived or worked in Kallio and who wished to influence the city's decision-making had been set up under the name of *Kallio-Liike*. Kallio-Liike had been behind a number of initiatives, including a music festival, multicultural evenings, etc. New technologies were used because they enabled the community to self-organise and to spread information. Ms Delgado also cited the example of a Greek project, *City of Errors*, a social network for civil engagement, which used video and testimonials from citizens to take action to improve the city. It relied on new media to spread the word but, like *Kallio-Liike*, it needed off-line activities within the community in order to work.

Ms Delgado said that it would be wrong to expect the internet to change everything. History showed that human struggles remained essentially the same. Inequality, for example, was still a challenge. In theory, we could all make our voices heard on the internet but in practice, not everyone had the same access to information. The biggest challenge faced by democracies could not be solved by technology alone. Education and critical thinking were also required. Otherwise we risked ending up with large numbers of apathetic citizens who took no part in community life.

THE PRESIDENT thanked the speaker. Coming after three young people, the last speaker, Emile Boc, mayor of Cluj-Napoca and former Prime Minister of Romania, would now speak for the older generation.

STATEMENT BY EMIL BOC, MAYOR OF CLUJ-NAPOCA, ROMANIA

THE PRESIDENT said that the city of Cluj-Napoca had been designated European youth capital for 2015. With 11 universities and a student population of more than 100,000, this was no more than it deserved. The title had been awarded in recognition of the city's commitment to young citizens. The municipality, indeed, had declared that universities and young people were one of the major driving forces in urban development.

Emil BOC, mayor of Cluj-Napoca (Romania), thanked the Congress for inviting him. Cluj-Napoca was a multicultural university city with 300,000 inhabitants. It was home to 11 universities, both state-run and private, with a total student population of 100,000. In 2015, Cluj-Napoca would become European youth capital. The motto used in the city's bid for the title, and the name of the project that was going to be implemented, was "SHARE". "SHARE" referred to a way of life, sharing culture, space, power, work, joy and vision.

Mr Boc believed there was a place for young people in local and regional democracy on two conditions. Firstly, there was a need to target youth issues and to speak their language. And secondly, it was important to deal directly with issues concerning the future of democracy at European and national level.

Mr Boc quoted Winston Churchill, who had said that democracy was the worst form of government, except for all the others. Another prominent figure had once declared that democracy would not get you to heaven, but it would help you avoid going to hell. To be sure, democracy was not perfect, but it was the best form of government we had. So far, democracy had succeeded in establishing human rights, in giving populations some sort of freedom and in securing peace. Europe had had 70 years' of peace whereas in the last century, there had been two world wars in the space of 45 years. It was important to speak candidly with the younger generation about what would happen without democracy, and what it would mean to return to the terrors of the past, to territorial disputes and the threat of war. The younger generation needed to realise that it was important to think about the future of the European Union and the future of democracy. The current problems were very real: economic crisis, social problems, political disputes, public deficits, etc. but Mr Boc believed that the European Union was the solution to, not the cause of, the problems.

Local and regional authorities, furthermore, needed to recognise the problems facing young people. What was required was a very pragmatic approach to the younger generation, so that they could become an integral part of society.

Mr Boc mentioned a few solutions that had been tried in Cluj-Napoca. Education was a local priority. Investment in education was the best possible type of investment. It had been observed that if young people were engaged in education, they were less likely to be involved in drugs, violence or crime. The local authorities had introduced a system of grants for under-18s who achieved good academic results. Young people were entitled to free public transport when travelling to school or extracurricular activities. Access to employment, however, was a key issue. In Europe, 5.5 million young people were out of work, with unemployment at 22%. The employment rate had fallen to 36.6% in 2013, the lowest figure ever recorded in the European Union. Mr Boc believed that special programmes should be introduced, using, for example, European resources to create incubators for young entrepreneurs. Austria and France had put in place measures to help young people move from education to work. There was also a need to modernise training courses so that they matched the needs of the labour market. Mr Boc referred to a project entitled "Innovation City", which would help create thousands of new jobs by encouraging research and development in various fields.

Another key feature of the "SHARE" project was youth participation in local cultural life. The "SHARE" project was run by youth organisations. The latter had formed a federation, also called "SHARE", which brought together 31 local organisations and was developing the programme for 2015 from start to finish, with the municipal authorities merely providing financial support. A participatory budgeting process was being put in place: the youngsters decided themselves which projects would be included in the European Youth Capital programme for 2015. The local authorities had also made more funding available for associations that offered cultural activities.

Mr Boc went on to talk about the need for local elected representatives to speak the language of young people. The younger generation had grown up with digital technologies and it was important to adapt to their needs. With this aim in mind, Cluj-Napoca was trying to create a smart city, i.e. one that made full use of the opportunities offered by technology. Parking, for example, could be paid for by mobile phone, Wi-Fi hotspots provided high-speed internet access, and in a programming marathon, young people created smartphone apps which could then be used by the entire community. That summer, the city would be launching a bicycle sharing scheme, under which 500 bicycles would be available free of charge to enable people to get around. The younger generation was, by and large,

very environmentally aware and under another scheme, a tree was planted for every child born in the city. Cluj-Napoca also hosted numerous festivals in order to cater to young people's artistic and cultural needs.

Mr Boc hoped that these various initiatives would help to ensure the success of democracy, which was built from the bottom up.

THE PRESIDENT thanked the speaker and opened the debate.

DEBATE

Joseph NEUMANN (Germany, R, SOC) said that these various first-hand accounts highlighted the need to address young people in their own language and in a way that appealed to them, giving them a real chance to express their views. Mr Neumann wished to cite the example of North Rhine-Westphalia where young people could vote from the age of 16 in local elections. The Youth Congress met once a year. It consisted of a board and a number of committees and identified themes on which decisions were then taken. It had been observed, moreover, that similar themes were addressed in parliament. Young people thus had an opportunity to air their concerns on these subjects. Mr Neumann felt that the different assemblies needed to throw their doors open to young people so that they could contribute their own ideas.

Alexander BORISOV (Russian Federation, R, EPP/CCE) thanked the Congress, saying that for a number of years now, it had been giving considerable attention to youth, a crucial issue for his own country, a large proportion of whose population was young. Young people were a very dynamic demographic group. They adapted to change and made use of the latest means of communication. Over the past few years, he had observed that young people were coming to play a growing role in the political process at local and regional levels. Mr Borisov was very much in favour of the various initiatives aimed at increasing youth participation in decision-making processes. In Russia, a young person could be elected to parliament or a municipal council from the age of 18. There were 66 registered political parties in Russia and young people were increasingly attracted to them. Increasingly, too, party leaders were drawn from the younger generation. In the last parliamentary elections in the various entities, young people had made up 11% of the candidates. The Duma also had a high percentage of 18- to 25-year-olds. The goal was to increase this figure to 23% in the next elections.

Mr Borisov believed that a European charter on youth participation in local and regional life was essential. It was very important to help the younger generation to develop their potential and to take an active part in the community.

Alexandru AMBROS (Republic of Moldova, L, ILDG) said that youth was an important issue for Moldova. Along with Senegal and Portugal, Moldova had drafted a UN resolution focusing on training, social integration and employment, all of which were priority concerns for many countries. The resolution had secured a number of signatures. It suggested various ways of involving young people, including participation in decision-making and the implementation of programmes with a view to preparing the 2015 agenda. The government of the Republic of Moldova was very committed in this regard and wished to contribute further to multilateral dialogue in order to promote practical initiatives for implementing youth policies at national and international level.

Mr Ambros also congratulated the young people who had spoken about their experiences. As a city mayor himself, he often came into contact with young people. It was important not to be afraid to stand out from the crowd, and that was certainly the case with the young people who had addressed the Congress that afternoon. Mr Ambros said he had also been impressed by the Mayor of Cluj-Napoca's speech, and that he was eager to hear, in 2015, what the city had managed to achieve.

Minodora Susana LUCA (Romania, L, EPP/CCE) asked Mr Boc how the participatory budgeting process introduced by his city worked and what the impact had been.

Nataliia PILIUS (Russian Federation, L, ILDG) emphasised the importance of the political principles adopted by the Congress in the European Charter on Youth Participation in Local and Regional Life. Co-operation had been established between the Russian Federation and the Congress on this subject. Ms Pilius said she would like to see more use being made of European experience in this area.

In Russia, young people accounted for 27% of the population. As a demographic group, young people were extremely active and the Russian authorities tried to involve them in the decision-making process. Ms Pilius also felt, however, that young people were easily influenced and that special emphasis should be placed on access to education and training. Some steps had been taken along these lines, with, for example, a single entrance examination for admission to the country's top educational institutions. Local and regional authorities were working with young people to develop social development programmes and consulting schoolchildren and sixth-formers in the various districts. Youth participation was crucial, and could find expression, for example, during Democracy Week. There were also other events that enabled young people to access parliament and youth-oriented political organisations were actively encouraged.

Ms Pilius said that the Russian Federation applied the basic principles of democratic participation and hoped that other municipalities would do likewise.

Jolanta BARSKA (Poland, L, NR) said that local elected officials in Poland were trying to carve out a place for young people within the community. As in many countries, youth employment was an issue, but Poland encouraged youth participation in public life. At national level, there was a youth parliament and 130 towns had a municipal youth council. The members of these councils were democratically elected. The first municipal youth councils had appeared in Poland in 1990, and they had been mentioned in Polish law since 2001. Thanks to this arrangement, the younger generation was now more involved in public life and in the decision-making process. The ideas put forward by young people were actually taken on board, because it was important that young people feel their voices were being heard. Together, local elected officials and young people could build more attractive towns and cities.

Alison COOK (United Kingdom, L, ECR) congratulated the young people who had spoken that day and said they were fantastic ambassadors on behalf of youth. Their conviction was invigorating. Ms Cook said it was very unfortunate that the media all too often focused on negative stories about young people. In her own district, local elected representatives found they had been achieving much better results since they started working with young people as equal partners. The work being done by young people in the voluntary sector was quite amazing, moreover. Some local and regional youth councils had been criticised for not being sufficiently representative of the youth population. The sort of tools that could encourage youth participation, such as social media, must be accessible to all groups of young people. Ms Cook wondered what local and regional elected officials could do to make sure that young people who lived on the edge of society were actually able to exercise their social rights and to play a full part in local and regional democracy.

THE PRESIDENT said that the three members present who were on the list but had been unable to speak owing to lack of time could hand their statements in for publication in the report. He gave the floor back to the guest speakers.

Jacob SAKIL, former Young Mayor of the London Borough of Lewisham, United Kingdom, spoke of the need to help young people become more involved. Young people needed to be given opportunities to act. On the weekends, he himself spent time talking to young people from his local area and tried to interest them in the political process. Every school had a spokesperson who could find out about local youth projects. The aim was to try to bring together young people with different viewpoints and from different social backgrounds. The project was very open, so that any young person could come and take part when they liked. It was important to tell young people that they could have a real influence. The key word was openness.

Adriana DELGADO, on-line activist (Portugal), emphasised the need to trust young people, saying that they were capable of organising themselves, e.g. through associations or in less formal ways. Often, what was lacking was financial support. It was important that local and regional authorities be receptive to young people's initiatives.

Emil BOC, mayor of Cluj-Napoca (Romania), answered the question about the participatory budgeting process introduced in his city. This was a pilot scheme, the first of its kind in Romania. It was based on a district policy where, within the framework of a given budget, the population of this district decided, via public debate, how the funds should be spent. On the strength of this decision, the municipal council then passed a resolution allocating that part of the city budget. The scheme had been introduced for the first time in 2014. Local residents thus had a sense that they were the ones making decisions. This bottom-up approach to local democracy was proving very popular.

In reply to Ms Cook's question, Mr Boc said the answer could be summed up in two words: education and integration.

THE PRESIDENT thanked all the speakers. The debate had provided an opportunity to hear from three young adults who were embarking on life with energy and enthusiasm.

Herwig VAN STAA (Austria, R, EPP/CCE), President of the Congress, took the Chair at 5.23 p.m.

THE PRESIDENT said that a number of Congress members had asked to speak in the urgent debate on the crisis in Ukraine. The debate on the situation of Leyla Güven was therefore postponed until the following day.

12. BEST PRACTICES OF IMPLEMENTATION OF HUMAN RIGHTS AT LOCAL AND REGIONAL LEVEL IN MEMBER STATES OF THE COUNCIL OF EUROPE AND OTHER COUNTRIES

[CG(26)5PROV]

THE PRESIDENT gave the floor to the rapporteur.

STATEMENT BY THE RAPporteur, LARS O. MOLIN

Lars O. MOLIN (Sweden, L, EPP/CCE), rapporteur, said this was the third time he had presented a report to the Congress as Rapporteur on Human Rights. The first report had looked at the role of local and regional elected representatives in protecting and promoting human rights. The second report concerned the methods and tools that could be used to tackle this question. The third report focused on what local authorities were actually doing on the ground in their respective countries.

Mr Molin said the Congress had put a lot of time and effort into this subject. In 2007, it had organised a Forum on the Future of Democracy, at which the interdependence of democracy and human rights was underlined. In 2008, the Congress had published a joint declaration with the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, who had attached great importance to the local government aspect of human rights and had always been a good friend of the Congress. This joint declaration put the emphasis on respect for human rights at local and regional levels, as a condition for good governance. In 2010, the Congress had adopted Resolution 296, which coincided with the Congress reform aimed at concentrating on the core values, namely democracy, human rights and the rule of law. Granted, governments and national parliaments might ratify international treaties on behalf of the state, but the day-to-day work of implementing human rights often rested on the shoulders of local and regional authorities. They were the ones, after all, who were responsible for delivering services to citizens. The proposed draft resolution contained several examples of awareness-raising campaigns and local action plans.

Human rights was a vast subject. The question then was how to approach it? In 2011, the Congress had adopted guidelines for developing indicators which local and regional authorities could use to gauge the degree to which their policies were sensitive to human rights, and also the impact of their actions. Today, once again, the Congress was ready to go a step further with this report on best practices for implementing human rights at local and regional levels. The report was based on several premises. Good governance was a key concept for the Congress in improving local democracy and there could be no good governance without respect for human rights. How then could we develop the link between the legal responsibilities of local and regional authorities and the everyday implementation of human rights? The answer, suggested the report, lay in information exchange and concrete solutions. If local elected representatives were to be aware of this responsibility and to develop appropriate projects, sharing best practices was essential.

The term “best practices” meant practices that had been tried and shown to work in local and regional authorities. The report gave examples drawn from various countries. It dealt with a list of questions, ranging from establishing independent ombudsman offices and human rights training for the police to action against child labour and domestic violence and improving mental health care. This report had been sent to Commissioner Muižnieks, who had kindly made some suggestions for improvement. The Monitoring Committee had adopted the report at its meeting on 19 February.

Mr Molin moved to the draft resolution. The introductory part outlined the Congress’s human rights approach, followed by encouragement for all local and regional authorities in the member states to exchange best practices. The Congress then called on the Monitoring Committee to make use of the opportunity provided by monitoring visits to meet local and regional elected officials and to promote the Congress’s human rights approach. The Monitoring Committee was preparing a five-year report on good human rights practices. It was also proposed that the Monitoring Committee continue to build co-operation with other Council of Europe bodies and with the EU’s Fundamental Rights Agency. Lastly, the Congress was planning to organise a human rights forum with the participation of local and regional representatives, experts and other stakeholders. Such a forum could be held at regular intervals, for example every two or three years. Regular, well-run forums would make a useful contribution to the Council of Europe’s core objectives and increase the Congress’s visibility in this area.

STATEMENT BY LAWRENCE EARLY, JURISCONSULT, REGISTRY OF THE EUROPEAN COURT OF HUMAN RIGHTS

THE PRESIDENT welcomed Lawrence Early who, as the Jurisconsult at the Registry of the European Court of Human Rights, was responsible for watching over and monitoring the case-law of the Court and so played a key role in preventing jurisprudential conflicts. The Court’s case-law was a vital source of information for the Congress. This was the first time the Congress had played host to a representative of the European Court of Human Rights. The President thanked Mr Early for agreeing to address the Congress.

Lawrence EARLY, Jurisconsult, Registry of the European Court of Human Rights, said that, in his view, this exchange of views between Council of Europe institutions was very important. The Court was a precious mechanism for the protection of human rights. It was charged under the Convention with the task of supervising the respect by the High Contracting Parties of their obligations under the treaty.

When examining the cases before it, the Court had in many instances shown its readiness to enrich its reasoning by having recourse to “Council of Europe and Other International Sources”, notably the reports and recommendations of the Council of Europe and its Commissioner for Human Rights. The Commissioner had in fact a right to intervene in proceedings before the Court and to offer the Court his particular insight into particular matters raised before it. The European Union Agency for Fundamental Rights was also an immense source of data and analysis of great relevance to Convention litigation. The Court and the Agency had established excellent channels of communication and co-operation between the Court and the Agency has resulted in the publication of handbooks in the areas of non-discrimination, asylum and data protection, for example. Mr Early commended these handbooks to the Congress, saying that they were an extremely important contribution to the promotion of greater awareness of key principles. He wondered whether perhaps there was a

possibility for a collaborative venture between the Congress and the Agency leading to the publication of a handbook on the protection of human rights at the local and regional levels. The work of the Congress too could be considered a possible point of reference for the Court's adjudication, especially when it came to issues which were specifically within the ambit of local and regional powers. In the case of *Sukran Aydin and Others v. Turkey*, for example, the Court had been called upon to examine the convictions of candidates in both municipal and parliamentary elections for having spoken Kurdish during their election campaigns. The Court's judgment referred to Point 5.d of Recommendation 273 (2009) of the Congress of Local and Regional Authorities. The Court's Research and Case-law Information Divisions were particularly skilled in ensuring that the Court was well-resourced when it came to making decisions related to the implementation of the Convention.

Mr Early said that the Congress' initiatives in the field of human rights were to be applauded. In particular, the draft resolution before the Congress that week was full of strategic vision. The basic message, namely that human rights had to be taken into consideration in daily decisions and activities undertaken by elected representatives, was very much in line with the Court's own attachment to the principle of subsidiarity. In other words, the protection of human rights was best secured at domestic level and there was no better place to begin than at the local and regional levels. Mr Early repeated that it was important that the Court be made aware of the existence of legal and policy materials of relevance to the guarantee of human rights. The Court was therefore looking forward to the adoption of the Best Practices Resolution. Conversely, it was important that the Congress be regularly apprised of the Court's jurisprudence which had a bearing on the exercise of power at the local and regional levels. Mr Early suggested that consideration could be given to appointing a liaison officer within the Court's Registry, thus allowing regular contact between the two institutions.

Mr Early touched on a few aspects of the Court's case-law that might be of relevance in the exercise of powers at the local and regional level. The cases mainly concerned the role of local and regional authorities in the area of public housing, environmental protection, expropriation, authorisation of demonstrations, etc. The case-law was based on a number of key principles. The first was the need to be attentive to respect for human dignity when it came to places of detention, including prisons, psychiatric institutions and immigration and asylum centres. Respect for human dignity also implied non-discrimination. The second principle concerned the need to ensure that local policing was organised in a Convention-compliant manner. This required, for example, the existence of a clear regulatory framework governing the use of firearms and the rights of police officers. The third principle was that the exercise of powers at local and regional level to deprive persons of their liberty must have a clear basis in law, with particular importance to be accorded to the proportionality of the deprivation in any given case. The fourth principle concerned the taking of children into care: the decision-making procedure accompanying a decision to take a child into care must be accompanied by procedural safeguards in order to protect the interests of the parents or parent. Once again, particular weight must be given to the proportionality of a decision to take a child into care in any given case. Fifthly, refusing permission for a proposed demonstration or assembly must also respect the principle of proportionality. The sixth principle held that the expropriation of land could only be effected if there existed clear authorisation in law for doing so. The expropriation must be justified with reference to public interest considerations. Decision-makers must ensure that procedural safeguards were present in order to avoid arbitrariness. Lastly, individuals must have at all times an effective remedy to allow them to contest the decisions made by local and regional authorities in all areas which affected their Convention rights.

Mr Early said that the volume of cases filed with the Court had created significant problems. A considerable number of these cases raised serious human rights issues and were still awaiting a final examination by the Court, many years after they had been lodged with it. This was unacceptable. The Court had therefore been engaged in intense reflection on how to improve its efficiency and had made considerable progress in reducing its backlog. Three years earlier, it had had on its docket 160,000 applications. Today the figure stood at 98,416 cases pending before the Court. 7,759 were marked as priority cases because they were considered to raise serious human rights issues. They generally involved issues of national importance. 18,180 cases concerned breaches of Convention rights, but were not considered a priority. Such cases might concern for example allegations that applicants had not received a fair trial, or that a local or regional authority had practised discrimination in the allocation of social housing or that a local or regional authority failed to pay adequate compensation following an expropriation. 41,641 cases were what were called "clone" or repetitive cases (42% of the total number). Such cases stemmed from structural or systemic problems in a state's legal system.

This situation was generally due to a problem at local or regional level, such as prison overcrowding. In some countries, prisoners had no effective remedy that would enable them to secure redress. In such cases, they could lodge an application with the Strasbourg Court direct. Failure to pay adequate compensation following an act of expropriation or to restore land had also been found by the Court to be a systemic problem.

Mr Early said that local and regional authorities could help to reduce the number of cases that came before the Court. To this end, he recommended adopting the best practices mentioned in the report submitted to the Congress. The help of the Contracting Parties was vital, furthermore, if the Convention was to be applied meaningfully at the domestic level by Convention-sensitive law makers and judges. The provision of effective domestic remedies was also of cardinal importance.

Mr Early concluded by citing the Congress's draft resolution: "human rights must be operationalised, namely understood and applied in all levels and all sectors of public life to have the necessary impact. If not, human rights run the risk of becoming empty words instead of strong and practical guardians of peace and democracy." It we wanted to reduce the volume of traffic to the Strasbourg Court, then that was very sound advice indeed.

STATEMENT BY NILS MUIŽNIEKS, COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS

THE PRESIDENT welcomed Nils Muižnieks, Commissioner for Human Rights. Mr Muižnieks had set himself the goal of establishing human-rights-centred policies in member states. He had supported the Congress's efforts to sensitise local and regional authorities in this regard. The President said the Congress had appreciated his comments on the report on best practices for implementing human rights at local and regional levels. Mr Muižnieks was a valuable and long-standing partner of the Congress.

Nils MUIŽNIEKS, Council of Europe Commissioner for Human Rights, said he had been in his current post for nearly two years. During this period, he had frequently come into contact with local and regional authorities all over Europe. These authorities, after all, played a key role in human rights observance, because of the services they delivered to members of the public (education, housing, health care, drinking water, etc.). Mr Muižnieks congratulated Lars O. Molin on his excellent report on best practices in this area, saying that it should help to raise local and regional authorities' awareness of this issue.

Shared human rights duties between the authorities at national, regional and local level necessitated close co-operation and co-ordination. Mr Muižnieks said that later that week he had convened a meeting to encourage the development of national human rights action plans in Europe. The multi-level implementation of human rights was high on the agenda: national action plans could not be effective without the active participation of local and regional authorities. Mr Muižnieks cited the example of Scotland which had launched an action plan in Edinburgh the previous December. The mayor of Edinburgh, who would be addressing the Congress, was certainly a key figure in this regard.

The situation of Roma illustrated the need for co-ordinated approaches between different levels of government. Most member states had national Roma strategies, and municipalities and regions had an essential role in putting them into practice. Inclusive education and decent housing for Roma were the two big hurdles. Mr Muižnieks said he had written to the mayor of Rome in Italy, about the issue of housing. He had contacted both the national authorities and local government on the subject and had recently raised concerns about anti-Roma demonstrations taking place in Czech cities. The Congress was already connecting different municipalities and regions in Europe as networks to foster Roma inclusion. Various programmes had been set up, but more needed to be done to encourage local and regional authorities to invest in Roma. The European Union had made extensive funding available for Roma-related projects. However, much of these funds remained unused. Mr Muižnieks wanted municipalities and regions to take a more proactive stand in this matter.

Austerity measures had affected the capacity of local and regional authorities to assume their responsibilities for providing public services. Homelessness was on the rise and there had been cuts to health care and services to victims of violence, for example. Vulnerable and disadvantaged groups were disproportionately affected. Children, older people and persons with disabilities were among the groups adversely affected by austerity. Child poverty was becoming a major concern in many parts of Europe.

Mr Muižnieks said that in 2013, he had visited a children's home in Estonia, where, although the general conditions were fairly good, there was a lack of psychiatric and psychological services for children. Generally speaking, there appeared to be a lack of such services, and the fact was that demand for them increased in times of austerity. Mr Muižnieks had also visited housing units for older persons in Helsinki, Finland and had been struck by the high price of care and by the economic difficulties facing municipalities. During a visit to Madrid and Andalusia in Spain, he had raised the subject of the implementation of the UN Convention on the rights of persons with disabilities. He had observed how, in Spain and also in other countries, austerity measures had made it difficult for people with disabilities to access community services. The regional government had launched an emergency plan against social exclusion. During his visit to Denmark, Mr Muižnieks had pointed out that some municipalities had built housing facilities in which too many persons with disabilities lived together. As a result, they interacted mainly only with other people with disabilities and not with the wider community which, in turn, tended to see them as a group rather than as individuals. It was important to build smaller facilities therefore.

Mr Muižnieks further observed that intolerance, racism and xenophobia could be magnified by the economic crisis, even though they also existed in countries not affected by austerity measures. In Greece, migrants and refugees had borne the brunt of intolerance and racist violence. Integration measures were instrumental in preventing further tensions and in strengthening social cohesion. Mr Muižnieks called on all municipalities to set up platforms for dialogue with migrant communities to foster their participation in public affairs. While in Spain, he had been pleased to note that the Andalusian authorities had decided to maintain universal access to health care for undocumented migrants even after the national government had excluded them from its scope. The Andalusian authorities had realised that granting undocumented migrants access to health care could mean savings in the long-term, especially if the status of the persons in question were regularised, making it easier for them to integrate.

Mr Muižnieks said that local authorities often had duties related to public order and the enjoyment of freedoms of assembly and expression, including Pride marches. This was a controversial issue in several countries. Demonstrations against austerity measures had also posed a challenge to law enforcement officials. Mr Muižnieks said he had raised the subject with the Catalan police in Barcelona.

Mr Muižnieks said there was a need to improve awareness among local and regional authorities of their central role in implementing human rights, not only because they were responsible for co-ordinating services, but also because human rights at local level demonstrated the interdependent and interrelated nature of all human rights, civil, political and other. Local and regional authorities were the guardians of human rights. Only through systematic and co-ordinated efforts could human rights be properly protected.

STATEMENT BY MAIJA SAKSLIN, CHAIRPERSON OF THE MANAGEMENT BOARD,
EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

THE PRESIDENT welcomed Maija Sakslin, Chairperson of the Management Board, European Union Agency for Fundamental Rights and ombudsman in the Finnish Parliament.

Maija SAKSLIN, Chairperson of the Management Board, European Union Agency for Fundamental Rights, said that her organisation attached great importance to co-operation with all the Council of Europe bodies, as a way of enhancing its activities. She commended the Congress on the emphasis that it and its Monitoring Committee had placed on human rights issues. She also wished to congratulate Mr Molin on his very comprehensive report. The theme of operationalising human rights obligations was fundamental in her view. The European Union Agency for Fundamental Rights played a key role in ensuring that those obligations became a reality for everyone.

Human rights talk could sound abstract but in fact, we exercised our rights daily, when we needed access to services such as education or medical treatment, when we benefitted from working conditions that respected our health and safety, and when we felt that we were not treated fairly and wanted to complain about it. As service providers, local and regional authorities facilitated access to such rights. Unfortunately, the work of the Fundamental Rights Agency had shown that for many individuals in Europe, human rights violations remained a daily occurrence. One in three women, for example, had experienced physical or sexual violence since the age of 15. In the Agency's Roma survey, 47% of respondents said they had experienced discrimination in the past 12 months because of their ethnic background. In the Agency's LGBT survey, more than 20% of LGBT people said they had been physically assaulted because of their sexual orientation in the 12 months preceding the survey. Over half of the respondents to the Agency's survey of Jewish communities said that expressions of hostility towards Jews in the street and other public places was a widespread problem.

Local and regional authorities had a responsibility to ensure respect for human rights in the services they provided to the population. It was also vital that human rights organisations reach out to local and regional authorities and support them in their endeavours. The Fundamental Rights Agency had been working with cities across Europe for some years now, and had observed how more and more was being done in this area. The economic crisis, however, had put a great strain on local and regional government resources and this in turn had led to debates about the level of human rights protection we could afford, even though we were currently going through a period when human rights were most needed, in particular to protect children against poverty or to safeguard vulnerable groups from becoming victims of hate crime.

Ms Sakslin then turned to the issue of co-ordination between different levels of governance, which Lars O. Molin had underlined in his report. A lack of such co-ordination or co-operation could have alarming results, for example if citizens were not aware of the avenues that were open to them when their rights had been abused. The Fundamental Rights Agency had looked at how human rights implementation could be made more effective by bringing together central government agencies, local government and voluntary organisations. Joined-up human rights governance was vital. Although the approach was well established in other public policies, it was still very new in the field of human rights.

The Agency had carried out field research with local and regional government officials and had managed to identify effective models for multi-level co-operation on human rights. In September 2013, it had compiled the lessons learned and key examples in an e-toolkit for national, regional and local public officials. This toolkit covered five key areas. The aim was first and foremost to mainstream human rights into municipal operations, whether service delivery or policy making. Secondly, multi-level and multi-agency partnerships needed to be formed, as effective human rights protection relied on co-operation and co-ordination between different spheres of governance. Such co-operation was particularly important in times of austerity in order to ensure the pooling of resources and know-how. Mr Molin's report included an interesting example from the Swedish city of Umeå, where an anti-violence centre had been set up as a result of co-operation between the municipality, the county council, the regional university, the police, the national prosecution authority and the national board of forensic medicine. This was an inspiring example in the light of the need to implement the Istanbul Convention on preventing and combating violence against women and domestic violence.

The third goal was to establish mechanisms for civic participation and engagement with civil society. Public officials had a responsibility to safeguard the human rights of everybody in the community. Serving the community therefore entailed reaching out to society's most vulnerable groups to protect them from human rights violations. The fourth goal involved planning, monitoring and evaluating. For protecting human rights needed long-term commitment. Coherent planning that involved key stakeholders ensured that the policies developed were effective and sustainable. The last goal concerned communication and awareness raising. For while many people said they respected human rights, that could quickly change when activities had an impact on their own lifestyles or neighbourhoods. Witness the opposition to homes for asylum-seekers or people with mental disabilities. It was therefore important to anticipate friction and engage people early on.

Ms Sakslin said that the best practice examples included in Mr Molin's report could be incorporated in the toolkit which was available on the Fundamental Rights Agency's website. She very much hoped that the joint efforts conducted by the Agency and the Congress would have a meaningful impact.

DEBATE AND VOTE ON THE DRAFT RESOLUTION

THE PRESIDENT thanked the three speakers and opened the debate.

Vsevolod BELIKOV (Russian Federation, L, EPP/CCE) stressed how important the work done by local and regional authorities was. In the Russian Federation, efforts were being concentrated more specifically on orphans and people with disabilities. Every child must have the right to grow up in a family environment. Thanks to the efforts made by NGOs and the policies introduced, special facilities for children had been built and large numbers of children placed with families. All municipalities in the Russian Federation were conducting initiatives in this area. Mr Belikov hoped that by 2018, there would be only a handful of children being cared for in special centres. Local and regional authorities were working in partnership with specialised institutions. Children placed with families were monitored and followed up.

The problems facing people with disabilities were particularly acute in St Petersburg. The municipality had begun thinking about what could be done to ensure universal access to infrastructure facilities. Over the past five years, more than 5,000 buildings had accordingly been modified and efforts were continuing. Local and regional authorities had done a great deal of work in this area, not only in the run-up to the Paralympics in Sochi but also in Moscow, St Petersburg, Kazan and other cities.

Leen VERBEEK (Netherlands, R, SOC) asked Mr Early what action could be taken at local and regional government level to reduce the backlog at the European Court of Human Rights.

Yoomi RENSTRÖM (Sweden, R, SOC) referred to the stigmatisation of certain individuals because of their sexual orientation: LGBT people suffered harassment at work, at school and in public services. Some municipalities were against Pride marches or other such events. In Sweden, local and regional authorities had an obligation to protect the basic rights of LGBT people and in the European Union a specific policy had been introduced. What were the challenges that needed to be addressed by local and regional authorities in order to safeguard the rights of this section of the population?

Johan VAN DEN HOUT (Netherlands, R, SOC) said that children's rights sometimes seemed to be regarded as secondary, and were violated in a way that adults' rights were not. Children were subjected to physical, sexual, mental and other kinds of abuse. Many lived in poverty, exacerbated by the austerity measures introduced in various countries. The institutions that were meant to help children were in many cases unfit for purpose, especially in the case of children with special needs. In some countries, children were being locked up at an increasingly early age, for petty crimes. Even in the Netherlands, children were ending up in prison for lack of space in youth care centres. Mr Van Den Hout wondered what were the most pressing challenges that needed to be met in order to ensure effective protection for children's rights.

Julia COSTA (Portugal, L, EPP/CCE) observed that in times of economic crisis, the threat to human rights was particularly great owing to cuts in welfare funding. She asked the Commissioner for Human Rights what he thought about the current situation in this regard in member states, at local and regional levels.

Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC) noted that the European Union Agency for Fundamental Rights and the Congress were trying to identify best practices with regard to the protection of human rights. Ms Sakslin had spoken of the need for co-operation between all the parties concerned. What could be done to improve co-operation between these two institutions, in order to achieve better results?

Nataliya ROMANOVA (Ukraine, R, ILDG) said there were instruments that could be used by the authorities at every level to pursue joint efforts in the field of human rights. She asked Ms Sakslin whether the European Union Agency for Fundamental Rights was doing anything to encourage local and regional officials to make use of these instruments. In what ways could the Congress and the Agency work together to make these instruments effective?

THE PRESIDENT gave the floor to the Congress's guest speakers so that they could reply to the questions put.

Lawrence EARLY, Jurisconsult, Registry of the European Court of Human Rights, replied to the question about what local and regional authorities could do to reduce the number of cases brought before the Court. Local and regional leaders must embrace the principles set out in the report before the Congress. This report outlined a number of practices that could help to improve the situation. What was also needed was to have a Convention-sensitive judiciary present at local and regional levels to check the possible abuse of power by local and regional officials. Mr Early pointed out that the Court was not a policy-making body but rather a judicial one, which dealt only with concrete cases submitted to it.

Mr Early then turned his attention to children's rights. It was essential to protect the most vulnerable members of society. In the context of Articles 2, 3 and 8 of the Convention, the Court had developed two positive obligations. Firstly, national governments must put in place a clear regulatory framework to protect children against the risk of abuse and violence. The second obligation was of a procedural nature: national governments must thoroughly investigate any instances of abuse or threats to children's integrity. Under a joint initiative between the Fundamental Rights Agency and the Council of Europe, a handbook was to be published which would be devoted to the protection of children's rights.

Nils MUIŽNIEKS, Council of Europe Commissioner for Human Rights, felt that not enough was being done to support the rights of LGBT people, as demonstrated, for example, by the banning of gay pride parades. On a more positive note, Mr Muižnieks cited the example of Montenegro, where eight liaison officers had been assigned to maintain close contacts with the LGBT community and to intervene if trouble occurred.

On the subject of children's rights, Mr Muižnieks said that in many countries, the minimum age of criminal responsibility was set far too low, at 12 or 13 years, whereas under the Convention, anyone under the age of 18 was still a child. In the context of immigration, children's rights were often disregarded and in some cases children were even incarcerated. In Denmark, the interests of the child had to be treated as paramount, something that was not always the case. In times of economic crisis, one of the first things to suffer was access to education. Generally speaking, in times of crisis, children were more likely to experience poverty and malnutrition, and this was liable to have consequences in the long term. The office of the Commissioner for Human Rights had brought out a paper outlining what a human rights-compliant response to the crisis would look like.

Maija SAKSLIN, Chairperson of the Management Board, European Union Agency for Fundamental Rights, felt there was a large number of outstanding issues with regard to LGBT persons. The European Commission had proposed legislation for combatting discrimination in all areas. If adopted, this document would provide member states with a means to act. The Fundamental Rights Agency would carry on providing information that could be used by the monitoring bodies and by the Congress, among others. The Agency was eager to pursue the co-operation established with various Council of Europe bodies, with, for example, joint publications and conferences. The Agency wished to propose national action plans to promote human rights. The Agency's Management Board had set up working groups to help authorities at national, regional and local levels. Ms Sakslin hoped that this work would produce possible solutions that might be of use to the Congress.

THE PRESIDENT gave the floor to the rapporteur.

Lars O. MOLIN (Sweden, L, EPP/CCE), rapporteur, thanked the various speakers for the examples they had cited. The Congress was very interested in the proposals for greater co-operation in the future.

THE PRESIDENT also thanked all the speakers and the rapporteur. He joined the previous speakers in commending Mr Molin on his report.

The President proposed that members vote on the draft resolution set out in document CG(26)5PROV, to which no amendments had been tabled. A simple majority was required in order to adopt this resolution.

The draft resolution set out in document CG(26)5PROV was adopted.

13. URGENT DEBATE ON THE SITUATION IN UKRAINE

[CG(26)15PROV]
[CG(26)15AMDT]

THE PRESIDENT gave the floor to Ms Orlova on a point of order.

Svetlana ORLOVA (Russian Federation, R, EPP/CCE) said that a tract had been circulated to Congress members regarding Russia's policy vis-à-vis Ukraine. The tract showed President Putin holding a Kalashnikov. Ms Orlova observed that this was the first time such an incident had occurred within the Council of Europe. The Congress was a forum for dialogue and there was no room here for behaviour of that kind. All the members of the Russian delegation were eager to avoid confrontation and encourage dialogue. Ms Orlova added that 75% of Russians approved of President Putin's actions and called on the Congress secretariat to do its job.

THE PRESIDENT said he had been unaware of this document and condemned it in the strongest possible terms. It was unbelievable that such an incident could have occurred in a parliamentary building. The Secretary General of the Council of Europe would be informed. The President assumed that no one in the Congress supported this behaviour. It was the custom in a parliament that there should be no demonstrations or attempts to apply pressure. The President also pointed out that the Congress Bureau had turned down a request to hold an exhibition, in the absence of sufficient information about the organisers.

The President opened the urgent debate on the situation in Ukraine. The Congress Bureau had agreed that a draft declaration would be presented by Mr Cools. He began by inviting Maryna Stavniychuk, Advisor to the President of Ukraine, and whose responsibilities included local democracy issues, to take the floor.

Maryna STAVNIYCHUK, Advisor to the President of Ukraine, thanked the European partners who had stood shoulder to shoulder with Ukraine and supported the country's attempts to develop, building on the Council of Europe's principles, namely the rule of law, protection of human rights and democracy. Ukraine was eager to develop as a sovereign state, with an indivisible territory within its existing borders. Ukraine therefore welcomed the conclusions of the European Commission for Democracy through Law (the Venice Commission), which had found that the Constitution of Ukraine, in common with the constitutions of other Council of Europe member states, referred to the indivisible nature of the national territory and did not allow local referendums on secession. In the eyes of the Ukrainian government, the pseudo-referendum in Crimea was therefore illegal. It had taken place as a result of the use of force and threats by Russia. Ms Stavniychuk warned that, since Russia was a nuclear power, the situation could prove dangerous not only for the territorial integrity and independence of Ukraine, but also for the international order and security in Europe.

Under current international law, states had a duty to refrain from recognising self-proclaimed state entities if they came about through the use of force. That was the position of the United Nations, as enshrined in the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States and other international instruments. Under the terms of the Declaration, no state could use or encourage the use of economic, political or any other type of measures to prevent another state from exercising its sovereign rights. The principle of self-determination could be applied only where the central government failed to meet a territory's needs and to grant it local and regional self-government. Ever since Ukraine had won independence, however, Crimea had enjoyed special status as an autonomous republic within the unitary state of Ukraine. The Ukrainian constitution, indeed, devoted an entire chapter to the subject. Ms Stavniychuk said that, as secretary of the Constitutional Assembly, she had been working for 18 months on amendments to the Ukrainian Constitution, with the focus on devolution, the status of Crimea and Sebastopol. The former leaders of the Autonomous Republic of Crimea had made no requests, moreover, other than those concerning local taxes, property ownership and modernisation of the budgetary process.

Ms Stavniychuk said, since the start of the conflict, Ukraine had made several attempts to approach the Russian Federation about finding a peaceful solution based on bilateral agreements and traditional international principles, but that the Russian Federation had rejected these initiatives. The proposal put forward by the Russian Federation would effectively mean imposing on Ukraine features that were alien to it: federalisation, bilingualism, divisibility of territory. These were all defining characteristics of the Russian Constitution. The Ukrainian Constitution, on the other hand, provided for a special parliamentary procedure for preparing amendments to the Constitution, one that was in line with European standards. The document in question was thus seen by Ukraine as an attempt by the Russian Federation to expand its territory in a way that was contrary to the law. Also, Russia seemed to be ignoring the duty to co-operate provided for in matters concerning the settlement of conflicts, as stipulated in the agreement signed on 31 May 1997 between the Russian Federation and Ukraine. The Russian Federation's first contact with the Ukrainian foreign minister had only just occurred the previous day, under international pressure. Russia's refusal to recognise the legitimacy of Ukraine's new government seemed destined to create a new practice, whereby big powers would decide the fate of smaller ones.

Ukraine therefore asked the Congress of Local and Regional Authorities to heed the advice of the Venice Commission and to refrain from recognising the pseudo-referendum of 16 March, to condemn the intervention by Russian Federation's armed forces in Crimea and to declare that, in annexing this territory, the Russian Federation was flouting the fundamental principles of the Council of Europe. It was important to insist that Russia fulfil its obligations as a member state of the Council of Europe and respect the territorial integrity of Ukraine.

Ms Stavniychuk said that tolerance and patience were part of the Ukrainian psyche. Ukraine had always shown respect for the linguistic and cultural uniqueness of peoples and ethnic groups. The Russian-speaking community in Ukraine enjoyed the same rights as other communities in Ukraine, including where the use of language was concerned. The Russian administration that was currently occupying Crimea must comply with the Framework Convention for the Protection of National Minorities and the UN Declaration on the Rights of Indigenous Peoples. Ukraine, indeed, was particularly concerned about the fate of the Ukrainians and Tatars, as well as other national minorities

living in Crimea. Ms Stavniychuk said that a representative from Crimea who was a spokesperson for the Tatar people was to have addressed the Congress that day but that, in the event, it had not been possible to guarantee his personal safety.

Ms Stavniychuk said it was absolutely essential to pool efforts, from whatever quarter, in order to secure the country's stability and development. At present in Ukraine, the beginnings of a dialogue between all the political forces should enable the country to find a way out of the crisis. Such dialogue, moreover, was one of the conditions for implementing the Framework Convention for the Protection of National Minorities. Before long, constitutional reform would pave the way for a better balance of power and local government reform in Ukraine. It was crucial to implement the Ukrainian Constitution and the Congress's recommendations on local and regional democracy. To this end, the government would shortly be tabling two draft laws on local self-government and reorganisation of the system of government.

THE PRESIDENT gave the floor to the rapporteur.

Marc COOLS (Belgium, L, ILDG), rapporteur, presented the draft declaration on the situation in Ukraine. Several speakers in the Monitoring Committee had pointed out that Europe had been conceived, within the Council of Europe, as an area of peace and fraternity. Russia's annexation of Crimea struck at the heart of this conception. The Congress must be clear and condemn the move, which, as the Venice Commission had pointed out, flew in the face of international law. It was unacceptable for a country to expand its territory by forcibly annexing part of a neighbouring country. Doubtless there could have been some discussion about possible changes to the status of Crimea. Mr Cools reminded members that the following September would see a referendum on the status of Scotland. Perhaps a similar exercise could have been organised with the inhabitants of Crimea, in consultation with the Ukrainian authorities. In the event, the pseudo-referendum that had been held, in breach of the Ukrainian Constitution and international law, provided none of the minimum guarantees that one would expect from a democratic ballot. It had been decided in ten days, with Russian military forces already present in Crimea, and no proper democratic debate. The declaration adopted by the Bureau by a very large majority did not recognise this referendum therefore.

In the declaration, the Congress lent its support to the new Ukrainian authorities for any initiatives aimed at strengthening democracy in their country and instituting genuine dialogue between all political forces. In particular, this dialogue should enable all minorities, including the Russian-speaking population, to benefit fully from the provisions of the Framework Convention for the Protection of National Minorities and those of the European Charter for Regional or Minority Languages. It should also lead to constitutional and administrative reforms, providing the country with institutions which enjoyed broad support and which were compatible with the European Charter of Local Self-Government and the Reference Framework on Regional Democracy.

Mr Cools said that in 2013, together with Pascal Mangin, he had travelled to Ukraine. Some work on constitutional reform had been done in the country, and the task now was to translate it into practice. One of the recommendations made by the Congress in October was in the process of being implemented, moreover, as on 25 May elections would be held in 27 Ukrainian towns and cities, including Kyiv. In these times of crisis, the Congress must lend its support to the Ukrainian authorities and it would be helpful if it were to send a representative to the country, as the Parliamentary Assembly had done.

Mr Cools said that the Russian Federation was the largest country in Europe and that it must respect the territorial integrity of its neighbours. Ukraine was a sovereign state, which must be free to choose its own institutional structure. Admittedly, much remained to be done in Ukraine in terms of democracy building and economic development. Other European countries could play a supporting role in this regard. Ukraine, as a sovereign country, must also be free to decide whether or not to establishment partnerships with the European Union and the Russian Federation. Mr Cools felt that, given that Ukraine had common borders with each of these entities, it would be sensible to sign agreements with both of them.

In Mr Cools's view, the fact that an initial meeting had taken place between the Ukrainian and Russian foreign ministers was a good sign. He hoped that this dialogue would help to put an end to the tensions, which posed a threat to peace and security across Europe.

THE PRESIDENT gave the floor to the speakers who had put their names down to speak.

Lars O. MOLIN (Sweden, L, EPP/CCE) noted that the Venice Commission had concluded that under the Ukrainian Constitution, it was not permitted to hold a local referendum on secession. That applied to the Autonomic Republic of Crimea as well. Only a consultative referendum on possible self-government could be considered compliant with the Constitution. The Venice Commission had also found that the referendum had not been held in accordance with European standards. In Russia, the draft law on the admission of new subjects to the Federation had been withdrawn. The Venice Commission had concluded that the legislation in question was not compatible with international law.

Oleksiy GONCHARENKO (Ukraine, R, SOC) wished to tell the Congress about his own personal experience. He had been in Ukraine at the time of the referendum. Masked men carrying machine guns had been posted outside polling stations. Mr Goncharenko saw parallels with the Anschluss when Hitler had annexed Austria. He said he himself was a Russian speaker but that what Mr Putin was doing was...

THE PRESIDENT interrupted the speaker and threatened to have him removed from the room if he spoke in such a manner again. He also asked him to take off his T-shirt because of its inscription on it. The President said he would suspend the sitting if there were any further incidents of that kind.

Nataliya ROMANOVA (Ukraine, R, ILDG) said that Ukraine was facing very serious problems and was sorely in need of international support. She was in favour of the draft resolution and expressed her appreciation to the rapporteur. She reported that a number of buildings had been destroyed by the Russian navy. There was nevertheless a system of international guarantees. It was imperative that Ukraine defend its position, which was based on democracy, peace and respect. Ms Romanova therefore called on Congress members to support the draft resolution.

Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC) spoke in her capacity as head of the Socialist Group. She said that the issue of Crimea had been dealt with much too quickly. The invasion had accelerated the process and a referendum had been held without any prior discussion. At the time of the collapse of the Soviet Union, the former Soviet republics had decided not to change their borders and had agreed to respect the principle of territorial integrity. Territorial changes must be settled in a consensual way, according to international law. National authorities and international organisations had a responsibility to refrain from recognising territorial changes that were effected by force. Ms Mosler-Törnström called on Congress members to adopt the proposed resolution in order to safeguard the Congress's credibility.

Svitlana BOHATYRCHUK-KRYVKO (Ukraine, L, ECR) wished to put paid to the stereotypes being peddled by the various information campaigns. The Ukrainian people was not divided into a Ukrainian community and a Russian-speaking one. As in other countries, the division was between rich and poor. Some people felt themselves to be Russian. Ms Bohatyrchuk-Kryvko, on behalf of her electorate, declared that all citizens of Ukraine were Ukrainians and that together they made up a large family that dated back to the Soviet era. All citizens had the same sense of patriotism, for historical reasons, Ukraine having always been the scene of European military intervention. The deaths and numerous injuries that had occurred during the Maidan protests were deplorable. She thanked Congress members for their support.

Galyna GEREGA (Ukraine, L, EPP/CCE) thanked the Council of Europe for the support it had shown Ukraine at this difficult time. The Council of Europe had been created in the hope of preventing further wars and promoting friendship between peoples. Ukraine was going through a difficult period, both financially and politically. Neither Russia nor Ukraine wanted to send their children to war. The current conflict was a tragedy for both nations. Ms Gerega called on Congress members to fight for democracy in Ukraine, and for the safety and future of the children of the countries involved. That must be a priority for all countries.

Hande Özsan BOZATLI (Turkey, R, EPP/CCE) felt that the declaration, as presented, was very well-balanced. She particularly agreed with paragraphs 8 and 9. The subjects mentioned should form part of the co-operation between the Congress and the Assembly of European Regions. The AER supported the amendments that would be presented on the subject of citizens. Citizens were the ones who built bridges between regions.

Clemens LAMMERSKITTEN (Germany, R, EPP/CCE) said that six months previously, the Congress had adopted a recommendation on local and regional democracy in Ukraine. At the time, mention had been made of the need for root-and-branch reform in order to achieve genuine local democracy, something Yanukovych's government had failed to bring about. Russia had used this failure as an excuse to carry out the forcible secession of Crimea. Mr Putin had spoken of the need to rectify a mistake dating from 1950 but to operate on the principle of "might is right" was an even bigger mistake. This secession amounted to a violation of international law.

Josef NEUMANN (Germany, R, SOC) said he agreed with the resolution as proposed. No state had the right to violate the authority and sovereignty of another state. If it did so, it must be aware of the significance of its decision and its implications. Mr Neumann called on Congress members not to let their feelings run away with them and to act in unison. All available diplomatic channels must be used to develop a workable concept that would ensure Ukraine's integrity and allow other states to face the future without fear. Mr Neumann reminded members how Willy Brandt, with his *Ostpolitik*, had once reached out to eastern Europe in an effort to ease tensions. Mr Neumann hoped we would not see a new wall being erected between East and West, whether psychological or physical.

Jean-Louis TESTUD (France, L, EPP/CCE) said that five members of the Russian delegation to the Congress also sat on Russia's Federation Council and, as such, had voted for military intervention in, and the annexation of, Crimea. These same five members, however, had signed the declaration setting out the basic values of the Congress of Local and Regional Authorities. Mr Testud felt that the individuals in question had acted in defiance of the Council of Europe's principles. He therefore asked that the President issue a reminder, drawing attention to the Congress's rules and the sanctions applicable to those who trampled on the ideals that all Congress members were supposed to uphold.

Xavier CADORET (France, L, SOC), on behalf of the French delegation, supported the draft declaration, saying it was well-balanced, firm and open to dialogue, in the finest tradition of the Congress. He noted that a serious incident had taken place and that the Congress condemned it. This was the first time since the Second World War that an annexation had occurred in Europe, setting a dangerous precedent to which it was important to respond. Fear and instability were mounting in other countries which were afraid they might be next. This declaration also highlighted the need for dialogue. The Congress must assure its Ukrainian friends that it was sensitive to their situation and that it fervently hoped that its Russian friends would move down the path of political dialogue.

Mamuka ABULADZE (Georgia, L, EPP/CCE) said the Congress must support the principles enshrined in the Council of Europe's statutes. It must protect Ukraine, a nation fighting for its future as part of Europe and for European values. An act of aggression had taken place, involving the occupation of territory, in a Council of Europe member state. Georgia was facing similar problems: 20% of its territory was occupied by Russian forces. Mr Abduladze said that the Congress must take immediate, appropriate action. If it stood idly by, Transnistria and other regions would suffer the same fate as Crimea. Even countries belonging to the European Union could find themselves under threat. Mr Abduladze said that Congress members could not ignore the legacy of the Council of Europe's founding fathers. They had a duty to ensure that Europe was passed on to future generations in good shape.

Sevdia UGREKHELIDZE (Georgia, R, EPP/CCE) said it was difficult for Georgians to talk about the situation in Ukraine without feeling outraged. For what was happening in Ukraine was a repeat of what had happened in Georgia in August 2008. The Congress needed to respond in a more robust manner than it had done back then. It was imperative that every effort be made to contain Russia's aggression and the annexation of Ukrainian territory. Ms Ugrehelidze accordingly supported the proposed declaration.

Ludmila SFIRLOAGA (Romania, R, SOC) said the Romanian delegation supported the draft declaration and expressed particular concern about the situation with regard to human rights and the rule of law in the Autonomous Republic of Crimea, which was part of Ukraine. Ms Sfirloaga wondered whether the local elected authorities in Crimea were still in a position to do their job and whether the Advisory Committee on the Framework Convention for the Protection of National Minorities was able to travel to Crimea. Did citizens have access to the kind of services normally delivered by local authorities? Ms Sfirloaga said she would like a fact-finding mission to be sent to Ukraine at the earliest opportunity to provide answers to these questions.

Andrzej PRUSZKOWSKI (Poland, R, ECR) said that Poland was deeply concerned about the situation in Crimea. On behalf of the Polish delegation, he thanked the President for the declaration he had made on 7 March, condemning the flagrant violation of international law and the referendum that had been held against the advice of the national authorities and in the presence of military forces. Mr Pruszkowski said that the Congress could hardly remain silent in such circumstances and thanked the Bureau for drawing up what he considered to be an excellent draft declaration. The text in question had the support of the Polish delegation which was determined to stand shoulder to shoulder with the Ukrainians. Solidarity was crucial in today's Europe.

Marco MONESI (Italy, L, SOC), speaking on behalf of the Italian delegation, condemned the annexation of Crimea. He hoped that the situation would improve so that the two countries involved, both member states of the Council of Europe, could live side by side and look forward to a different kind of future. The Congress should take the lead in establishing an in-depth dialogue with the two countries, so as to put an end to the dispute. The Council of Europe must continue to take positive steps and to transcend the divisions that existed between these two states.

Natalia KOMAROVA (Russian Federation, R, EPP/CCE) observed that the Russian Federation delegation had already stated its position. She said that the Congress members present there today wished to support Ukraine but that she did not support the declaration, deeming it to be unfair. Only one aspect of the situation had been taken into account. The declaration did not mention that Crimea and Sebastopol had made their choice without armed force being used. In his novel "1984", George Orwell explained that what was fine today might not be so tomorrow, meaning that circumstances changed. Ms Komarova said she was half-Ukrainian and half-Russian. The Ukrainians and Russians had always been together and would continue to be so. Between them, they would find a way out of this crisis.

Vsevolod BELIKOV (Russian Federation, L, EPP/CCE) noted that international law was frequently cited by the speakers yet the proposed declaration made no reference to it. There was in fact a precedent for the current situation: the referendum that had taken place in Kosovo. There was nothing to prohibit any entity which wished to become independent from doing so. In Mr Belikov's view, the proposed declaration was not a fair one. He mentioned the events that had occurred in Kosovo and the measures that had been taken at the time by the member states of NATO.

Mikhail CHERNISHEV (Russian Federation, L, EPP/CCE) said that his own city of Rostov-on-Don belonged to an association which promoted co-operation between Ukrainian and Russian towns. Thanks to this co-operation, much had been done to improve local government in Ukraine and Russia and to develop economic and cultural ties. The co-operation would continue because it had proven extremely rewarding. Mr Chernishev felt that the Congress should not be overhasty in adopting such an important declaration. Many aspects had been overlooked in the text, including some crucial ones such as the interests of the eastern parts of Ukraine. It was important to reflect calmly on the matter.

Svetlana ORLOVA (Russian Federation, R, EPP/CCE) agreed with the previous speaker that the Congress should not rush into a decision. A mission should be sent to observe the situation on the ground so as to gain a clear insight into what was happening. Such an approach would enable Congress members to find a way out of the crisis together. Ms Orlova felt that the draft declaration, which had been drawn up in haste, was meaningless and outside the remit of the Congress. Ukrainians and Russians had a common history. Adopting the proposed declaration today would change nothing and would merely strengthen the position of certain senior politicians who did not want peace in Europe.

Philippe RECEVEUR (Switzerland, R, EPP/CCE) said that Switzerland held the Chairmanship of the OSCE and had spoken out in support of maintaining Ukraine's territorial integrity. The Swiss delegation to the Congress would therefore be voting for the draft declaration, as proposed. The Swiss delegation also wished to point out that the Russian Federation was a member of the Congress and that there could be no convention-compliant solution without its participation. The Ukrainian problem could not be settled without due consideration for the role that Russia must play. This was something that had perhaps been overlooked in the European Union's approach. Mr Receveur felt that the Congress could make a decision that day on the proposed declaration, having regard to existing law and treaties, but that a mission should be sent to Ukraine to gather detailed information about the situation in all parts of the country.

Oddleif OLAVSEN (Norway, R, EPP/CCE) observed that everyone was born with the same rights. They had the right to freedom and happiness. That was not the case at present in Crimea, however. Mr Olavsen therefore suggested that the following sentence be added to paragraph 4 of the draft declaration: "the use of military force by Russian to redraw national borders is unacceptable".

THE PRESIDENT said that the deadline for amendments had been 9 am that morning. Only amendments that had already been tabled would be voted on.

Line Skøii VENNESLAND (Norway, L, ECR) observed that democracy implied equal rights for all and shared responsibilities. A democracy could not rest on the use of force alone. Legislation was needed to ensure equality for all and national unity. When a new democracy was striving to unite its people, no one had the right to destroy that unity through force. Ms Vennesland therefore called on Congress members to support amendment No. 6 which sought to clarify the Congress's position.

Devrim CUKUR (Turkey, R, SOC) said that Turkey had emphasised that the political crisis in Ukraine should be resolved with due regard to the country's political and territorial integrity, in accordance with the law and international agreements. Turkey did not recognise the outcome of the referendum or the unilateral moves that had followed. Ukraine's sovereignty, territorial integrity, independence and political unity must be preserved. Crimea was an integral part of Ukrainian history. The Tatars, moreover, were very close to the Turks. The Turkish delegation therefore accorded a high priority to the security of the Tatar people, who had suffered a great deal over the years, including exile. Since the start of the crisis, Turkey had made every effort to support them.

Emin YERITSYAN (Armenia, L, EPP/CCE) cited the Prime Minister of Poland who had said that the Ukrainians had descended on Maidan because they were unhappy with the previous government. While this was an internal policy matter, it was also true that there had been a rise in xenophobia and nationalism in Ukraine. Pressure was being brought to bear on certain communities, in particular with regard to the use of languages, all over the country and in particular in Crimea. Mr Yeritsyan went on to quote the Turkish Prime Minister, who had declared that the Ukrainian authorities and the international community did not recognise Russian's annexation of Crimea. It was important, however, to consider the legitimacy of the new Ukrainian authorities in the light of what was happening in Ukraine today. Mr Yeritsyan ended by calling on the Ukrainian and Russian representatives in the Congress to avoid the use of middlemen when holding discussions, as they were inclined to protect their own interests.

THE PRESIDENT gave the floor to the rapporteur.

Marc COOLS (Belgium, L, ILDG), rapporteur, thanked the many speakers who had supported the draft declaration. In reply to the President of the Assembly of European Regions who had raised the issue of citizen participation, Mr Cools said that strengthening democracy in Ukraine implied the development of citizen participation. Ms Sfirloaga had suggested sending a mission to Crimea to make sure that the rights of local authorities were being observed. Mr Cools said he would take up this suggestion. A Congress mission should indeed check to ensure that the rights of the different sections of the population were being observed. Mr Cools also welcomed the fact that all the speakers in the debate, including those from the Russian Federation, who were naturally against the declaration, had expressed themselves in a dignified manner. Only Mr Goncharenko had not done so. Mr Cools explained that the Bureau members unequivocally condemned Russia's annexation of Crimea but that that was no excuse for drawing parallels between President Putin's regime and the Nazis who had been responsible for tens of millions of deaths.

A number of speakers from the Russian delegation had said that the Congress should not be too quick to adopt the declaration and should send a mission to Crimea first. Mr Cools said that the OSCE had wanted to send a mission but had not been granted permission to enter the region. No mission was necessary, however, to see that Crimea had in fact been annexed.

Another Russian speaker had mentioned the precedent of Kosovo. Mr Cools did not think that the two situations were comparable, either in law or in practice. Kosovo had not been annexed. Its independence had come about as part of the break-up of the former Yugoslavia and the tragic struggles that had taken place between the various constituent peoples of that country. Almost a million Kosovar refugees had fled following the massacres. In Crimea, Russian speakers had not been murdered, something that might conceivably have justified urgent intervention to save civilian lives. The International Court of Justice had issued a ruling on this point, moreover.

Mr Cools said he completely agreed with the representative of Rostov-on-Don, who had emphasised the need for co-operation between Russians and Ukrainians. Such partnerships were indeed desirable, both on the part of the European Union and on the part of the Russian Federation.

THE PRESIDENT proposed that the draft declaration set out in document CG(26)15PROV, and to which 18 amendments had been tabled, be put to the vote.

Alexander SOKOLOV (Russian Federation, L, EPP/CCE) presented Amendment No. 16, which sought to amend paragraph 1 as follows: "The Congress of Local and Regional Authorities of the Council of Europe is deeply concerned at developments in the situation in Ukraine that led to the loss of its territorial integrity." The unconstitutional coup d'état, indeed, had thrown the country into turmoil and led to the loss of its territorial integrity. Armed gangs had attacked the authorities which had been elected by the people.

Marc COOLS (Belgium, L, ILDG), rapporteur, moved that this amendment be rejected. He pointed out that the President had fled the country and that a constitutional majority made up of two thirds of parliament had deposed him. It was important to remember that the Russian Federation's annexation of Crimea was an infringement of Ukraine's territorial integrity.

THE PRESIDENT declared the ballot open.

Amendment No. 16 was rejected.

Simon JAMES (United Kingdom, L, ILDG) presented Amendment No. 15, which proposed that the reference to the Ukrainian Constitution in paragraph 3 be deleted. The Ukrainian Constitution denied the various territories of Ukraine the right to self-determination, yet this was something the Congress should be trying to promote, as a basic human right.

Marc COOLS (Belgium, L, ILDG), rapporteur, said he was in favour of Amendment No. 15. The reference to the Ukrainian Constitution did not actually add anything to the general debate.

THE PRESIDENT declared the ballot open.

Amendment No.15 was adopted.

Igor SHUBIN (Russian Federation, R, ILDG) presented Amendment No.17 which sought to replace paragraph 4 as follows: “The Congress condemns the fact that the referendum was conducted by the local authorities of the Autonomous Republic of Crimea, in violation of the Ukrainian legislation, which took place on 16 March 2014, as was confirmed by the Venice Commission for Democracy through Law”. This wording echoed that of the Committee of Ministers decision, for which 42 states had voted, thereby lending weight to the text adopted by the Congress.

Marc COOLS (Belgium, L, ILDG), rapporteur, was against such an amendment, as it would effectively mean that the Congress did not condemn the annexation of Crimea.

THE PRESIDENT declared the ballot open.

Amendment No. 17 was rejected.

Oddleif OLAVSEN (Norway, R, EPP/CCE) presented Amendment No. 13. He had already mentioned this amendment in the debate.

Marc COOLS (Belgium, L, ILDG), rapporteur, proposed that the amendment be approved.

THE PRESIDENT declared the ballot open.

Amendment No. 13 was adopted.

Stepan BARNA (Ukraine, R, NR) presented Amendment No. 10. In paragraph 4, mention should be made of Sebastopol, which was a distinct administrative entity within Crimea. Ukraine was in fact a unitary state divided into several administrative entities. The cities of Kyiv and Sebastopol enjoyed special status.

Marc COOLS (Belgium, L, ILDG), rapporteur, proposed that the amendment be approved.

THE PRESIDENT declared the ballot open.

Amendment No. 10 was adopted.

Marc COOLS (Belgium, L, ILDG), rapporteur, said that Amendment No. 7 should be examined before Amendment No. 3.

Sevdia UGREKHELIDZE (Georgia, R, EPP/CCE) presented Amendment No. 7, which drew attention to the fact that this was not the first time Russia had occupied the territory of another member state of the Council of Europe.

Marc COOLS (Belgium, L, ILDG), rapporteur, proposed that the amendment be approved.

THE PRESIDENT declared the ballot open.

Amendment No. 7 was adopted.

Marc COOLS (Belgium, L, ILDG), rapporteur, said that Amendment No. 3 was now redundant, the sentence concerned having been removed by Amendment No. 7.

Amendment No. 3 was withdrawn.

Line Skøii VENNESLAND (Norway, L, ECR) presented Amendment No. 6. With this amendment, the Congress reaffirmed that Crimea and Sebastopol were an integral part of Ukraine and requested all the parties concerned to observe human rights and the rule of law.

Marc COOLS (Belgium, L, ILDG), rapporteur, voiced his support for the amendment.

THE PRESIDENT declared the ballot open.

Amendment No. 6 was adopted.

Nataliya ROMANOVA (Ukraine, R, ILDG) presented Amendment No. 4, which sought to include a reference to Congress Recommendation 346 (2013) on “Regions and territories with special status in Europe”.

Marc COOLS (Belgium, L, ILDG), rapporteur, proposed that the amendment be approved.

THE PRESIDENT declared the ballot open.

Amendment No. 4 was adopted.

Nataliya ROMANOVA (Ukraine, R, ILDG) presented Amendment No. 8 which proposed that the words “and legitimate” be inserted in paragraph 6, between the words “new” and “Ukrainian”. The legitimacy of the Ukrainian authorities had been recognised in February by an association of parties as well as by representatives of the European Union and the international community. This adjective appeared in the initial version of the document presented to the Bureau members.

Marc COOLS (Belgium, L, ILDG), rapporteur, proposed that the amendment be approved.

Arkady CHERNETSKIY (Russian Federation, R, SOC) wished to speak out against the amendment. Mr Jagland had notably refrained from describing those currently in power in Kyiv as legitimate authorities. Mr Chernetskiy said that the former president had had to leave the country or face death. Certain members of the Ukrainian parliament had apparently been coerced into voting for the new government.

THE PRESIDENT declared the ballot open.

Amendment No. 8 was adopted.

Anna MAGYAR (Hungary, R, EPP/CCE) presented Amendment No. 11. It was especially important, in this very tricky situation, to encourage the Ukrainian leadership to protect the rights of their citizens, in particular the rights of all the linguistic groups. The rights of minorities, including the Hungarian and other groups, must be safeguarded across Ukraine.

Marc COOLS (Belgium, L, ILDG), rapporteur, proposed that the amendment be approved.

THE PRESIDENT declared the ballot open.

Amendment No. 11 was adopted.

Svetlana ORLOVA (Russian Federation, R, EPP/CCE) presented Amendment No. 1, stipulating that the Congress stood ready, at the request of the Ukrainian authorities, to send a special monitoring mission to the country.

Marc COOLS (Belgium, L, ILDG), rapporteur, observed that three amendments which had more or less the same purpose had been tabled, namely amendments Nos. 1, 5 and 14. He suggested that all three be replaced by a compromise amendment which would involve inserting the following in paragraph 10: “It is particularly willing to send a delegation to Ukraine, including the region of Crimea, to examine the situation in the country. It is also at the disposal of the Ukrainian authorities to take part in a mission to observe the local elections to be held in several Ukrainian towns and cities on 25 May 2014.”

THE PRESIDENT put the oral amendment presented by the rapporteur to the vote.

The oral amendment presented by the rapporteur was adopted.

Amendment No. 1, Amendment No. 5 and Amendment No. 14 were withdrawn.

Attila KLARIK (Romania, R, EPP/CCE) presented Amendment No. 12. In Ukraine, a large section of the population belonged to national minorities. It was therefore advisable to amend paragraph 7, which was felt to be too restrictive, to include a reference to “all the persons belonging to a national minority in Ukraine”.

Marc COOLS (Belgium, L, ILDG), rapporteur, proposed that the amendment be approved.

THE PRESIDENT declared the ballot open.

Amendment No. 12 was adopted.

Igor SHUBIN (Russian Federation, R, ILDG) presented Amendment No. 18, proposing that the following words be deleted from paragraph 7: “which was illegally annexed by the Russian Federation”. Such judgments could be made by the UN Security Council or other bodies, but not by the Congress, which had no authority in the matter.

Ivan KULICHENKO (Ukraine, L, ILDG), speaking as head of the Ukrainian delegation, said that had there been no annexation, no such declaration would have been necessary.

Marc COOLS (Belgium, L, ILDG), rapporteur, was against the amendment, saying that the proposed declaration referred to the Congress’s earlier work and to its determination to see all powers and responsibilities transferred to elected bodies. The way in which these bodies should be organised was a matter for the post-monitoring missions. It was too early to comment on these aspects at the current stage. For this reason, Mr Cools was opposed to Mr Belikov’s amendment.

THE PRESIDENT pointed out that the rapporteur was asked to comment on Amendment No. 18, not Amendment No. 2.

Marc COOLS (Belgium, L, ILDG), rapporteur, said he was against this amendment as well, for the same reasons as before.

THE PRESIDENT declared the ballot open.

Amendment No. 18 was rejected.

Vsevolod BELIKOV (Russian Federation, L, EPP/CCE) presented Amendment No. 2, which suggested that a mechanism be introduced to stabilise the situation in Ukraine. The idea was to encourage the holding of direct elections of heads of regions and large municipalities. The Congress, the Council of Europe and other institutions recognised the benefits of direct elections. This proposal represented a compromise given the extremely challenging situation on the ground.

Nataliya ROMANOVA (Ukraine, R, ILDG) said she was not in favour of this amendment. To be sure, heads of regions and indeed all senior officials should be elected in order to ensure better public service provision. The Ukrainian Prime Minister, however, had spoken of the possibility of transferring executive powers to district level at some point in the near future. Councils with elected representatives would gain certain powers. It was best therefore to wait and see how government reform developed in Ukraine.

Marc COOLS (Belgium, L, ILDG), rapporteur, said he was against the amendment for the reasons given by Ms Romanova. He also pointed out that direct elections were going to be held for a number of Ukrainian mayors. Before introducing direct elections for governors, it was important to determine what their powers and responsibilities would be. The goal of having responsibilities exercised by elected representatives was very much in keeping with the spirit of the declaration, but it was best to allow time for the introduction of constitutional reforms.

THE PRESIDENT declared the ballot open.

Amendment No. 2 was rejected.

Oleksiy GONCHARENKO (Ukraine, R, SOC) presented Amendment No. 9. He reminded Congress members that in 1949, the Council of Europe had been set up in the aftermath of the Second World War to promote dialogue between countries. The Russian Federation's military aggression against Ukraine amounted to a violation of the fundamental principles of the Council of Europe. The Ukrainian and Georgian delegations proposed that the Congress ask the Parliamentary Assembly of the Council of Europe to consider expelling the Russian Federation. Mr Goncharenko emphasised that this proposal was not directed against the Russian people. Russia was a great European nation but Mr Putin's actions must not be allowed to go unpunished.

Marc COOLS (Belgium, L, ILDG), rapporteur, said he was completely against this amendment. Expelling the Russian Federation from the Council of Europe would not solve anything. A believer in the need for further dialogue, he said that Russia must retain its place within the European family.

THE PRESIDENT declared the ballot open.

Amendment No. 9 was rejected.

THE PRESIDENT put the whole of the draft resolution, as amended, to the vote. A simple majority was required in order to adopt a resolution.

Svetlana ORLOVA (Russian Federation, R, EPP/CCE) thanked Congress members for the debate that had just taken place. She felt, however, that it had been dominated by emotions rather than by logic or law. Congress procedures had not been observed, and neither had the Council of Europe Statute. Rule 1 of the Congress's Rules of Procedures stipulated that the Congress Bureau could present a draft declaration on any subject within the competence of the Congress. The draft declaration in question, however, contained certain paragraphs which were outside the remit not only of the Congress but of the Council of Europe as a whole. She was referring to the paragraphs on international law, on Russia's alleged annexation, on territorial integrity and borders. Ms Orlova therefore suggested that the Congress consult the Council of Europe's lawyers about rectifying the declaration.

THE PRESIDENT thanked Ms Orlova for her statement. He put the draft declaration set out in document CG(26)15PROV, as amended, to the vote.

The draft declaration, as amended, was adopted.

14. END OF THE SITTING

THE PRESIDENT expressed his sincere appreciation to the interpreters and invited Congress members to attend the reception being hosted by the Slovenian delegation to the Congress.

The President said that the Chamber of Regions and the Chamber of Local Authorities would meet the following day from 9 a.m. to 12 p.m. The next plenary sitting of the Congress would be held the same day at 2 p.m.

Agreed.

The sitting rose at 8.24 p.m.

SITTING OF THE CHAMBER OF REGIONS

Wednesday 26 March 2014 at 9 a.m.

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1. OPENING BY THE PRESIDENT OF THE CHAMBER

The sitting opened at 9.08 a.m. with Nataliya Romanova (Ukraine, ILDG), President of the Chamber of Regions, in the chair.

The PRESIDENT declared the 26th session of the Chamber of Regions open, in accordance with Rule 17.1 of the Rules of Procedure of the Congress. She welcomed all the members of the Chamber.

2. ADOPTION OF THE DRAFT AGENDA OF THE CHAMBER

[CPR(26)OJ1PROV]

The PRESIDENT asked the members whether they wished to comment on the draft agenda set out in document [CPR(26)OJ1PROV].

No comment was made.

The draft agenda was adopted.

3. COMMUNICATION BY THE PRESIDENT OF THE CHAMBER

[CPR(26)1]

The PRESIDENT described the activities of the Chamber of Regions since the last session. At the October 2013 session, the Chamber had adopted reports on regions with special status and on migrants' access to regional labour markets. These reports had made a major contribution to the Congress's work on the situations populations face in times of crisis. Practical action would be taken on these texts. The President considered that the report on the regional labour market would be a decisive factor in the fight against unemployment at a time when one of the main issues that regions had to deal with was youth unemployment. The theme adopted for the twenty-sixth session of the Congress was the place of young people in society, and access to the labour market was a key aspect of this. The Chamber of Regions took the view that this matter lay right at the heart of its concerns and had decided to prepare practical proposals to meet these new challenges.

Local and regional autonomy was also a highly topical issue. The Bureau of the Chamber had looked into the trends that had been observed and concluded that new forms of local and regional autonomy were having an impact on the balance of power between central government and the regions. In connection with the report on regions with special status, the Chamber had begun work to investigate regional autonomy and regionalisation. At the October session, there had been a round table meeting on recent changes in terms of regionalisation in Europe. Particular attention had been paid to the impact of the economic crisis on regionalisation. For instance the Chamber had looked into the link that might exist between the economic crisis and the rise of forms of regional nationalism. The conclusions of this discussion, prepared by Marie-Madeleine Mialot Muller, would serve as a basis for the Chamber's future work.

Furthermore, in December 2013, the Chamber of Regions had held a meeting of experts in which a series of practical proposals had been made for studying forms of nationalism. This work depended, nonetheless, on the allocation of funds. Getting more states to ratify the European Charter for Regional or Minority Languages was also a major goal. To date, 25 states had ratified this text. On 13 December, in co-operation with the French Senate, the Chamber had held a seminar in Paris on regional and minority languages in Europe, the aim of which had been to promote the Charter. On 17 February 2014, the Congress had adopted a statement on this subject.

The Bureau of the Chamber of Regions paid close attention to all political events in Europe. It was particularly interested in the regional processes under way in various communities such as the Basque Country, Scotland, South Tyrol, Gagauzia, Vojvodina, Sardinia and, of course, Crimea.

The Chamber of Regions had also been represented at numerous events since the last session including the general assembly and annual conference of the Association of European Border Regions, in Liège, a hearing on local and regional democracy in Ukraine held in Brussels on 18 November in co-operation with the Committee of the Regions and a conference on regionalism and lessons from Europe and the Americas, held in Innsbruck.

Lastly, a number of reports were being prepared and would be presented in due course to the Chamber. In the Governance Committee, in particular, Stewart Dickson and Marie-Madeleine Mialot Muller were working on draft reports, while in the Current Affairs Committee, Johan van den Hout was preparing a report on regional mass media and democracy. The President thanked all the members of the Chamber of Regions who contributed to the Chamber's debates, especially the rapporteurs who supplied the Chamber with material to discuss.

As nobody wished to speak, the President called the next item on the agenda. Members could, however, submit a written statement to be incorporated into the minutes.

4. CO-OPERATION AGREEMENT BETWEEN THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE AND THE ASSEMBLY OF EUROPEAN REGIONS (AER): IMPLEMENTATION

The PRESIDENT pointed out that the previous day, the President of the Congress of Local and Regional Authorities, Mr van Staa, and the President of the Assembly of European Regions, Ms Bozatli, had signed a co-operation agreement between the Congress and the AER. There had already been a long and fruitful co-operation between these two institutions. As a Congress observer, the AER attended every sitting of the Chamber of Regions. The co-operation agreement meant that it could be given permanent status. It was combined with a joint action plan, to be renewed every two years.

This plan gave details of the measures that would be taken either by the Congress or by the AER and set out the main strategic lines of this co-operation, covering issues such as the autonomy of regional authorities, reactions to the crisis, support for the younger generation, politics at regional level and minority and regional languages. The Congress would make its contribution in the Bureau and the General Assembly of the AER and in the meetings or seminars to be held in 2014 and 2015. The Congress and the AER co-operated on regionalisation, delegation of powers and subsidiarity. Experience would be pooled when each body was preparing its respective reports and representatives of the two institutions would be present at events held by the Congress or the AER. In 2015, the Assembly of European Regions would celebrate its 30th anniversary. The President proposed that, on this occasion, a joint international conference should be held to draw the attention of Europe's regions and central governments to the need to regionalise and reappportion powers.

Urs WÜTHRICH-PELLOLI (Switzerland, SOC), representing the Assembly of European Regions (AER) but speaking as a Congress member as well as the AER's Vice-President and Treasurer, welcomed the steps taken by the two institutions to work closer together. The events in Ukraine demonstrated the importance of questions of regional identity in Europe. Co-operation between the AER and the Congress would help to promote regional identities throughout Europe. The agreement was completed by an action plan for 2014 and 2015, which was built around three priorities: promoting regional autonomy and supporting any process of decentralisation, providing responses to the political, economic and social crises which Europe currently faced and fostering the participation of young people in political, economic and social life.

The Assembly of European Regions would be celebrating its 30th anniversary in 2015. In this context, the members of the Chamber of Regions were invited to contribute to a political report which was being prepared and would be focusing on the state of regionalism in Europe and the implementation of the principle of governance at several levels. The Congress could take advantage of this celebration to promote the Reference Framework for Regional Democracy as the Assembly of European Regions set the greatest store by this document, which could help states to make local and regional government reforms. Reforms of this nature were under way or planned in Albania, Croatia and France.

As to the response that the regions might make to the crisis, the Assembly of European Regions had organised a number of activities in 2013 and had its own data base listing good practices which it intended to share with the Congress. A joint publication on this subject might, moreover be possible.

Lastly, the AER was particularly involved in work to promote the participation of young people in society through its Youth Regional Network. It had already invited the Congress Secretariat to form part of the judging panel to award the prize for the most welcoming region for young people, which was awarded every two years. The AER counted on the involvement of the Congress to publicise the prize and take part in the celebration of the winning regions. It would present the Congress with its report on youth participation which was to be adopted at the general assembly in May.

In addition to these three priority themes, the action plan intended to step up contacts between the AER and the Congress. The Congress would be invited to the AER Summer Academy to be held in Novi Sad in August 2014 on the theme of multiculturalism, the Black Sea Summit to be held in Romania at the beginning of October and, above all, the AER General Assembly to be held in Poland at the end of May.

Urs Wüthrich-Pelloli said that the AER would make every possible effort to make the agreement work.

The PRESIDENT called on all members to recognise the importance of this ambitious action plan. She opened the discussion.

Farid MUKHAMETSHIN (Russian Federation, ILDG) pointed out that the signature of this co-operation agreement had been awaited with some anticipation. As the Chairman of the State Council of Tatarstan and a member of the AER, he welcomed the agreement. Tatarstan was involved in Europe's regionalisation processes and worked to promote democracy at regional and municipal level. The Republic of Tatarstan had joined the AER in 1996. The AER had set up efficient co-ordination mechanisms. It had supported Tatarstan in the 1990s, which had been very difficult times for this territory, and continued to support it. Bringing together over 200 regions and international bodies had made it possible for the idea of regionalisation to spread throughout Europe. The Charter of Regions, which the AER had helped to draw up, was a document that was respected in Europe. The Republic of Tatarstan had been able to establish many contacts as a result of the AER's support. Work in the training sphere was currently being conducted with the Federal University of Kazan, which was one of Russia's main universities. The capital of Tatarstan had hosted several major events over the last decade thanks to the AER. Unfortunately, the meeting of the Current Affairs Committee which was to have been held there in June would not be taking place. Nonetheless, Farid Mukhametshin hoped that new forms of co-operation would arise as a result of the joint action plan of the Congress and the AER.

Karl-Heinz LAMBERTZ (Belgium, SOC) welcomed the agreement between the AER and the Congress, which was beneficial for both parties. He believed, moreover, that the Chamber of Regions should involve all the main European regional associations in its activities. The Reference Framework for Regional Democracy showed that there was still a need to rally round for regionalisation in Europe. A joint position should be adopted on this issue, along with multilevel governance. As an integral part of the Council of Europe, the Chamber had a duty to work with all organisations which supported regionalisation in Europe. Karl-Heinz Lambertz said that he was convinced that the signature of this agreement would make it possible to launch numerous activities that would be rewarding for both parties.

Hande Özsan BOZATLI (Turkey, EPP/CCE), the President of the AER, wished to thank the President of the Chamber of Regions for her sincere desire to co-operate. By joining forces, the Congress and the AER could better serve the regions' interests. Hande Özsan Bozatli also thanked the previous two speakers for their support for this co-operation. Activities run jointly by the Congress and the AER had already yielded tangible results in the regions. It was important to continue in this direction.

On behalf of the Chamber, **the PRESIDENT** thanked Ms Bozatli, who was a true inspiration for the work of the AER. The President said that she herself would be taking part in AER events with great pleasure. She proposed that the Chamber should review the implementation of the action plan every two years so that corrections could be made to it if necessary.

5. FOSTERING YOUTH EMPLOYMENT THROUGH EDUCATION AND TRAINING: ROLE AND BEST PRACTICES WITHIN REGIONS IN EUROPE

The PRESIDENT announced that young people would take part in the debate. The theme of the entire Congress session was the place of young people in society. The integration of young people was a crucial question and prime responsibility for it lay with the local and regional authorities. The Chamber of Regions had therefore decided to launch a discussion on the measures taken by the regions to provide help for young people. It would begin by listening to a statement from Mr Borboly, who would speak on behalf of the Committee of the Regions, then, following this, the President of the Parliament of Carinthia and a member of the Parliament of Tuscany would describe in turn the measures taken by their respective regions. Lastly, a representative of the Youth Regional Network of the Assembly of the European Regions would voice the concerns of young people.

The President welcomed Mr Borboly, member of the Education, Youth, Culture and Research Commission (EDUC) of the Committee of the Regions of the European Union. The Congress had always worked in close co-operation with the Committee of the Regions. Mr Borboly had recently been the Committee of the Regions' rapporteur on higher education and the President was pleased that he was taking part in the debate.

Csaba BORBOLY, member of the Education, Youth, Culture and Research Commission (EDUC) of the Committee of the Regions of the European Union, said that the Congress and the Committee of the Regions worked in close co-operation on many issues such as youth unemployment and education and training, which were priorities for the Committee of the Regions.

At the beginning of 2014, over 5.5 million young people in the European Union were unemployed. Some 7.5 million Europeans between the ages of 15 and 24 were neither in employment nor enrolled in any kind of training. Although they were slightly lower than in 2013, these figures were still truly shocking. The situation was, moreover, particularly dramatic in certain EU countries. This subject was therefore addressed very regularly by the Committee of the Regions. A co-ordinated approach was needed at all levels. The first step was to adapt education systems to current realities, particularly by including more training in computing and telematics in curricula, giving young people a better chance of meeting the current and future needs of the labour market. Access to technologies was crucial. Measures should be taken to ensure that all students had access to educational resources, regardless of their socio-economic background or where they lived. Broadband access was essential in all regions, together with on-line resources, courses with a more international emphasis, improved skills assessment methods and greater recognition of informally acquired skills. Use could also be made of the Erasmus+ or Horizon 2020 programmes.

It was important to encourage creativity and ensure that young people truly took in what they were being taught. For this purpose, all levels of governance should be placing emphasis on educational attainments, including skills acquired through informal means, and on youth employment. The Committee of the Regions emphasised the key role of local and regional authorities in the fight against youth unemployment. A substantial proportion of the resources given over to youth employment measures should be allocated to local and regional authorities so that they could implement measures in a manner that was suited to local conditions. Various funding mechanisms should be brought into play. To achieve the greatest possible impact, synergies should be sought between the various stakeholders at local and regional level.

It had been observed that the best results in terms of employment were achieved when high quality training courses and learning mechanisms formed an integral part of the curriculum, together with effective placement arrangements. Creating links between the worlds of education and business, making use where necessary of civil society organisations, was also a means of fostering youth employment.

The Committee of the Regions welcomed the introduction of the Youth Guarantee, whose aim was to provide all young people who had not found a job four months after leaving school with further training or an apprenticeship. At the same time, there was a need to prepare pupils better for the transition between school and work. Young people should be discouraged from remaining for too long within the education system without any real prospects. It was also essential to offer permanent retraining opportunities through life-long learning systems.

There was an inequality between the sexes in this sphere because young women were more affected by unemployment than young men. An attempt should be made to narrow this gap through training and by setting up appropriate mechanisms, particularly those designed to reconcile work and private life.

Apprenticeship systems, which offered interesting prospects, had to be promoted by means of funding and fiscal measures. Local and regional authorities had a role to play in this field. They should also set an example by providing young people with valuable work experience. Work experience should be dispensed under certain guaranteed conditions in terms of social security coverage and health and safety in the workplace. Apprentices should receive official certificates specifying the knowledge and skills acquired.

It had also been proposed to set up low-interest microcredit systems for young entrepreneurs.

As a member of the Committee of the Regions' Education, Youth, Culture and Research Commission, Csaba Borboly had been a rapporteur on the place of higher education in Europe in comparison to the rest of the world. It was essential for students to have access to high-quality higher education courses at local and regional level. Courses given in several languages should be devised and there was a need to internationalise higher education, enabling young people to advance subsequently in a multilingual and multi-ethnic context. Universities should also teach courses in languages used by minorities.

Csaba Borboly said that he would like to describe some of the activities run by the Harghita County Council in Romania, of which he was the Chair. For instance, volunteers were brought in to help children both at primary and infants' schools and in day-care centres. The county had also taken measures to ensure that children had access to drinking water and sanitation facilities. An apprenticeship programme had been set up and the council would push for an increase in the active participation of youth organisations, which should contribute to changes in society.

Even though the problem of youth unemployment was particularly complex, the local and regional authorities could play a major role in this field by working with the bodies responsible for their training, stimulating apprenticeship, reducing school drop-out rates and establishing support programmes for young entrepreneurs. Mr Borboly cited some of the best recommendations he had received, which came from Ladó Tihamér Zsolt, a representative of the Federation of Youth Organisations in the area of Ciuc. They included standard rates of pay for beginner teachers, support for businesses which took on graduates and the promotion of partnerships between businesses and vocational training establishments.

Lastly, Csaba Borboly announced that on 1 April, the Committee of the Regions would be hosting a meeting of 150 young people to discuss the future of Europe at several levels. The European Union, the member states, the local and regional authorities and civil society had to work together to solve the problems in this area.

The PRESIDENT said that it was important to listen to the views of the Committee of the Regions and adopt an official position of the Congress on this crucial area in which the aim was to improve the integration of young people into society and give them proper access to the labour market.

She called Reinhart Rohr, President of the Parliament of Carinthia in Austria, who was due to host a conference entitled "Investing in our Youth: Education is Key", in Klagenfurt, on 31 March and 1 April, under the Austrian Chairmanship of the Committee of Ministers.

Reinhart ROHR (Austria), President of the Parliament of Carinthia, said that he had held various political offices since the beginning of the 1990s. He had been a member of parliament, a member of the Government of Carinthia and, for one year now, President of the Parliament of Carinthia. Europe had to manage the consequences of the economic crisis while nevertheless offering a future to the younger generation. The increasing debts of all the EU member states was undermining the stability of the European economy. Solutions had to be found rapidly so that the most vulnerable groups would not pay the consequences of this situation. If these questions were not dealt with at national and European level, there was a danger that societies would become radicalised and democratic construction would be called into question, giving way to populism and nationalism.

Reinhart Rohr was convinced that there was a need to establish a right to work and that this should be regarded as a fundamental human right. The role of elected representatives was to find effective means of waging a sustained battle against unemployment. The unemployment figure for the 15 to 24 age bracket was genuinely worrying. Although it was only 7% in Germany and 10.5% in Austria, albeit unfortunately with a tendency to rise, the EU average was 23.4%. In Italy, it was 42%, in Croatia 50%, in Spain 54.6% and in Greece 59%. Six million Europeans under the age of 25 were jobless and a further 7.5 million were neither in a job nor in training. The unemployment rate among young Europeans was twice that of the entire population. These figures demanded a response from political leaders. A democracy which offered no solution and a Europe which could not guarantee a dignified existence was not a scenario that we should be contemplating. Every single unemployed person was one too many. Efforts had to be made at all levels: regional, national and European. The meeting to be held in Klagenfurt would focus on education and training, which were the main investments to be made in favour of young people.

Reinhart Rohr went on to describe some of the practical measures taken in the Austrian *Länder* to combat youth unemployment. It was important to support young people in the transition from school to work. Among the items on the Austrian Federal Government's programme was a requirement for all young people to attend training up to the age of 18 and a commitment to provide assistance for any young person at risk of dropping out of education. Vocational training was expected to make the transition from training to employment easier. Secondary schools offered general training courses, vocational training courses and apprenticeships. 80 % of young Austrians attended one of these courses, 40% in an apprenticeship, 15% in a vocational college and 25% on a general training course. Apprenticeships generally lasted three to three and a half years, during which apprentices spent 80% of their time in the workplace and 20% at vocational college. Many schemes had been devised to improve the employment situation including more training courses, advice to apprentices and the businesses employing them and reimbursement of exam registration fees. 0.2% of Austria's GDP was given over to support for apprenticeships.

Measures were taken for the benefit of young people who had not found an apprenticeship place in enterprise, who were taken in by training centres offering training equivalent to an apprenticeship. In 2013-2014, 11 000 such places were offered to young people. Unemployed people between the ages of 19 and 24 were covered by a guarantee that they would be given a state-subsidised job or training within six months.

Special provisions for young people made it possible to propose solutions of different types from when they left school at compulsory schooling-leaving age up to when they got their first job. There were twenty "production schools" in Austria, which took in problem pupils with a view to filling the gaps in their education, providing them with extra support and offering them tailor-made solutions. Further training was also provided for young people so that they could broaden their job prospects.

Reinhart Rohr talked about several other projects aimed at young people. The *AusbildungsFit* scheme was available to young people who were not immediately in a position to gain access to vocational training, providing minimum qualifications and social skills for young people with problems. This scheme was also available to young people with disabilities. Grants were also awarded to young unemployed people to facilitate access to training or retraining. The *Land* of Carinthia had set up its own project to offer apprenticeships after compulsory schooling. Young people who had finished school were offered an apprenticeship and therefore acquired two qualifications. They benefited from all the advantages of ordinary apprentices including excellent job prospects. They could also continue their training by attending a college or a university. Another scheme offered young people the opportunity to attend evening classes leading to a diploma, which were free provided that they already held an Austrian school-leaving certificate and were over 17. Grants could also be awarded for a period of up to three years.

There was a need to reappraise the whole education and training sector from infants' school up to university. Despite budgetary restrictions, it was essential to ensure that the budgets allocated to education were sufficient to provide high-quality training. This was the prerequisite for the balance which society needed to be maintained or re-established. Without prospects, individuals lost their dignity and became desperate. Society's prime duty was to offer young people a future. Practical solutions needed to be found quickly in the interests of democracy and Europe.

The PRESIDENT noted that the youth unemployment figures were very alarming but the excellent practices described by Mr Rohr showed that it was possible to react to such challenges.

The President called Enzo Brogi, member of the Tuscan Parliament. This region had launched a youth project entitled *Giovani si*.

Enzo BROGI (Italy), member of the Parliament of the Region of Tuscany presented an example of a good practice implemented by Tuscany since 2011. The aim of the *Giovani si* or "Yes to youth" project was to invest in young people, offering them opportunities to develop their skills, access the labour market, emancipate themselves and take part in the life of the community. Tuscany liked to think of itself as an enterprising, open-minded and inclusive region capable of bringing out young people's skills. This programme was aimed at people between the ages of 18 to 35 who responded to calls for expressions of interest in taking part in projects launched by universities, businesses, etc. The project was a response to the changes that had occurred in Europe in recent years, as a result of which young people experienced increasing difficulties in finding jobs, becoming self-sufficient and taking part fully in the life of the community and political life.

The strategy set up by Tuscany involved all the region's public establishments in all its different provinces, along with private bodies. The *Giovani si* office acted as an interface between young people and businesses or universities. The scheme put the emphasis on information and communication in all its forms (media, social networks) as a means of reaching all young people and gathering their suggestions.

The project focused on six main areas of activity: apprenticeships and placements, housing, civil service, enterprise, employment, and studies and training. With regard to housing, the aim was to help young people to free themselves from their families by subsidising the rent of those who wished to be independent for three years. To promote apprenticeships and placements, the region awarded a grant of €500 for the recruitment of an apprentice or a trainee. In the employment sphere, the main focuses of the project were health, assistance for people in need, civil protection and environmental protection. Regular calls were launched for expressions of interest in projects in which young people could participate. As to studies and training, the region financed various activities aimed at maximising human capital and facilitating relations between universities, the region and businesses. A fund had been set up to support businesses which recruited young people through measures such as financial assistance and preferential funding conditions to develop their activity.

The *Giovani si* office organised and co-ordinated 21 sites throughout the region. Mobile services made it possible to reach even the most remote areas. *Giovani si* was a forum for discussion and exchange between young people and people who could help them. Contacts had been established with trade unions, trade associations and chambers of commerce and industry with a view to involving all stakeholders. A team of thirty young people was involved in tracing out new itineraries for integration into the labour market.

Tuscany was also working on other projects which could be the subject of exchanges with other regions. It had a population of 3.5 million and was divided into ten provinces. It was located right in the centre of Italy and was very dynamic and productive. Its rich history and considerable tourist and arts potential should not obscure the fact that it also had a relatively successful industrial sector. Since its launch in 2011, the *Giovani si* project had devoted about €500 million to its various activities to support young people, mobilising regional, national and European funds. It had helped some 17 000 young people to find an apprenticeship or a work placement and some 80 000 young people were attending training or benefiting from schemes to promote culture such as access to libraries and museums and, more generally, to the region's historic and artistic heritage. In total some 100 000 young people had profited in one way or another from this programme, which had been singled out for praise by László Andor, the European Commissioner for Social Affairs. *Giovani si* was a pilot project, which provided a model for other Italian regions and had been presented at the Jobs for Europe Conference.

The PRESIDENT welcomed the outstanding results of this programme, which illustrated the way in which practical activities could be organised to help young people. The President called Beat Rohner, who was the President of the Youth Regional Network, set up by the Assembly of European Regions. It was important to hear contributions from representatives of the younger generation during this debate.

Beat ROHNER, President of the Youth Regional Network of the Assembly of European Regions (AER) began by presenting the Youth Regional Network, which brought together 35 regional youth parliaments, youth councils and youth organisations located throughout Europe. All political decisions which affected young Europeans should be taken as close as possible to them. Many organisations brought together youth parliaments or youth councils at national level but the Youth Regional Network was the only body which united youth organisations at regional level. Beat Rohner was also a member of the Executive Board of the Assembly of European Regions. At the same time he was continuing his studies in international commerce at Neuchâtel in the French-speaking part of Switzerland although he actually came from Saint Gallen, in German-speaking Switzerland.

Youth unemployment in Spain was in the region of 50%. What did that mean? More and more young people had to move back to live with their parents because they had lost their jobs and after a certain amount of time they were no longer entitled to unemployment benefit. Millions of couples in Europe would like to have children but could not afford it. These realities should not become European realities. Since 2007 or 2008, Europe had been undergoing an economic crisis. Some categories of the population were suffering more from this than others, especially the young generation. In all European countries, unemployment among young people was substantially higher than among the rest of the population and this situation had to stem from a structural problem.

Did schools and universities always meet the needs of the labour market? Did everybody need to study? Would it not make more sense to support vocational training and apprenticeship schemes? The education systems of Germany, Switzerland and Austria had interesting approaches to this problem. Most young people in these countries left school at the age of 16 but this did not mean that their education was over. Most became apprentices in companies and attended training courses for one or two days a week. They earned a wage during their apprenticeship, which lasted three or four years. Subsequently, they found a job easily because of the skills and experience they had acquired. Yet, even at this stage their education was not necessarily over. Many young people received further education, either on the job or in universities of applied sciences or through a combination of the two.

The Assembly of European Regions sought to promote arrangements of this type. Two years ago, four AER member regions (Vojvodina in Serbia, Hampshire in the United Kingdom, the Azores in Portugal and Krapina Zagorje in Croatia) had launched a programme to promote youth employment. Experts from all over Europe had been invited to review each of these regions' youth employment policies. Following the review, the participating regions had received a report containing policy recommendations and a SWOT (strengths, weaknesses, opportunities, threats) analysis. The recommendations they made set much store by apprenticeship and vocational training. Regional strategies had to put emphasis on young people, for example by setting up a department responsible for youth affairs and by involving young people in dialogue. In this way, tailor-made policies could be devised in order to have a genuine impact meeting people's needs. Lastly, in times of crisis, we should not forget disadvantaged groups such as ethnic minorities or persons with disabilities.

Early school leaving was another challenge to be met at a time when jobs required more and more skills. The Assembly of European Regions had set up a working group on this issue, which had compiled best practices in all the regions of Europe in three areas: prevention of early school leaving, intervention measures and compensation measures. The aim of prevention measures was to ensure that young people did not leave school too early. Intervention measures were designed to encourage young people to return to school through motivational activities. Lastly, compensation measures sought to give young people a chance to return to school or attend training.

Society had changed over the last twenty years. Borders were progressively disappearing and the economy was becoming more and more globalised. As a result, mobility programmes were becoming increasingly important. These programmes offered young people the experience of studying or working abroad. They learnt a foreign language and were introduced to another culture and scientific environment. This was the goal of the Eurodyssey programme (merging the words Europe and Odyssey) set up in 1985 by the Assembly of European Regions, which was aimed in particular at young people who did not have a university degree. They travelled to another European region and attended a language course before working for a company for three, four or five months. Studies had shown that on returning home, most of these young people found a job. Eurodyssey was a real opportunity for regions which did not have access to the mobility programmes established by the European Union. Beat Rohner invited his audience to join the AER and participate in this programme.

Beat Rohner said that he was convinced that the representatives of European regions could combat the crisis and youth unemployment. Many scientists had talked of the concept of a "lost generation". The time had come to act! Millions of young Europeans were unemployed and, behind the statistics, there were real people, each one of whom deserved our support.

The PRESIDENT thanked Beat Rohner for voicing the concerns of young people. She opened the debate.

Saara ILVESSALO (Finland, SOC) pointed out that young people were not a separate group from the rest of society so it was important to enable them to get involved in politics. Saara Ilvessalo, who was 24 and had been involved in politics for six years, said that politics was a good education in itself. Participation by young people in decision-making processes was a means of ensuring that youth issues would be prioritised. Young unemployed people, who had no way of contributing to such processes felt excluded from society. Politicians should be asking themselves why young people did not vote and get involved in politics. It was essential to make changes to political systems and use methods which young people felt more comfortable with, such as more direct forms of democracy, referendums and on-line participation. Young people should be able to vote from the age of 16 or 15 and courses in democracy should be held at school.

Tracey SIMPSON-LAING (United Kingdom, SOC) stressed the importance of issues relating to the health and welfare of young people and their participation in the community. There were growing mental health problems among young people because of current lifestyles and the deprivation caused by the economic crisis. The regional strategy that had been set up in York also related to education. Although youth unemployment was not very high in the area, it was important not to overlook young people with problems. Activities in partnership with schools and employers had been launched. The Labour Party had set up an apprenticeship programme which enabled apprentices to be paid €5.50 per hour instead of the minimum wage of €3. The municipal council had also organised a service to promote contacts between businesses and young people, which made it possible to reduce red tape and help young people to find an employer. Partnerships with businesses could play an important role in combating youth unemployment.

Andrée BUCHMANN (France, SOC) wished to talk about the activities carried out in Alsace – a region which was in a special situation because of its contacts with Switzerland and Germany. For a long time, the inhabitants had spoken French, German and Alsatian but progressively, after the Second World War, they had become less bilingual. As a result, access to Swiss and German companies had been reduced. For some years, the regional council had been supporting joint French and German classes from nursery school up to higher education level and this enabled young people to take part in international programmes. About a year ago, a framework agreement had been signed with businesses in Switzerland and Germany to enable young people who were following a theoretical apprenticeship in one country to perform the practical part in another and hence to receive the relevant qualification from that country. A special German business language programme had been set up for jobseekers, apprentices and part-time employees so that they could learn German. Cross-border work was a tremendously important phenomenon in Alsace, which had to position itself as a region in contact with other regions. Bilingualism was available to all the population groups living in the region. The region's programme had been combined with communication and education campaigns in the languages of immigrants. Migrants were often very active and in regular contact with their countries of origin, which made it possible to cultivate other economic forces.

Attila KLARIK (Romania, EPP/CCE) said that the opening up of Romania's borders had given young people in Romania the opportunity to study in other EU countries. These exchanges were, of course, very positive but a change in mentalities would be needed if we wished educational and professional mobility to become a reality. Education policies needed to be adjusted accordingly and a better assessment needed to be made of the impact of measures taken at local and regional level.

Sabine STEPPAT (Germany, SOC) wished to present examples of the improved way in which the transition from school to working life was handled in Hamburg. Hamburg was the first town in Germany to set up an agency for the career guidance and employment of young people which brought together all possible sources of information on education and work opportunities in the city. This had been prompted by the realisation that young people often did not know who to turn to. The agency provided proper support for young people to help them with their access to training and employment, in co-operation with the German Federal Employment Office, with which an agreement had been signed. In 2011 the Land of Hamburg had decided to ensure that every young person would have vocational training and that it would prevent students from dropping out by providing systematic support for every young person. There had been a meeting of all the bodies concerned (the City of Hamburg, employment services, vocational training establishments, social partners) and as a result they had set up a network for the establishment of the agency. The first office had opened in 2011 and there was now an office in every district of the city and every vocational college worked in partnership with the agency. All young people were invited to choose a training or career path from their eighth year of schooling onwards and they were supported throughout the whole process so that they would not drop out.

Leo AADEL (Estonia, ILDG) said that in Estonia, an electronic signature carried the same weight as a signature on paper. Estonia was taking steps to incorporate the electronic media into education. Over the next two years, every school would have broadband Internet access and Internet platforms would be set up for schools. The system would enable teachers to use the best educational tools available and pupils to take part in distance learning courses, in the event of illness for example. The use of new technologies should help to improve the education provided in all schools and for all pupils and this would make young people more employable.

Risto ERVELA (Finland, ILDG) explained that in Finland a “youth guarantee” programme had come into force in 2013. Under this programme all people under the age of 25, or who had recently graduated and were under the age of 30, were supposed to be offered a job or training within three months. A grant was awarded to employers who recruited young people on apprenticeship contracts and it had been made easier for companies to employ young people. Young people were also encouraged to become entrepreneurs, for which they could be given training, advice and funding. Career guidance services were also available for all young people. It was probably too early to draw lasting conclusions but this project had made for greater co-operation between the various stakeholders. Young people felt that this programme increased their motivation and helped them to find a job.

Mairi EVANS (United Kingdom, L, NI), Chair of the Committee of Youth Representatives of the Council of European Municipalities and Regions (CEMR) said that the debate on youth unemployment was crucial. She had recently been elected as the Chair of a new committee of the Council of European Municipalities and Regions for young elected representatives. This committee was hoping to look into the problems of youth participation and engagement as well as that of youth unemployment. For the time being, the main problem was unemployment. The debate of the Congress the previous day had shown that it was wrong to say that young people were not interested in taking part in public life. They were simply doing so by different means. Sometimes a lack of financial resources, stemming from unemployment, stood in the way of this participation. Yet the main resources of a country were its human resources and, in particular, its young people, who represented the future. They had to be able to flourish in society for them to want to engage with it. The CEMR had published an excellent report on the subject. Even though local and regional authorities throughout Europe did substantial work to support training and employment for young people, there was a need to go further and make young people more independent. Effective partnerships were essential to complete this task.

The PRESIDENT was pleased that Mairi Evans had offered the Chamber of Regions the opportunity to hear the voice of young people again. She asked Luciano Vecchi to present his conclusions to the debate.

Luciano VECCHI (Italy, SOC) highlighted the benefits of the debate, which had made it possible to hear about various types of experience and local and regional policy-makers who were attempting to meet the challenges faced by the young generations. The basic problems were the same throughout Europe even if there were differences according to countries’ socio-economic development and the choices that had been made in the past. It was vital for the Congress and all local and regional authorities to address this question. It seemed to be generally accepted that this generation and the following ones would not live as well as the preceding ones and Luciano Vecchi believed that this situation posed two problems. The first was a question of democracy. When a generation was convinced that it had no prospect of living a dignified life, young people were prompted to express, sometimes in an extreme manner, their dissatisfaction with the social system which their forebears had helped to construct. The second risk was that of a decline in European models. There was reason to fear an adoption of inward-looking attitudes in both the cultural and political sphere but also in the fields of economics and innovation.

Luciano Vecchi welcomed the considerable effort made by some regional and local authorities, sometimes with much creativity. The exchange of good practices should be stepped up markedly by the Council of Europe member states, particularly at local level. However, Luciano Vecchi considered that these efforts suffered from the consequences of political decisions taken elsewhere. All the work done to stimulate young people’s desire to start up businesses, to offer them training or apprenticeship contracts and to provide assistance for companies were incompatible with the European Stability Pact, budget cuts and loan access policies. All the measures taken at local level

were at odds with macro-economic decisions which were moving in another direction. Yet it was precisely the role of politics to attempt to reconcile these approaches.

Lastly, there was an imperative need to involve young people in the decisions that had to be taken. It was essential to reconstruct a framework in which young people could have confidence in themselves and the work of the community. Giving young people opportunities to participate in political life was the new challenge which local and regional authorities had to meet.

The PRESIDENT thanked Mr Vecchi for these conclusions. She shared the concerns he had expressed as there were considerable challenges to be met. The generation that was currently in power had to understand that if it did not react immediately, the situation would worsen at international level. It was important not to deprive the young generation of all the possibilities that could be open to it. The President thanked everyone who had contributed to the debate and hoped that the conclusions could serve as a starting point for more in-depth work in this sphere.

6. IMPLEMENTING HUMAN RIGHTS POLICIES AT REGIONAL LEVEL

The PRESIDENT said that respect for human rights was a fundamental principle of the Council of Europe which influenced all the Congress's work. It was immensely important to protect human rights, not just at central government level but also at other levels of government. Three guests, from Scotland, Catalonia and Styria, would describe the activities implemented in their region. This debate followed on directly from the report by Lars O. Molin, presented the previous day to the Congress, which contained an analysis of the best practices for the implementation of human rights at local and regional level. The actions of central governments could not possibly be enough in this respect. This work should be carried out not only in the Council of Europe member states but also beyond, in states with which the Council of Europe ran co-operation activities. These fundamental values should underlie any relationship between states or between regions. The regions could and even should draw on the examples given in the report presented to the Congress, which contained practical proposals to improve respect for human rights. Mr Muižnieks and the other leading figures who had attended the debate the previous day had also passed on their expertise in this area.

Regions should take the initiative where defending human rights was concerned. Their commitment should form the basis for a wide-ranging communication campaign, which could entail setting up human rights protection offices or institutions such as ombudspersons at regional level. Steps should be taken to ensure that all public services were accessible to the entire population, including the most disadvantaged fringe groups. Citizens should know their rights and be in a position to demand that they were respected. It was important to be fully aware of the situation of the various component parts of the population, particularly disadvantaged people and minorities, and ensure that there was good cohesion between different social groups. For these goals to be successfully pursued, civil servants and political leaders needed training in human rights issues related to their duties. Several methods could be used for the practical implementation of human rights, particularly the establishment of partnerships and the use of indicators to assess respect for human rights. It was essential to monitor the actions of private bodies so that they too would subscribe to processes that respected human rights. Lastly, the regions should co-operate with local authorities and civil society organisations.

The President called Bettina Vollath, from the Government of Styria in Austria to describe this *Land's* human rights activities, particularly its Charter for Living Together.

Bettina VOLLATH (Austria), Minister for Finance, Women and Integration in the Regional Government of Styria described the policies pursued by the Land of Styria for the last three years, which were based on "living together" and human rights. Bettina Vollath had been a member of the Government of the Land of Styria for nine years and was in charge of integration and finance. In 2010, a function dedicated to integration had been created at government level for the first time. Of course, measures had been taken in the past to foster integration, thanks in particular to NGOs and the occasional efforts of some government members, but there had been no overall strategy before this. The goal therefore was to implement strategies which offered solutions to the challenges of a diverse society in order to avoid populist and exclusive tendencies. The very title "Minister of Integration" might seem ambiguous since the term integration had often been used in a simplistic way implying that foreigners had to adapt to what was supposed to be a uniform society.

Bettina Vollath considered that it was her task to establish framework requirements in keeping with the spirit of human rights so that nobody would be excluded from society on the ground of their gender, age, family status, education, socio-economic background, origins, religious beliefs, etc. This regional policy was based on diversity, respect for others and open-mindedness. Social cohesion was a key for any society whose intention it was to look to the future. This meant that the whole of society should feel concerned. A ministry whose powers, staff and budget were very limited would not be able to achieve this goal alone.

The Government of Styria had begun by preparing an outline document entitled the Charter for Living Together, based on the European Convention on Human Rights. The Charter outlined strategies which were based on the principles of non-discrimination, equality and participation. It had been signed by the government in spring 2011, and by the parliament, and it was a binding text for all the *Land's* administrative services. However, a process whose aim was to make lasting improvements to social cohesion and provide the potential for tangible activities had to be supported by as many partners as possible, meaning that a structured approach was essential. The Charter identified five levels of activity.

The first level was the administrative services and the government. A true professional approach had to be instigated in the process of law-making, budget preparation and contacts between government offices and the public. Each administrative unit would be responsible for running the relevant internal processes, namely the analysis of its field of competences in relation to integration, objective setting and implementation. The ministries of integration and of development would help the administrative units with this.

The second level was the local and regional authorities. Integration succeeded or failed at local level, where people worked, went to school, made homes and engaged in recreational activities. It depended on local factors and so cities and regions were key partners for the implementation of the Charter.

The third level corresponded to the relevant institutions and organisations. The population was in daily contact with various establishments in fields such as employment, education, health and justice. Some of these bodies were not the direct responsibility of the *Land* but partnerships were supposed to set up for the implementation of the Charter. Forty such establishments had signed a binding document in which they undertook to incorporate the aims set by the Charter into their own area of competence within their own organisations and in their contacts with the outside world. Meetings were held on the invitation of the Ministry of Integration to enhance the partnership. For example, a joint project involving the employment service, the chamber of commerce and other partners had been launched to improve the recognition of qualifications so as to facilitate access to the labour market.

The fourth level was NGOs. The associations which had been carrying out this work of integration for years possessed broad-ranging knowledge about the shortcomings of public bodies and needs of disadvantaged or excluded persons. These associations were key partners for the *Land*. For example, in co-operation with the city of Graz, the *Land* had set up an anti-discrimination office, which had been entrusted to an NGO with experience of combating discrimination. The aim of this office was to offer highly accessible complaints procedures to persons whose rights had been violated and to support them during proceedings. In Austria, the law on discrimination and equality was based on a wide range of provisions which were dealt with by different departments. The mechanisms to protect and safeguard rights were extremely complex. The anti-discrimination office examined the facts submitted to it, prepared a case file and forwarded it to the relevant bodies.

The fifth level was civil society. Effective co-operation to foster respect for human rights could not be imposed from above. It had to be accepted by society and that was why it was necessary to establish a proper culture of “living together”. With this goal in mind, the *Land* had organised a travelling exhibition created by 300 young people who had worked on it for a year. It was entitled “Living in Styria” and symbolised the right to integration and participation.

Bettina Vollath emphasised the importance of protecting human rights. On 10 December 2013, the *Land* had celebrated human rights day. Human rights were our most precious collective asset. The rhetoric against solidarity and inclusion which could be heard in various places was a cause for serious concern. When faced with the risk of a return to national-socialism, society had to act promptly.

The PRESIDENT thanked the speaker and introduced the following speaker, Professor Alan Miller, who would be describing the approach of the Scottish Parliament, which had recently adopted a human rights action plan.

Professor Alan MILLER (United Kingdom), the Chair of the Scottish Human Rights Commission, explained that this Commission was an independent body set up six years previously by the Scottish Parliament and he had been elected unanimously by the Scottish Parliament to chair it. He was also responsible for the European Network of National Human Rights Institutions and the Deputy-Chair of the global network for national human rights institutions. As a result Scotland had been able to learn from the experience of other countries. All over the world local and regional authorities were faced with the challenge of implementing human rights.

Alan Miller described the approach taken by Scotland, which had adopted its action plan on 10 December – International Human Rights Day – in 2013. The action plan was based on three pillars. The first was empowerment, which meant that everyone could affirm the right to respect for his or her dignity, including people who depended on social care. The second pillar was accountability: everyone who performed official duties had to take responsibility for their actions and respect the rights of all persons. The third pillar was ability, meaning that public servants interacting with the public should be aware of the need to respect human rights and capable of satisfying that need, that their performance in this respect should be regularly assessed and that they should have the appropriate training to do this work.

Action plans should be the result of a robust evidence-based approach. Over several years, Scotland had carried out checks to see whether international standards were actually being applied in the country and the conclusion had been that, too often, the good intentions of law-makers had not resulted in the introduction of good practices. Even though the laws were perfectly compatible with international standards this did not guarantee that the services provided for people actually respected human rights. Scotland had decided therefore that it wished to mainstream the good practices it had detected. Action plans should not just be just another document handed down from above. They should be an inclusive process involving all stakeholders and capable of bringing about sustainable culture change. Alan Miller had chaired the group appointed to draft the action plan. This committee had been made up of representatives of the Scottish Government, public services, trade unions and civil society, along with independent experts. The plan had been launched on 10 December 2013 before being debated and voted on by the Parliament, where it had gained all-party support. For a plan to be successful, independent monitoring of the results had to be put in place and fed into a process of continuous improvement. For this purpose, an annual progress report would be submitted to the Scottish Parliament for debate.

The Scottish plan focused on issues such as protecting the dignity of human beings, particularly vulnerable people such as the elderly, combating violence against women and providing social protection in times of austerity. Owing to a lack of time, Alan Miller could not describe all the details of the action plan but he invited the Congress members to look into this Scottish experiment in more detail.

Scotland's actions fed into action taken by national governments and international bodies. Those who took decisions at macro-economic level had to understand that all their policies (economic, budgetary and social) should be guided by human rights principles. However, many services were provided at regional level so it was at that level that these principles also had to be taken into account.

Alan Miller would be working in close co-operation with Mr Muižnieks, the Council of Europe Commissioner for Human Rights, and he hoped to alert many member states to the need to set up action plans by presenting them with examples not only from Scotland but also from Finland and Moldova. A mutual learning process should be triggered off through the pooling of good practices.

The PRESIDENT thanked the speaker for his description of this extremely interesting experience and called Rafael Ribó i Massó, the Catalan Ombudsman.

Rafael RIBÓ I MASSÓ (Spain), the Catalan Ombudsman, said that he had already spoken to the Congress, in 2011, as the Chairman of the International Ombudsman Institute, European Region, Spain. The regions seemed to him to be the most effective level for the implementation of human rights. Human rights derived from many sources but special importance should be attached to respect for international and European treaties and constitutional frameworks, whether those of the state, the region or the community. Catalonia had a Statute of Autonomy, dating from 2006, which contained an entire chapter given over to human rights, and other sources had to be taken into consideration such as court case-law. Examples of this were the Parot doctrine on inmates in Spain or the report of the European Commissioner for Human Rights examining bills liable to give excessive powers to the police.

Considerable value was attached to democracy in Catalonia, which had fought for years against dictatorship in order for freedom and autonomy to be recognised. There was also a tradition of welcoming migrants. Catalonia had the highest level of immigration of the European Union. Between 2000 and 2010, the immigration rate was more than 20%. It was important to allow people to vote if they wished to stay in Spain or to be granted international status. The government of Catalonia had attempted to abide by these principles when applying its human rights policies. Even in times of crisis, it had the best tools available to secure social cohesion and protect vulnerable populations. When exercising its powers in the education sphere, the Catalan government applied the principle of equal opportunities. Likewise, the social services were required to ensure that there was comprehensive coverage of the entire population. A system of free healthcare for all had been set up, including for migrants who had just arrived in Catalonia. The government and the parliament were expected to co-ordinate their efforts with the social entities, NGOs and human rights institutions.

Rafael Ribó i Massó went on to describe the role of the ombudsman in this context. He drew attention to the report on “the office of ombudsman and local and regional authorities” presented to the Congress in 2011 and the report on “strengthening the institution of ombudsman” adopted by the Parliamentary Assembly of the Council of Europe in October 2013. In many European countries there was a temptation to reduce or even to eliminate the supervisory role of ombudsmen over human rights violations. The institution of the ombudsman was entirely independent and accessible to everyone free of charge. Its purpose was to protect human rights as defined at international, national and sub-state level but also to promote the right to good administration. The ombudsman's office could make proposals concerning legislation and take part in the discussion of bills before the parliament when it considered that these texts could result in human rights violations and it could take matters before the Council for Statutory Guarantees. In the judicial field, the ombudsman made sure that the courts dealt properly with the cases referred to them and the ombudsman's office worked closely with public prosecutors in this area.

The ombudsman also pinpointed violations of rights committed by administrative departments or private businesses tasked with providing public services. The approach in this field was based on networking. The process of setting up a rights network had begun and should be completed by 2015. An effort was made to ensure comprehensive coverage of the whole of Catalonia meaning that the ombudsman worked regularly with professional associations, lawyers, local authorities and local ombudsmen. The network was particularly vigilant where it came to human rights violations in places of detention. Ombudsmen were authorised to enter all buildings run by the prison authorities or the police or psychiatric institutions without prior notice in order to prevent ill-treatment or any other infringement of human rights. Many NGOs made an active contribution to the network, such as bar associations, medical associations and professors' associations. The ombudsman's office would also like to see the adoption of a European Code of Access to Information so as to offer universal access to all public information.

During the crisis period, the ombudsman had also been working for the benefit of people evicted from their homes because they could no longer pay their mortgages. It had been decided to write off any taxes that these people owed and to look into replicating the practice adopted in France and Germany of a second-chance commission whose purpose was to prevent these people from becoming homeless. For a year, the ombudsman had been attempting to address the problem of energy poverty, working with gas, electricity and water suppliers, the judicial authorities and welfare bodies in order to arrive at a clear definition of energy poverty and ensure that people's electricity or water were not cut off. Promoting children's rights was also a priority action area. The fight against malnutrition was run in co-operation with schools. A request had been made for grants to be introduced to enable children to eat in school canteens.

Last week in Barcelona, there had been a meeting of Canadian language rights commissioners, the former Minister of Culture of Finland and the Minister of Culture of Belgium to set up the ILC, an international association which highlighted the importance of guaranteeing language rights, which also formed part of human rights.

Ombudsmen faced many difficulties in the performance of their duties. For instance, the activities of the Spanish police in Catalonia did not fall within their jurisdiction or that of the Catalan authorities. The same applied to some detention centres for migrants, like that in Barcelona, for which the central government alone was responsible.

The PRESIDENT thanked the speaker for describing this extremely interesting experience and opened the debate.

Andrée BUCHMANN (France, SOC) described an initiative taken by the Chair of the Alsace Regional Council in 2004, in a particularly pernicious context, in which numerous racist and anti-Semitic acts had occurred. In co-operation with the education authorities, he had set up an operation called "*Le mois de l'autre*" ("The month of others"), whose aim was to alert upper secondary school pupils and apprentices in Alsace to the need to respect differences, particularly cultural differences. This event now took place every year in March. In 2012, the main theme of the event had been Europe. Upper secondary schools and apprentice training centres received a catalogue of possible events (including song, theatre, and meetings and debates with artists or academics). In 2013 the operation had involved 14 000 young people, 35 regional associations and 80 upper secondary schools, all of which had taken an active part in events. To close the operation, a major regional meeting was held in Strasbourg or another town, at which the upper secondary school pupils presented what they had done over the course of the month. In 2014, the tenth anniversary of this operation would be celebrated. Other regions had shown interest in the initiative.

Hande Özsan BOZATLI (Turkey, EPP/CCE) said that the Assembly of European Regions welcomed the work done by the Congress to promote respect for human rights at regional level. Under the new co-operation agreement, the AER would step up its efforts to help the Congress in this task. Human rights had many facets. They covered equality, access to work and the protection of all fundamental rights. The AER would place all its expertise at the disposal of the Congress to further this cause.

Oleksiy GONCHARENKO (Ukraine, SOC) wished to highlight the large-scale human rights violations on the territory of Crimea, which had been occupied by Russian troops. He had visited Crimea three times in recent months, the last time being on 16 March, the day of the so-called referendum. On that day the peninsula had been full of military and paramilitary personnel and the paramilitary had been particularly aggressive, dubbing themselves “Cossacks” or “saviours of Crimea”. Oleksiy Goncharenko himself had been attacked by a group of these Cossacks in Simferopol simply because he had tried to get to Ukrainian military personnel on a base to give them a little moral support. He had been slightly manhandled by these “Cossacks”, a number of whom had been drunk. Mass violations of the right to freedom of expression were currently taking place in Crimea. The nearly 300 000 Crimean Tatars, who had refused to take part in the referendum and regarded Crimea as their native land, were now under increasing pressure from the occupation forces. Oleksiy Goncharenko invited the Congress members to pay close attention to what was happening in Crimea.

Stepan BARNA (Ukraine, NI) hoped that Europe would learn the lessons of what was happening in Crimea. Thousands of Ukrainians had been forced to leave Crimea and had arrived in western Ukraine. Stepan Barna was a member of the Ternopil Regional Council and his oblast had received 854 people, while near 3000 had been received in Lviv and near 1200 in Ivano-Frankivsk. At the same time no data existed on the tens of thousands of people who were said to have been forced to leave Ukraine and take refuge in the Russian Federation. This information stemmed from Russian propaganda but had not been confirmed by international organisations. Not even the Russian immigration office could confirm it. It was also claimed by Russian propaganda that the Crimean Tatars were leaving Crimea but that was not true. On the television channel Inter, it had been asserted that co-operation with international organisations and immigration services had made it possible for a large number of people to be received from Crimea.

Marie-Madeleine MIALOT MULLER (France, SOC) pointed out that the fact that there was a legislative or constitutional framework was no guarantee that in practice, rights could be exercised in the best conditions. Marie-Madeleine Mialot Muller had represented the Congress in Tunis, at a meeting with NGOs. Tunisia had just adopted a Constitution in which it was stated that men and women should have equal access to political life. However, major work had to be done to introduce specific provisions into the electoral code to enable this constitutional right to be enjoyed. The actual exercise of rights and the means of ensuring that they could be exercised posed a fundamental problem and the regional institutions had a particular role to play in this sphere.

Marie-Madeleine Mialot Muller went on to talk about action plans and thanked the Chair of the Scottish Human Rights Commission for speaking on the subject. Regional authorities should be constantly endeavouring to adopt a forward-looking approach on this issue and action plans could be an excellent means of achieving this, provided that they were combined with assessments designed to measure the progress made at each stage.

The need to respect human rights should also be taught at school, from the earliest age possible. The northern European countries were often cited as a good example, but these practices had not yet been taken up effectively in a number of other European countries.

Lastly, there was a vital need for human rights violations to be properly identified. Ombudsman's offices, of which there were increasing numbers at different levels throughout Europe, were vital means of making progress on this issue, which the Chamber of Regions should be actively addressing.

Tracey SIMPSON-LAING (United Kingdom, SOC) said that in York, she and her party were highly committed to equality for all citizens and respect for everyone's dignity including Roma and Travellers. Labour had been working proactively with this community for some years in order to set up a proper strategy to improve their access to education and housing. However, there had been attempts to block this process, including moves from the local MP and the relevant minister. The Minister had stated that he wished to review the whole question and even talked of redefining the Traveller community, asserting that they should perhaps now be regarded as sedentary persons. Tracey Simpson-Laing would like to know how her colleagues in other European regions dealt with rhetoric which was not openly racist but went to the edge of racism. How should we react to such attitudes? Tracey Simpson-Laing believed that there should be much heavier penalties for these types of statement, which currently seemed to enjoy a degree of impunity.

The PRESIDENT thanked everyone who had taken part in the debate, which had shown that the regional authorities really could play a role in creating the necessary conditions for human rights to be respected. This assertion also applied, of course, to the situation in Crimea, where it had to be ensured that decisions would not be taken which would result in large-scale human rights violations. The President invited the guest speakers to react to the various statements that had been made, before calling Leen Verbeek to present his conclusions on the debate.

Bettina VOLLATH (Austria), Minister for Finance, Women and Integration in the Regional Government of Styria, thanked the Chamber of Regions for including this item on its agenda. In Europe “living together” was very important for the quality of life of new and future generations. It was necessary to guarantee that all individuals’ rights would be respected at all levels of authority and in all the circumstances of daily life. Every day, people had to take responsibility for protecting these rights.

Professor Alan MILLER (United Kingdom), Chair of the Scottish Human Rights Commission thanked the participants for the interest they had shown in what had been happening in Scotland and invited them to contact him if they wanted more information. On the subject of the comments by one speaker who had talked of the irresponsible attitude of some politicians in the United Kingdom who had been undermining human rights systems through their words and their actions, he agreed that this rhetoric and these actions could have very serious consequences.

Rafael RIBÓ I MASSÓ (Spain), Catalan Ombudsman emphasised the importance of all the projects being run. There was a need for a responsible approach at all levels. The most recent speech by the Commissioner for Human Rights on the subject of freedoms was very important, as was the Charter for Minority Languages. Rafael Ribó i Massó also called on those present to be aware of the dangers of plans to scrap the function of ombudsman. In several countries, there was currently a temptation to do away with the supervision exercised by local or regional ombudsmen. Lastly Rafael Ribó i Massó said that, as the Catalan Ombudsman, he was available to all the Chamber members to go into all these issues in more detail.

Leen VERBEEK (Netherlands, SOC) thanked all the speakers. It was particularly comforting to hear about all these initiatives and know that many institutions were aware of the importance of protecting human rights at regional level. However, although results had been achieved, there was still much progress to be made. There was a need to rally round to co-ordinate all activities to promote human rights. Regional leaders were closest to citizens so they had a duty to shoulder their responsibilities.

Leen Verbeek suggested that the members of the Chamber of Regions should examine their own consciences and question whether they were doing everything they should to promote the rights of their fellow citizens. Protecting human rights was both a collective responsibility and a matter for each individual. Everyone had to ask themselves whether they were just parroting what was said at national level or whether they were taking real action and daring to highlight certain abuses, at the risk of displeasing national leaders. States were first in line where it came to protecting human rights, particularly through their commitments to the Council of Europe, but regional representatives also had to shoulder their share of the responsibility. States and sub-national authorities had to work together, particularly in countries where regional authorities had extensive powers such as Spain, Switzerland or Austria, but also in many other countries. Leen Verbeek called on all those present to mount efforts to promote human rights at regional level, even if their powers varied from one country to another.

Styria was an outstanding example of a regional government which took on all its responsibilities for promoting human rights. The Charter for Living Together brought together a number of strategic options to achieve this aim. Building a community in which everyone really felt at ease required the help of all citizens, and regions should therefore be empowering their citizens in this field.

Scotland's national action plan for human rights was a roadmap for the realisation of human rights at regional level. Mr Miller had insisted on the need for all the parties concerned to be involved, including public establishments and all the region's citizens. This process would enable Scotland truly to serve as an example of good practices at international level.

Mr Ribó i Massó, the Catalan Ombudsman had warned the Chamber members to be wary of the temptations of certain governments to do away with ombudsmen despite the fact that they still performed a priority task. Ombudsmen should be able to impose measures to rectify the shortcomings they identified.

There was a need to involve government bodies, local and regional authorities and citizens in the process of setting up effective strategies to protect human rights. During the sitting of the Congress on the previous day and that day's debate in the Chamber of Regions, several recommendations and examples of good practice had been provided. However, in some regions, the situation was far less conducive to human rights. Leen Verbeek proposed that the discussion should continue and a further debate on this subject should be held at the October session to try to make progress in this field.

7. CLOSE BY THE PRESIDENT OF THE CHAMBER

The PRESIDENT thanked all the rapporteurs and all those who had participated in the debate. The conclusions of this debate would provide material for the Chamber's forthcoming activities.

The President thanked the interpreters and the secretariat for the excellent preparation of the debate. She invited the participants to attend the reception to be hosted by the Moldovan delegation.

The 27th session of the Chamber of Regions would be held at the 27th session of the Congress of Local and Regional Authorities in October 2014.

The President declared the 26th session of the Chamber of Regions closed.

The sitting rose at 12.18 p.m.

SITTING OF THE CHAMBER OF LOCAL AUTHORITIES

Wednesday 26 March 2014 at 9 a.m.

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1. OPENING BY THE PRESIDENT OF THE CHAMBER

The sitting was opened at 9.05 am with Jean-Claude FRECON (France, SOC), President of the Chamber, in the chair.

The PRESIDENT declared the 26th Session of the Congress's Chamber of Local Authorities open, under Rule 17 § 1 of the Rules of Procedure.

The President announced changes in the agenda of the next sitting of the Congress. The debate on the situation of Leyla Güven would be held at the end of the plenary sitting in the afternoon. As a result, the debate on the right of local authorities to be consulted by other levels of government had been deferred to Thursday morning. The plenary sitting on Thursday would be moved forward from 9.30 to 9 am.

2. ADOPTION OF THE DRAFT AGENDA OF THE CHAMBER

[CPL(26)OJ1PROV]

The PRESIDENT said that the first item of business was the adoption of the agenda for the Chamber of Local Authorities, as set out in document [CPL(26)OJ1PROV].

The President noted that there were no objections to the draft agenda.

The draft agenda was adopted.

The PRESIDENT reminded participants of a number of practical arrangements regarding the electronic voting handset.

3. COMMUNICATION BY THE PRESIDENT OF THE CHAMBER

[CPL(26)1]

The PRESIDENT announced that three subjects would be debated at the sitting. The Chamber would begin by examining the report on local democracy in Armenia. That would be followed by a debate on being a local councillor today. For that debate, the Chamber would welcome René Dosière, a French parliamentarian who had just published a book on the subject, Michael Salomo, the young mayor of Hassmersheim in Germany, and Marcel Boogers, Professor of Innovation and Regional Governance at the University of Twente in the Netherlands.

There would also be a debate about digital media and urban mobilisation. Urban mobilisation had become a strategic phase in the political development of European societies. Through the demonstrations, people forcefully expressed their desire for greater democracy or what could be called a new form of democracy. For the debate, the Chamber would welcome a speaker who had taken part in the Gezi Park demonstrations in Istanbul, Kerem Öktem, research fellow at Sabancı University in Istanbul, Kristina Berdinskikh, a blogger active in the Maidan movement in Kyiv, and Jan Hanrath, political scientist and fellow at the Institute for Development and Peace of the University of Duisburg-Essen in Germany, who had published many works on the new social media and political mobilisation.

He hoped that the morning's discussions would be marked by respect for the various participants. At a time when democratic Europe was facing difficult challenges, it was more important than ever to defend an exemplary model of democratic debate. It was not strength that made a democracy, but the ability to listen to other people's views.

4. LOCAL DEMOCRACY IN ARMENIA

[CPL(26)2PROV]
[CPL(26)2AMDT]

The PRESIDENT said that the next item was the report on local democracy in Armenia.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, said that the monitoring visit concerning local democracy in Armenia had taken place from 26 to 28 November 2013. The Congress delegation had met Armenian elected representatives from various towns, representatives of central government and representatives of NGOs and various associations. He thanked Professor Zoltán Szente, member of the Group of Independent Experts, for his invaluable assistance during the visit and with the preparation of the report and Ms Stéphanie Poirel, Secretary of the Monitoring Committee, for her assistance during the visit and in the preparation of the report.

The last visit to Armenia had been in 2003. Since then, Armenia had made significant efforts to implement the provisions of the European Charter of Local Self-Government. For instance, constitutional changes had been made in 2005, followed by a new law on local self-government in Yerevan in 2008. Progress had been made in clarifying the legal status of municipal employees and in organising vocational training for them. In May 2013, Armenia had ratified the additional protocol to the Charter on the right of participation. The protocol had entered into force in September 2013. The government had then adopted new legislation in order to strengthen citizen participation in local government. That area was a problem in Armenia because there were various obstacles to citizen participation and there was also a degree of distrust of local authorities. There were no local or regional parties representing local interests. The government needed time to apply the protocol.

A number of issues had been causes of concern for the delegation. Firstly, most local public services were provided by the state, not by elected local authorities. In practice, local authorities only had limited powers and were more like agents of central government. Moreover, their responsibilities were not clearly defined.

The Congress delegation had noted that there were hundreds of small municipalities in Armenia. This structural problem created an imbalance between local authorities and limited the ability of small municipalities to deliver services for the public and take initiatives.

At the same time, there was no formal mechanism for central government to consult local authorities about decisions which concerned them directly. In addition, the government exercised supervision which sometimes went beyond checking the legality of the action of local authorities. The supervision also applied to the economic and financial aspects of local government matters.

Finally, there were problems with local government finance. Local authorities could not impose taxes or set tax rates. The financial equalisation mechanisms were neither predictable nor transparent.

Several recommendations had been made in the report. The government needed to review the legislation in order to better implement the principle of subsidiarity and enable local authorities to manage a substantial share of public affairs under their own responsibility. To this end, it was necessary to clarify their functions. It was also vital to solve the problems of territorial governance through inter-municipal co-operation arrangements or mergers of small municipalities.

In addition, it was recommended that a consultation mechanism be set up to ensure that local authorities and national associations of local authorities were consulted by the government on matters which concerned them directly. Local authorities also needed to be provided with all the information that could be useful to them. The administrative supervision exercised by central government had to remain proportionate to the importance of the interests which it was intended to protect.

Lastly, measures had to be taken to increase local authorities' "own" financial resources and to improve the efficiency of tax-raising for municipalities by allowing them to determine the rates within reasonable limits. It was also recommended that the financial equalisation mechanism be reviewed.

Armenia had entered reservations in respect of Articles 5, 6, 7.2 and 10.3 of the European Charter of Local Self-Government at the time of ratification. In view of the reforms implemented, it was necessary to check whether these reservations were still relevant.

Lastly, the Council of Europe's 2012-2014 action plan for Armenia included support for the reform of local government.

The PRESIDENT thanked the rapporteur. He added that the whole of Europe was now covered by the European Charter of Local Self-Government. However, it was also necessary to achieve the second objective, namely that the Charter be applied in full in each of the 47 Council of Europe member states. In this connection, it would be desirable for the Armenian government to consider lifting certain reservations which had been entered at the time of ratification of the Charter.

He opened the debate.

Viacheslav ROGOV (Russian Federation, ILDG) said that he had visited Armenia on the Congress' behalf during the first elections in 1998. On that occasion, he had noted the determination of the Armenian people to establish a genuine democracy. The process of development in the country was extremely dynamic and positive and in line with the spirit of the European Charter of Local Self-Government.

In his view, the draft report submitted to the Chamber was extremely critical. Yet changes in legislation and the Constitution had taken place. Some significant progress had been made. The draft recommendation should therefore take account of this. It was also necessary to take account of the great diversity in local government entities. The draft recommendation could refer to the need to strike a better balance and present the situation more positively. The draft text was also not sufficiently accurate. For instance, it referred to a law concerning the finance ministry which no longer existed.

Lastly, the report alluded to corruption issues. He had doubts about these references, which could apply to all countries. What evidence showed that corruption had a real impact on people's lives at local level?

Emin YERITSYAN (Armenia, EPP/CCE) thanked the rapporteur for his work. Nevertheless, the Armenian delegation would be tabling a large number of amendments. It had only received the text a few days before the Monitoring Committee's meeting in Cyprus. He had made several comments on the explanatory memorandum at the time, as some errors led to misinterpretations which were reflected in the draft recommendation. Given that the Monitoring Committee had not had time to consider all these comments, it had been agreed that the Armenian delegation would present amendments during the session of the Chamber of Local Authorities. However, it would have been preferable to do the relevant work before the session.

He then moved on to the reservations entered by Armenia when it had signed the European Charter of Local Self-Government. The reservations related to provisions which concerned the national level. The Prime Minister and the Minister for Local and Regional Government had begun a review of all the reservations.

Armenia had made substantial reform efforts. The budget for local authorities had been increased fivefold in the space of a few years. The report referred to 2007, whereas major changes had taken place in the meantime. The explanatory memorandum also included many factual errors. For instance, the report stated that the law on local self-government enabled governors to exercise financial supervision over local authorities. However, the legislation in question did not exist. Other examples of factual errors could be given. Unfortunately, conclusions had been drawn on the basis of these inaccuracies and some of them had found their way into the draft recommendation.

He therefore hoped that members of the Chamber of Local Authorities would support his proposed amendments.

The PRESIDENT said that the procedure being followed was exceptional in terms of the number of amendments presented.

Jos WIENEN (Netherlands, EPP/CCE) said that he had read the report carefully and had taken note of the developments that had taken place since the Congress' last recommendation in 2003. Much still had to be done in order to achieve genuine local democracy. The central problem seemed to involve excessive centralisation of power. Municipalities did not have the resources needed for operating properly. The recommendation mentioned crucial issues covered by the European Charter of Local Self-Government. Did the rapporteur feel that the Armenian authorities whom he had met really had the will to change the situation?

Francis LEC (France, SOC) said that he had accompanied Nigel Mermagen on a previous visit to Armenia at the time of local elections. The visit had gone very smoothly, but the rapporteur, whose integrity had to be underlined, had been unfairly criticised. Even though efforts had been made in Armenia, the results were far from satisfactory. Municipalities' real powers still had not been defined; local and regional authorities seemed to be agencies of central government, they lacked financial autonomy and the financial equalisation mechanisms were inadequate. It was therefore justified to state that the situation was not satisfactory and that additional efforts were necessary. Although Armenia was a young republic, it was now necessary to move up a gear in terms of compliance with the Charter. He congratulated the rapporteur and asked him whether he believed that the recommendations to be made by the Chamber of Local Authorities would be taken into account in the Council of Europe's 2012-2014 action plan.

Svitlana BOHATYRCHUK-KRYVKO (Ukraine, ECR) said that there were problems in Armenia concerning the scope of central government powers and the weakness of local authorities. Ukraine had started a process of complex reforms of local and regional authorities and had already acquired a degree of experience in this area. One of the causes of the political crisis in Ukraine had actually been the fact that the reforms undertaken on the basis of Congress recommendations had not been completed and people had become impatient. In her view, it was therefore necessary to speed up the process in Armenia. She asked the Armenian delegation the date by when a constitutional mechanism allowing for effective interaction between central government and local authorities would be established, as the absence of such a mechanism was regarded as a serious problem by the Council of Europe.

The PRESIDENT gave the rapporteur the floor to reply to the speakers.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, assured the representative of the Russian delegation that he was second to nobody in admiring the results achieved in Armenia, a country which he had been familiar with since 2009. He had always underlined this aspect in his contacts with the Armenian authorities. In reply to Mr Wiene, he said that he was convinced that the Armenian authorities would take real action to make further improvements in the situation of local authorities. The report obviously included a number of criticisms, as was the case in all monitoring reports, so as to highlight the areas for improvement.

He had mentioned the question of corruption, even though he had not witnessed any direct evidence of it, because the discussions had shown that the public felt that corruption did exist at local level. The result was that they had a negative impression of local authorities.

He then replied to the criticisms from the head of the Armenian delegation concerning the transmission of the report. The report had been sent to the Armenian authorities relatively quickly. It had been presented in the Monitoring Committee in mid-February, although the visit had taken place in November 2013. Armenia's reply had arrived late, after the deadline set, which had caused difficulties in terms of taking it into account. The result was the number of amendments which were now being proposed. When the report had been presented in the Monitoring Committee, some questions had been raised and it had been indicated that members would have the opportunity to discuss the relevant points when the report was presented in the Chamber of Local Authorities. He had not expected such a large number of amendments.

The PRESIDENT gave the floor to the Chair of the Monitoring Committee.

Lars O. MOLIN (Sweden, EPP/CCE), speaking as Chair of the Monitoring Committee, noted that progress had been observed in Armenia and that the government was committed to carrying forward its action. That was the key message of the report, which said that “the Congress notes with satisfaction” the progress made. However, the Congress did highlight certain points which were causes for concern, as was the case in all monitoring reports. When the report had been presented to the Monitoring Committee in Nicosia, it had been adopted as it stood. He was therefore surprised to hear so much criticism of the report, but agreed with the rapporteur’s position.

The PRESIDENT said that the draft recommendation, for which 18 amendments had been tabled, would now be considered.

Under the rules in force at the Congress, amendments had to be discussed in committee, not during Chamber sessions. The Monitoring Committee had held a meeting in Nicosia a month previously. The amendments ought to have been presented then. But the document had been approved as it stood, including by the Armenian representatives. Of course, a few amendments could be discussed during Chamber sessions, but spending time debating 18 amendments was not acceptable. The work ought to have been done in committee.

Emin YERITSYAN (Armenia, EPP/CCE) said that the recommendation had been submitted to the Armenian delegation only four days before the Monitoring Committee meeting, which was not in line with normal procedure.

The PRESIDENT could not accept that argument. The report had been sent on time by the Secretariat to the Armenian permanent delegation, but the representative had acknowledged that he had not forwarded the text to Armenia.

Emin YERITSYAN (Armenia, EPP/CCE) presented Amendment No. 1, which was to mention a Council of Europe project implemented with the support of the Danish government and the Congress. Armenia had started reforms some years previously and was implementing the Council of Europe action plan. It was important for the recommendation text to reflect these points, which also highlighted the role of the Congress.

The PRESIDENT noted that there was no opposition to the amendment.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, endorsed the amendment, which contained positive information that should be included in paragraph 5.

Lars O. MOLIN (Sweden, EPP/CCE), speaking as Chair of the Monitoring Committee, said he was in favour of the amendment.

The PRESIDENT put amendment No. 1 to the vote.

Amendment No. 1 was adopted.

Emin YERITSYAN (Armenia, EPP/CCE) presented Amendment No. 2. It was to underline that Armenia’s national legislation included all the provisions of the European Charter of Local Self-Government. However, as other proposed amendments had been presented, he wished to withdraw the amendment.

Amendment No. 2 was withdrawn.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, presented Amendment No. 12. It was linked to Amendment No. 3 proposed by the Armenian delegation, which had not agreed with the wording of the first sub-paragraph of paragraph 6. Amendment No. 12 proposed rewording, while keeping the two sub-paragraphs, which referred to Article 3 of the Charter.

The PRESIDENT requested that Amendment No. 3 be presented.

Emin YERITSYAN (Armenia, EPP/CCE) said that Amendment No. 3 had been tabled because the Armenian delegation had disagreed with the first section of the first sub-paragraph of paragraph 6, which had stated that most important local public services were provided by the state. However, local public services were actually managed by private operators. He was willing to accept the compromise proposed by the rapporteur and consequently to withdraw Amendment No. 3.

Amendment No. 3 was withdrawn.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, said that the public services which the text referred to were the police, education and health.

The PRESIDENT noted that there was no opposition to Amendment No. 12.

Lars O. MOLIN (Sweden, EPP/CCE) agreed with the compromise proposed by the rapporteur.

The PRESIDENT put Amendment No. 12 to the vote.

Amendment No. 12 was adopted.

The PRESIDENT proposed that Amendments Nos. 4 and 13 be considered together.

Emin YERITSYAN (Armenia, EPP/CCE) presented Amendment No. 4. It was to delete sub-paragraph 6.d, which stated that most local authority powers were actually exercised by central government. In fact only two powers were delegated in five municipalities among more than a hundred. In the area of defence, powers were delegated to local authorities along with special funding. The text therefore did not reflect the reality of the situation. As far as Amendment No. 13 proposed by the rapporteur was concerned, its wording was not correct at all in Armenian.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, said he was not in favour of Amendment No. 4, as the passage to be deleted reflected the information obtained during the visit and confirmed thereafter. He presented Amendment No. 13, which toned down the wording of paragraph 6.d. There was a mistake in the wording in the English version: the term "agents" was more appropriate than "caretakers". He therefore proposed that members reject Amendment No. 4 and vote in favour of Amendment No. 13 with the term "agents".

The PRESIDENT asked Mr Yeritsyan if he could accept the new term.

Emin YERITSYAN (Armenia, EPP/CCE) replied that he could not. Amendment No. 13 was inaccurate from a conceptual point of view.

Lars O. MOLIN (Sweden, EPP/CCE) said he agreed with the rapporteur.

The PRESIDENT said that Amendments Nos. 4 and 13 were contradictory. He put Amendment No. 4 to the vote.

Amendment No. 4 was rejected.

The PRESIDENT put Amendment No. 13 to the vote. The English version had been sub-amended.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, confirmed that the term “caretakers” in the English version should be replaced with “agents”. The French version remained unaltered.

Amendment No. 13, sub-amended in English, was adopted.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, presented Amendment No. 14, which was intended to clarify the wording of sub-paragraph 6.e. The problems with powers were more a matter of practical implementation than of theory. Practices differed from what was laid down in law.

The PRESIDENT noted that there was no opposition to the amendment.

Lars O. MOLIN (Sweden, EPP/CCE) was in favour of the amendment.

The PRESIDENT put Amendment No. 14 to the vote.

Amendment No. 14 was adopted.

Emin YERITSYAN (Armenia, EPP/CCE) presented Amendment No. 5. Sub-paragraph 6.f mentioned the absence of a formal mechanism for consultation between central government and local authorities. However, the Armenian delegation had pointed out several times that mechanisms of this kind did exist. Moreover, they were described in detail in several sets of legislation. Specific examples could be given. For instance, when a project was to be implemented, local authorities and also representatives of the relevant communities had to be consulted and to approve the project. The proposed amendment sought to further strengthen the relevant provisions in legislative terms.

The PRESIDENT noted that there was no opposition to the amendment.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, said that he was against the amendment because there was no formal consultation mechanism as provided for in Article 4.6 of the Charter. While the Armenian legislation did include some provisions on consultation, they were not consistent with the Charter.

Lars O. MOLIN (Sweden, EPP/CCE) agreed with the rapporteur.

The PRESIDENT put Amendment No. 5 to the vote.

Amendment No. 5 was rejected.

The PRESIDENT proposed that Amendments Nos. 6 and 15 be considered together.

Emin YERITSYAN (Armenia, EPP/CCE) presented Amendment No. 6. Sub-paragraph 6.g had to be amended, as governors were entitled under Armenian law to exercise administrative and financial supervision over local authorities. As the rapporteur had put forward another amendment, Emin Yeritsyan agreed to withdraw Amendment No. 6 in a spirit of consensus, even though he was not totally in agreement with the proposed wording.

Amendment No. 6 was withdrawn.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, presented Amendment No. 15, which was to correct sub-paragraph 6.g to the effect that central government’s supervisory powers were in breach of the Charter but not of the constitution.

The PRESIDENT noted that there was no opposition to the amendment.

Lars O. MOLIN (Sweden, EPP/CCE) was in favour of the amendment.

The PRESIDENT put Amendment No. 15 to the vote.

Amendment No. 15 was adopted.

The PRESIDENT proposed that Amendments Nos. 7 and 16 be considered together.

Emin YERITSYAN (Armenia, EPP/CCE) presented Amendment No. 7, which was to delete sub-paragraph 6.j. The financial equalisation mechanism was provided for by law and did not in any circumstances depend on a decision by the government. The text of the recommendation was not therefore entirely in line with existing arrangements. Moreover, for several years, the government had been co-operating with the Council of Europe and studying the possibility of amending the law to make the mechanism more effective. As the rapporteur had presented another amendment, he agreed to withdraw his one.

Amendment No. 7 was withdrawn.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, presented Amendment No. 16. In the discussions with the Armenian delegation and the Armenian authorities, it had become clear that sub-paragraph 6.j needed to be clarified. The calculation method used by the financial equalisation mechanism was not really consistent with the goal of equalisation. The procedure was not in line with Articles 9.5 and 9.6 of the Charter.

The PRESIDENT noted that there was no opposition to the amendment.

Lars O. MOLIN (Sweden, EPP/CCE) was in favour of the amendment.

The PRESIDENT put Amendment No. 16 to the vote.

Amendment No. 16 was adopted.

Emin YERITSYAN (Armenia, EPP/CCE) presented Amendment No. 8. In Armenia, a consultation mechanism did exist. Associations of local authorities were not the only bodies consulted: many other professional associations also took part in the consultation process, along with representatives of government ministries, before decisions were taken. Admittedly, the arrangements needed to be expanded and the relevant legislation needed to be clarified. That was the purpose of Amendment No. 8.

The PRESIDENT noted that there was no opposition to the amendment.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, said that he had already commented when Amendment No. 5 had been discussed. The paragraph in question was vital and had to be retained. Amendment No. 8 should therefore be rejected.

Lars O. MOLIN (Sweden, EPP/CCE) was also against the amendment.

The PRESIDENT put Amendment No. 8 to the vote.

Amendment No. 8 was rejected.

The PRESIDENT opened a joint discussion on Amendments Nos. 9 and 17.

Emin YERITSYAN (Armenia, EPP/CCE) said that he was withdrawing Amendment No. 9 in favour of the amendment presented by the rapporteur.

Amendment No. 9 was withdrawn.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, presented Amendment No. 17. The new wording referred to the Charter and highlighted the rapporteurs' expectations regarding financial equalisation more clearly.

The PRESIDENT noted that there was no opposition to the amendment.

Lars O. MOLIN (Sweden, EPP/CCE) was in favour of the amendment.

The PRESIDENT put Amendment No. 17 to the vote.

Amendment No. 17 was adopted.

The PRESIDENT opened a joint discussion on Amendments Nos. 10 and 18.

Emin YERITSYAN (Armenia, EPP/CCE) said that the wording of his amendment was relatively close to that of the rapporteur's amendment. He withdrew Amendment No. 10 in favour of the rapporteur's amendment.

Amendment No. 10 was withdrawn.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, presented Amendment No. 18, which had been drawn up in consultation with the Armenian delegation. The new wording was more consistent with the texts.

The PRESIDENT noted that there was no opposition to the amendment.

Lars O. MOLIN (Sweden, EPP/CCE) was in favour of the amendment.

The PRESIDENT put Amendment No. 18 to the vote.

Amendment No. 18 was adopted.

Emin YERITSYAN (Armenia, EPP/CCE) presented Amendment No. 11. Its purpose was to ensure prompt implementation of the recommendation, while taking account of the fact that a project entitled "Support to the consolidation of local democracy in Armenia" was in progress, with the participation of the Congress, the Council of Europe, the Armenian government and local authorities.

The PRESIDENT noted that there was no opposition to the amendment.

Nigel MERMAGEN (United Kingdom, ILDG), rapporteur, said that Amendment No. 11 should be approved, as Amendment No. 1 had been. It was important to underline the work done by the Armenian authorities and take account of the recommendation when implementing the project.

Lars O. MOLIN (Sweden, EPP/CCE) was also in favour of the amendment.

The PRESIDENT put Amendment No. 11 to the vote.

Amendment No. 11 was adopted.

The PRESIDENT put the whole draft recommendation, as amended, to the vote. A two-thirds majority of the votes cast was required for its adoption.

The draft recommendation set out in document [CPL(26)2PROV], as amended, was adopted.

The PRESIDENT returned to the conditions in which the report had been prepared. In order to avoid any misunderstandings, he underlined that the report had not been submitted late and that it was the Armenian government's comments which had arrived late.

5. BEING A LOCAL COUNCILLOR TODAY

The PRESIDENT welcomed the speakers.

STATEMENT BY RENÉ DOSIÈRE, MEMBER OF THE NATIONAL ASSEMBLY, FRANCE

The PRESIDENT introduced Mr René Dosière, a long-standing member of the French National Assembly, who represented the first constituency in the département of Aisne and had also been mayor of the town of Laon. His key area of interest was local finances. He had published a book on the profession of local councillor. The President had read the book with great interest. Apart from French problems, it raised key issues concerning local councillors throughout Europe: professionalisation of local councillors, challenges facing local councillors in the European economic context and councillors and public funds.

René DOSIERE, member of the National Assembly (France), began by saying that there were different categories of local councillors. In France, there were 525 000 local councillors, or roughly one councillor for every 125 inhabitants, including 36 000 mayors (24 000 in municipalities with fewer than 1 000 inhabitants), 4 000 département councillors and 2 000 regional councillors. The powers and functions of all these local councillors differed. His statement would mainly focus on the role of mayors.

He said that local politics was the school of democracy: it introduced citizens to democratic values. He then described the traditions and particular circumstances in his own country. In France, being a local councillor was not a professional activity. Until 1992, there had been no satisfactory remuneration or provisions on the material conditions for performing the relevant duties. Since 1992, however, that had no longer been the case. There were now regulations governing the exercise of local elected mandates. However, being a local councillor was still not regarded as a profession. The title of his book had been chosen by the publisher, not himself, as it actually explained that being a local councillor should not become a profession.

Simultaneous office holding was another particular feature of the French system. Members of parliament could also be local councillors. That was true of 80% of parliamentarians, but he was not one of them. Simultaneous office holding in the case of parliamentarians and local councillors was due to end in 2017. The National Assembly had recently passed a corresponding bill, which the Senate had turned down. It was also possible to hold several local elected offices: for instance, as mayor and vice-chair of a département or regional council. Groupings of municipalities (which had not resulted in mergers) had given rise to new elected offices. Simultaneous office holding at local level was combined with simultaneous receipt of allowances, with an upper limit of 8 300 euros a month.

Trends in France in recent years showed an increase in the responsibilities of local authorities. Over the past 25 years, central government had transferred responsibilities equivalent to three points of GDP, or roughly 60 billion euros, to local and regional authorities. Councillors increasingly saw their role as managers or company bosses – a development that was a threat to democracy. A divide was opening up between councillors and citizens. Councillors were increasingly tied up with files and meetings and they no longer had time to meet citizens. But maintaining a bond between councillors and citizens was vital. It was essential to involve the public in the decisions made by councillors, by explaining them properly. Otherwise voters would lose interest in local government action and would stop voting.

Four measures could help remedy the situation. Councillors should only hold a single local office, which would enable them to keep their other jobs, possibly on a part-time basis, and not be cut off from the public. Some local duties were full-time jobs, however. Their number should remain limited and it should be ensured that the elected representatives concerned did not leave their ordinary occupations for too long.

Councillors should not stay in office for more than 12 years, or two terms. When terms lasted too long, private fiefs tended to develop, not to mention cases of corruption.

The third measure was to improve the local public service. Local government staff needed to be better trained and better paid. They had to be real technicians working for the elected representatives, whose task was different.

Lastly, the fourth measure concerned remuneration. Councillors' lifestyles should be less lavish and more transparent. French local councillors could currently earn two to three times the average wage. At a time when large sections of the population were finding it hard to make ends meet, that difference was not acceptable. On top of their allowances, elected representatives received perks such as cars with drivers, etc. He therefore called for the highest levels of remuneration to be reduced. Although that position did not make him very popular among councillors, the members of the Senate were increasingly coming out in favour of the measures proposed.

In conclusion, local politics had to be seen as a commitment or a mission to serve the public, not as a means of exercising power, which tended to become absolute and caused a divide between voters and those who represented them. The link between the two had to be re-established.

The PRESIDENT confirmed that there had been a majority in the Senate against the National Assembly's proposal on ending simultaneous office holding.

STATEMENT BY MICHAEL SALOMO, MAYOR OF HASSMERSHEIM (BADEN-WURTEMBERG), GERMANY

The PRESIDENT said that at the age of 25, Michael Salomo had been Germany's youngest mayor since October 2013. He was a Social Democrat. He wished to share his enthusiasm by giving other young people the opportunity to take part in municipal politics. To that end, he was planning to set up a municipal youth council.

Michael SALOMO, Mayor of Hassmersheim (Baden-Wurttemberg, Germany), agreed with Mr Dosière's comments: it was essential to inform the public openly about the decisions taken by municipal councils. It was also desirable to involve young people in the debates, and the issues could, for instance, be discussed with their families at home.

He believed that young people had it too good. They had bad manners, they did not respect authority and they neglected their work. They contradicted adults and tyrannised their teachers. Socrates had reached the same conclusions in his era. The question was how to help young people to grow up. The key lay in handing them responsibilities. Young people had to be involved actively in politics and confronted with all the resulting consequences. The municipal level was the best place to do so, given that decisions were taken on the spot.

There were two models that could be used here: municipal youth councils and pupils' councils. A pupils' council enabled pupils to run the budget approved by the municipality for school activity. The establishment of a municipal youth council enabled young people to take ownership of the democratic processes in the municipality and made municipal activities more transparent for them. It was elected by the young people in the municipality. It worked on a programme concerning young people's environment. It needed to have its own budget.

Michael Salomo said that he had been mayor of Hassmersheim, a town with 7 500 residents, since January. He had decided to set up a municipal youth council, to which young people aged 14 to 21 years could be elected. Its budget had been set at €5 000 for two years. The funds would enable the young people to put their ideas into practice. Unless the municipal youth council had some means of action, they would lose interest in it. A kind of budgetary sovereignty was vital if real responsibilities were to be transferred. The establishment of the council would bring municipal activity closer to young people, increase public acceptance of decisions and generate more trust in politics among young people. He hoped that the election to the municipal youth council could be held by the middle of the year. The aim was to make the municipality attractive to young people. Enabling young people to take part from a very early age in the system of municipal management helped to improve acceptance of the latter.

STATEMENT BY MARCEL BOOGERS, MEMBER OF THE COUNCIL FOR PUBLIC ADMINISTRATION AND PROFESSOR OF INNOVATION AND REGIONAL GOVERNANCE, UNIVERSITY OF TWENTE, NETHERLANDS

The **PRESIDENT** introduced the last speaker, Marcel Boogers, expert in local governance issues, member of the Council for Public Administration and Professor of Innovation and Regional Governance at the University of Twente in the Netherlands. He had recently published a study, the title of which could be "Who pulls the strings?" It analysed informal power structures in three towns in the Netherlands and seemed to show that the influence of local elected representatives in local politics was declining.

Marcel BOOGERS, member of the Council for Public Administration and Professor of Innovation and Governance at the University of Twente (Netherlands), said that being a local councillor was not easy today. Local councillors spent more time and more effort than before on the administration of their municipalities, but it was hard for them to show clear results and successes. Their workload and its complexity had increased substantially, but public appreciation of their efforts had diminished. Social problems appeared first at local level. Solutions therefore had to be found at that level. Local councillors had had to take up the challenges of industrialisation and urbanisation at the beginning of the 20th century. Nowadays, they were having to tackle the problems of migration, environmental issues and demographic change.

Being a local councillor had never been an easy job, but two things had changed the situation dramatically, making the duties of local councillors still more demanding and less rewarding than before. He was optimistic, however. Local councillors were trying to be innovative in defining their roles and adapting their functions to changing circumstances.

The first development had been the change from government to governance. The focal point of decision-making was no longer town halls but rather the interplay between local authorities, regional authorities, the national and European levels, businesses and the various third-sector organisations in the field of health, housing and cultural affairs. In this multilevel governance, local councillors only had a limited influence on the outcomes of local political processes. However, most of them felt fully responsible. This resulted in much frustration, especially since the public held local councillors responsible for the consequences of local policies which they had been unable to control. Discussions were held about various issues, but the decisions were taken elsewhere in negotiations where local and regional authorities were represented or in informal coalitions between central government and local officials.

Governance at local level had also become much more complex because local policies were highly dependent on contributions by third-sector associations and business firms. At the same time, the relationship between government and society was changing rapidly, not only because of austerity measures but also because of social changes. Society was taking on greater responsibility for the provision of public services, through volunteering, neighbourhood associations and social organisations. All these citizen-led initiatives raised extremely complex questions: why were citizens themselves taking responsibility instead of local authorities? What should be the role of local councillors?

The second development concerned the representative function of local councillors: who did they represent and what did they represent? The answer was not as clear as it used to be. Political party membership was declining in almost all European countries. Public trust in political parties was relatively low. Voter turnout in local elections was often below 50%. Moreover, local elections were often regarded as second-order elections, which meant that national elections tended to have a significant impact on local election results. The link between local councillors and their constituencies was weakening. Many countries had decided to grant citizens direct influence at local level, which was marginalising local councillors. Although many of these problems were common at the various tiers of government, they were more acute at the local level. When local councillors claimed to speak on behalf of their fellow citizens, their claims were losing credibility. Local councillors in the Netherlands were looking for new ways of dealing with these difficulties. According to the international literature, they were not alone in Europe.

Marcel Boogers said that he had taken part in “The local council of the future” project in the Netherlands. The project had brought together 50 local councillors from different municipalities to discuss the problems they were facing. The outcome showed that a new role for local councillors had to be defined. Although it was relatively modest, it would strengthen the position of local councillors. Public administration literature had called the new role meta-governance. Local meta-governance was a new development. Instead of neglecting the complexity of multilevel governance, local councillors actively took on responsibility for the quality of the decision-making processes. Instead of being lost among all the parties in big networks, local councillors used checks and balances to ensure that the entire networks functioned properly. That strengthened their role. Instead of speaking on behalf of citizens, local councillors spoke with them so as to engage them in the decision-making processes. And instead of directly influencing the outcomes of local policies, they shaped the actual processes.

A clearer idea of the concept of meta-governance could be gained from the example of a small town having to deal with increasing crime levels. Under the traditional approach, local councillors would have discussed new policy measures to be taken. In a meta-governance setting, local councillors would arrange discussions with associations, the police and other stakeholders. The first question to be asked concerned the nature of the problem: did citizens recognise the problem as defined by the police? What were the various aspects relating to public safety? It would then be necessary to find solutions: who could contribute to the solution? What could the police, associations and local government services do? Local councillors would arrange the discussions rather than take part in them directly. Of course, that approach implied a real change in culture and that was never easy to implement. Meta-governance changed the balance of power and that was not easy to accept. It also demanded a change in attitudes among local councillors. While making these changes was difficult, it was vital so as to prevent local councillors being marginalised.

Being a local councillor tomorrow would be very different from the position today. He was aware that his comments possibly related more closely to the Netherlands than to other countries, whether Georgia, Armenia, Russia, Sweden or Spain, where the situations could be very different. However, the objective was always the same: to make local democracy more local and more democratic.

DEBATE

The PRESIDENT opened the debate.

Gaye DOGANOGLU (Turkey, EPP/CCE) said that she had listened with interest to the speakers. She hoped that Mr Dosière’s book would be translated into English. She wondered whether being a local councillor was becoming a job like any other. Professionalisation of the functions was increasing, but was that not the result of the increasing complexity of the work? In becoming more professional, did local councillors really lose sight of their representation role? If so, what could be done to tackle the problem?

Alison COOK (United Kingdom, ECR) said that she had particularly enjoyed the contribution by the young mayor from Germany. There was often widespread disillusionment with elected politicians. The public felt that their politicians had lost touch with reality. This led to a breakdown in trust in politicians. A recent survey had shown that trust in elected politicians was at an all-time low, which was borne out in the low turnout in elections. Moreover, there were often allegations of corruption. She asked the three speakers what could be done to restore public trust in politicians.

Amrit MEDIRATTA (United Kingdom, ECR) addressed his comments to Mr Salomo, the youngest mayor in Germany, and said that he himself was one of the oldest members of the Congress. However, he did not feel out of place at all. In 2007, the minimum age for standing in local elections in the United Kingdom had been reduced from 21 to 18 years, but between 2005 and 2010, the average age of local councillors in the country had risen from 45 to 60. If this trend continued, by the end of the decade, the average age of local councillors would be 70. Young people were the exception in politics. Did Mr Salomo believe that the lack of young people in politics was a problem? If so, what could be done to reverse the trend?

Andreas GALSTER (Germany, EPP/CCE), speaking as a mayor of 15 years, said that local self-government was still very much alive. Article 28 of the German constitution, which established a right to local self-government, was being taken up increasingly by citizens. There was an increase in citizens' associations which dealt with municipal affairs alongside political parties. Younger and younger candidates were standing in municipal elections. In Germany, being a municipal councillor was an honorary position. Councillors accordingly only received a small financial allowance (€60 per municipal council sitting). The public therefore did not have the impression that local councillors were seeking their own financial benefit. Municipal councillors had a very important task, as they were the interface between central government and citizens. Even though the task was voluntary, people were still interested in performing it and that strengthened democracy. As far as participation by young people in municipal life was concerned, he fully endorsed the initiative taken by the mayor of Hassmersheim. However, the project only concerned the youngest section of the population and local councillors had to look after the whole of society.

As far as the role of local councillors was concerned, to be successful, it was more important to be committed to working for citizens than to be a card-carrying member of a political party. The electoral system was dominated by the figures to be elected, which meant that the same people were often re-elected.

Jean-Louis TESTUD (France, EPP/CCE) said that he had been a councillor for 30 years. In France, gender parity was now compulsory. In the new municipal team in which he had been re-elected, a third of the councillors were young people. He saw no real sign of disaffection with politics among young people at local level. The post of mayor was also the most popular political post in France. It had changed a lot and become more complex because of the increasing regulations in all areas. At the same time, there were more and more qualified officials among municipal staff. Being a councillor was not a profession: local officials provided their skills and councillors chose the political options. In France, youth municipal councils and economic and social councils had existed for many years. Public concerns at local level differed from those at national level. Young people clearly were disaffected with politics at national level and traditional political parties were deemed incapable of solving economic and social problems, etc. Young people's vision of local politics was different. Many young people wanted to become involved locally so as to change the policies carried out. He was not therefore pessimistic in this respect.

He also wished to refer to the young people in Ukraine and other countries who had been massacred because they had stood up for democracy. Young people did not understand why the Congress did not take robust action to defend its values. He would like the Congress to support the young people concerned.

Abulfaz BABAYEV (Azerbaijan, EPP/CCE) was pleased by what he had heard. He hoped that exchanges of experience between the Chamber members could take place at every session. He referred to the problems of corruption, which had been mentioned during the previous debate. He wondered what criterion corruption could be defined by. What tools could be used for combating it? In his own municipal council, he was seeking to build up more experience, in particular in terms of relations with young people, who made up 30% of the council. Moreover, young people did not have to be members of a municipal council or another body for their views to be taken into consideration. Municipal councils worked with young people to establish various activities and considered topics that were of particular interest to them.

The PRESIDENT asked the guests to respond to the various comments.

René DOSIERE, member of the French National Assembly, confirmed that the role of mayors was becoming increasingly professionalised because of a need for greater skills and the increasingly complex problems to be dealt with. The trend, which involved the post being performed like a full-time job, was not good for democracy and attempts should be made to limit it. As far as corruption was concerned, it could occur whenever councillors were in a position to manage funds, conclude procurement contracts or take on staff. For that reason, there was, naturally, much more corruption among local councillors than among members of parliament in France. Recently, a number of steps had been taken to combat corruption in the country. All local or national elected representatives now therefore had to declare their assets at the start and at the end of their terms. The declarations were scrutinised by an independent body which could impose penalties if necessary.

As far as the age of councillors was concerned, in France in 2008, 60% of mayors had been over 60. This proportion was tending to increase, which was probably related to the retirement age, which had been changed several times. In contrast, only 4% of mayors were under 40.

Gender parity applied to local elections, which were held according to a list system. In municipalities with at least 1 000 residents (down from 3 500 before), there now had to be an equal number of men and women on each list. As a result, as many women as men were elected. However, only 14% of mayors were women. This was because although the parity principle applied to lists, they were almost always headed by men.

Apart from that, public confidence in elected representatives, including local councillors, was tending to decline. His book set out a number of proposals to try and reverse the trend.

Michael SALOMO, Mayor of Hassmersheim (Baden-Wurttemberg, Germany) said that the youngest member of his municipal council was 38 years old and the average age was over 50. A situation of that kind raised questions. Municipalities needed to look towards the future. It was therefore vital to take steps to take account of the needs of young people and of the more elderly, for instance by opening care institutions for the elderly.

Moreover, municipal youth councils were an invaluable concept. They enabled young people to be relaxed about dealings with local authorities and to familiarise themselves with municipal processes and administrative jargon. He was a teacher and his pupils were very interested whenever he talked to them about the municipal council. Municipalities needed to create platforms to co-ordinate youth participation. The younger generation believed that individuals could not do anything or change anything on their own. When they were told that the municipality had set up a platform through which they could play an active part in municipal processes, they could no longer hide behind excuses for not taking part.

As mayor, he also sought to maintain close contact with the public and with businesses in the municipality. The tasks of municipal council teams had become increasingly diverse and it was more and more important to be transparent so that the public understood the reasons for decisions.

Marcel BOOGERS, member of the Council for Public Administration and Professor of Innovation and Regional Governance at the University of Twente (Netherlands), said that the main challenge for local councillors was to strike a balance between their representative role and municipal administration. Local councillors were increasingly professionals who were members of the administrative and political system, to the detriment of their visibility at social level and of their representative role. They had used to receive encouragement through political parties, but parties were now being marginalised. Their membership had collapsed in almost all countries. Local councillors now had to find new ways of being in contact with voters. This whole state of affairs had led to a feeling of distrust towards political leaders, which could be seen in many European polls. Individuals had the impression that councillors were not really interested in them. Local councillors therefore had to find other ways of reaching out to the public.

The PRESIDENT thanked the guest speakers and all the other participants for the constructive debate.

6. DIGITAL MEDIA AND URBAN MOBILISATION

The PRESIDENT introduced the debate, which would look at digital media in urban mobilisation. The background was that digital media which had not existed a few years previously had been used in various countries to encourage the population to demonstrate.

STATEMENT BY JAN HANRATH, RESEARCH FELLOW, UNIVERSITY OF DUISBURG-ESSEN, GERMANY

The PRESIDENT introduced Mr Jan Hanrath, political scientist and research fellow at the Institute for Development and Peace of the University of Duisburg-Essen. He was the co-ordinator of a research programme on the changes in progress in the Arab world, involving universities from Germany, Iran, Morocco and Pakistan. He had also written numerous works on intercultural dialogue, policy in the Middle East, the new social media, migration and conflicts.

Jan HANRATH, research fellow, University of Duisburg-Essen (Germany), said that there had been many examples of political mobilisation and protest around the world in recent years, especially in towns and large metropolises. The Arab Spring had been a particular example, where public mobilisation had taken place through the social media. Other examples could be mentioned in Turkey and Ukraine, as well as in other European countries, where there had been demonstrations against austerity, in particular Spain and Portugal. Reference could also be made to the Occupy movement. The Internet and social media such as Facebook and Twitter mobilised protests. Or at least it seemed that these new media played a part in mobilisation. It was necessary to maintain a degree of caution when assessing their actual role. Although Western observers and journalists liked to describe the way in which Facebook and Twitter had triggered revolutions, that was not really the case. In 2009, when protests against rigged elections in Iran had got people out into the streets, the protests had been attributed to Twitter. However, it was necessary to analyse the facts objectively. The importance of these new tools in mobilisation was clearly rising constantly, as demonstrated by the events in Iran, the Arab Spring, Turkey and Ukraine. However, it was wrong to talk about Facebook revolutions.

What was the exact role of these media? Account had to be taken of the differences in interpretation between Internet enthusiasts and those who were more sceptical. Enthusiasts spoke about a new agora on the Internet. They saw the social media as a channel for public protest. For their part, more sceptical observers believed that the political impact of the social media was overestimated and they stressed the negative aspects, as the new media gave opponents of democracy all sorts of opportunities.

The role of the new digital media and the risks they entailed could be assessed more clearly with the aid of five levels of analysis. The new media could promote individual learning processes. They could change the existing relations between different groups. They could have an impact on collective action. They could draw attention to those involved in street protests. They could also change the policies of regimes by exerting greater pressure.

On an individual level, the social media could enable people to develop new skills and expand their scope for action, leading them to participate more in real-world politics as they became more and more committed to defending causes that seemed important to them. However, there was also a risk of the new media making citizens more passive. There was a danger of pseudo-activism, or "slacktivism"; in other words, individuals would just stay at home and click on good causes. On an individual level, the social media triggered a form of mobilisation that foreshadowed the mobilisation that would follow in the streets.

In terms of groups, the various social media could establish links between different groups in society, build coalitions and bring people together. However, they could also produce a situation where information was only sought on the Internet, which involved a risk of polarisation.

The impact of the new media on collective action was clear to see. They facilitated mobilisation and reduced the costs of organising collective action, while making co-ordination easier. They also counteracted the social isolation which often existed in authoritarian regimes. Moreover, individuals were no longer scared to protest because they could identify allies among like-minded people.

The social media also drew public attention to certain issues. Ongoing protest movements could be publicised widely and immediately. It was, however, important to be very cautious because authoritarian regimes also used them. They could employ censorship, block websites, filter search terms, provide entertainment sites to divert attention or direct action against bloggers and demonstrators.

In conclusion, the digital media offered enormous potential. On the one hand, they had great mobilising potential; on the other, they opened the way for surveillance. Notwithstanding the many benefits they offered in terms of exchanging information, they had ultimately also been established to generate value-added. The virtual environment could not serve as a genuine substitute for civil society. Digital communications alone were not enough to build a sustainable civil society. The offline world was still the primary arena. Nonetheless, online media enabled protest movements and uprisings to benefit from worldwide networking while reducing the transaction costs of collective action. Online activism should not be set against traditional activism. Activism was enhanced by digital media, enabling political opposition to engage in subversion and control activities generated by the new media. The ambivalence surrounding the new media had to be taken into account by policymakers and the media, avoiding any celebration of a new era of Internet revolutions.

STATEMENT BY KEREM ÖKTEM, FELLOW AT SABANCI UNIVERSITY, ISTANBUL, TURKEY

The PRESIDENT welcomed Dr Kerem Öktem, fellow at Sabancı University in Istanbul, and Open Society research fellow at St Antony's College in Oxford. His research covered Turkey's politics and international relations, with a particular focus on minorities and nationalism and on Muslim networks in the Balkans and Western Europe. At present, he was concentrating on the changing Turkish environment following the Arab uprisings.

Kerem ÖKTEM, fellow at Sabancı University in Istanbul, Turkey, said that there had been a proliferation of urban demonstrations in Europe and elsewhere in recent years. The digital media played a key part in the organisation and spread of these demonstrations. While the movements' logistics were based on the social media, the underlying causes had to be sought elsewhere, in what young people felt: frustration with austerity regimes and a loss of trust in politicians. Many urban movements like the one in Taksim Square in Istanbul in June 2013 were based on social problems and related networking. To combat social conservatism, many challenges had to be addressed, as had been seen in Taksim Square, by politicians and local councillors, not only in liberal European democracies, but also in authoritarian regimes and semi-democracies.

He wished to make some comments on the events that had taken place in Turkey in May and June 2013. It was a disgrace for a Council of Europe member country to decide to ban Twitter, for instance. The demonstrators had been protesting against corruption and crony capitalism, and the government had responded by taking authoritarian measures, of which the ban on Twitter was only one example. There was an erosion of respect for human rights and the rule of law in Turkey. These issues were related to the undermining of the independence of local elected representatives. The elections due on 30 March were seen not as local elections but as a national referendum “for or against the AKP”. This example was representative of the situation of local democracy: local elections were taking on a national dimension.

The protests in Gezi Park and Taksim Square in May and June 2013 had been a turning point. Prime Minister Erdogan had entered into a vicious cycle of authoritarian control. This development showed that European ideals and principles, human rights, were in jeopardy. It also proved that it was almost impossible to ban the digital media in practice. When affairs involving corruption and favouritism had been made public, residents had begun to come together and demonstrate. Politicians had to realise that a new era of transparency was starting. Of course, local governments could use the potential offered by Facebook, Twitter or the Internet in general to become more open and move closer to the public. The new media could possibly help to defuse conflicts before they degenerated into demonstrations on the streets and they were also a forum for negotiations to advance democracy. The mayor of Istanbul had spoken about the situation on Taksim Square and used it as a political space for speaking at national level and not just at local level. When young people died on the streets, that was usually due to unwillingness on the part of local and regional political leaders to assume their responsibilities, as had been demonstrated by the events in Ukraine. Similar events had occurred in Turkey. In authoritarian regimes and illiberal democracies, public opinion could be manipulated to put across government views. There were a number of strategies, as had been seen in Bulgaria, Ukraine and Turkey.

Several options were possible. The digital media could improve democracy and make for greater transparency and greater inclusion. Local authorities could play a key part in this area. In Turkey, there was a confrontation between the government and opposition groups in a particular context. Urban mobilisation could bring about democratic change, but also lead to a vicious cycle of authoritarianism.

He hoped the Congress would remind the Turkish government that censorship was not reconcilable with the principles of the Council of Europe. The ideals of Europe’s founding fathers should not be forgotten.

STATEMENT BY KRISTINA BERDINSKIKH, UKRAINIAN BLOGGER, AUTHOR OF THE “MAIDANERS” FACEBOOK PAGE

The PRESIDENT welcomed Ms Kristina Berdinskikh, who had worked as a reporter for the well-known weekly, *Korrespondent*, but had left shortly before the Euromaidan movement because of the censorship and pressure exerted by the magazine’s new owner. She was now freelancing and was the author of the famous *Maidaners* Facebook page, which gave day-to-day accounts of the lives of the people on the square. The page, which had been translated into several languages by volunteers, sought to paint a human and impartial picture of the protesters, with photos and interviews. Several of the demonstrators interviewed had been killed or injured in the meantime. He was particularly pleased to welcome Kristina Berdinskikh as a witness of the events on Maidan Square.

Kristina BERDINSKIKH, Ukrainian blogger, author of the “Maidaners” Facebook page, briefly introduced herself. She was 30 years old and had worked for six years as a political reporter for the magazine, *Korrespondent*. In November 2013, a 27-year-old businessman linked to Viktor Yanukovich’s family had bought the magazine and introduced censorship. Some of the team had been dismissed and the editor-in-chief had left, along with many journalists. She herself had been dismissed on 21 November. The revolution had started the same evening. She had visited Maidan Square many times to support the movement. Journalists had been covering political developments in Kyiv, but on Maidan Square she had met ordinary people who were not politicians and who represented the true spirit of the movement.

She had begun writing about the demonstrators, initially on her own Facebook page, but had then launched the *Maidaners* page to tell the story of these very different individuals, who included wealthy businessmen, unemployed people, artists, workers and students, etc. She had also written about the volunteers working in the kitchens set up on the square. She had not had a professional camera and had only used a mobile phone, which had also served as a dictaphone. Her Facebook page had been very popular and in three months over 11 000 people had signed up to the page in Ukrainian. On 22 January, she had seen on the Internet that a rooftop sniper in the city centre had fired on the crowd and that a 20-year-old man of Armenian origin had been killed. She had talked with him before and knew his family. His death had therefore come as a tremendous shock. It was then that she had realised that her Facebook page was not just a diary but the history of the revolution. She had wanted to have the page translated into English and had received offers from 170 volunteers, mostly Ukrainians living in various other countries. In the end, the page had been translated into 18 other languages. Some of the pages were only consulted by around 30 people, but the page in English had 18 000 followers. Foreigners had also sent videos to support the movement.

She had been interviewed by several journalists who had asked what the secret to such success was. In her view, the success stemmed from the active involvement of everybody in the project. On 19 February, for instance, a reader had written to her asking her to speak about her friend who was working as a volunteer in the medical services on Maidan Square. Kristina Berdinskikh had been due to meet the young woman the following day, but she had seen a photograph of her on the Internet with blood streaming out of her neck. She had thought of ending the project at that point, but the young woman had survived and she had been able to write her story. She had continued her project and had visited injured people in hospitals, she had contacted a young woman who helped relatives of the dead to arrange funerals and she had written about all of that. She was currently devoting much attention to Crimea, she had contacts with people in the region and she was also communicating through Facebook. She intended to go to Lviv to write about Crimean refugees. At the end of April, she would publish a book in Ukrainian including all the texts posted on Facebook with over 100 personal stories. The book did not just talk about a tragedy but also about happy families and young lovers.

Digital technology had completely changed her life. In November 2013, she could never have imagined that she would have a blog in 18 languages, that she would publish a book or that she would address the Council of Europe about her project. That all demonstrated the enormous potential of the new media. The businessman who had bought the magazine where she had worked was now wanted by the police and was in hiding abroad. That example demonstrated that you could impose censorship but you could not silence a journalist.

The PRESIDENT thanked the speaker for her account and for conducting all those interviews, with the risks which that entailed. He opened the debate.

Jos WIENEN (Netherlands, EPP/CCE) said that he noted from Mr Öktem's statement that the importance of the social media was only relative and what mattered was the mobilisation that resulted from public disaffection. Turning to Ms Berdinskikh, he said that, of course, it had been important in Kyiv to use the social media, but had that really been an essential point? Had public disaffection not been so great that movements would have taken place without these media?

John WARMISHAM (United Kingdom, SOC) said that the social networks had been particularly powerful in mobilising those segments of society which saw themselves as marginalised, for instance young people and minorities. Should the social networks be seen as specific tools for such segments of society or as tools which united society as a whole? Were the social media the foundation for new ways of conducting politics or would people always fall back on the traditional methods?

Gaye DOGANOGLU (Turkey, EPP/CCE) stressed how interesting and useful the debate had been. The social media seemed to be essential and should be part of the lives of local elected representatives. In Turkey, people had the habit of beginning the day by consulting the social media and following the news, not only from Turkey but from all over the world. In 2013, many events had taken place following the Arab Spring, in Egypt, Turkey and then in Ukraine. There had also been urban mobilisation in Brazil. Turkish local councillors used Twitter and Facebook, among other things for promotional purposes. The government had restricted access to Twitter to avoid violations of privacy, but local councillors wanted access to be restored totally, especially since they did not operate solely at national level but also at European level. She therefore hoped that a solution would be found.

The PRESIDENT gave the Chamber's three guest speakers the floor.

Kerem ÖKTEM, fellow at Sabancı University in Istanbul, Turkey, said that access to Twitter had not just been restricted but totally banned. In reply to Mr Warmisham, he said that the social media could create a forum for minority groups and empower them, but there was also a risk of ghettoisation. In Ukraine, the social media had created amazing opportunities, but governments could also use them to mislead the public. If they were not part of real networks and were disconnected from the real world, the social media would have a limited impact.

Kristina BERDINSKIKH, Ukrainian blogger, author of the "Maidaners" Facebook page, said that the population would have demonstrated without the social media. Many of the people she had spoken to did not even know what Facebook was. Naturally, social networks did play a major part in helping to mobilise crowds. In December, during the first attempt to disperse the Maidan demonstration, it had been difficult to reach the centre of Kyiv because public transport was no longer operating. The mobile phone numbers of people offering assistance had then been exchanged on the social media. The social media could be used to mobilise the public and organise certain services. However, they were only a tool. The demonstrations would have taken place even if the Internet had not existed.

Jan HANRATH, research fellow, University of Duisburg-Essen (Germany), said that Kristina Berdinskikh had given a good example of the way in which the social media could circumvent the usual gatekeepers to information. In reply to the question concerning the relationship between the new media and the old media, he said that the old media still existed and were still successful. The two types of media actually relied on each other. When it was difficult to obtain information, traditional reporters could turn to the new media. Many people also used the old media for transmitting messages.

7. CLOSE BY THE PRESIDENT OF THE CHAMBER

The PRESIDENT said that he had to leave the Congress session because of the elections in France. He invited members of the Chamber of Local Authorities to attend the reception being hosted by the Permanent Delegation of the Republic of Moldova.

He said that the 27th session of the Chamber of Local Authorities would be held at the same time as the 27th Session of the Congress of Local and Regional Authorities, in October 2014.

The President declared the 26th session of the Chamber of Local Authorities closed.

The sitting rose at 12.15 pm.

SECOND SITTING OF THE CONGRESS

Wednesday 26 March 2014 at 2 p.m.

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The sitting opened at 2.03 p.m. with Herwig van Staa (Austria, R, EPP/CCE), President of the Congress, in the chair.

The PRESIDENT announced that the order of business had been changed following the debate under urgent procedure on the situation in Ukraine held the previous day. As a result, the discussion on the situation of Leyla Güven and other local elected representatives in Turkey would be held at the end of the sitting. The debate on the right of local authorities to be consulted by other levels of government was postponed until the following day. The next day's sitting would begin at 9 a.m. instead of 9.30. The Bureau would meet between 8.30 and 8.55.

1. ADOPTION OF THE MINUTES OF THE SITTING OF THE CONGRESS ON 25 MARCH 2014
[CG(26)PV1am]
[CG(26)PV1pm]

The PRESIDENT proposed that the minutes of the previous day's sitting be adopted. The minutes had been distributed.

The President did not note any objection to the adoption of the minutes.

The minutes of the sitting of the Congress on 25 March 2014 were adopted.

The names of the substitute members present at the sitting and known to the Presidency would be published in the appendix to the minutes .

2. ADDRESS BY ANNE BRASSEUR, PRESIDENT OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

The PRESIDENT welcomed Madame Anne Brasseur as the newly elected President of the Parliamentary Assembly of the Council of Europe. The Congress of Local and Regional Authorities and the Parliamentary Assembly shared a long history of co-operation and exchanges. Mr Mignon, her predecessor, had addressed the Congress at the last session in October 2013 and had underlined the need for the two assemblies to co-operate more closely in future, in particular through the co-ordinated action of the rapporteurs of the two bodies in essential fields. The previous President of the Parliamentary Assembly, Mr Mevlüt Çavuşoğlu, had, in October 2011, pointed out that there were a number of fields of common interest to the two assemblies and he had reaffirmed that the Parliamentary Assembly gave its full support to the work of the Congress.

The President said that he had last October signed a joint declaration with the President of the Parliamentary Assembly calling on the governments and parliaments of Council of Europe member states to make the issue of local and regional budgets a national priority. The declaration also recommended that the voice of Greater Europe should be heard whenever it came to preserving the capacity for action of local and regional authorities, which were the democratic institutions closest to the citizens.

Madame Brasseur had been Mayor of the City of Luxembourg and was therefore particularly well versed in the role and constraints of local and regional authorities. At a bilateral meeting held that morning, they had had fruitful exchanges, particularly on the subject of Ukraine, given that Madame Brasseur had just returned from that country. The President was confident that Madame Brasseur would continue the dialogue established between the two assemblies.

Anne BRASSEUR, President of the Parliamentary Assembly of the Council of Europe, thanked the President for his welcome. She was very pleased to address the Congress and congratulated it on its twentieth anniversary. She particularly congratulated those who had been members of the Congress from the very outset: Jean-Claude Frécon and Jean-Pierre Klein, her fellow countrymen, who were celebrating their twenty years' membership of the Congress. The Congress was a unique body in the European political architecture as it brought together local and regional representatives from the whole of Europe to hold debates on the local and regional dimension of major issues for society. It was the guardian of the European Charter of Local Self-Government, a fundamental text that had been signed and ratified by all Council of Europe member states.

She continued her address in French. The twentieth anniversary of the Congress was also a symbolic event for the Parliamentary Assembly, which had supported the Congress in its institutionalisation and reforms. The two assemblies had forged strong links over the years. She commended the work of the members of the Assembly and Congress who were closely involved in such co-operation and particularly Sir Alan Meale, the Assembly's general rapporteur on local and regional authorities, and other active members, such as Jean-Claude Frécon, President of the Chamber of Local Authorities, who was also a member of the Parliamentary Assembly. She also commended the work done by her fellow-country men, members of the Luxembourg delegation to the Congress.

The Grand-Duchy of Luxembourg had ratified the European Charter of Local Self Government in 1987. Since this date, the Luxembourg municipalities were doing their best to manage their devolved powers in keeping with the best European practices, and, thanks to the Congress, were able to share their experience with the other Council of Europe member states.

Anne Brasseur continued her speech in English. As elected representatives of 820 million Europeans, they all came to the Council of Europe with their own history, culture, local and regional specificities, sensitivities and political opinions. Nevertheless, they all shared the same non-negotiable and inalienable values: human rights, democracy and the rule of law, which underpinned the very foundation of the Council of Europe. Upholding these principles was the shared objective of all Council of Europe member states and bodies. The current crisis in Ukraine was a major challenge for the Council of Europe, whose three main bodies – the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities – needed to speak with one voice. The referendum which had been held in Crimea should be firmly condemned as it was a violation of the Ukrainian Constitution and Ukrainian legislation. The Russian Federation's decision to annexe Crimea, in violation of international law, also ought to be firmly condemned. All Council of Europe member states had to respect the sovereignty and territorial integrity of other states.

Ukraine should be given assistance in consolidating its democratic institutions and implementing the necessary reforms. She had made this clear to the Ukrainian authorities. The country had to be reconstructed from the bottom up as its foundations were currently very fragile. The Council of Europe was in an ideal position to provide such assistance through its co-operation programmes, based on European standards, and through its monitoring mechanisms. She had just come back from a mission in Ukraine with members of the Presidential committee of the Parliamentary Assembly and the Monitoring Committee's co-rapporteurs for Ukraine. The delegation had met the national authorities in Kiev and the representatives of local and regional authorities in Donetsk in the East, and in Lviv in the West. Local and regional government reform in Ukraine was a top priority. Building on its years-long experience in monitoring the application of the European Charter of Local Self-Government, the Congress could provide the Ukrainian authorities with valuable support in this field. Decentralisation, which did not mean the federalisation of Ukraine, had been one of the key subjects discussed. The resolution adopted the previous day by the Congress suggested several measures which could be applied to help the development of Ukrainian local and regional authorities. She encouraged the Congress to continue in this direction. The conclusions of the Congress were of interest to the rapporteurs of the Parliamentary Assembly's Monitoring Committee, who were also closely following developments in Ukraine with a view to the debate to be held at the April session of the Parliamentary Assembly.

Anne Brasseur then referred to co-operation between the Assembly and the Congress. For some years now, co-operation between the two institutions had been exceptionally good. When addressing matters concerning local and regional authorities, the Assembly drew on the work of the Congress. Such collaboration was becoming increasingly necessary in this period of economic and financial crisis. Last October, the Presidents of the two institutions had adopted a joint declaration containing a very strong political message to national authorities concerning the devolution of responsibilities and funding to local authorities and the need to consult local and regional authorities. Sir Alan Meale, the Assembly's general rapporteur on local and regional authorities, would continue to work in close liaison with the Congress to ensure that this declaration was implemented. The Assembly's Committee on Social Affairs, Health and Sustainable Development was closely studying the impact of austerity measures on the European social model. A co-ordinated response from national, regional and local authorities was needed in this field and the interaction between the Assembly and the Congress was essential.

Good and effective local and regional governance could not be achieved only by legislative means. An appropriate constitutional and legislative framework was, of course, essential. She had exercised political responsibilities at local level for almost thirty years as Deputy Mayor of the City of Luxembourg. She therefore had many years' experience of the functioning of local authorities and stressed the need for local elected representatives to constantly develop their competences so that they were capable of performing their duties properly. It was also necessary to promote the participation of all groups of society in decision-making processes and the management of local and regional authorities. In this context, the Congress, which brought together 636 local elected representatives from the whole of Europe was an ideal forum for co-operation and the exchange of best practices.

Anne Brasseur welcomed the fact that the Congress had decided to focus on youth empowerment during its 2014 session, as this was a major challenge for local and regional authorities. Young people would be the most active members of society if they were given the opportunity. Yet, many of them felt that their access to certain fundamental rights, in particular economic and social rights, was not sufficiently guaranteed. In most if not all member states, policies were defined at national level and this limited local authorities' margin for manoeuvre. However, it was local and regional authorities which implemented national policies at local level and which were closest to the grassroots and in particular to young people. They needed to ensure that young people in particular, and the public as a whole, were involved in the management of local public services and that these services corresponded to the needs and expectations of the population. In this connection she referred to the recent reports of the Assembly calling for the preparation of a European Framework Convention on youth rights and young people's access to fundamental rights. The Assembly had envisaged drafting a text suggesting a number of concrete steps that authorities at all levels might take to improve young people's access to their rights. The Assembly's Committee on Culture, Science, Education and the Media stood ready to discuss possible joint activities between the Congress and the Assembly in this field.

Young people's participation in local and regional affairs was important. Representatives of local and regional authorities should not only work towards ensuring that the authorities took full account of young people but also ensured that young people became involved in and contribute to the day-to-day life of the towns and regions. Young people's energy, their enthusiasm and imagination were tremendous assets. They could play a very positive role in issues such as "living together", intercultural dialogue and in the fight against exclusion, extremism, racism and intolerance. She hoped that in this field, the Assembly would work in close co-operation with the Congress and with the other Council of Europe institutions in the context of the future Council of Europe strategy against racism, hatred and intolerance in Europe, which the Assembly had recommended launching. She underlined the need to react to the racism and intolerance that was spreading through European towns. All of society had to stand together to uphold its values and young people should be encouraged to become active in this area.

Anne Brasseur also mentioned the problem of the integration of the Roma, which was also one of the Assembly's priorities. It would be impossible to find an effective solution in this field without co-operation between national, as well as local and regional authorities. The Congress' experience in this field was particularly valuable. The European Alliance of Cities and Regions for Roma Inclusion provided an excellent platform for exchanging experiences and good practices in this field and she congratulated all those who had helped to make it possible.

In conclusion, she said she thought that the measures taken at national or international level would only be successful if they were correctly implemented at local and regional level. Local and regional authorities had to have the right tools: the indispensable resources and the necessary commitment to work on behalf of those under their responsibility. Local and regional elected representatives had enormous responsibilities but they could also be very rewarding. Without her experience as Deputy Mayor of the City of Luxembourg, she would have been unable to take on the responsibility of the presidency of the Parliamentary Assembly the Council of Europe. She was grateful for the work she had had the opportunity to do for her city and she thanked the members of the Congress for what they were doing for their cities and regions. She was impatient to work together with the Congress.

The PRESIDENT thanked Madame Brasseur for her contribution. The President of the Parliamentary Assembly had said that she was prepared to answer a number of spontaneous questions.

ORAL REPLIES TO SPONTANEOUS QUESTIONS

Tracey SIMPSON-LAING (United Kingdom, R, SOC) said that she was a member of the Governance Committee and that she had taken part in the Fourth World Democracy Forum. She referred to a report by the Parliamentary Assembly concerning the Internet and Politics, for which Madame Brasseur had been the rapporteur. On Thursday afternoon the Congress would be holding a seminar on "Deepening democracy with e-Media". Did Madame Brasseur think that the Internet was changing politics at local level and, if so, how might the Congress and the Assembly work together on this issue?

Anne BRASSEUR replied that this was an important issue that had to be addressed at not only national but also local level. It was important that the rapporteurs and committees of the Assembly and the Congress worked together on this subject. The debate on this theme would continue at the next session of the Parliamentary Assembly. The Internet helped improve communication at local level with the citizens but it was important to keep an eye on the content disseminated by the Internet. Local authorities had to take into consideration the immediate response of their citizens to a given subject but they also had to think of the medium and long-term perspective and not simply react as the current circumstances required.

Arkady CHERNETSKIY (Russian Federation, R, SOC) said that he had been interested to hear the President's opinion on the situation in Ukraine, particularly given that she had been to Kiev and had been able to see the situation for herself. He thought that Madame Brasseur's position was measured as was that of Mr Jagland. However, the document adopted by the Congress contained a number of concepts and expressions that were unacceptable and which were not based on reliable information and only presented the situation from one side. He asked Madame Brasseur if she did not think that the Congress had exceeded its purview in adopting this declaration.

Anne BRASSEUR said that she thought it was her duty, as President of the Parliamentary Assembly, to maintain relations with all delegations. For this reason, she had spoken to both the Russian and the Ukrainian delegations. Three weeks ago she had phoned to not only the President of the Ukrainian Parliament but also the President of the Russian Duma. It was necessary to talk with the parties concerned about what was acceptable and what was not, and to do so in such a way that the discussions could continue. She said she would not make any comment on the text approved the previous day by a large majority of members of the Congress as in a democracy one had to accept the decisions of the majority, so the previous day's vote had to be respected.

Andrew BOFF (United Kingdom, R, ECR) noted that Madame Brasseur had said that member states had to respect the territorial integrity of other countries. This was fundamental to membership of the Council of Europe. The previous day the Congress had adopted a declaration on the situation in Ukraine, on the basis of the opinion of the Venice Commission, setting out a series of measures in response to the crisis. Following her recent visit to Ukraine, what measures would she recommend the Parliamentary Assembly to take at its next session?

Anne BRASSEUR, said that the Assembly was expected to give its opinion on two motions concerning the credentials of the Russian delegation. These motions would be forwarded to the Monitoring Committee, which would present its conclusions to the Assembly. It was too early to say what the conclusions would be. At all events, a debate on the credentials of the Russian delegation would take place at the April session, as well as a debate under urgent procedure on the situation in Ukraine. She said there was an urgent need in Ukraine to adopt the Constitution, if possible before the presidential elections. Ukraine needed a sound basis on which to prepare the future. The judiciary was confronted with serious difficulties owing to the absence of a real separation of powers. Other institutions were not functioning well either. It would then be necessary to revise the electoral code. As local and regional elected representatives, the members of the Congress could provide assistance to Ukraine. The country needed to be decentralised to meet the needs of the population. It was therefore necessary to have a Constitution and new laws. The Council of Europe had a duty to help Ukraine put this all in place. This was not an easy task and the economic crisis in Ukraine was not making it any easier.

Jakob (Jos) WIENEN (Netherlands, L, EPP/CCE) thanked the President for her willingness to co-operate with the Congress and for the importance she gave to local and regional authorities. He mentioned the elections that would be held in late May in Ukraine. Would the Parliamentary Assembly of the Council of Europe have a role to play in these elections?

Anne BRASSEUR said that she had the impression that, for the time being, there was no leading figure in Ukraine who really had more chances than anyone else of winning the forthcoming presidential elections. The population wanted genuine elections. The President of the Ukrainian Parliament had asked the Parliamentary Assembly of the Council of Europe to come and observe the elections. An ad hoc committee would therefore be sent to Ukraine and would co-operate with the other organisations which would be there for the same reasons. She asked whether the Congress would also send a delegation to Ukraine to provide assistance at local and regional levels. All Council of Europe bodies had to speak with one voice. The observation of the elections should provide the opportunity to help the country and help to build confidence in the electoral system, and, where appropriate, present proposals for improving matters in the future. Whatever the outcome of the presidential elections, Anne Brasseur hoped that the defeated candidates would acknowledge that their opponent had won, as that required a certain degree of democratic maturity.

The PRESIDENT said that the Congress was quite prepared to send observers to the local elections if the Ukrainian government invited it to do so. 25 elections were due to be held at local level at the same time.

Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC) congratulated Madame Brasseur on her recent election on behalf of the Socialist Group. The Parliamentary Assembly monitored member states' honouring of commitments following their ratification of the Council of Europe's legal instruments. Did she intend to step up co-operation with the Congress in this field so as to improve existing interaction between the two assemblies?

Anne BRASSEUR said that it was indeed necessary to improve co-operation between the two institutions. She thought it was necessary to put an end to the separations that existed between the different bodies within the Organisation. She had an excellent relationship with the Austrian Ambassador, who was currently chairing the Committee of Ministers, and with the Congress. In addition to the memorandum of understanding, it was important to forge personal contacts so as to simplify relations. With this in mind, she was trying to be present in Strasbourg as often as possible. She was prepared to accept the suggestions made by members of the Congress. Local and regional elected representatives were very close to the citizens and very aware of their needs. It was therefore important to be able to rely on their contribution. She invited the members of the Congress to attend the sessions of the Parliamentary Assembly so as to establish contacts with members of the Assembly.

Inger LINGE (Sweden, R, EPP/CCE) wished to raise the question of the integration of the Roma community. The lack of funding and the absence of appropriate legislation continued to be obstacles in this field. She asked Anne Brasseur how the Congress might help the Parliamentary Assembly to improve the unsatisfactory legal framework. What did the Assembly intend to do to ensure that local and regional authorities were given the powers they needed to deal with this problem?

Anne BRASSEUR said that the Assembly had held a debate on the Roma and that several reports had been drafted on the subject. Resolution 1927 had recently asked for the abolition of all forms of discrimination against Roma children. A resolution on migrants in Europe had been adopted in 2012. National framework texts and funding were necessary so that local and regional authorities could take appropriate action. Devolution of powers was necessary in this field. National and local authorities needed to work together on the issue of education. It was also necessary to point out to Roma communities – who were actually perfectly aware of the fact – that everyone had to comply with the legislation of the country in which they were living. If school was compulsory, all children had to attend. The European Alliance of Cities and Regions for Roma Inclusion was an ideal platform for sharing experiences, for example on how to ensure that Roma children received schooling. The experience should also be of benefit at national and international level so that an effective framework enabling local authorities to fulfil these missions could be established. Local authorities were the best placed to decide what measures were most effective. Of course, they had to work together with the representatives of the Roma community.

Mikhail CHERNISHEV (Russian Federation, L, EPP/CCE) pointed out that acts of violence had taken place in Ukraine. He wished to know what Mme Brasseur thought of the latest events in Kharkov where groups of radicals had provoked others by using arms. Acts of violence had been committed against the population.

Anne BRASSEUR said that the previous Sunday she had been in Donetsk where a demonstration had been held by people brandishing Russian flags. There had not been very many participants and the demonstration had been well organised. There had been no signs of aggression and the demonstrators had broken up peacefully. She had not been aware of any provocation, even if one woman had shouted “Europe, fascists!”. Both sides were using propaganda. She said that she had met NGOs and representatives of national and regional minorities, who had said that they did not feel threatened or that they were being discriminated against. All the stakeholders agreed that the drafting of legislation on languages, which had not got beyond that stage, had been a big mistake. People thought that it was a law which prohibited the Russian language, but that was not true. Disinformation strengthened the rhetoric used by both sides and could lead to violence. However, she had not witnessed any scenes of violence. Admittedly a number of aggressive terms had been heard but freedom of expression meant that everyone had the right to say what he or she thought. Fortunately the situation in Lviv was extremely calm and did not give the impression that there were very serious problems in Ukraine.

The PRESIDENT thanked Mme Brasseur for her contribution and for her replies to the questions put to her. The Congress appreciated the fact that she was prepared to talk with all sides in this crisis. Her contribution was very important in the difficult situation being experienced in Ukraine.

3. LOCAL AND REGIONAL DEMOCRACY IN THE NETHERLANDS

[CG(26)7PROV]
[CG(26)7AMDT]

The PRESIDENT proposed that they hear the two rapporteurs on local and regional democracy in the Netherlands. He welcomed Mr Ronald Plasterk, the Dutch Minister of the Interior and Kingdom Relations.

Jean-Pierre LIOUVILLE (France, R, SOC), rapporteur, said that he would describe the visit they had made to the Netherlands and developments in local self-government in this country. These developments were in keeping with the provisions set out in the European Charter of Local Self Government. Artur Torres Pereira would then talk about the problems they had noted and their recommendations.

The visit had taken place from 14 to 16 May 2013. The delegation had comprised Artur Torres Pereira, rapporteur on local democracy, and Jean-Pierre Liouville, rapporteur on regional democracy, and the expert consultant, Mr Moreno Molina, Chair of the Group of Independent Experts of the Council of Europe, whom Jean-Pierre Liouville thanked for his excellent work. The delegation of the Congress had met the representatives of the Parliament and the ministers of the interior and finance. It had been received by the judges of the State Council and by national and local ombudsmen. The delegation had visited Amsterdam, Gouda and Zoeterwoude. Several meetings had been organised with local elected representatives, the representatives of local chambers of audit and the representatives of the Association of Dutch Municipalities (VNG) and the Association of Dutch Provinces (IPO).

This report was the second report concerning the general monitoring of the Charter since it had been ratified by the Netherlands in 1991. The first report dated back to 1999. Since that date, there had been legislative changes in the Netherlands in the form of the amendment of the law on the municipalities, governing the involvement of municipal councils in appointing mayors, and the dualisation reform of 2002-2003. This dualisation concerned mainly the separation between the municipal council and the municipal executive. It forbade any overlapping of the composition, duties and powers of the municipal council and the municipal executive and helped clarify the administrative structure. The code on inter-administrative relations of 2013, adopted following an agreement between the government and the two associations of local and regional authorities on issues of co-operation, co-ordination and supervision, was also a welcome development.

He considered that, generally speaking, the situation of local authorities was compatible with the provisions of the Charter, in particular with regard to powers and responsibilities, the protection of territorial limits, administrative structures, the exercise of the functions of elected representatives, administrative supervision and the right of association. When the Netherlands had ratified the Charter, it had made several reservations restricting the application of Article 9 to the financial resources of local authorities, declaring that it was not bound by the provisions of Article 7 paragraph 2, Article 8 paragraph 2, Article 9 paragraph 5 and Article 11, and by restricting the scope of application of the Charter to its provinces and municipalities. The national authorities were now prepared to reconsider the relevance of these reservations.

Jean-Pierre Liouville also wished to draw the attention of members of the Congress to two points. The first concerned the economic and financial imbalance between the provinces which had energy resources to sell and those which did not. A debate had been held on this subject and opinions were divided. This point did not appear in the recommendations set out in the report but nevertheless deserved careful consideration so that all the provinces could fulfil their missions and benefit from sufficient resources in a completely independent manner. The second point concerned the legal status of the provinces, which was not stipulated in the legislation. The Dutch provinces could be considered as regions, within the meaning of the Reference Framework. All of this could be added to the report on regionalisation prepared by Marie-Madeleine Mialot Muller.

Artur TORRES PEREIRA (Portugal, L, EPP/CCE), rapporteur, was pleased to have had the opportunity to see for himself how the wonderful social model of the Netherlands worked. Dialogue and negotiation were a way of life in the Netherlands. He considered these principles to be important in preserving peace and communication between the peoples of Europe and throughout the world. Such a culture helped ensure compliance with the Council of Europe's objectives of democracy, human rights and the rule of law.

Six aspects could nevertheless be improved.

Article 2 of the European Charter of Local Self-Government required that the principle of local autonomy be recognised in domestic legislation and where possible in the Constitution. In the Netherlands, there were shortcomings in this respect that needed to be remedied, despite the fact that local self-government was functioning well and that the principle of subsidiarity was applied. Despite everything, a legal framework of reference would be useful, particularly if the situation were to deteriorate one day.

There was a grey area regarding the respective powers of the cities and provinces. The latter had lost their powers over time to the advantage of the municipalities. The rapporteurs recommended re-establishing a better balance between the provinces and the cities. The provinces needed to be strengthened once more.

The *medebewind*, in other words the mechanism of co-management between the different authorities, might be seen as a way for central government to impose decisions on the local and regional authorities, and consequently as a restriction on local authorities' freedom of action. An increasing number of decisions had recently been imposed on the cities.

It was also necessary to improve the consultation of the cities and provinces, particularly when drawing up the various programmes. The Dutch Parliament had itself acknowledged that existing procedures could be improved.

As in a large number of other countries, local and regional authorities in the Netherlands, did not have enough financial resources. The aim of current reforms was to reduce the financial autonomy of local and regional authorities, whereas they needed to be given more financial resources, particularly if their powers and responsibilities were being increased.

There was no real possibility of seeking redress through the courts in cases where the powers of local and regional authorities were not respected. They ought to be able to have recourse to judicial remedies.

Artur Torres Pereira then presented the rapporteurs' recommendations: the principle of local self-government should be recognised in the Constitution or in domestic legislation; the division of powers between the cities and the provinces should be more clearly defined; the autonomous powers of the cities and provinces should be strengthened, which meant reforming the *medebewind* mechanism; the arrangements for consultation between central government and the local and regional authorities should be reinforced; local and regional authorities should be given more financial autonomy and they should be less dependent on transfers from central government; local taxation should be improved to give towns and cities their own resources; and, finally, the reservations made when ratifying the European Charter of Local Self-Government, in particular Articles 7.2 and 8.2 on the remuneration of elected representatives and the supervision of the activities of local authorities, should be reviewed.

The PRESIDENT thanked the rapporteurs and gave the floor to the chair of the Monitoring Committee.

Lars O. MOLIN (Sweden, L, EPP/CCE) said that the Monitoring Committee had adopted the report, which he thought was a good report.

The PRESIDENT proposed that they consider the draft recommendation, in respect of which six amendments had been tabled.

Leen VERBEEK (Netherlands, R, SOC) presented Amendment No. 1. The draft recommendation did not acknowledge that a code existed prior to 2013. The aim of Amendment No. 2 was to point this out.

The PRESIDENT did not note any objections to the amendment.

Artur TORRES PEREIRA (Portugal, L, EPP/CCE), rapporteur, said that he agreed with Mr Verbeek and that he supported amendments No. 1 and No. 2.

The PRESIDENT put Amendment No. 1 to the vote.

Amendment No. 1 was adopted.

The PRESIDENT said that Amendment No. 2 had already been supported by Mr Verbeek and that the rapporteur was in favour. He did not note any objections to the amendment and put it to the vote.

Amendment No. 2 was adopted.

Leen VERBEEK (Netherlands, R, SOC) presented Amendment No. 3. The recommendation noted that the citizens of the Netherlands took an active part in public affairs. It would be preferable to say that local and regional authorities would like to see citizens take an active part, even if this was not the case throughout the country, for there was a considerable amount of room for improvement.

The PRESIDENT did not note any objections to the amendment.

Artur TORRES PEREIRA (Portugal, L, EPP/CCE), rapporteur, announced that the rapporteurs had tabled an Amendment No. 6, which went further than Amendment No. 3 and referred to "the importance of active participation by Dutch citizens in political decision-making processes". The rapporteurs therefore proposed abandoning Amendment No. 3 in favour of Amendment No. 6.

Lars O. MOLIN (Sweden, L, EPP/CCE) said he agreed with the rapporteur.

The PRESIDENT put Amendment No. 3 to the vote.

Amendment No. 3 was adopted.

Artur TORRES PEREIRA (Portugal, L, EPP/CCE), rapporteur, pointed out that Amendments No. 3 and No. 6 were incompatible.

The PRESIDENT confirmed that Amendment No. 6 was no longer applicable following the adoption of Amendment No. 3.

Artur TORRES PEREIRA (Portugal, L, EPP/CCE), rapporteur, presented Amendment No. 5. The aim was to replace the word "déplore" in the French version, as it was very strong, with the word "regrette". The English version would remain as it stood.

The PRESIDENT did not note any objections to the amendment.

Lars O. MOLIN (Sweden, L, EPP/CCE) said that he trusted the rapporteur with regard to this point.

The PRESIDENT put Amendment No. 5 to the vote.

Amendment No. 5 was adopted.

Leen VERBEEK (Netherlands, R, SOC) presented Amendment No. 4, concerning the arrangements for consultation. They were indeed provided for in the code on inter-administrative relations but needed to be fully respected.

The PRESIDENT did not note any objections to the amendment.

Artur TORRES PEREIRA (Portugal, L, EPP/CCE), rapporteur, seconded the amendment.

Lars O. MOLIN (Sweden, L, EPP/CCE) also seconded the amendment.

The PRESIDENT put Amendment No. 4 to the vote.

Amendment No. 4 was adopted.

The PRESIDENT put the full draft recommendation, as amended, to the vote.

The draft recommendation set out in Document [CG(26)7PROV], thus amended, was adopted.

SPEECH BY RONALD PLASTERK, DUTCH MINISTER OF THE INTERIOR AND KINGDOM RELATIONS

The PRESIDENT welcomed Ms Berends, Ambassador and Chair of the Committee of Ministers' Group of Rapporteurs on Democracy, whom he thanked for the exchange of views he had had with her. He welcomed Minister Ronald Plasterk and invited him to take the floor to comment on the debate on local and regional democracy in the Netherlands. Ronald Plasterk had been Minister of the Interior and Kingdom relations since November 2012. Between 2007 and 2010, he had held the position of Minister of Education, Culture and Science.

The President said that the Congress attached great importance to developing dialogue with national governments to secure the implementation of its recommendations. In the nineteen eighties 1980, Ronald Plasterk had been a member of the Leyde municipal council for the Labour Party. He therefore had first-hand experience of local democracy issues. The President said that his presence at the session bore witness to the good co-operation between the Congress and the Dutch authorities. He thanked the government of the Netherlands for inviting the Congress to observe the local elections which had taken place there the previous week.

Ronald PLASTERK thanked the Congress for inviting him to the session as it gave him the opportunity to present the numerous changes taking place in local self-government in the Netherlands. He also thanked the rapporteurs for their interest in the Dutch system and for their wise advice.

His contribution would concern three main issues: the major changes taking place in public administration, partnerships and concerted action between the different public authorities in the Netherlands, and lastly the crucial issue of human rights.

Local self-government was a fundamental component of the Dutch political system. The Constitution stipulated that municipalities and provinces should freely decide what they wished to do. For example, the provinces could decide to grant development aid to a foreign country. The national authorities could not stop them from doing so, even if he himself thought that development aid ought to be decided at national level. A major change had taken place in recent years – the dualisation of the municipalities, which meant that aldermen were no longer members of municipal councils. This reform was intended to improve participation by municipal councils. However, there had also been some unforeseen effects. Aldermen were now able to make a career: they could start out in a small town and then move on to a larger city. So being an alderman could now be considered as a full-time professional career. The changes had been introduced over ten years ago and the Netherlands had no intention of returning to the previous system. In a previous recommendation, the Congress had recommended changing the system for the appointment of mayors. That would require an amendment to the Constitution approved by a two-thirds majority. For the time being, the Netherlands had reached the first stage of this reform. Only after that could they consider which system for the appointment of mayors was best.

A second major change concerned the decentralisation of a number of key aspects of the Dutch welfare state: healthcare, juvenile welfare and employment policy, including unemployment benefit. When a household was in difficulty, several factors usually came into play at the same time. The Dutch authorities thought that these factors could be best dealt with by the first tier of government, in other words the municipalities. Those tasks had therefore been delegated to the municipal level, which was what the municipalities had been asking for many years. For example, if an elderly person could no longer live at home alone and if no steps were taken to provide assistance, the person concerned would have to move to an institution, whereas that was not what they wanted and was expensive for the state. If there was an appropriate municipal budget, it could be used to deal with the problem at local level. This major change would come into force in January 2015, and during 2014 this responsibility could be gradually transferred to the municipalities.

This reform entailed many changes, some of which were not yet visible. For example, municipalities used to be more concerned with physical aspects such as the construction of housing but were less involved in social issues. As from January 2015, social affairs would be one of the core responsibilities of the municipalities.

This transfer of powers and responsibilities had an impact on the level of democratic control. The Ministry of the Interior had set up a programme to help the members of municipal councils to increase the amount of democratic control they exercised. They were given help in the form of expertise and training. The question was whether the municipalities were capable of assuming these new responsibilities. Some municipalities were quite small and the smallest one had only 800 inhabitants. It would be extremely difficult for municipalities of that size to manage healthcare or social affairs. There were two possible solutions. Some towns had decided to merge. The government did not force the municipalities to merge but the number of municipalities had decreased from 1,200 some fifty years ago to 400 currently. The ministry supported municipalities which decided to merge. The second solution was for municipalities to work together in specific areas. There was a legislative framework for such collaboration but it was currently being reviewed to improve transparency and the level of democratic control in this type of situation.

Such a reform meant that the government had to learn to hand over its responsibilities. Citizens should no longer take problems at local level to the ministry but to the aldermen. The increased responsibilities for municipalities would also have consequences for the intermediate level of government, in other words the provinces. There were 12 provinces in the Netherlands. Some issues, for example, town planning, had to be dealt with on a larger scale. The government would therefore like some provinces to merge. In the western part of the Netherlands, it seemed a good idea that the three provinces, including Utrecht, should merge. This project had existed for 15 years and had often been the subject of debate. There had even been talk of merging Rotterdam and The Hague but that would mean that half of the Dutch population would be living in one single province, leading to an imbalance between the different provinces. The government was currently preparing draft legislation to merge the northern provinces and was continuing to consider what should be done in the remainder of the country. The intermediate level, thus reformed, would be better able to fulfil its key role.

He then talked about relations between the different tiers of government. The Netherlands was about to launch one of the most wide-ranging reforms in the field of public administration in the last thirty years. The latest equally wide-ranging reform concerned the "Europeanisation" of the country to incorporate the European level above the national level. He underlined the importance of having a good code of inter-administrative relations. Relations between the different levels of government (central government, the provinces and the municipalities) were not based on a hierarchical principle: the different bodies had to participate in the preparation of joint policies. This reform had to be carried out at a reasonable pace and within the framework of a consistent schedule.

He also referred to the rapporteurs' recommendation on local taxation. In the Netherlands, the municipalities received substantial funds from the national level as income tax and VAT were relatively high compared to neighbouring countries. He assured members of the Congress that its recommendations would be taken into consideration but that it was important to avoid raising the level of taxation in the country. It was therefore necessary to consider reducing the level of taxation at national level, i.e. income tax and VAT and to reduce the fixed amounts which the municipalities received and accept that they raise their levels of taxation. Municipalities would then effectively have more possibilities for taking action. However, in a period of zero growth, such a reform would require major changes and might increase inequalities between households. He thought that such changes could only be made in a period of economic growth. They therefore needed to wait for a better time to introduce such a reform and decide on the fairest system of taxation.

Lastly, he addressed the issue of human rights, which could not be treated separately from that of local authorities. It was a question of how freely citizens could play their role and how to ensure an adequate level of protection. The violation of human rights was often associated with extremely serious situations, and people generally agreed that such violations did not exist in their own country. Nevertheless, the issue of human rights was important in the Netherlands. One example was respect for privacy, which was a human right and was mentioned in the Constitution. Recently, following the revelations of a security agency, a major debate had taken place in the Netherlands on striking a balance between respect for privacy and the need to safeguard national security. The second issue was that of discrimination. Article 1 of the Netherlands Constitution stipulated that all citizens were equal and that no one should be discriminated against on grounds of their race, religion, or origin or on any other grounds. This issue was the subject of a wide-ranging debate in national politics in the Netherlands and such discussions were not likely to go away.

A national action plan for human rights had been launched in December 2013 and infrastructure had been put in place to address such issues. However, as a result of the decentralisation of many of the social protection mechanisms, municipalities had to take decisions in this area. He took as an example a 15 year-old boy who has committed offences bordering on crime. It might be useful to know that his father was an alcoholic and that the family was facing real difficulties. However, such information also concerned the family's privacy and certain limits had to be respected when providing social assistance. The law-makers had to be very careful when dealing with such issues. The Association of Netherlands municipalities had set up a human rights unit and work was being carried out together with universities and Amnesty International. He had forwarded the national action plan for human rights to Mr Muižnieks, the Council of Europe Commissioner for Human Rights. He would address the Dutch Parliament on the subject of this plan on 10 April.

He thanked the President of the Congress for giving him the opportunity to share some of his views on the report presented to the Congress. He was prepared to reply to any questions members of the Assembly might have.

ORAL REPLY TO WRITTEN QUESTIONS

The PRESIDENT announced that five questions had been submitted by members of the Congress.

Jakob (Jos) WIENEN (Netherlands, L, EPP/CCE) first thanked the rapporteurs, the expert and the secretariat for the excellent work they had done. He was pleased to have heard the minister's overview of the situation and asked him how he intended to implement the recommendations set out in the report, in particular the recommendation concerning the need to broaden the tax base of the municipalities. The minister had said that he thought this reform should be carried out during a period of economic growth. However, given the time required to prepare the necessary legislation on this subject, should the government not start now, particularly given its optimism about the country's economic recovery?

Leen VERBEEK (Netherlands, R, SOC) noted, further to the remarks made by Mr Wienen, that the Congress report referred to an imbalance not only between central government and the local and regional authorities but also between the different tiers of local authorities themselves. He thought that it was necessary to imbed the principle of local self-government in the Constitution. He asked the minister what action he intended to take to redress the balance.

Ronald PLASTERK said that he wished to clarify his comments concerning the broadening of the tax base of the municipalities. It was not a good idea in a period of zero growth to either raise local taxes or make major changes to tax legislation. It would be possible to study the different possibilities once the economic situation had improved. For example, it might be possible to replace income tax by other taxes, for example local property or waste disposal tax. The political groups also had different views on which was the fairest tax system. In the Netherlands, taxation was progressive, which might no longer be the case if other types of taxes were introduced. However, the Dutch government had no intention of making major changes to the tax code in the coming years.

Ronald Plasterk then replied to Mr Verbeek's question concerning the imbalance between central government and local and regional authorities and between the different tiers of local and regional authorities. As a result of the strengthening of the municipalities and the growing influence of Europe, the provinces were likely to lose some of their powers and responsibilities and they ought to pay close attention to this. There were also differences between the provinces, particularly because some of them had been able to sell off electricity corporations, with the result that some provinces were now very rich while others were less so. The redistribution of wealth by central government could be incompatible with respect for local self-government. The issue was therefore a difficult one and he was not in a position to make any final statements about what the government might decide to do in this area.

Alexander BORISOV (Russian Federation, R, EPP/CCE) regretted that the report on local self-government in the Netherlands did not give enough attention to the non-European territories of the Netherlands. He referred to the referendum which had taken place on some islands, in particular Curaçao. He asked what impact these changes had had on the socio-economic situation of these islands.

Ronald PLASTERK said that three of the six Caribbean islands belonged to the Netherlands and the three others were independent countries attached to the Kingdom of the Netherlands. All of the islands could hold a referendum at any time if they wished to distance themselves further from the Netherlands. On the other hand, the Netherlands were bound by their obligations as a former colonial power. Aruba or other islands could decide to leave the Netherlands if they so wished, as Surinam had done a few years previously.

Artur TORRES PEREIRA (Portugal, L, EPP/CCE) thanked the minister for his very fine analysis of the report. He mentioned again the difference in wealth of the different provinces, given that some held bonds in electricity companies while others did not. Did the government not have any way of putting an end to these inequalities so that all provinces were in a position to fulfil their duties?

Ronald PLASTERK, said that, technically speaking, it would be possible to take account of the relative prosperity of the different provinces when transferring funds to them. Such a reform would, however, require consensus. Some provinces might object if they had chosen to keep their money and not to spend it. They did not wish to be penalised. The redistribution of wealth between the provinces was a thorny issue. He said he would discuss the Congress recommendations with all parties concerned.

Anders KNAPE (Sweden, L, EPP/CCE) wished to know how consultation mechanisms between central government and the other levels of government functioned in the Netherlands. A debate would be held in the Congress on this subject as such a consultation process was required under the European Charter of Local Self-Government. However, in times of economic difficulties, such a process was often weakened and central government took decisions which had consequences for the local and regional levels without prior consultation.

Ronald PLASTERK said that in the Netherlands, such consultation was obligatory. The government could not submit draft legislation to parliament that would have an impact on local or regional authorities without first having consulted those authorities. If central government were to do that, the representatives of the municipalities and provinces would immediately submit their objections to parliament. Exceptions were however possible when the parliament wished to make amendments to draft legislation.

The PRESIDENT thanked the minister for his contribution and for having replied to the questions put by members of the Congress. He also thanked the Dutch Ambassador for attending and for her co-operation with the Congress.

4. LOCAL AND REGIONAL DEMOCRACY IN THE UNITED KINGDOM

[CG(26)10PROV]
[CG(26)10AMDTREV]
[CG(26)16]

The PRESIDENT gave the floor to the two rapporteurs to present the situation of local and regional democracy in the United Kingdom.

Angelika KORDFELDER (Germany, L, SOC), rapporteur, said that she had made the monitoring visit to the United Kingdom in the company of Alexander Uss, rapporteur for the Chamber of Regions. The delegation of the Congress had been assisted by Professor Jens Woelk, member of the Group of Independent Experts on the European Charter of Local Self-Government. She thanked him for his work and all those who had helped prepare the report. She also thanked the representatives of the United Kingdom to the Congress and the UK authorities, who had given the delegation a warm welcome. She was particularly pleased to welcome Lady Stowell to the session.

Two visits had been made in May and November 2013. The delegation had met elected representatives in England and Scotland, then representatives from various ministries, as well elected representatives of Wales and Northern Ireland. She had visited London, Leeds, Edinburgh and Cardiff. In London she had visited two different boroughs: Hackney and Westminster. In Edinburgh, the delegation had met the 32 municipal councillors.

The United Kingdom was made up of four countries, each of them with their own distinctive territorial and cultural features. The Congress recommendations should therefore take account of the powers and responsibilities of not only the United Kingdom but also of Wales, Scotland and Northern Ireland. The situation had improved since the first monitoring visit, partly thanks to the process of devolution. In 2011 important changes had been made, which had given more powers to the local authorities. The United Kingdom could actually be considered to be made up of five countries, since Greater London was a phenomenon in itself. It was an economic driving force for the entire country and was the equivalent of what would be considered a region in other countries.

Generally speaking, local authorities in the United Kingdom complied with the obligations assumed under the European Charter of Local Self-Government. Admittedly, there were some problems with regard to funding but local authorities everywhere were currently confronted with this problem. She wished to highlight the fact that the local authorities associations were strong, active and dynamic. There were, however, some issues which were a cause for concern. The UK had a specific legal system and there was no written constitution and no legal guarantees for the principle of local self-government. The local authorities associations had discussed the possibility of introducing a *Magna Carta* for local authorities, a common framework which would lay down and highlight the fundamental principles of local self-government. A parliamentary committee had presented appropriate proposals and other associations had underlined the advantages of entrenching local authorities in the relevant legislation.

The second issue concerned local and regional authority finances, which did not have a sufficiently diversified base. As a result of budgetary restrictions, municipal councils had had to cut their budget by 33 % under the current parliament. The high rate of indebtedness added to local authorities' difficulties. The situation posed a problem under Article 9 of the Charter.

Another issue was that there was no one body responsible for local authorities, so they depended on different ministries, which posed considerable limits on how local authorities should spend their money and manage their affairs. Any such oversight needed to be proportionate.

Alexander USS (Russian Federation, R, EPP/CCE), rapporteur, thanked the Congress for giving him the possibility to take part in this extremely interesting monitoring visit. Ms Kordfelder and he came from vast countries with a complex administrative system, which had undoubtedly enabled them to understand the situation in the United Kingdom but also to draw lessons for their own countries.

One of the aspects which appeared to be the most problematic in the organisation of powers and responsibilities in the United Kingdom was the absence of a single approach. The recommendation advocated ensuring more consistency and formalising the principles and mechanics of the relationship between central and local government. To this end, it was possible to take as a basis the European Charter of Local Self-Government and the numerous proposals drawn up by the United Kingdom itself, by the associations of local authorities and by the various chambers. The rapporteurs welcomed the relations between central government and Scotland, Northern Ireland and the other territories. Their accumulated experience had no doubt helped to overcome extremely difficult contradictions. Nevertheless, the situation of local and regional democracy could still be improved.

The government needed to take a number of measures to ease the financial burden on local and regional authorities and to extend their powers. Moreover, the role of the local councils needed to be reconsidered and citizen participation in the development of local democracy needed to be improved. The government had taken steps to reduce the supervision that central government exercised over the activities of local and regional authorities. However, many local leaders thought that the level of supervision was still too great. The recommendation therefore contained recommendations for reducing the level of interference.

The rapporteurs had examined the implementation of the United Kingdom's obligations since the signature of the Charter. It appeared that there were no further obstacles to lifting the reservations which had been made. The rapporteurs also recommended that the UK sign and ratify the additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, and the additional Protocol to the European Framework Convention on Transfrontier Co-operation.

He wished to underline the fact that local and regional democracy in the United Kingdom was unique, which was a result of the country's history and the particular features of English law. He encouraged the representatives of the United Kingdom and of Scotland, Northern Ireland, England and Wales to draw even more on European experience.

The PRESIDENT opened the debate.

John WARMISHAM (United Kingdom, L, SOC) said that the United Kingdom had been one of the founding members of the Council of Europe in 1949. The UK delegation was committed to upholding democratic principles and it thanked the rapporteurs for their excellent and well-balanced report. It was pleased that the rapporteurs had found that the United Kingdom complied with the Charter. Since the last visit by a delegation of the Congress, there had been fewer inspections and audits, and devolution had progressed, in particular since 2010. The report explained the way the system in the four nations of the United Kingdom had evolved over time and drew attention to a number of weak points, particularly where funding was concerned. The rapporteurs recommended even more decentralisation. John Warmisham said that the British representatives were prepared to accept the challenges of the report. The report could help to improve the system of local self-government. The British delegation was fully prepared to work together with other members of the Congress to this end. John Warmisham hoped that the minister would respond positively to this offer of co-operation.

Nigel MERMAGEN (United Kingdom, L, ILDG) also congratulated the rapporteurs. There was no doubt that the system of local authorities in the United Kingdom was the most complex in Europe. At the same time it was the most centralised country in Europe. He concurred with the conclusions of the report as did all of his colleagues and the representatives of all political parties to whom he had spoken. However, he felt that not enough attention had been given to the specific problems of England and particularly those relating to small towns and rural villages and the very cumbersome three-tier system: counties, districts and towns or parishes. Half of his contacts with the public as a district

councillor concerned areas for which the county or the town and not the district was responsible. This clearly showed just how complex the administrative situation was for the public, and even for some less experienced elected representatives. He underlined once more the excellent quality of the report and hoped that it would be given wide circulation in the United Kingdom.

Tracey SIMPSON-LAING (United Kingdom, R, SOC) said that she fully shared the co-rapporteurs' analysis and that all of the political parties agreed. Since 1998 progress had admittedly been made but some steps backward had also been taken. She approved the conclusions pointing out that the principle of local self-government needed to be recognised in the Constitution. This formalisation would be a good idea but was not possible for the time being. There were 142 bodies responsible for supervising local authorities in the UK. Local and regional authorities had only limited powers and very often they received directives from central government. The system needed to be streamlined to enable it to work more effectively.

As far as funding was concerned, a number of suggestions for improvement had been made in the United Kingdom but real progress was still limited. Local and regional authorities were encountering growing difficulties. The salaries and the pension rights of local elected representatives were limited and they were obliged to have part-time work elsewhere and often worked 60 hours a week without receiving recognition that was proportional to the work they did. This was a matter that needed to be examined. The council for which she worked, for example, had undergone budgetary cuts of several million pounds sterling without having the possibility of increasing local taxes. The principles of the Charter concerning the financial autonomy of local authorities had been flouted. The report was excellent and she hoped that the British government would accept its conclusions. Fifteen years had passed between the Congress monitoring visits and she thought that reports ought to be made more often.

The PRESIDENT gave the floor to the co-rapporteurs.

Angelika KORDFELDER said that the rapporteurs' visit to the United Kingdom had been very instructive but too short to be able to examine an extremely complex system in detail. With regard to the question concerning the status of the mayors, Angelika Kordfelder said that she was confident with regard to this issue and that she thought the Congress' activities could continue to make contributions in this area.

The PRESIDENT invited the Chair of the Monitoring Committee to take the floor.

Lars O. MOLIN said that the report had been presented to the Monitoring Committee on 19 February and approved with no amendments.

The PRESIDENT proposed that they proceed to examine the draft recommendation, in respect of which six amendments had been tabled.

Mairi EVANS (United Kingdom, L, NR) explained that she agreed with the recommendations set out in the report and that the only aim of amendments No. 1 to No. 5 was to clarify some factual points. For example, Amendment No. 1 aimed to clarify the fact that company tax had not been transferred to the local authorities in an adequate manner everywhere.

The PRESIDENT did not note any objections to the amendment.

Angelika KORDFELDER supported the amendment, which clarified the text of the recommendation.

Lars O. MOLIN, Chair of the Monitoring Committee, also supported the amendment.

The PRESIDENT put Amendment No. 1 to the vote.

Amendment No. 1 was adopted.

Mairi EVANS presented Amendment No. 2. It referred to an example concerning Scotland where local authorities have to establish a partnership with private bodies in certain fields. This innovatory approach went beyond simple co-operation or consultation and could constitute an example of good practice for the United Kingdom or for other states.

The PRESIDENT did not note any objections to this amendment.

Angelika KORDFELDER said that she opposed this amendment. Even if it provided interesting information, there were already many such positive examples in the report and it did not seem useful to add this sentence.

Lars O. MOLIN agreed with the rapporteur.

The PRESIDENT put Amendment No. 2 to the vote.

Amendment No. 2 was rejected.

Mairi EVANS (United Kingdom, L, NR) presented Amendment No. 3, which was aimed at adding to paragraph 6.a. a reference to parliaments which had their own powers. If the Charter were not incorporated by both the British Parliament and the Scottish parliament, it would not apply in Scotland.

The PRESIDENT did not note any objections to the amendment.

Angelika KORDFELDER supported the amendment which clarified the text.

Lars O. MOLIN was also in favour.

The PRESIDENT put Amendment No. 3 to the vote.

Amendment No. 3 was adopted.

Mairi EVANS presented Amendment No. 4. In paragraph 6.b, the aim was to point out that the partnership approach should include European legislation directly affecting local authorities.

The PRESIDENT asked if any members of the Congress wished to speak against the amendment.

Andrew BOFF (United Kingdom, R, ECR) pointed out that the report was not entirely about Scotland. A reference to the European Union did not seem to be useful either insofar as the monitoring visits concerned member countries of the Council of Europe irrespective of whether or not they were members of the European Union.

Angelika KORDFELDER rejected the amendment. European legislation was incorporated into domestic law and there was therefore no need to mention it. If the European provisions were not part of domestic legislation, this aspect would not come within the scope of application of the Charter.

Lars O. MOLIN also opposed the amendment.

The PRESIDENT put Amendment No. 4 to the vote.

Amendment No. 4 was rejected.

Mairi EVANS presented Amendment No. 5, to make it clear that the reason for widening the base of local taxation was to bring it into line with the services offered by local authorities.

The PRESIDENT did not note any object to the amendment.

Angelika KORDFELDER supported the amendment.

Lars O. MOLIN was also in favour.

The PRESIDENT put Amendment No. 5 to the vote.

Amendment No. 5 was adopted.

The PRESIDENT put the amended draft recommendation to the vote.

The draft recommendation set out in Document [CG(26)10PROV], as amended, was adopted.

ADDRESS BY BARONNESS STOWELL OF BEESTON, PARLIAMENTARY UNDER-SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT, UNITED KINGDOM

The PRESIDENT welcomed Baroness Stowell of Beeston, who had been Under-Secretary of State since 2011 at the Ministry of Communities and Local Government. Prior to that she had been Head of Corporate Affairs for the BBC and had also worked at the Ministry of Defence. The United Kingdom had signed the European Charter of Local Self-government in 1997 and had ratified it in 1998. The first recommendation in response to a Congress monitoring report had been adopted in 1998. Since that date, important changes had taken place with the devolution of powers to the constitutive entities of the country and legislative changes had been made to local authorities. The President invited Baroness Stowell of Beeston to inform the members of the Congress of the current situation and perspectives of local democracy. Her presence illustrated the spirit of co-operation between the United Kingdom and the Congress.

Baroness STOWELL OF BEESTON was very pleased to have the opportunity to take part in an “exchange of views” with the members of the Congress. The practice of open and free debate was essential to European democratic traditions. All the participants had the same objective, the well-being and prosperity of the 820 million people living in the 47 member states of the Council of Europe. The Council of Europe had a proud record of promoting the fundamental principles underpinning European societies, in other words human rights, democracy and the rule of law. Recent events had clearly shown the importance of the Congress’ work in the field of local and regional democracy. The United Kingdom supported the process which consisted in monitoring the state of local and regional democracy in each member state in turn. To be worthwhile the process had to be implemented in accordance with accurate and detailed arrangements and should be supported by all states concerned. The monitoring should not only concern the status of elected representatives or the powers of specific institutions but subjects which would make a difference to the prosperity and well-being of ordinary people. This was the angle from which the British government wished to consider the report that had just been presented to the Congress.

She said she had been very pleased to meet the rapporteurs in London and that she had appreciated their professional and careful work. The government agreed with some of the proposals in the recommendation, and were more reserved about others.

She first mentioned the points on which there was consensus. The government welcomed the conclusion in the report that “the United Kingdom, in general, complied with the obligations taken under the Charter and that the situation had improved since the United Kingdom ratified the Charter in 1998, notably through the devolution process”. The British government was in favour of devolution, which consisted in bringing government closer to the grassroots. A change to the relevant legislation in 2012 had therefore led to the transfer of powers and responsibilities to the local authorities, giving them more autonomy. Fiscal powers had been transferred to Scotland, and the previous week a law had been introduced to enable the transfer of tax-raising powers to Wales.

Baroness Stowell of Beeston then said that a number of points in the recommendation concerned the role of local authority councils. A large number of control measures had been transferred from central to local level but the government thought it was necessary to maintain robust inspection and intervention regimes on some issues, namely providing care for the vulnerable, children, the elderly and people with disabilities. This was an essential task and the government did not intend to change its policy in this respect. The control exercised by the government was proportionate to the objectives and the changes suggested in the recommendation did not currently appear to be justified.

She then addressed the points in the recommendation where there was greatest disagreement with the report, namely local council finance. According to the report, local governments, particularly in England, had insufficient funding. The government did not consider changes to be necessary in this field. An increase in local and regional authorities’ income would mean more local taxes to the detriment of hardworking local business and families. Every part of the public sector had to do their bit to pay off the unprecedented budget deficit, including local authorities, which accounted for a quarter of all public spending. The government had radically reformed the public financing system and had encouraged councils to be less reliant on state subsidies, to create employment and build homes and raise their own income in ways that were good for economic growth. She believed that in order to improve public services, local authorities needed to radically re-engineer how they went about their business by co-operating with one another and with partners in the private and public sectors. Some councils were doing all this and public satisfaction with council services had increased. At the same time, the amount people were paying in local property tax had fallen in real terms. This was a fantastic step forward and it was important to take account of the facts and of citizens’ expectations.

She regretted that the monitoring exercise, which should have ensured that citizens were given a better deal, had focused on the status of municipal councillors. The report suggested that this was linked in some way to citizens’ engagement with local democracy. Being a municipal councillor meant, above all, volunteering to serve the community and contributing to the public affairs of the town or village. Citizens’ respect for elected representatives did not depend on their institutional status but on the way they fulfilled their tasks and the way in which they served the local community. She thought that the UK delegation to the Congress very much reflected these attitudes; its members were very aware of the importance of fulfilling their responsibilities and were very much focused on doing so.

Local elected representatives were the link between service providers and the citizens. In order to be effective, respect for such a role must be earned not imposed by legislation. It was also important that the government work closely with local authorities. Co-operation was essential, but it was not indispensable to put consultation activities on a more institutionalised and legally guaranteed basis, as that would encourage people to concentrate on process instead of on the substance of the co-operation. Such a legal framework was not necessarily of importance in the eyes of the citizens.

Finally, the report raised a familiar issue which she would call an “old-chestnut”: constitutional or legislative recognition of local self-government. This was an alien concept in the United Kingdom and in no way threatened the existence of democratically elected local authorities or compliance with the European Charter of Local Self-Government. The United Kingdom wished to strengthen local government and was doing so through a process of gradual reform, to make a reality of localism.

In conclusion, she thought that it was important for citizens that the process of monitoring application of the Charter be a practical, well-focused monitoring process. She thanked the rapporteurs again for their professional attitude and their commitment to their work. She stressed the importance of the role of local elected representatives, which was essential for democracy, and the respect she had for people who had decided to serve their community. She hoped she would have the opportunity to continue the dialogue with the Congress.

ORAL REPLIES TO WRITTEN QUESTIONS

The PRESIDENT said that six questions had been submitted by members of the Congress.

Nigel MERMAGEN (United Kingdom, L, ILDG) thanked the Minister for her contribution. He referred to several articles in the British press claiming that, after reading the Congress report, government leaders had said that municipal councillors should cut down on the waste, modernise services and maintain local taxes at a low level. Was it fair to impose such a burden on local authorities who were confronted with budget cuts amounting to billions of pounds? Could local authorities deliver quality services with such limited resources, particularly in England where the majority of the population lived?

Baroness STOWELL OF BEESTON said that the key role of local authorities was to provide an acceptable level of services to people or businesses that paid taxes. The government had decided to go ahead with a freeze on council taxes until 2016. Over 200 municipal councils had frozen local taxes for the coming financial year. It should be remembered that under the previous government, taxpayers had had to pay out considerable amounts in taxes. Councils were now making savings and it was normal that they should help to reduce public deficits. Many councils were addressing the situation in a ground-breaking fashion. Polls carried out among the local inhabitants showed that their level of satisfaction was higher. The local authorities in question were succeeding in providing better services while controlling the amount of taxes they expected local inhabitants to pay.

Merita JEGENI YILDIZ (Turkey, R, EPP/CCE) pointed out that the Association of UK Local Authorities had told the media that the Congress report reflected the situation of local authorities in the United Kingdom and that they needed the Minister's co-operation in implementing the Congress' recommendations. She asked Baroness Stowell of Beeston how she envisaged such co-operation.

Baroness STOWELL OF BEESTON said that her government was co-operating with the Association of Local Authorities. The government had discussed numerous issues with the Association and had taken account of what its representatives had to say in framing its policy. For example, members of the government were working with the Association to introduce a guide on openness at municipal council meetings. There was on-going dialogue with the representatives of local authorities and a number of points in the recommendation would be discussed in detail with the Association of Local Authorities.

Mairi EVANS said that in the press they had heard abundant criticisms by the British government of the value of recommendations set out in the Congress monitoring report, and some of that on the basis of the nationality of the rapporteurs. Most of the recommendations concerning Scotland were the result of various meetings and the evidence submitted by the Scottish government. Scottish elected representatives broadly endorsed the recommendations as part of COSLA's vision on the strengthening of local democracy in Scotland. The United Kingdom had signed the European Charter of Local Self-Government and should have transposed its provisions into domestic law but had still not done so. The United Kingdom was just about the only European country where there was no form of statutory protection of local self-government. The Scottish government wished to implement the Charter in the context of wider local powers and responsibilities but how could it do so when the British government had still not transposed the Charter? She therefore asked Baroness Stowell of Beeston what steps the British government intended to take to ensure that the Charter was properly transposed in Scotland.

Baroness STOWELL OF BEESTON said that the short answer to the question lay in the monitoring report which found that the United Kingdom in general complied with the obligations it had accepted under the Charter. The creation of devolved administrations, since the ratification of the Charter, was an example of the way in which United Kingdom had implemented the Charter provisions over the years. There was no legal obligation to transpose the Charter into domestic law. Laws were enacted at national level wherever necessary to ensure that international obligations were fulfilled. Since 1999 and since the redistribution of powers it had been up to the Scottish government to take the necessary steps. There were no impediments to them putting in place statutory protection of local self-government if they so wished.

Vladimir NOVIKOV (Russian Federation, L, EPP/CCE) wished to have the Minister's opinion on the outcome of the referendum on Scottish independence, which was to be held in September 2014. What might the consequences of such a referendum be for the whole of Great Britain? Would international observers, in particular members of the Congress, be invited to oversee the referendum?

Baroness STOWELL OF BEESTON said that the process to put in place a referendum on Scottish independence had been agreed between the Scottish and UK governments. The referendum was therefore part of a peaceful process and was taking place in a context of open debate. As to the consequences that the referendum might have, the British government thought that Scotland currently had stability and certainty; its independence would mean uncertainty and would be expensive. The Scots should listen to the warnings issued by major employers in Scotland, such as BP and Shell. The UK government strongly supported the role of international observers in ensuring free elections around the world. Observers were therefore regularly invited to oversee elections and referendums taking place in the United Kingdom. The government was already considering the question in co-operation with the Scottish government.

Alexander SOKOLOV (Russian Federation, L, EPP/CCE) asked what the Minister thought about the situation in Northern Ireland, in particular in terms of security. 30 acts of terrorism had taken place in Ulster in 2013. He asked her what she thought of the initiative taken by Mr Hain, former Secretary of State for Northern Ireland, who had come out in favour of the amnesty for British soldiers who had taken part in the *Bloody Sunday* shootings.

Baroness STOWELL OF BEESTON replied that, since the devolution of policing and justice responsibilities to Northern Ireland in 2010, power was now shared with the Irish government in keeping with the 1988 Good Friday agreement. The current government, like its predecessors, strongly supported the power-sharing executive. Northern Ireland was a different place and no longer corresponded to the images of violence that seemed to remain in some people's minds. It had been able to host the G8 summit in 2013 as well as other events and in May it would be hosting the opening stages of the Giro d'Italia 2014. With the support of the UK and the Irish governments, the political parties in Northern Ireland were seeking to face up to questions to do with the past. This had led to the early release of some paramilitary prisoners but there had been no amnesty, for either former members of the security forces or any other persons who had taken part in paramilitary organisations. Mr Hain's remarks had been made in a personal capacity.

Tracey SIMPSON-LAING asked Baroness Stowell of Beeston on what basis the UK government did not agree with the present recommendations of the Congress, as well as with those outstanding from 1998, whereas all political parties had agreed with the reports, in particular on the paragraphs concerning the recent removal of pension rights and the government's refusal to re-evaluate the increased responsibilities of local elected representatives. If the government believed that the information set out in the report was wrong, could it justify its position to the persons who had provided the rapporteurs with this information? She also asked what plans had been made to solve the problems of conformity raised in the report.

Baroness STOWELL OF BEESTON repeated that the government disagreed with two key points in the report: local council funding and the role and status of elected representatives. The difference of views on these issues was, however, part of normal democratic debate. She stressed the fact that central government supported and recognised the important work that local councillors did in their communities. The flooding in recent months was an excellent example of the important role played by local authorities. Nevertheless, the role of local councillor was not the equivalent of a public service employee. It was not appropriate for people in this role to receive payment and pension rights. The financial settlement prepared by the government was fair to all parts of the country. Local authority funding was part of the effort to increase economic growth, employment and prosperity. There had been fundamental changes in the way local authorities were now financed, which entailed a change in the way they fulfilled their mission. Nevertheless, the talent and commitment was still there in local authorities to deliver these services. Most citizens thought that their municipal councillors were doing an excellent job. She concluded by congratulating all elected representatives who worked hard to serve their electorate.

The PRESIDENT thanked Baroness Stowell of Beeston for attending the session and for the fruitful discussions.

Anders KNAPE (Sweden, L, EPP/CCE), Vice-President of the Congress, took over the chair at 5. 20 p.m.

5. EMPOWERING ROMA YOUTH THROUGH PARTICIPATION: EFFECTIVE POLICY DESIGN AT LOCAL AND REGIONAL LEVELS

[CG(26)8PROV]

The PRESIDENT said that a report had been prepared on effective policy design at local and regional level with a view to empowering young Roma through participation.

Inger LINGE (Sweden, R, EPP/CCE), rapporteur, said that one of the slogans the Roma Youth Conference in 2011 had been "nothing for them without them!". The rapporteurs had also adopted this slogan for their report and had consequently met representatives of the Roma youth movement. In June 2013, the Current Affairs Committee had also held a meeting in Ankara with six young Roma from different parts of Europe. She herself had attended the Roma Youth Conference in Prague, where she had heard words like discrimination, anti-gypsyism, segregation and social exclusion many times. The speeches had also referred to the empowerment of Roma youth, political participation, engagement and responsibilities. The difference between reality and wishes was evident but the rapporteurs hoped that one day, sooner rather than later, these wishes would become reality. The report they were looking at was a first step in this direction.

The report identified a number of obstacles which prevented young people Roma from becoming active citizens: they did not have full access to social rights such as the right to employment, education, housing, and healthcare, whereas all of these rights were protected by the Council of Europe Social Charter. The report focused in particular on education and employment. In her address, Madame Anne Brasseur, President of the Parliamentary Assembly, had underlined the importance of education. The regional authorities needed to ensure that young Roma people attended school regularly. It was also essential to address the problem of bullying and to challenge non-inclusive practices. At the same time, work needed to be done with Roma parents so that they understood their rights and their duties towards their children. Policies also needed to be put in place to promote access to employment. Gainful employment was the first step towards autonomy and independence. It was also necessary to take account of the fact that European societies were ageing societies with declining fertility rates, whereas the Roma population was growing. The proportion of young Roma

who would join the labour force was therefore bound to increase, thereby increasing government revenue. The resolution presented to the Congress included guidelines for local and regional authorities.

John WARMISHAM (United Kingdom, L, SOC), rapporteur, said that the Roma people had faced a long history of discrimination and disadvantage. In 2010, Mr Jagland, Secretary General of the Council of Europe, had convened a high-level meeting to discuss the situation of the Roma. The ensuing Strasbourg declaration had concluded that the primary responsibility for promoting the inclusion of the Roma lay with national, regional and especially local authorities.

The Congress had responded to these conclusions in two ways. It had prepared a report on “the situation of the Roma in Europe, a challenge for local and regional authorities”, with recommendations on how to combat social exclusion and anti-gypsyism. And it had organised the Summit of Mayors for Roma, which had led to the establishment of the European Alliance of Cities and Regions for Roma inclusion. At the same time, 60 young Roma activists were meeting at the European Youth Centre to identify priorities for action to improve their situation.

There were some 12 million Roma living in Europe. The 4 million young Roma were faced with an even more difficult situation. They faced the same discrimination as their elders but they sometimes also had to cope with the weight of securely anchored traditions. Moreover, they were confronted with the same problems as other young people (employment, social and economic exclusion, difficult transitions to adulthood, and an uncertain future); these problems were exacerbated by the fact that they were Roma. One could not start to imagine what it was like to be a young Roma and special consideration should be given to particularly vulnerable groups among Roma youth, such as people with disabilities, LGBT persons or young women.

Over the previous few months, the rapporteurs had seized every opportunity to discuss with young Roma the difficulties they faced and to find out what they expected from local and regional authorities. When it came to implementing policies to foster the integration of Roma, the only missing element was political will. No politician wanted to adopt policies which might result in a loss of votes at elections. Nevertheless, it was necessary to frame policies to combat the negative attitude of citizens, which was rooted in ignorance. The time had come to help their fellow citizens understand that policies to empower Roma would be beneficial to everyone. Young Roma wished to live in an environment free of discrimination and to be able to feel confident about their future prospects. It was also necessary to help young Roma appreciate their plural cultural backgrounds: these young people were both members of the Roma communities and citizens of their countries.

He called on local and regional elected representatives to put such policies in place and on the European Alliance of Cities and Regions for Roma to lead by example in this respect. The report presented to the Congress focused on five main issues: improving young Roma's access to social rights, combating anti-Gypsyism and discrimination, empowering Roma youth, promoting their active citizenship and strengthening the Roma youth movement.

It was difficult for young Roma to find their way. Roma communities were often faced with hostility and discrimination. At the same time Roma traditions often clashed with the human rights standards Roma youth strived to defend. There was also discrimination within Roma communities, for example against homosexuals, who were rejected by various Roma groups. There were also tensions within the many Roma communities. The rapporteurs had been very impressed by the young Roma they had met and who were working to improve the situation by co-operating with Roma communities and the public authorities. They understood the need to create links between Roma and non-Roma youth and realised that policies should concern all young people and not deal exclusively with their concerns.

John Warmisham said that the task before local and regional elected representatives was considerable. It had to be undertaken in co-operation with young Roma who took their responsibilities to heart. He hoped that all young Roma would shoulder their responsibilities and help the Congress to empower them.

ADDRESS BY ORHAN USEIN, PROGRAMME CO-ORDINATOR, DECADE OF ROMA INCLUSION FOUNDATION

The PRESIDENT welcomed Mr Orhan Usein, a volunteer who had worked for several NGOs in the Former Yugoslav Republic of Macedonia, mostly dealing with youth activists and project management. He had been an intern at the Foundation for Roma Education, the European Roma Rights Center and the European Commission, where he had conducted desk research to assess the needs of the Roma population. In 2012, He had received a scholarship from the Lantos Foundation to work in the US House of Representatives, where he drafted several declarations on the situation of Roma in Europe. He had been a member of the Advisory Council for Youth at the Council of Europe from 2012 to 2013. He was currently working for the Decade of Roma Inclusion 2005-2015, where he was co-ordinating several programmes and events. As part of this mission, he co-operated with the governments participating in these programmes and with international stakeholders. He provided support for the Decade presidency and represented the secretariat of this organisation at national and international events.

Orhan USEIN thanked the Congress for inviting him to address them as it gave him the opportunity, as a young Roma, to talk about the importance of policies targeting young Roma. Active participation by young Roma in international initiatives had been advocated by many youth leaders and networks, including the FERYP and the TernYpe, which thought that, as future leaders of Roma communities, they should be involved in the design and implementation of tailor-made policies concerning these communities at local, regional and national levels. The Roma population was, on the whole, younger than other ethnic groups in Europe, as the average age in Roma communities was 25, whereas that of non-Roma was 40.

The challenges which initiatives like the Decade of Roma Inclusion and the EU Framework for National Roma Integration Strategies aimed to address therefore mainly affected the young generations. Roma youth had become a priority for the Decade of Roma Inclusion since the Croatian presidency had acknowledged the need of giving young Roma a voice. However, the national Roma integration strategies of EU member states paid little attention to the specific needs of young Roma. For example, while the European Union strongly encouraged structured dialogue between youth organisations and individuals on the one hand, and policy makers on the other, but there had been no such structured dialogue when the EU Framework for National Roma Integration Strategies was set up. There had been no consultations with Roma youth networks to determine specific measures to integrate Roma.

It was however important to specifically target young Roma in the context of measures to support the Roma population, for three reasons. As the majority of Roma were young people, neglecting their particular needs increased their vulnerability. The high level of youth unemployment threatened young Roma's chances of entering the labour market and affected their motivation to pursue higher education, thereby exposing them to social exclusion and poverty. Policies that were aimed at empowering young Roma were therefore of high importance. Moreover, putting in place policies targeting young Roma would encourage their political and civic participation, volunteering, and entrepreneurship, with positive impacts on their integration and their engagement in areas that were of vital importance to the Roma community. Finally, numerous policies to support the Roma would obtain much better results if they were drawn up in co-operation with the representatives of Roma youth. The rate of participation by young Roma in policy-making procedures was very low. It was necessary to consult them with regard to the implementation of action plans. Given that the number of young Roma in higher education was steadily rising, governments needed to take a bottom-up approach giving young Roma the opportunity to make their voice heard and to contribute to decisions concerning them. Fostering policies to support young Roma and engaging them as facilitators of integration, would enhance opportunities for empowerment.

Under the Croatian presidency in June 2013, the Decade of Roma Inclusion had organised a conference giving young Roma and representatives of national youth councils the opportunity to discuss models of active citizen participation and present recommendations to the steering committee of the Decade. The recommendations were as follows:

- to develop non-formal education for drop-out students to allow them to acquire the skills required on the current labour market; it was also necessary to make secondary education compulsory and eliminate school segregation;
- to introduce quality traineeships to open up access to employment, in both the private and public sectors. In the public sector, young Roma would like to be involved in initiatives to support Roma communities;
- to offer young Roma career guidance;
- to invite Roma youth organisations to take part in developing, implementing and evaluating policies in support of Roma at all levels;
- to set up a budget line for Roma initiatives at local and regional levels;
- to develop opportunities for debate among public institutions and young Roma, including by the establishment of national advisory bodies made up of young Roma;
- to promote dialogue between young Roma and non Roma on intercultural tolerance. This required investment in programmes, and training courses needed to be set up with the objective of strengthening identity and the capacity to act as leaders, so that young Roma were encouraged to become active citizens and actors of change.
- to focus on preventing drug abuse, human trafficking and prostitution.

In conclusion, he once again stressed the fact that the Roma population was a relatively young population and that it was impossible to address the subject of Roma integration without listening to what they had to say.

The PRESIDENT thanked the speaker and opened the debate.

DEBATE

Manuela MAHNKE (Germany, R, SOC) said that Roma history was characterised by persecution and migration. During the national-socialist period, the genocide had caused some 500,000 Roma deaths. Germany also assumed its responsibility in combating discrimination against the Roma. As the report pointed out, it was very difficult to be a Roma child. Half of today's Roma were of school age and it was therefore important to ensure that they were educated to ensure their integration. However, there were two opposing interests. On the one hand, the Roma should not be considered differently from others so as to avoid stigmatising them. On the other hand, the Roma population was heterogeneous and as a result of the discrimination against them over decades it was very distrusting of institutions. It was therefore necessary to put in place specific aid to support inclusion so that all communities could be integrated into society.

The Federal State of Bremen wished to ensure that every child was integrated. All children who had difficulties in German received language support so that they could follow lessons like the others. Other integration measures were applied according to individual needs and not for a particular ethnic group. The Federal State of Bremen was aware of the problems encountered by the Roma in particular. So for several years now projects had been put in place for young Roma: regular interviews took place in schools, measures were taken to combat absenteeism and early-school dropout and to improve academic achievement.

Manuela Mahnke concluded that, in the past, the Roma had not been welcome in Europe. This had to change. She called on the members of the Congress to adopt the draft recommendation and resolution and to put it into practice at local and regional level.

Viacheslav ROGOV (Russian Federation, L, ILDG) said that the young generation was the first to suffer the consequences of social and economic difficulties: unemployment, poverty, the impossibility of leading a life of dignity. In the context of its social cohesion activities, the Congress had been trying for some years to enhance its understanding of the situation of young Roma. The draft recommendation and resolution were a first step in this direction.

The Russian population was made up of a large number of ethnic groups. Over 200,000 gypsies were living in Russia. Russia had a social policy aimed at respecting the rights of all citizens, irrespective of their race, ethnic background, religion or language. Discrimination was forbidden under the criminal code. Programmes for the integration of Roma gypsies into society had been already been put in place in the previous century, in the nineteen sixties. The government had decided to create the right conditions for integrating the Roma into society, with the possibility of preserving their traditions while having access to healthcare, education, participation in public affairs, and a place of permanent residence. Roma gypsies currently had the same rights as the other citizens of the Russian Federation. Over 700 associations represented them and conducted educational, cultural and human rights activities. At federal level, a national organisation had been set up in 1969. The President of this organisation was considered to be an eminent figure in inter-regional relations and had been elected to a local council.

There were over 200,000 Roma gypsies living in his town. Roma children went to school, took part in sports activities, continued their studies to higher education level and organised cultural performances. The conditions had to be created to enable Roma children to lead a full life and become fully integrated into society. It was difficult to integrate into society if you were considered different from the others.

Sari JANATUINEN (Finland, L, SOC) said that the situation of young people today was not good. Youth unemployment rates were soaring. A large number of young people were facing social exclusion and poverty. Local and regional elected representatives had to put in place policies which took account of all young people's needs; they could not favour one specific group. With this in mind, she asked what policies might be put in place, which met the needs of both young Roma and other young people?

Ann BESKOW (Sweden, L, SOC) noted that the Roma were steeped in tradition and that, according to Roma activists, these traditions were not always compatible with human rights: domestic violence, forced marriages, etc. These traditions limited the personal development of young Roma, in particular young women and LGBT persons. How might young Roma bring about change in their communities? How could they be empowered so that they could play a role in such developments?

Gaye DOGANOGLU (Turkey, L, EPP/CCE) said that there were several projects in Turkey concerning the social integration of the Roma at local and regional levels. They were based on cultural programmes and training and had had concrete and visible results. For example, the campaign conducted by the regional authority of Kocaeli, in Western Turkey, to foster Roma inclusion, had been awarded the Dosta! Prize at the previous session of the Congress. Kocaeli had set up an education programme to minimise school drop-out rates. Numerous projects had been presented on International Roma Day, with various cultural events designed to foster intercultural dialogue between Roma and non-Roma. The main aim of the programme was to find local solutions and to promote the involvement of local Roma and non-Roma players, NGOs, and local authorities within a sustainable structure.

The PRESIDENT gave the floor to Orhan Usein so that he could reply to the speakers.

Orhan USEIN, replied to the comments concerning the situation of young women and LGBT persons. He referred to cases of discrimination against young Roma within their own community because of their wish to have multiple identities and who found themselves rejected as a result. These issues should be addressed by empowering young Roma, whom he saw as the engine for change. These young people should be given the opportunity not only to promote Roma culture outside but also to introduce new values into the community. It was indeed important not to ignore gender equality issues.

The PRESIDENT gave the floor to the rapporteur.

John WARMISHAM (United Kingdom, L, SOC), rapporteur, thanked the members of the Congress for their support. He stressed the importance of the report and asked them to share the ideas set out in the document with other local and regional authorities to make sure that the issue of Roma inclusion was continually pushed to the top of the agenda. He also thanked Orhan Usein for accepting to address the Congress.

The PRESIDENT closed the debate.

Herwig VAN STAA (Austria, R, EPP/CCE), President of the Congress, took the chair at 5.56 p.m.

The PRESIDENT stressed the importance of the resolution, which had his full support. He regretted that so little had been done to remedy the errors of the past. He urged the members of the Congress to vote unanimously in favour of the text to show clearly that the Congress genuinely wished to apply human rights at local and regional levels.

The President put the draft resolution, for which no amendments had been tabled, to the vote.

The draft resolution set out in Document [CG(26)8PROV] was adopted.

The President put the draft recommendation, for which no amendments had been tabled, to the vote.

The draft recommendation set out in Document [CG(26)8PROV] was adopted.

The sitting was adjourned at 6 p.m.

6. SIGNING CEREMONY OF THE CO-OPERATION AGREEMENT BETWEEN THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES AND THE EUROPEAN FORUM FOR ROMA AND TRAVELLERS

ADDRESS BY HERWIG VAN STAA, PRESIDENT OF THE CONGRESS

Herwig VAN STAA (Austria, R, EPP/CCE), President of the Congress, said that he was very pleased to conclude this co-operation agreement between the European Forum for Roma and Travellers and the Congress of Local and Regional Authorities of the Council of Europe. He fully supported the Forum, whose activities made a major contribution to the efforts made by the Council of Europe and other institutions to promote Roma inclusion and help them obtain full access to their rights.

Since its official launch in 2004, the Forum had taken an active part in the fight for equal rights and against prejudice and discrimination. The Congress of Local and Regional Authorities considered the inclusion of Roma to be a key priority and the relevant policies had to be implemented at local and regional levels to ensure that they were more effective. It was to meet this objective that, in March 2013, the Congress had launched the Alliance of Cities and Regions for Roma Inclusion. This network, committed to exchanging experiences and good practices, already encompassed 122 participating local authorities, in 27 European countries. The Congress and the Alliance supported the implementation of the ROMACT programme, which had been launched in October 2013 by the

Council of Europe and the European Commission to increase Roma participation in the life of the community through inclusive processes. The Forum and the Congress shared many priorities such as empowering women and encouraging the participation of young Roma. Both institutions acknowledged the importance of commemorating the genocide of the Roma, both to honour the victims and contribute to a better understanding of the history of the Roma people. They had already established co-operation relations, for example with regard to the Dosta! prize, which was awarded to local or regional authorities that had implemented innovative initiatives to ensure the long-term inclusion of Roma communities.

He warmly welcomed the conclusion of the co-operation agreement, which strengthened the ties between the two organisations. The Forum would be invited to Congress committee meetings whenever a subject of interest to the Roma community was on the agenda. Representatives of the Forum and the Congress would be invited to conferences and other events organised by one or other of the two bodies on subjects of mutual interest. The Congress would involve the Forum in the preparation and implementation of programmes or draft reports. The secretariats of the Forum and the Congress would exchange public documents on subjects of mutual interest. The European Alliance of Cities and Regions for Roma Inclusion would offer a framework for joint efforts to promote Roma inclusion policies at local and regional levels. The Alliance task force would invite representatives of the Forum to seminars, conferences and all other events it organised.

Herwig van Staa thanked President Kawczynski for communicating the Forum's guide for collaboration with the Council of Europe. It contained very concrete proposals with a view to establishing closer co-operation. He was sure that the co-operation agreement would help the two organisations take more effective action to achieve their common objectives of ensuring that the Roma enjoyed the same rights as all other citizens and could take a full part in public life throughout Europe.

ADDRESS BY RUDKO KAWCZYNSKI, PRESIDENT OF THE EUROPEAN FORUM FOR ROMA AND TRAVELLERS

Rudko KAWCZYNSKI, President of the European Forum of Roma and Travellers said that the problems with which the Roma were confronted began at local and regional levels: it was at the level of cities, towns and villages that children went to school and inhabitants sought housing and employment or healthcare. Rising to the challenges posed by these issues and ensuring social cohesion were part of the everyday duties of local elected representatives. In most European countries, Roma children were placed in special schools and Roma families lived in miserable shanty towns, without any access to healthcare services, and had great difficulty in obtaining employment. Nevertheless, they had the same rights as other citizens.

The European Forum for Roma and Travellers (ERTF) had asked to strengthen its co-operation with the Congress of Local and Regional Authorities, as it was confident that the Congress could help it to improve the living conditions of Roma and ensure their full participation in society. The positive way in which the Congress had responded showed that it was willing to help bring about the desired changes.

Over the past few years, extreme right-wing parties had been targeting the Roma as scapegoats. Roma were the victims of assault and manifestations of hostility in a large number of member states. In many cases, mayors played an important role in protecting the Roma population. He mentioned the ERTF Charter of the Rights of the Roma, which did not claim special rights and privileges for the Roma but simply the right to dignity and respect, just like every other citizen. Improving co-operation with the local authorities, institutions and political leaders would go a long way in achieving this objective. He was confident that the partnership between the Congress of Local and Regional Authorities and European Forum for Roma and Travellers could help make fundamental rights for Roma a reality. He thanked the members of the Congress for their willingness to join forces with the forum and to work in perfect co-operation.

Herwig van Staa and Rudko Kawczynski signed the agreement.

The meeting resumed at 6.18 p.m.

7. THE SITUATION OF LEYLA GÜVEN AND OTHER LOCAL ELECTED REPRESENTATIVES IN DETENTION IN TURKEY

[CG(26)6PROV]
[CG(26)6AMDTREV]

The **PRESIDENT** said that the next item on the agenda was the presentation of the report on the situation of Leyla Güven and other local elected representatives detained in Turkey.

Anders KNAPE (Sweden, L, EPP/CCE), rapporteur, said that the Congress had closely followed the situation of Leyla Güven since her arrest in 2009. At that time she had only recently been appointed a member of the Turkish delegation to the Congress and had spoken at the October session on the situation in South-East Turkey. She was a courageous woman and had paid a heavy price for this courage over the past four years.

The Bureau of the Congress had decided, after the rapporteurs' first visit to Leyla Güven in prison in 2011, to keep the question of her situation on the agenda. In December 2013, a year after having submitted their request to the Turkish authorities, the rapporteurs had once again been allowed to visit her. After having listened to a report on that visit, the Bureau had decided that it was necessary to share the information at a plenary sitting of the Congress. During their last visit, the rapporteurs had noted that the conditions in which Leyla Güven was being held had improved slightly and that her spirit was still strong despite the nightmare she was living. Many people, if they found themselves in the same conditions, would have long have given up all hope.

While the rapporteurs were in Diyarbakir, they had heard people talk about the political and legal situation and in particular the decision handed down by the Constitutional Court, which had led to the release of elected representatives who were being held in detention for the same reasons as Leyla Güven and had passed four years in the same prison. The Court had given two reasons for its decision: the pre-trial detention was excessive and therefore unlawful, and it violated the rights of elected representatives, who could not perform their public duties while in detention. In the rapporteurs' opinion, it was quite clear that both of these reasons also applied to Leyla Güven. The Congress was therefore confronted with a situation where a mayor was being detained against the law of her country. 88 prisoners, including Leyla Güven, had appealed to the Constitutional Court following the release of members of parliament who were being held in detention in the context of the same trial, asking to be granted the same conditions of release. In late December, accusations of corruption at the highest level of government had resulted in a purge of police officers and public prosecutors. The purge was considered to be an attempt by the Turkish authorities to interfere in the investigations into corruption. With regard to Leyla Güven's case, there had been a miscarriage of justice and interference with the basic principles of democracy. The rapporteurs therefore thought it was necessary to send a strong message to the Turkish authorities.

Anders Knappe thanked his co-rapporteur, Leen Verbeek, for his work and also the representatives of the secretariat. He also thanked the members of the Turkish delegation to the Congress for their support during the visit and for the work done in Diyarbakir in December 2014.

Leen VERBEEK (Netherlands, R, SOC), rapporteur, said that he had made two visits to Leyla Güven in prison and that each time he had been impressed by her resolve and her remarkable courage and by her faith in and commitment to the democratic process. Local elections would shortly be held in Turkey, which explained the absence of a number of members of the Turkish delegation at the session. The Congress had been invited too late to observe the elections in Turkey. Leyla Güven was not the only politician in jail in Turkey on political motives, but one among many others. Since the rapporteurs' last visit in December, Turkey had been subject to unprecedented criticism from numerous organisations, including the Council of Europe Commissioner for Human Rights. The government's response to the accusations of corruption had been to remove a large number of judges and public prosecutors and thousands of high-level police officers from their posts. The latest developments in the situation in Turkey constituted a major step backwards. The rapporteurs were convinced that the same forces had been in play for several years but were only now coming out into the open; the situation was very serious.

He hoped that the Congress would take a very firm stand on this issue and that it would have the courage of its convictions. It was obvious that the mass arrests that had begun in 2009 were directly linked to the excellent results obtained by Leyla Güven's party at the elections. Failure to amend the criminal code and the law on terrorism had made it all too easy for Turkish prosecutors to charge the persons concerned with so-called acts of terrorism which were, in reality, political activities that in any other Council of Europe member state would be regarded as perfectly normal. The results of the elections had led to the arrest of hundreds of local leaders. Five years on, many people were still imprisoned. None of them, he said, had been found guilty of any wrongdoing and the judicial procedure was a travesty of democracy. The Congress had been very firm last year when the situation of Leyla Güven had been discussed, considering it had a duty to protect both its former and its current members. All members of the Congress were prepared to uphold the fundamental rights of political leaders and to speak out where necessary. The Congress was a family that did not forget its members when they were in distress. Leyla Güven's situation needed to be raised again and again until the case was resolved. He asked the Bureau to keep Leyla Güven informed of the Congress' actions and statements. He thanked the Turkish delegation for the support it had given the rapporteurs during their visits to Turkey.

The PRESIDENT thanked the rapporteurs and opened the debate.

Jean-Marie BELLIARD (France, R, EPP/CCE) talking on behalf of the French delegation, asked all members of the Congress to support this text to secure Leyla Güven's release. She had been held in pre-trial detention for four years. There were grounds for hope following the Turkish Constitutional court's decision of 4 December 2013, leading to the release of five members of parliament being held in the same circumstances and on the same charges as Leyla Güven. The application to the decision might be extended to all politicians being held on those same grounds. It was essential to support the resolution presented to the Congress in the name of justice. He recalled the debate on human rights which had taken place the previous day. The jurisconsult who had spoken would not have disapproved of this measure. It was a matter of honour for the Council of Europe and the Congress to secure Leyla Güven's release. If she was released, it would be to the honour of the Turkish people, of all Turkey, and of the representatives of the Turkish delegation to the Congress.

Fritz WAGNER (Germany, L, SOC) thanked the rapporteurs for their determination and their dedication in following this case. A year ago, he had spoken on behalf of the German delegation on this issue. Unfortunately the steps taken by the Congress had not led to the release of either Leyla Güven or of the other 71 municipal elected representatives imprisoned in Turkey. In 2014 Leyla Güven would have spent 5 years in prison, whereas under Turkish law such prisoners should be released after five years at the latest. Fritz Wagner asked the Congress to monitor the situation very carefully to ensure that Leyla Güven was indeed released on that date if not sooner. The Congress ought to do everything in its power to put an end to this disproportionate pre-trial detention, for both Leyla Güven and all the others imprisoned on the same charges.

89 towns in Germany had excellent relations with Turkish towns. After Israel, Turkey was the country outside the European Union with the best-established links with German towns. German towns benefited from their closeness to the Turkish community as many Turkish nationals who had settled in Germany made an important contribution to the local economy. He recommended all members of the Congress whose towns were twinned with Turkish towns to write to their counterparts and ask them to intervene in support of their imprisoned colleagues.

Jean-Louis TESTUD (France, L, EPP/CCE) hoped that the vote would have the unanimous support of the Congress. He pointed out that the majority of the elected representatives imprisoned in Turkey were Kurds. Those who had been removed from office had been arbitrarily replaced by members of the majority party in power. The French delegation considered Leyla Güven to still be a member of the Congress. Numerous journalists and lawyers who had defended the cause of the Kurds or who had dared speak out against the government had also been imprisoned. He then mentioned three women who had been assassinated in Paris: Leyla Soylemez, Sakine Cansiz and Fidan Dogan. Fidan Dogan had been accredited with the Congress to represent the Kurdish community. The investigation had recently revealed that the presumed killer had links with the Turkish secret services. The investigators deplored the fact that the Turkish authorities refused to collaborate in the investigation. Grave violations of women's rights, the right to freedom of expression and of human

rights had been reported in Turkey over the last few months. The members of the Congress could only be appalled by this situation given that Turkey had become a country which complied with the Human Rights Convention. He called on the members of the Congress to vote massively in favour of this honest and sincere report.

Devrim CUKUR (Turkey, R, SOC) said that local elections would take place the following weekend in Turkey. He and some of his colleagues would not be standing for election because the municipal council of which he was a member had been disbanded. Other municipal councillors were, like Leyla Güven, also in detention. It was the Council of Europe's duty to defend their right to a fair trial. A large number of political leaders, public officials, members of the armed forces and journalists were currently imprisoned in Turkey. Although new legislation had been enacted in their favour, the problem had still not been resolved.

He regretted that, apart from the discussion on the case of Leyla Güven, the Congress had not responded to other incidents which had taken place in Turkey at local and regional levels. Turkish elected representatives had informed the Congress on this subject on several occasions but had not received its support. A number of mayors in large towns and cities in Turkey could no longer perform their duties because municipal councils had been disbanded in 30 municipalities. The most important powers had been transferred to central government. In protest against these incidents, a demonstration had been organised, during which eight young persons had been killed. The use of Twitter had since been banned. Nevertheless, the elected representatives who had protested had not received any support. He hoped that the Congress would now realise the danger of such actions and thought the Congress and the Council of Europe should be more active in this respect.

The PRESIDENT said that he was obliged to interrupt the speaker as he had exceeded the allotted time.

Osman KIDIK (Turkey, L, EPP/CCE) said that Leyla Güven had been elected mayor of Viranşehir in 2009 and had then become a member of the Turkish delegation to the Council of Europe. She had subsequently been placed in custody in the context of an investigation concerning a terrorist organisation, the PKK. She was still being held in a type E prison. He thought that her imprisonment was not connected to her election as mayor but to her presumed membership of a terrorist organisation. Membership of such an organisation was punishable by law in all countries, and the member states of the Council of Europe also considered the organisation in question to be a terrorist organisation. The decision to place her in pre-trial custody had been taken by an independent court. The party in power had amended the Constitution in 2010 and it was now possible to use a right of appeal to the Constitutional Court. Since 2012, all Turkish citizens were given the right to defend themselves in their mother tongue. Pursuant to new legislation, changes were taking place to allow for appeal in the event of long detention in pre-trial custody. Despite the constitutional reform and these legislative changes, a number of judges and prosecutors did not use their powers independently. This applied to the case of Leyla Güven. It was very important that the Congress should not discuss only the case of Leyla Güven.

The PRESIDENT was obliged to interrupt the speaker as he had exceeded the allotted time.

Philippe RECEVEUR (Switzerland, R, EPP/CCE) called on the members of the Congress to continue expressing their support for Leyla Güven. He thanked the rapporteurs and the members of the Congress who were assisting her in this difficult time. It had been said that Leyla Güven had been placed in pre-trial custody because she belonged to a terrorist organisation, whereas pursuant to democratic principles, only a court judgment could determine whether a person belonged to such an organisation. And that was precisely the problem: Leyla Güven had been waiting for a judgment for a very long time, too long. The Supreme Court of Turkey had, in another case, found that such a long period of pre-trial detention was unlawful. The principle of equal treatment required that this judgment also be applied to Leyla Güven and to the other persons currently imprisoned on the same grounds. He therefore called on the members of the Congress to vote massively in support of the resolution requesting the release of Leyla Güven and her colleagues, i.e. 15 mayors, 23 deputy mayors, and 133 municipal councillors. The Congress could refer not only to the legally binding treaties signed by Turkey but also to the recent decisions of the Turkish courts. He also referred to information given to members of the Congress the year before that the Turkish criminal code was being revised with a view

to making it more difficult to equate certain acts with membership of a terrorist organisation. He asked what progress had been made in this legislative reform.

Yasemen CELIK (Turkey, R, SOC) said that a number of members of different bodies had been deprived of their freedom by legal proceedings. Her own political party, which belonged to the opposition, had suffered greatly as a result of such practices. Nevertheless, the report presented to the Congress contained erroneous information. Two points needed to be corrected: the charges against Mustafa Balbay were not the same as those brought in the Leyla Güven case, although the report claimed that the two cases were similar. The report also said that all parliamentary representatives had been released following the decision handed down by the Constitutional Court. However, five or six members of parliament were still in detention. The report gave the impression that only local elected representatives were still in prison. The rapporteurs needed to check the veracity of the information that they had received.

The PRESIDENT gave the floor to the rapporteur.

Anders KNAPE thanked the speakers who had given their support to the report. He wished to reply to the three statements made by Turkish members. In reply to Mr Cukur, he pointed out that the Congress had not reduced its efforts in relation to Turkey over the past five years. Several monitoring reports had been produced and numerous fact-finding missions had taken place. Sometimes the Turkish authorities had even complained that the Congress was doing more with regard to Turkey than with regard to any other country. He agreed that even more needed to be done but Mr Cukur's criticism was unfounded.

He agreed that Leyla Güven was not the only one: thousands of other persons had been imprisoned in Turkey over the past few years, which was precisely the problem. Leyla Güven was a symbol for the Congress, of which she had been a member. Some speakers had even said that she was still a member. Unfortunately she had not been able to take part in its sessions, nor to perform her duties as elected mayor of her city.

In reply to Ms Celik, who regretted that the erroneous information in the report concerning the situation of five members of parliament, he said that could not comment on that. If the report did contain erroneous information, this should be reported to the Congress Bureau, which could change the information where appropriate. It was very important that the report should be precise. For several years, the rapporteurs had met local politicians in Turkey and representatives of political parties and different groups. They had endeavoured to have deep dialogue with all parts of Turkish society. He and his co-rapporteur were prepared to continue this work with a view to improving the situation for citizens and politicians in Turkey. This work was also important for other countries, some of whom seemed to think they could take advantage of the spotlight being on Turkey to do what they wanted in their own countries. It was therefore important that the Congress increase its activity in Turkey and elsewhere to ensure respect for democracy and the rule of law.

The PRESIDENT closed the debate. He proposed that they discuss the draft resolution, for which five amendments had been tabled.

Merita JEGENI YILDIZ (Turkey, R, EPP/CCE) thanked the rapporteurs for their efforts. The amendments presented by the Turkish delegation were of a technical nature. Amendment No. 1 was aimed at replacing paragraphs 4 and 6 by a new paragraph reading as follows: "Turkey is preparing for new local elections in March 2014. In this context, the Congress is expecting and hoping for a similar outcome for Leyla Güven and the 15 mayors, 23 deputy mayors and 44 municipal councillors". This text took a more encouraging approach and rectified the number of municipal councillors concerned, that is 44 and not 133, according to the information provided by the ministry of the interior.

The PRESIDENT did not note any objection to this amendment.

Leen VERBEEK (Netherlands, R, SOC), rapporteur, said that the amendment had been discussed at length with Ms Jegeni Yildiz. The rapporteurs were against this amendment, which weakened the text.

The PRESIDENT put Amendment No. 1 to the vote.

Amendment No. 1 was rejected.

Merita JEGENI YILDIZ (Turkey, R, EPP/CCE) presented Amendment No. 2, which consisted in placing paragraph 5 before paragraph 4. This change respected the chronological order and made it sound more positive.

Leen VERBEEK was against any proposal which might make the text more positive. The change requested would render paragraph 6 meaningless. The rapporteurs were therefore against the amendment.

The PRESIDENT did not note any objection to the amendment and put it to the vote.

Amendment No. 2 was rejected.

Merita JEGENI YILDIZ presented Amendment No. 3, which consisted in replacing “133 municipal councillors” in paragraph 6 by “44 municipal councillors”. The official figures provided by the ministry of the interior confirmed this figure.

Leen VERBEEK said that the information presented had been gathered in December 2013. Admittedly, some prisoners had been released since then but the figures were challenged on a daily basis by various bodies. The rapporteurs were willing to change these terms, for example by saying “several dozen”; the exact figure was not of prime importance and they therefore opposed Amendment No. 3.

The PRESIDENT said that the Congress should first vote on Amendment No. 3 and then the rapporteurs would have the opportunity to present an oral amendment. He put Amendment No. 3 to the vote.

Amendment No. 3 was rejected.

Leen VERBEEK presented an oral amendment, aimed at replacing the words “133 municipal councillors” in paragraph 6 by “several dozen municipal councillors”. The same change should be made to the draft recommendation.

The PRESIDENT did not note any objection to the oral amendment and put it to the vote.

The oral amendment tabled by the rapporteurs was adopted.

Merita JEGENI YILDIZ presented Amendment No. 4, proposing that paragraph 7.b be deleted and the numbering of the paragraphs changed as a result. Leyla Güven had submitted an appeal to the Constitutional Court on 20 January 2014 concerning the duration of her detention in pre-trial custody. The Congress should therefore avoid making any declaration that might be taken as interference in judicial procedure.

The PRESIDENT did not note any objection to the amendment.

Leen VERBEEK pointed out that paragraph 7.b concerned the main complaint against Turkey. It did not only concern Leyla Güven. Turkey was failing to comply with the Council of Europe's founding principles. The rapporteurs were therefore against the amendment.

The PRESIDENT put Amendment No. 4 to the vote.

Amendment No. 4 was rejected.

Merita JEGENI YILDIZ presented Amendment No. 5, which followed the same reasoning as Amendment No. 4. The proposal was to delete paragraph 7.d and consequently change the numbering.

The PRESIDENT did not note any objection to the amendment.

Leen VERBEEK was against the amendment. The Congress needed to keep this issue on its agenda.

The PRESIDENT put Amendment No. 5 to the vote.

Amendment No. 5 was rejected.

The PRESIDENT put the draft resolution as amended to the vote.

The draft resolution set out in Document [CG(26)6PROV], as amended, was adopted.

The PRESIDENT proposed that they discuss the draft recommendation, in respect of which one amendment had been tabled.

Merita JEGENI YILDIZ presented Amendment No. 1, which was aimed at removing paragraph 5.b. It was preferable to await the outcome of Leyla Güven's appeal to the Constitutional Court.

The PRESIDENT did not note any objection to the amendment.

Leen VERBEEK was against the amendment. It was unacceptable that the Congress should not ask the Committee of Ministers to intervene.

The PRESIDENT put Amendment No. 1 to the vote.

Amendment No. 1 was rejected.

The PRESIDENT put the draft recommendation to the vote.

The draft recommendation set out in Document [CG(26)6PROV] was adopted.

8. END OF THE SITTING

The PRESIDENT invited the members of the Congress to attend the reception organised by the City of Strasbourg. The next sitting of the Congress would take place the next day, 27 March 2014, at 9 a.m.

The sitting rose at 7.10 p.m.

THIRD SITTING OF THE CONGRESS

Thursday 27 March 2014 at 9 a.m.

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The sitting opened at 9 a.m. with Herwig VAN STAA (Austria, R, EPP/CCE), Congress President, in the chair.

The PRESIDENT declared the sitting open.

1. FORMAL ADOPTION OF TEXTS APPROVED BY THE CHAMBERS

[CG(26)11]

THE PRESIDENT said that the first item of business was the formal adoption by the Congress, in keeping with Rule 21 of the Rules of Procedure, of the text approved by the Chamber of Local Authorities at its sitting on 26 March. This text appeared in document [CG(26)11].

The President noted that there were no objections to the adoption of this text.

The text referred to in document [CG(26)11] was adopted.

2. ADOPTION OF THE MINUTES OF THE SITTINGS OF THE CONGRESS AND THE CHAMBERS ON 26 MARCH 2014

[CG(26)PV2], [CPL(26)PV1] and [CPR(26)PV1]

THE PRESIDENT invited Congress members to adopt the minutes of the previous plenary sitting and the minutes of the sittings of the two chambers.

The President noted that there were no objections to the adoption of these minutes.

The minutes of the sittings of the Congress and chambers on 26 March 2014 were adopted.

3. STRATEGY ON THE RIGHT OF LOCAL AUTHORITIES TO BE CONSULTED BY OTHER LEVELS OF GOVERNMENT

[CG(26)9PROV]

[CG(26)9AMDTREV]

The PRESIDENT said that the next item of business was the debate and vote on the draft resolution on the strategy on the right of local authorities to be consulted by other levels of government.

Anders KNAPE (Sweden, L, EPP/CCE), rapporteur, pointed out that a resolution on the right of local authorities to be consulted by other levels of government had been adopted by the Congress before, in 2012. He paid tribute to Ms Lövgren, who had prepared the report on this subject before leaving the Congress. The task now was to carry on her work by approving a strategy. The Congress Bureau had decided to appoint Anders Knappe as thematic rapporteur on this subject.

The consultation of local authorities by central government on all matters that concerned them was one of the pillars of local democracy. It was a vital process which served to ensure that local democracy functioned effectively and that time and resources were not wasted by being ill-informed of each other's needs. This was one of the main principles enshrined in the European Charter of Local Self-Government and it came up time and time again in the monitoring missions.

Mr Knappe thought it would be good to have an in-depth discussion with the Committee of Ministers on how this consultation process could be improved. When the Congress adopted the 2012 resolution, it had also adopted a recommendation to the Committee of Ministers containing a number of proposals. The Committee of Ministers had replied in 2013, merely noting that the principle of consultation was enshrined in the Charter and that the European Committee on Local and Regional Democracy had produced a similar report a few years previously. Mr Knappe was disappointed that not a single one of the Congress's proposals was mentioned in the reply. At the meeting of the Congress Bureau the previous month, the issue of the disappointing nature of the Committee of Ministers' reply had been raised in an exchange of views with the Dutch ambassador who chaired the rapporteur group on democracy. Mr Knappe hoped that the message had been heard and said the Congress must keep raising the issue.

If everyone agreed that consultation was extremely important, why did it so often prove problematic ? The reason, in Mr Knape's view, was that consultation required considerable effort and it was easier for governments to make decisions on their own. Consultation did not come naturally which was why it had been felt necessary to adopt a strategy in order to move forward in this area.

The proposed strategy contained guidelines for organising sound consultation exercises. The document would be sent out to all Congress members and to all the partner associations, asking them to implement these proposals. In 2015, a questionnaire would be used to check that the consultation procedures being followed were in line with the Congress guidelines. In two years, a further report would be produced on the basis of the replies to this questionnaire in order to assess the progress made.

Mr Knape then turned his attention to multilevel governance, an issue that was also being addressed by the Committee of the Regions. As far as the Committee of the Regions was concerned, the principle of multilevel governance was to ensure that cities and regions were consulted in the formulation of EU policies. The Council of Europe had a different perspective in that it was concerned to ensure that member states consulted local government associations with respect to the intergovernmental work conducted by the Council of Europe. The previous week, the Secretary General of the Congress, Mr Kiefer, had written to the heads of all the Congress delegations to draw their attention to the fact that several member states sent regional representatives to represent their authorities on the Council of Europe steering committees. In some member states, consultations were held within the country concerned before a position was agreed for a meeting. The Congress should step up its efforts to make sure that the voice of our cities and regions was heard in these committees.

The proposed guidelines took up all of the practices recommended in the 2012 report. The present report pointed out that consultation was in the interests of all the parties concerned. It needed to take place at the earliest possible stage and must be transparent. It was essential that the right to consultation be properly anchored in member states' legislation. The report underlined the important role that national associations had in representing local and regional authorities, who must defend their right to be consulted. In countries where there was more than one national association, they needed to co-operate closely and find common positions. It was important that consultation take place at the right moment and that enough time be allowed. The results of consultation must be made clear and reasons given for any refusal to take up certain proposals.

Mr Knape called on everyone in the audience to play their part in introducing good practice in this area. He thanked all the Congress members who had taken part in the work and the German delegation which had tabled a number of amendments.

DEBATE

The PRESIDENT thanked the rapporteur and declared the debate open.

Sevdia UGREKHELIDZE (Georgia, R, EPP/CCE) was reassured to hear that relations between local and national authorities were receiving international attention. In Georgia, the central government often made decisions on its own, especially since the 2013 territorial reform. Local and regional councillors were trying to persuade the government to ratify those articles of the European Charter of Local Self-Government which dealt with consultation. Some guidelines would certainly be helpful. Ms Ugrekhelidze wondered how the strategy adopted by the Congress would be implemented.

Alexander SOKOLOV (Russian Federation, L, EPP/CCE) noted that the proposed strategy was in line with current practice in the Russian Federation. Regular consultations with municipal associations or the municipalities themselves were held by various bodies. In addition, the pan-Russian congress of local governments met frequently and provided an opportunity for discussions on any major issues. Matters of key importance for local authorities were submitted to the president, the government or parliament through an extensive network of advisory councils. The most crucial issues concerned financial resources: in order to be able to exercise their powers properly, local authorities needed resources, and had the same problems in this area as their counterparts in other countries.

Mr Sokolov suggested devising a typology of the consultations that should be conducted with cities and regions before decisions were taken. It was important that local authorities have an official channel for making recommendations. The text submitted to the Congress provided that the right of consultation should be enshrined in member states' constitutions. Mr Sokolov felt that this provision was wholly justified.

Piotr USZOK (Poland, L, EPP/CCE) said that in Poland, local authorities had only been around for 24 years. In 2005, agreements had been signed between the various authorities and the central government to set up a joint committee. This committee was a forum for finding common ground on particular issues. It looked at the problems involved in the functioning of authorities and matters within the purview of the European Union. It was made up of representatives of central government and local authorities and was subdivided into thematic groups. It met every month. The committee had helped block certain central government proposals concerning local authorities. Admittedly, not all of the committee's initiatives were a success but it did at least ensure systematic dialogue with central government.

Artan SHKEMBI (Albania, L, SOC) said that no process of consultation between central government and local authorities had been put in place in Albania. A new government had been in power for a few months now and moves were under way to set up a consultation group between local and central government. Mr Shkempi had some doubts about how such a committee would function, given that there were numerous local authority associations in Albania. How to ensure that all the associations and all the political parties were represented?

Jakob (Jos) WIENEN (Netherlands, L, EPP/CCE) said that the large number of monitoring reports had helped identifying recurrent issues, of which consultation was one. The report presented afforded a means of devising a strategy for bringing the different systems of government into line with the Charter. The report suggested gathering data in order to prepare a further report in 2016. The various governments were reluctant, however, to adopt arrangements that were totally in line with the Charter. What steps could the Congress take to persuade governments to consider local councillors' proposals?

Matej GOMBOSI (Slovenia, L, EPP/CCE) emphasised the importance of the strategy which members were asked to consider. Member states were often reluctant to consult local authorities. Where there were various local government associations, as was the case in Slovenia, it seemed that this situation could pose an obstacle. Mr Gombosi asked what could be done to encourage consultations with all the associations and all local authorities.

THE PRESIDENT gave the floor to the rapporteur.

Anders KNAPE (Sweden, L, EPP/CCE), rapporteur, in reply to Ms Ugrekhelidze, said that once the strategy had been adopted by the Congress, local authorities would have extra leverage in their negotiations with central government. Local authorities and their associations must seize this opportunity and endeavour to ensure that the strategy was applied. Later on, experience sharing within the Congress would provide an opportunity to refine this strategy.

In answer to Mr Sokolov's question, Mr Knape said he was pleased to learn that consultation machinery of this kind already existed in Russia. One of the key aspects of relations between local and regional authorities and central government was indeed the distribution of resources.

Mr Knape was likewise pleased to hear that there was a committee in Poland comprising representatives of central and local government. The Congress could draw on this experience in its future work.

In reply to Mr Shkempi, Mr Knapé said he hoped that Albania would manage to set up a consultation group. It was true that having a large number of associations could make the process more difficult. It was important that local and regional government associations adopt a common stance in their dealings with central government. Perhaps some of the associations could be merged. At the end of the day, however, it was for each country to decide how these associations were to be organised.

Mr Knapé assured Mr Wienen that the Congress would continue to flag up issues relating to consultation during its monitoring visits to the various countries. Likewise, it would continue, through the Committee of Ministers, to send recommendations to the various governments as to how the consultation procedures could be improved, and to provide assistance to any countries which so wished.

Mr Gombosi raised the issue of harmonising the different positions in cases where there were several local government associations. This question echoed that put by the Albanian representative. The Congress could not impose changes to existing structures. One option was to seek help from associations operating in other countries. Mr Knapé said that his own association worked with associations in Turkey and Albania, and even Asia, at the request of the associations concerned.

THE PRESIDENT invited the Chair of the Governance Committee to take the floor.

Karl-Heinz LAMBERTZ (Belgium, R, SOC) thanked the rapporteur for his text on this very important subject and welcomed the lively discussion that had taken place. Such a strategy was essential if there was to be effective multilevel governance. Mr Lambertz emphasised the importance of dialogue, in this area as in many others.

VOTE ON THE DRAFT RESOLUTION

THE PRESIDENT asked members to turn their attention to the draft resolution, to which five amendments had been tabled.

Andreas GALSTER (Germany, L, EPP/CCE) said the German delegation had been very interested to learn about this initiative. The purpose of Amendment No. 1 was to stipulate that the principle of consultation should be enshrined in the Constitution. In Germany, consultation procedures were available but unfortunately were not observed by certain ministers. In some cases, German local authorities were involved in the discussions very early on, whereas in others, consultation, if it took place at all, was purely a formality.

THE PRESIDENT noted that there were no objections to this amendment.

Anders KNAPE (Sweden, L, EPP/CCE), rapporteur, thanked the German delegation for the five amendments tabled, saying that they enriched and broadened the text. He therefore supported all the amendments.

Karl-Heinz LAMBERTZ (Belgium, R, SOC) likewise supported the five amendments.

THE PRESIDENT put Amendment No. 1 to the vote.

Amendment No. 1 was adopted.

Andreas GALSTER (Germany, L, EPP/CCE) presented Amendment No. 2, the purpose of which was to provide that local authorities must be consulted not only about decisions that concerned them directly but also about decisions that affected them indirectly.

THE PRESIDENT noted that there were no objections to this amendment.

THE PRESIDENT put Amendment No. 2 to the vote.

Amendment No. 2 was adopted.

Andreas GALSTER (Germany, L, EPP/CCE) presented Amendment No. 3, which sought to make it clear that consultation processes must be devised and introduced by the legislature.

THE PRESIDENT noted that there were no objections to this amendment.

THE PRESIDENT put Amendment No. 3 to the vote.

Amendment No. 3 was adopted.

Andreas GALSTER (Germany, L, EPP/CCE) presented Amendment No. 4. Its purpose was to provide that consultations must not only be carried out in writing but that representatives of local authorities must also have the opportunity to be heard.

THE PRESIDENT noted that there were no objections to this amendment.

THE PRESIDENT put Amendment No. 4 to the vote.

Amendment No. 4 was adopted.

Andreas GALSTER (Germany, L, EPP/CCE) presented Amendment No. 5. Local authorities must have a constitutional remedy if the consultation procedures were not observed. This amendment followed logically from the previous amendments.

THE PRESIDENT noted that there were no objections to this amendment.

THE PRESIDENT put Amendment No. 5 to the vote.

Amendment No. 5 was adopted.

THE PRESIDENT put the draft resolution, as amended, to the vote.

The draft resolution set out in Document [CG(26)9PROV], as amended, was adopted.

4. YOUTH PARTICIPATION – VOTING AT 16?

THE PRESIDENT noted that participation in elections was a key factor in democracy. Over the years, the right to vote had been extended, in the various countries of Europe, to take in the whole population, i.e. women, minorities, and in many states foreign residents in the case of local elections. The minimum age for voting had also been lowered from 21 to 18 years. A debate was now under way over whether the right to vote should be granted from the age of 16, as was already the case in some countries at local level. Certain states, such as Austria, had also lowered the voting age for national and European elections.

The Parliamentary Assembly had called on member states to implement this measure. The Congress had supported this appeal in its recommendation entitled “youth and democracy: the changing face of youth political engagement” in 2012. This view was also shared by the Council of Europe’s Advisory Council on Youth.

In the debate that was to follow, participants would hear from a representative of Austria which had already introducing voting at 16, and a representative of the younger generation.

STATEMENT BY GREGOR WENDA, DEPUTY HEAD, DEPARTMENT OF ELECTORAL AFFAIRS, FEDERAL MINISTRY OF THE INTERIOR, AUSTRIA

THE PRESIDENT welcomed Mr Wenda, deputy head of the Department of Electoral Affairs of Austria's Federal Ministry of the Interior. Mr Wenda had considerable experience of electoral processes both in Austria and at European level. Austria had been one of the first countries to lower the voting age to 16 for national, regional and local elections. The regional parliament of Burgenland had introduced voting at 16 for mayoral and local council elections as early as October 2002. Other regional parliaments had followed suit, with the federal parliament finally introducing voting at 16 for all types of elections. Had this measure served to increase youth participation in the political process? Had it helped to prevent a situation where the oldest sections of the population had a disproportionate influence on the outcome of elections? What were the advantages and dangers, if any, of such a change?

Gregor WENDA, deputy head, Department of Electoral Affairs, Federal Ministry of the Interior, Austria, told Congress members that the voting age had been lowered to 16 years in Austria in 2007. Austria was the only country in Europe where the voting age had been lowered for elections at every level, i.e. all national elections (presidential and parliamentary), European elections, elections to the state parliaments and municipal elections. Only a handful of South American countries had lowered the voting age in this way. Other countries, such as Switzerland and Germany, had lowered the voting age, but only in the case of local, provincial or regional elections.

Mr Wenda explained that this process of extending voting rights had occurred gradually in Austria. In 1917, when Austria was still a monarchy, men were granted the right to vote. In 1918, under the republic, women also won the right to vote. The minimum voting age was initially set at 21 years before being lowered to 20 years in 1949 and then 19 in 1968. The voting age was subsequently lowered to 18 years and then, in 2003, it was decided that voters must be 18 or over on the day of the election (rather than on the first day of the year, as had previously been the case). Finally, in 2007, the voting age was lowered to 16 years.

Austria was home to 8 million people, 7 million of whom had the right to vote. Austria was a federal state, made up of nine states or *Länder*, each with its own parliament and its own electoral code. The *Länder*, however, were not allowed to be more restrictive than the federal government where the right to vote was concerned. Some states had lowered the voting age ahead of the federal government: Burgenland had lowered it to 16 years in 2002 in the case of local elections, followed by Carinthia and Styria. In 2005, the state of Vienna had lowered the voting age to 16 for local and state elections, and the state of Salzburg had followed suit in 2004, for local elections. In 2005, the states of Burgenland and Salzburg had allowed 16-year-olds to vote in state elections. Interestingly, there was far more debate in Burgenland in 2005 when it was proposed to lower the voting age for state elections than there had been in 2002 when the voting age was lowered to 16 for local elections. At federal level, in 2007 the new ruling coalition had adopted an "electoral package" which included lower the voting age to 16 years and introducing postal voting. Setting the voting age at 16 years at national level meant that the same age would automatically apply to regional and local elections. At the time, this decision did not generate much in the way of heated debate.

Gregor Wenda explained that he was a lawyer and that he could not comment on the sociological or political science aspects. 16- and 17-year-olds had voted for the first time in the early parliamentary elections of 2008. Measures had been taken in schools to educate young people and the political parties had actively engaged with this section of the population. Following the 2008 elections, studies had shown that the fact of being able to vote had increased young people's interest in politics. Young people had also expressed an increased need for information. Some differences had been observed in terms of youth participation, depending on whether the youngsters were still at school or already working. After the parliamentary elections in September 2013, a further study had been conducted, from which it transpired that turnout among 16- and 17-year-olds had been lower than in 2008, when this age group had participated in the elections to the same extent as their elders. The indicators for measuring the level of interest, youth awareness of the elections and youth participation had shown a decline. Once again, a difference had been observed between youngsters who were still at school and those already in employment. The likelihood was that in 2008, more effort had been made to inform young people. At local and regional levels, turnout among young people had

been high, whereas at national level, the trend observed in 2008 had not been maintained. The next test would come on 25 May 2014 with the European elections. The government would be watching closely to see how 16- and 17-year-olds responded to these elections.

John Warmisham (United Kingdom, L, SOC), Vice-Chair of the Congress, took the chair at 9.47 am.

STATEMENT BY THOMAS LEYS, FORMER MEMBER OF THE COUNCIL OF EUROPE
ADVISORY COUNCIL ON YOUTH

THE PRESIDENT welcomed Thomas Leys who had served on the Council of Europe Advisory Council on Youth in 2012 and 2013. Mr Leys had chaired the International Federation of Liberal Youth since 2010. He was a member of the Social Affairs Council of the city of Leuven (Belgium) and worked as a civil servant in Brussels. He had taken part in local, provincial and European elections.

Thomas LEYS, former member of the Council of Europe Advisory Council on Youth, said it was a great honour for him to speak before the Congress in favour of lowering the voting age to 16. The Council of Europe Advisory Council on Youth was one of the few committees operating at international level where young people could make their voices heard directly. Mr Leys explained that he himself had served as a local councillor for the municipality of Leuven and as such, he commended the Congress on its efforts to promote local and regional democracy in Europe.

Mr Leys said there were 16 reasons why the voting age should be lowered to 16.

First and foremost, participation in free elections was one of the cornerstones of democracy. Any limits on the exercise of that right had to be justified. And there was no longer any justification for excluding 16- and 17-year-olds.

Lowering the voting age would have the effect of making local and regional authorities more responsive. If democracy was about being ruled by the will of the people, then young people must be heard and represented. It was only right that they should be able to influence policy making in the same way as other sections of the population.

It was incorrect to claim that young people were indifferent to politics. Evidence showed that where young people had the right to vote, they became more interested. Giving them responsibilities would encourage them to go out and vote.

Youth abstentionism was a serious issue. The sooner young people became involved in the political process, the greater the chances that they would continue to be engaged citizens, not only in elections, but also in schools, universities, advisory committees and other civil society organisations.

There was concern in some quarters that young people were not sufficiently educated to make informed decisions. The fact was, however, that today's generation was the most informed ever, thanks mainly to digital media. It was nevertheless true that civic education was an essential building block in any well-rounded education system. The Council of Europe had useful tools for delivering education for democratic citizenship. Extending the right to vote to young people would afford them an ideal opportunity to put what they had learnt into practice.

It seemed somewhat paradoxical that young people should be considered to have reached maturity in some aspects of their lives but not when it came to voting, that they should have duties but not the rights that were directly attached thereto. The next argument was a powerful and historic one: no taxation without representation. Young people with jobs paid national insurance contributions and tax on the salaries they earned.

Most countries recognised the right of minors to marry, to have children and to take life-changing decisions regarding their own health. If those choices could be made by young people, why could they not be entrusted with the right to choose their local or regional councillors?

Children were subject to the full rigour of criminal law. It was only consistent that they should be given the right to participate in framing that same law through voting.

In some countries, miners had the right to carry arms and could be enlisted in the armed forces. The Geneva conventions, indeed, did not prohibit the recruitment of people aged 15 or over. Yet if young people were considered old enough to defend their country, should they not also be allowed to promote a culture of peace and make the appropriate democratic choices?

The age limit of 18 years was purely arbitrary. It had been scientifically proven that a person's moral and cognitive development was completed well before they reached the legal voting age in many countries. There was, incidentally, no standardised voting age across the Council of Europe's member states. In some countries, young people had to wait until the age of 25 to vote in national elections.

The age of 16 was more appropriate for this important milestone in a person's life. People aged 18 or over tended to be in transition, between school and work, between living at home and setting up on their own, etc. Studies showed that people who failed to vote early in their lives were more likely to never vote, or to vote only rarely, later on. Giving people the right to vote at 16 years, when they were in a more stable and supportive environment, was the best way to ensure that they became regular voters later on.

Europe was ageing. In order to support a system of sustainable, inter-generational solidarity, it was important to make sure that all age groups were properly represented in public debate. If only a small portion of people under the age of 25 had the right to vote, an imbalance would arise owing to the disproportionate influence wielded by older sections of the population.

Some argued that young people would be more receptive than their elders to extremism and populist messages. Yet studies had shown that this was not the case: young people were no less critical than other voters. And even if younger voters did have different political views from those of older sections of the population, that was hardly an acceptable argument, in a democracy, for not lowering the voting age.

Many of the arguments being put forward for not extending the right to vote to 16-year-olds were the same ones used in the past against universal suffrage or granting the vote to women. Voting at 16 was not a frivolous idea.

The lower voting age had already been successfully introduced in Austria, Germany and Switzerland. It had also been successfully trialled in Norway and there was a possibility that Malta might follow suit soon.

Lastly, young people were not the future of local and regional government, but rather the present.

Mr Leys concluded by saying that the Congress had a unique opportunity to join the campaign in favour of lowering the legal voting age. Local and regional authorities were close to the people and should therefore aim to represent these people. Lowering the voting age to 16 would help to secure full recognition of the rights and duties of young citizens.

DEBATE

THE PRESIDENT thanked the speakers and opened the debate.

Mikhail GULEVSKIY (Russian Federation, L, ILDG) said that the voting age at all levels was 18 in Russia. The possibility of lowering the voting age to 16 required careful consideration. Civil society and youth organisations in Russia took the view that at the age of 16, individuals did not always have sufficient awareness and understanding of certain issues. He had noted how, in Russia, young people tended to vote less than older people. There had even been some calls for the voting age to be raised. Efforts were being made to raise youth awareness through round tables, open days, campaigns, etc. In Lipetsk, a youth parliament had been set up in 2004 to involve young people in the socio-political life of the region.

Mr Gulevskiy felt that young people took an interest in politics if it was presented to them in the right way. One in four members of the youth parliament became an assistant to an MP, which was another form of participation. Young people could also take part in various advisory councils. All these efforts had paid off: in 2006, 26% of the youngest voters had voted and in 2012, the figure had risen to 35%. Of the 116 candidates who had stood in the last elections, 42 were young people.

Manuela MAHNKE (Germany, R, SOC) said there had been a debate in Germany in recent years over whether to lower the voting age to 16. Opponents had put forward three arguments. First, at the age of 16, young people were not capable of understanding the complex relations involved in political activity, and the legal consequences of their actions, and would be more susceptible to extremist influences. Despite that, in 2009 Bremen had been the first state to introduce voting at 16 in local and regional elections. It was felt there was no need for alarm provided young people were properly informed. In the 2011 elections in Bremen, in 87 schools, 13,000 young people had taken part in debates with 580 teachers under the “junior elections” scheme. The youngsters had had an opportunity to learn about the responsibilities associated with the right to vote. Statistics showed that 16- to 21-year-olds were the only group of voters where turnout had increased.

Ms Mahnke felt it was in everyone's interest that young people should get involved in the democratic process as early as possible. 16-year-olds who worked were already paying tax. In Germany, 16-year-olds could also be prosecuted for criminal offences. It seemed rather illogical that they should be denied the right to vote, particularly as over the past twenty years, young people's living conditions had changed considerably. They were better educated, had greater access to information and were better able to understand issues and conflicts of interest. The age at which a young person became capable of using their own judgment had moved. The right to vote was the most important right that a citizen possessed. Any restriction on this right must be justified. Limitations on the right to vote were something that needed to change with the times and the time had now come to lower the voting age to 16.

Jolanta BARSKA (Poland, L, NI) thought that the Austrian and Belgian experiences were of interest. The Poles tended to be fairly receptive to innovation in the democratic process. When it came to lowering the voting age to 16, however, they were sceptical. According to a survey conducted by the Institute of Public Affairs, only 15% of respondents in Poland thought that 16-year-olds should be given the right to vote, and 75% were against it. Even among respondents aged from 18 to 24 years, only 23% were in favour of the move. The Polish experience showed that turnout in elections among 18- to 24-year-olds was low, so lowering the voting age to 16 would probably result in a decline in overall turnout and have no effect on the final outcome of the elections.

The history of the Polish parliament stretched back 500 years but because of the Communist interlude, Poland's democracy was still fairly new and efforts were needed if Poland was to have a proper civil society. Ms Barska felt it was important to give young people opportunities to learn about democracy in forms other than the right to vote: participation in local councils, youth parliaments, involvement in organisations, etc. Lowering the voting age for parliamentary and local elections would require a change to the Constitution moreover.

Stewart DICKSON (United Kingdom, R, ILDG) said that in November 2012, an organisation called “Where is my public representative?”, a pressure group for young people, had called for the voting age to be lowered to 16 in Northern Ireland, Mr Dickson had been proud to support a motion to this effect in the Northern Ireland assembly and this motion had been carried. Sadly, however, the voting age was not a devolved matter. Neither the Scottish parliament nor the Northern Ireland assembly was empowered to effect changes of this kind. Mr Dickson believed, however, that the pressure for reform would continue. He then went on to mention youth unemployment, which had reached record levels. Youth today were perhaps not as interested in voting in elections because they had other, more pressing concerns. Mr Dickson wondered whether lowering the voting age to 16 could genuinely help to reduce the current democratic deficit.

Herwig VAN STAA (Austria, R, EPP/CCE), Congress President, took the chair at 10.21 a.m.

Barbara TOCE (Italy, L, SOC) said that after the voting age had been lowered to 16, it had become clear that there was a lack of awareness of electoral mechanisms among young people. She felt that parents should be reminded about their responsibilities in this regard. Surely parents should be helped to give young people the tools they needed to make informed decisions?

Pearl PEDERGNANA (Switzerland, L, SOC) said that recent events in Europe had shown that young people were now using alternative ways of making themselves heard, other than voting. She wondered whether it still made sense to lower the voting age and whether the move had not come too late.

Charikleia OUSOULTZOGLOU (Greece, L, SOC) felt it was important to create the appropriate environment and to try to encourage youth participation in decision-making. The process needed to begin at school, with the setting-up of youth councils, and continue at local government level and, why not, national parliament level. The process had to be a gradual one. Young people were not capable of commenting on complex social issues. They had to be gradually initiated into public affairs. Ms Ousoultzoglou said that she herself had worked with large numbers of young people and that her thinking was based on research. Between the ages of 16 and 18, youngsters were still developing psychologically. It was important not to be hasty. Young people today had to contend with unemployment, poverty, crime and, in some cases, difficult family environments. It was important to give them back the right to dream, first and foremost by offering them prospects for the future.

Ms Ousoultzoglou went on to say that, in the second half of 2014, a supervisory mission would travel to Greece. She hoped that the agenda for this mission would include a survey of the impact of the austerity measures taken under the memorandums that had been imposed on Greece. There was a need to look at how these programmes were affecting young people and their future. An international committee could carry out this kind of survey.

THE PRESIDENT gave the floor to the two speakers.

Gregor WENDA, deputy head, Department of Electoral Affairs, Federal Ministry of the Interior, Austria, said that the debate which had just taken place had reminded him of the discussions held in Austria between 2002 and 2007 over whether the age of majority should be the same as the voting age. It was for lawmakers to decide this matter. There was a strong case for lowering the voting age but not the age of majority as young people already had a number of rights and responsibilities before they reached adulthood. As far as young people's interest in politics was concerned, various studies had yielded different results. In recent years, however, it had been observed in Austria that young people were clearly showing an interest: they wanted to be informed, and they wanted to have the opportunity to express themselves. Improving youth awareness in this area was the responsibility of central government. Austria had put considerable effort into training and education, working with civil society. Many schools had participated in this awareness-raising process, as had the media.

In response to the question about whether this move to lower the voting age had not come too late, Mr Wenda felt that political scientists were better qualified than himself to answer this question. Young people, however, were showing more interest in getting involved in all areas of social activity and any move to encourage participation in elections was to be welcomed.

Thomas LEYS, former member of the Council of Europe Advisory Council on Youth, returned to the issue of education. It was crucial that all voters be properly informed, not only about the formal structures but also about the issues at stake. Sixteen was the ideal age for reaching out to youngsters and providing them with information because at that age, many young people were still at school. At 18, they were more difficult to reach because often they were leaving home, etc. To start the education process at this stage was too late.

Some speakers had mentioned that there were ways of involving young people and enabling them to participate in decision-making, other than through voting. Mr Leys said that, while he was a great believer in youth participation, it was no substitute for the right to vote, which was a fundamental democratic right. It was difficult to see what justification there could be for denying 16- and 17-year-olds the right to vote. The representative of Greece and other speakers had referred to the existence of complex issues such as employment, poverty, austerity measures, and the impact on society. These were all issues that directly affected young people. Youth unemployment had reached record levels in Europe and it was important that young people be able to vote so that they could move these issues up the political agenda. Young people must be represented directly.

Mr Leys observed that the arguments being advanced today against lowering the voting age had been used before to oppose giving women the vote. Admittedly, in some countries, there was not much public support for such a move but the same had once been true of Switzerland and Liechtenstein. When men there had been asked whether they were in favour of enfranchising women, the answer had been no! Mr Leys hoped that the same mistake would not be made now when it came to young people's right to vote.

THE PRESIDENT thanked everyone who had spoken in the debate for their contributions and their enthusiasm.

5. POST-MONITORING DIALOGUE IN BOSNIA AND HERZEGOVINA

[CG(26)13PROV]
[CG(26)17]

THE PRESIDENT invited Congress members to consider the report on post-monitoring dialogue in Bosnia and Herzegovina.

Beat HIRS (Switzerland, L, GILD), rapporteur, said that the post-monitoring mission to Bosnia and Herzegovina had taken place on 10 and 11 December 2013 in Sarajevo. This was the Congress's second post-monitoring visit, the first having taken place in Portugal. Mr Hirs reminded members that in March 2012, the Congress had adopted a recommendation on Bosnia and Herzegovina in the context of its monitoring mission. At the time, there had been an element of urgency because of the political deadlock in the country. It had therefore been deemed necessary to carry out a post-monitoring mission. Mr Hirs thanked the Bosnia and Herzegovina authorities for agreeing to this mission and for their co-operation during the visit.

The two rapporteurs had been tasked with producing a roadmap for future co-operation based on the Congress's recommendation. In December, the Congress mission had met with the authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska. These meetings had proved highly rewarding. The delegation had also met with several experts who had provided legal advice on how to draw up proposals that would be both effective and realistic.

Jean-Marie BELLIARD (France, R, EPP/CCE), rapporteur, commended the Bosnia and Herzegovina delegation to the Congress on the way in which they had responded to the post-monitoring mission. The 2012 recommendation had focused on four points: the fact that the constitutional guarantees governing relations between the various levels of local self-government had not yet been put in place; the fact that the territory of Bosnia and Herzegovina was very fragmented, which meant that some municipalities were unable to exercise their powers; the fact that the apportionment of powers between the entities in the Federation of Bosnia and Herzegovina and between cantons and municipalities lacked clarity; and, lastly, the fact that local authorities in Bosnia and Herzegovina did not have much financial autonomy.

The fact that there had been no census since 1991 had also been underlined but a census was now under way, which was something to be welcomed.

Mr Belliard said that the situation in Bosnia and Herzegovina was chaotic, however. There was a need to set priorities in order to move forward one step at a time. The authorities had been asked to concentrate their efforts mainly on the following points: guaranteeing the fundamental functions of local self-government in practice, including the allocation of sufficient financial resources to local

authorities, commensurate with their powers and responsibilities; reviewing the legislation on local self-government within the entities, and the sub-level of government with a view to ensuring clear apportionment of the powers of local authorities in line with the principle of subsidiarity; setting a timeline for the implementation of reforms related to the implementation of Congress Recommendation (324) 2012.

It was vital to strengthen and promote inter-municipal co-operation and the joint delivery of certain public services, in particular across the Inter-Entity Boundary Line, in order to guarantee that all municipalities were able to exercise their powers. A legal framework recognising municipal property also needed to be adopted.

Mr Belliard emphasised the need to restore a properly functioning system of local democracy in a country where the interests of the population had been overlooked and where the people were no longer willing to tolerate the state of extreme poverty in which their politicians, being powerless, had left them. The events of February 2014 were proof of this. The country needed genuine democracy, with policies that served the interests of the population. Local governance was the first core area where action could be taken, provided that an overall policy began to emerge, over and above the divisions within the country. Mr Belliard hoped that the work done by the Congress would make a contribution to this process. The Luxembourg minister for foreign affairs, Jean Asselborn, had once said: "This is one of the most difficult issues that we have in the Balkans. We must defend the principle that Bosnia is a country and not a group of communities [...] It must move in the right direction as a country."

The rapporteurs proposed that a draft resolution be adopted, because the people they had spoken to had emphasised the need for the Congress to maintain a regular presence in Bosnia and Herzegovina. Both the Congress and the Venice Commission had been asked to contribute to the constitutional review of local democracy. The draft resolution therefore asked the Congress to pursue the dialogue with the authorities of Bosnia and Herzegovina as part of the post-monitoring process and to hold a seminar on the European Charter of Local Self-Government in co-operation with the Association of Municipalities and Towns of the Federation of Bosnia and Herzegovina and the Association of Municipalities and Towns of the Republika Srpska.

Jean-Marie Belliard called on members of the audience to approve this resolution, thus enabling the Congress to show its support for the population, which was hungry and looking for work.

DEBATE AND VOTE ON THE DRAFT RESOLUTION AND DRAFT RECOMMENDATION

THE PRESIDENT thanked the rapporteurs and opened the debate.

Svitlana BOHATYRCHUK-KRYVKO (Ukraine, L, ECR) said that the Ukraine delegation fully endorsed the findings of the report and the proposals made by the rapporteurs. The fact of the matter was, however, that most of the recommendations made in 2012 had not been followed through. The rapporteurs were concerned about the lack of clarity in the division of powers between the different levels of government and non-compliance with the principle of subsidiarity. The political crisis experienced by Ukraine suggested that Bosnia and Herzegovina would need to be monitored for some time.

Jean-Marie BELLIARD (France, R, EPP/CCE), rapporteur, said that the monitoring committee would carry on its work in this area, at the urging of the Bosnia and Herzegovina authorities who were eager to have the support of the Congress and the Venice Commission.

Beat HIRS (Switzerland, L, ILDG), rapporteur, confirmed that the work must continue. He was pleased that the Bosnian partners shared this view.

Lars O. MOLIN (Sweden, L, EPP/CCE), as Chair of the Monitoring Committee, said this was the second visit as part of the post-monitoring process recently put in place. The report on Bosnia and Herzegovina had been discussed by the Monitoring Committee, which had endorsed the draft resolution and draft recommendation.

THE PRESIDENT put the draft resolution to the vote, no amendments having been tabled.

Owing to a malfunction in the electronic system, voting took place by a show of hands.

The draft resolution set out in Document [CG(26)13PROV] was adopted.

THE PRESIDENT put the draft recommendation to the vote, no amendments having been tabled.

The voting took place by a show of hands.

The draft recommendation set out in Document [CG(26)13PROV] was adopted.

STATEMENT BY ZORAN MIKULIĆ, MINISTER OF JUSTICE, FEDERATION OF BOSNIA AND HERZEGOVINA

THE PRESIDENT welcomed Zoran Mikulić, Minister of Justice, Federation of Bosnia and Herzegovina, and thanked him for coming. Political dialogue with national governments accounted for a large share of the Congress's activities and the post-monitoring procedure afforded a means of further strengthening this dialogue. The aim of this post-monitoring was to draw up a roadmap for implementing the Congress's recommendations.

Zoran MIKULIĆ, Minister of Justice, Federation of Bosnia and Herzegovina, said that Bosnia and Herzegovina had ratified the European Charter of Local Self-Government without any reservations, which meant that the country was now bound by certain obligations. There was no law on local self-government at country level, but such legislation did exist at the level of the Entities. Bosnia and Herzegovina had 10 cantons, 2 cities and 78 municipalities. The structure of the country was extremely complex. Bosnia and Herzegovina was doing its best to implement the principles of the Charter, something that was often difficult given the fragmented nature of the country. Some towns and municipalities could not really make use of their assets and the powers and responsibilities of the various authorities were ill-defined.

The courts had made a number of rulings on the right of municipalities to exercise their powers. Appeals had been lodged with the Constitutional Court. Mr Mikulić assured Congress members that the government was trying to improve the situation with regard to local and regional authorities but said that Bosnia and Herzegovina had been hostage to unrealistic political ideas for several years now. There had, however, been some progress in the Republika Srpska. In the Federation of Bosnia and Herzegovina, there were still numerous problems when it came to enforcing legislation that would allow effective implementation of the Charter. The very principle of devolution and co-operation between the various tiers of government continued to be problematic. The Federation of Bosnia and Herzegovina had approved a document that would provide a framework for relations between the various levels of authority.

Mr Mikulić observed that the local self-government association would obviously like local authorities to be more independent. A new forestry law had been passed, which gave more powers and responsibilities to local authorities, and there was also new legislation on the local and regional civil service. The government was particularly anxious, however, to improve public services. To this end, a unit specialising in training local officials had been set up. It was planned to create a ministry of local self-government so as to have a single authority in this area. Relations between the different entities and authorities in Bosnia and Herzegovina were so complex that, so far, the various initiatives had failed but the government was continuing its efforts.

The Federation of Bosnia and Herzegovina was seeking to put in place a framework for devolution, drawing on a recommendation from the Venice Commission. The Ministry of Justice was endeavouring to implement the Congress's recommendations, but there was clearly a lack of political will on the part of certain players to move further down this road. The Constitution needed amending and the status of Sarajevo would also have to be changed, in keeping with the Congress recommendation, along with the status of Mostar. Unfortunately, there was no political agreement on this subject at present. Nor had there been any change in the rules governing elections. There were

problems with the operation of the municipal councils but the government had only limited scope for action in this area. The Parliamentary Assembly of Bosnia and Herzegovina had devoted a session to these issues. It was particularly important to get the city of Mostar functioning properly. In order to do that, the Constitutional Court ruling to the effect that the city of Mostar must be a single entity would have to be enforced. Given the political situation, however, it was difficult to say when that goal might be achieved.

Mr Mikulić said that the government was anxious to adopt rules on local government in line with European standards. It wanted to see multi-ethnic local authorities put in place. The government was planning to sign the Additional Protocol to the Charter shortly. Mr Mikulić said that the Federation of Bosnia and Herzegovina had endeavoured to implement the Council of Europe's recommendations. Unfortunately, however, there was a real stalemate at central government level which was holding the country back and impeding the process of accession to the European Union.

STATEMENT BY LEJLA REŠIĆ, MINISTER OF ADMINISTRATION AND LOCAL SELF-GOVERNMENT OF THE REPUBLIKA SRPSKA

THE PRESIDENT welcomed Lejla Rešić, Minister of Administration and Local Self-Government of the Republika Srpska. She had served as minister since 2010 and had been a member of the Chamber of Regions of the Congress of Local and Regional Authorities since 2011.

Lejla REŠIĆ, Minister of Administration and Local Self-Government of the Republika Srpska, thanked the Congress for giving her this opportunity to talk about the situation in Bosnia and Herzegovina. She approved of the ground-breaking working methods used by the Congress, saying that post-monitoring dialogue provided an opportunity for real contact between the Congress and the country being monitored. A number of meetings had taken place, during which attention had been given to the situation with regard to local self-government, the progress made to date and what remained to be done.

Ms Rešić explained that her ministry had been in operation since 1998, an indication of the importance which the Republika Srpska attached to local self-government. Since 2012, the Republika Srpska had been endeavouring to implement the Congress recommendation, which called for changes to the legislation in order to improve local self-government. In October 2013, more than half of the country's legislation had been amended. Thanks to these changes, the principles of the European Charter of Local Self-Government were now being implemented more effectively: local authorities had new powers and new working methods. Relations between the different tiers of government had improved. The recommendation had also advocated carrying out a census. Legislation has been passed on this subject and the ministry was awaiting the results of the census carried out in October 2013. Another focal point of the recommendation was the distribution of financial resources. The Ministry of Finance of the Republic Srpska was currently drawing up several laws which, if passed, would change the rules governing local government finances. The provisions concerning the distribution of financial resources were being framed by the Parliament of the Republika Srpska so as to ensure that the process was transparent. The Republika Srpska provided financial support to municipalities that were "insufficiently developed", to use the current term, under a highly transparent procedure. Legislation had been introduced to resolve any conflicts that might arise over the assets held by local authorities. In 2014, a law on co-operation between central government and local authorities would be passed. This law had been drawn up in consultation with the Association of Municipalities.

Ms Rešić said the role of her ministry was to ensure that local authorities operated efficiently and effectively. 75% of citizens' rights were exercised at local level. The government of the Republika Srpska never forgot that it owed its strength to the proper functioning of local authorities.

STATEMENT BY ORLANDO FUSCO, POLITICAL ADVISER – HEAD OF SECTION, GOVERNMENTS, PARLIAMENTS AND POLITICAL PARTIES, ON BEHALF OF THE EUSR/EU DELEGATION, BOSNIA AND HERZEGOVINA

THE PRESIDENT introduced Orlando Fusco, political adviser and head of section, Governments, Parliaments and Political Parties, within the Delegation of the EUSR to Bosnia and

Herzegovina. Mr Fusco had been working in the former Yugoslavia since 1997, more specifically in Serbia and within the OSCE mission to Bosnia and Herzegovina and Kosovo. He had begun working for the European Union in Bosnia and Herzegovina at the end of 2006. Initially part of the “planning and strategy” division, he had gone on to head the awareness-raising and assistance programme. In 2007, he had been appointed ad interim Deputy High Representative and head of the Office of the High Representative in Banja Luka.

Orlando FUSCO, political adviser and head of section “Governments, Parliaments and Political Parties”, on behalf of the EUSR/EU, said it was a great honour for him to be present at this Congress session, on behalf of the EU Delegation and the Office of the Special Representative in Bosnia and Herzegovina.

All the countries in the western Balkans, including Bosnia and Herzegovina, had clear prospects for joining the European Union. The European Union had set itself the goal of facilitating these countries’ progress in the political and economic spheres, with due regard to the EU integration priorities and the key conditions for the entry into force of the stabilisation and association agreement. The priorities for Bosnia and Herzegovina had been identified in the European Council’s conclusions, in the European Commission’s progress report in 2013, and in the roadmap agreed in the context of the accession process. Unfortunately, the EU’s firm commitments and efforts to help Bosnia and Herzegovina move forward in the integration process did not match the priorities of the country’s political establishment. Although the majority of the population wanted Bosnia and Herzegovina to become a member of the European Union, there was no common vision of the future of the country among the BiH political elite. In the campaigning ahead of the general elections in October 2014, there was little evidence of any substantial progress towards compliance with EU policies.

Within the framework of the stabilisation and association agreement, the aim was to stabilise the country so as to place it firmly on track towards membership of the European Union. Following the failure to honour the various commitments, the political leaders had proved incapable of reaching a compromise. A few weeks earlier, the Commissioner for Enlargement had announced that the facilitation process could not be stopped. The implementation of the judgment in the Sejdic-Finci case was an international contractual obligation of Bosnia and Herzegovina, as well as an EU requirement for integration. Bosnia and Herzegovina’s political leaders were not capable, however, of agreeing on an effective co-ordination mechanism. EU co-ordination was often viewed as just another decision-making arena where political factions should exercise their veto powers whereas in actual fact, the purpose of this process was to upgrade the existing co-ordination structure and to ensure the transposition of EU laws at the different levels of governance. The division of responsibilities between the various levels of government remained the main obstacle to the implementation of EU financial assistance. These problems were increasingly having a knock-on effect on the political dialogue between the European Union and Bosnia and Herzegovina in various committees. The situation had deteriorated and various meetings had had to be cancelled. On a more positive note, the results of the recent population census would be extremely useful for Bosnia and Herzegovina’s policy development and planning purposes, including with a view to EU integration.

At the beginning of February 2014, a wave of protests had swept Bosnia and Herzegovina and had then continued in more peaceful forms. The demonstrations had initially erupted when workers took to the streets to protest against job losses but had quickly spread to 20 towns across the country. In a number of cantons of Bosnia and Herzegovina, the local governments had resigned. The protests were still going on but the street demonstrations had grown smaller in scale. It appeared that the arrangements put in place had managed to generate a leadership that was more or less accepted countrywide. It remained to be seen whether citizens would succeed in changing the political and social environment. The European Union wanted to see a stable, multi-ethnic BiH, taking its rightful place in the European Union, as stated by the Vice-President of the European Commission, Baroness Ashton, during her visit on 12 March. Baroness Ashton had also made it clear that the citizens’ voices raised during the protests had been heard by the European Union but that it was the leaders of Bosnia and Herzegovina who held the keys to change.

It was now up to the country's elected officials to demonstrate genuine political commitment and to put in place all the conditions required in order to move down the path to accession. The European Union would continue to engage with the various institutions, especially in the social and economic spheres. Economic structural reforms must be devised to spur job creation and it would be good if the political parties were to give commitments to this effect in the context of the electoral campaign. The European Commissioner, Stefan Füle, had launched a programme for growth in order to bring about improvements in governance in the Balkans, including in Bosnia and Herzegovina, in the medium and long term. It had also instituted a dialogue on the justice system in order to address topics such as the rule of law and human rights. Lastly, on 13 March the European Union had launched a working group and released 210 million euros. Mr Fusco hoped that these various initiatives would be followed up by representatives of civil society in order to ensure transparency and reliability. The European Union was calling on Bosnia and Herzegovina to overcome the current political impasse and to address its economic and social problems. It was important that the entire international community be involved in this process and Mr Fusco underlined the close co-operation that had developed between the European Union and the Council of Europe on the ground. Ultimately, however, it was the BiH institutions that would decide whether the country succeeded or failed.

ORAL REPLIES TO WRITTEN QUESTIONS

THE PRESIDENT invited those Congress members who had submitted written questions to present them.

Gilbert ROGER (France, L, SOC) mentioned the social unrest that had erupted on 5 February among workers who had been laid off in Tuzla, and which had then spread to Sarajevo, Mostar, Bihac and Zenica, eventually encompassing half of the country. These demonstrations reflected the public's deep dissatisfaction with government inertia in the face of mass unemployment and bitter disappointment over high-level corruption among members of the political class. Mr Roger asked Mr Mikulić how specifically, the authorities planned to combat this corruption at all levels of local and regional government and at federation level.

Zoran MIKULIĆ, Minister of Justice, Federation of Bosnia and Herzegovina, said he understood that the citizens of Bosnia and Herzegovina had certain demands regarding the judiciary and the justice system. He wished to assure the Congress, however, that the legislature and the judiciary were genuinely independent. Where individuals were found to be guilty of corruption, they should serve the appropriate sentences. The government understood the dissatisfaction expressed by the population, a dissatisfaction that had persisted throughout the twenty years that the country had been in existence but which had grown over the past decade. Evidence of widespread corruption had in fact been found at various levels of government, including within the prosecutor's office. For years, the prosecutor's office had tried to prevent individuals who were guilty of corruption from being prosecuted, despite hundreds of reports from citizens and various bodies, complaining about this corruption.

Mr Mikulić noted that in the years following the war, the political leaders had placed persons loyal to them in important positions, thus securing absolute power while at the same neglecting their social responsibilities. The Ministry of Justice now wished to adopt a proactive approach so that citizens could understand what it was the ministry was trying to achieve. The media, however, was not providing positive coverage of these initiatives. The country's sole TV broadcaster was not interested in what the BiH government or the Congress of Local and Regional Authorities was doing.

Alex LUBAWINSKI (Germany, R, SOC) observed that the demonstrations which had taken place in Bosnia and Herzegovina reflected the general public dissatisfaction with the government's inability to meet their needs. Mr Lubawinski wished to know how the government intended to restore public confidence and to satisfy citizens' legitimate expectations.

Zoran MIKULIĆ, Minister of Justice, Federation of Bosnia and Herzegovina, felt he had already answered this question in his previous reply. The demonstrations had originally stemmed from the unlawful privatisation of companies in Tuzla, leading to job losses. The population had also been very unhappy about delays and lack of effectiveness in the judicial system when it came to dealing with crimes and corruption cases.

Mr Mikulić said that while this dissatisfaction was justified, the protests had been exploited by the media and by NGOs, and also by civil society organisations, to show that the situation was growing worse. There had also been attempts to suggest the existence of a political agenda on the part of the Serbs in the run-up to the elections. Mr Mikulić felt that a false impression had been created of the scale of the protests and that in actual fact, only small groups of around a hundred people had taken to the streets. He said that the opposition party paid 10 euros a day to anyone who agreed to demonstrate. There had been reports of people being bussed in to take part in the demonstrations in return for payment. It was important to make a distinction between the demonstrations that had taken place in February and which were a legitimate expression of public dissatisfaction, and the orchestrated protests taking place now. Certain stakeholders had a vested interest in prolonging protests of this kind. Following the privatisation of certain companies over the past ten years, the workers had had the opportunity to become shareholders in those companies and had sold their shares to private businesses which had then proceeded to destroy the original companies. And now the workers were unhappy.

Some demands, however, were entirely justified. The government was doing everything in its power to combat unemployment and to meet the expectations of the population. Steps had already been taken and certain senior figures had been forced to resign. The government wanted to see constitutional processes that would produce an elected government capable of tackling the many, complex problems facing Bosnia and Herzegovina. A draft law on the fight against corruption had been submitted to parliament. Mr Mikulić stressed that action was already being taken but that the government was being hampered by the demonstrations which were being orchestrated by a group of people seeking to secure a majority in parliament.

THE PRESIDENT thanked the various speakers. He himself had been closely acquainted with the situation in Bosnia and Herzegovina for a quarter of a century, having served for many years as mayor of Innsbruck, which was “partnered” with Sarajevo. He had been familiar with the situation before the war, and then during the war. He had travelled to Sarajevo on several occasions and had witnessed at first-hand the widespread destruction that had taken place. Innsbruck city council had supported Sarajevo by sending numerous consignments of aid. Corruption had already been a problem back then but it had grown worse in recent years. In Innsbruck and in the Congress Bureau, the President said that he had tried to maintain contact with each of the ethnic groups. He had also taken part in an EU delegation to Mostar. He had witnessed at first-hand the formation of the various fronts. The Dayton agreements had aimed to find a political solution to what was a very difficult situation. This solution required a complex system of organisation at all levels of government. The President said he was aware of the difficulties involved in putting in place a sound administration in these circumstances, but felt that it was worth running of the risk of creating an overly bureaucratic system in order to secure peace.

The President referred to the statement made by the High Representative in Bosnia and Herzegovina, Valentin Inzko, and said that he was held in high regard by the Council of Europe, the European Union and the signatories of the Dayton agreements alike. Even if it were simply a case of “small” groups of demonstrators, the protests were an indication of deep public dissatisfaction. The President thanked the minister for speaking candidly about the problems encountered, but said the situation needed to be taken seriously. Any escalation of the protests would trigger another crisis.

The President said that together, the parties concerned must be ready to support Bosnia and Herzegovina and the two entities, namely the Bosniak-Croat Federation and the Republika Srpska. Action should be taken in the interests of peace, if necessary by agreeing a new status for the city of Mostar. The President invited all the parties concerned to move closer together and to make efforts to institute dialogue. He said that on 28 March, he was due to meet with Mr Vidovic in the Tyrol as part of his efforts to keep the channels of communication open with all the stakeholders in order to support economic development, among other things. For unless there was a drastic reduction in

unemployment, the population would be left without hope and the democratic process would not stand a chance. Economic development and democratic development must go hand in hand.

6. LOCAL AND REGIONAL DEMOCRACY IN SWEDEN

[CG(26)12PROV]
[CG(26)12AMDT]

THE PRESIDENT said that the next item of business was the examination of the report on local and regional democracy in Sweden.

Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC), rapporteur, apologised for her colleague Luzette Wagenaar-Kroon, who could not be there today owing to the elections in the Netherlands. She thanked Ms Wagenaar-Kroon for her contribution to the monitoring visit and the report, and also Professor Renate Kicker for the valuable assistance she had given to the Congress delegation.

The delegation had visited Sweden from 23 to 25 September 2013. They had met with the mayors of Stockholm City and Flen, the Vice-Chair of Norrköping City Council, representatives of the Swedish Association of Local and Regional Authorities (SALAR) and with various local government experts. They had also been received by the Minister for Public Administration and Housing, the Minister for Financial Markets and for Local Government, the Chair of the Parliamentary Committee on the Constitution, the President of the Supreme Administrative Court and the Parliamentary Ombudsman.

Ms Mosler-Törnström said there were several positive points that needed to be underlined, starting with the fact that in general, local government in Sweden was in compliance with the requirements of the European Charter of Local Self-Government. A constitutional reform had been introduced in 2011 to provide greater protection for local self-government. A new chapter on local authorities had been added and the principle of proportionality introduced. In Sweden, local authorities managed a very substantial share of public affairs and their association, SALAR, was a key partner of the national authorities with regard to local government affairs. Swedish local authorities had not really felt the effects of the recent economic crisis, the government having managed to shield local budgets from cuts, even though the central budget had shrunk. The Congress's previous recommendations had been taken into account and improvements made to the equalisation system.

The Congress delegation had noted a few negative points. The principle of subsidiarity, for instance, was not mentioned in the Swedish Constitution, even though the Charter contained clear guidelines on this subject. Secondly, there were quite a few national regulations on working conditions, health care, education and public procurement. These regulations risked infringing on local affairs. The rapporteurs therefore recommended that the consultation procedure be improved in these areas. Thirdly, the state grants paid to local authorities were not index-linked and so decreased in real terms through inflation. The rapporteurs recommended that these grants be index-linked, thereby helping to improve the long-term planning work done by local authorities and county councils. The Congress delegation had also been struck by some of the problems seen in towns with large migrant populations. Some small towns were facing social and financial problems owing to the pressure created by the influx of migrants. This was a subject that needed to be examined more closely.

As regional rapporteur, Ms Mosler-Törnström had noted some interesting developments. For example, the number of counties vested with regional development powers had increased, from three to nine. Nine other counties had applied for regional development competencies and the government had decided to grant six of them responsibilities in this area as of 2015.

Ms Mosler-Törnström turned her attention to the draft recommendation. The government was asked to introduce a formal consultation procedure so that local authorities and the associations that represented them could participate in any decisions taken at central government level which might limit their autonomy. Structured, formal consultation was, after all, a major aspect of local self-government.

The government was also invited to consider local authorities' call for state grants to be index-linked. Representatives of local authorities had highlighted this point when meeting with the rapporteurs. The government should also ensure that local authorities were closely involved in assessing the cost implications of any new legislation that was to be implemented at local level.

With regard to regional development, it was recommended that more responsibility be given to the county councils and that these powers be extended to all the county councils. The Council of Europe Reference Framework for Regional Democracy could serve as a guide in this area. In addition, the rapporteurs invited the Swedish government to ratify the Convention on Transfrontier Co-operation.

DEBATE

THE PRESIDENT opened the debate.

Stepan BARNA (Ukraine, R, NR) welcomed this report, saying that it had been prepared in a professional manner and showed that the Swedish government had been very successful in implementing the European Charter of Local Self-Government. It was clear that, despite the economic crisis, Sweden was moving forward in this area. The Swedish experience could serve as a model for carrying out wide-ranging local government reform in Ukraine. Mr Barna also expressed his gratitude to the Swedish government for the financial assistance granted to Ukraine under the European action plan.

Yoomi RENSTRÖM (Sweden, R, SOC) thanked the rapporteurs for their work. The Swedish delegation had been looking forward to this report, which was a useful tool for local and regional authorities when communicating with central government.

Ms Renström wished to highlight certain key points of the report, starting with the fact that there was no formal consultation process between the central and local levels. This was disappointing. Sweden had a robust system of local self-government, but when it came to, say, designing hospitals or managing health care, the decisions were made at national level. In the economic sphere, the responsibilities exercised by local authorities were not always accompanied by the appropriate financial resources. These resources, moreover, were not reviewed in times of inflation. The Swedish delegation was pleased that all these points had been addressed in the report and that the recommendation called for regional authorities to be given additional responsibilities.

Zdenek BROZ (Czech Republic, L, ECR) congratulated the rapporteurs on their work which clearly reflected the kind of consensus-based approach typical of Swedish policy-making, with its preference for negotiations rather than formal guarantees. Mr Broz wondered to what extent formal guarantees might be a better option for local authorities in times of crisis.

Marc SANT (Malta, L, SOC) mentioned the issues facing small towns in the wake of large influxes of migrants. It would be better if migrants were not all concentrated in one place and if they were able to exercise their rights, especially when it came to deciding where to live. Mr Sant asked the rapporteur whether the discussions conducted with local authorities had helped to identify possible ways of resolving this problem and whether there were any examples of good practice that could be gleaned from other states in the same situation.

Leen VERBEEK (Netherlands, R, SOC) said that the report was very extensive and that there was much to be learned from Sweden's experience. Dutch elected officials envied the fact that in Sweden, 70% of local government revenues came from local taxes and welcomed the growing importance of certain regions, which had been given responsibility for regional spatial development. It was interesting to note that the state regulated social affairs at local level in a very detailed manner. The Netherlands was in the process of transferring responsibility for such matters from central to local level. As in Sweden, it was central government that calculated the cost implications of devolved powers, and not necessarily on the basis of realistic estimates. Another distinctive feature of the Swedish system was the fact there was no formal consultation process. In the Netherlands, there was a formal code governing inter-administrative relations, although this code was not always implemented in a satisfactory manner by central government.

Mr Verbeek hoped that the Congress would continue to discuss the issues raised in the report. He suggested that the question of differences in the way local and regional authorities were financed in the member states should be put on the agenda of the two chambers.

Raymond SVENSSON (Sweden, L, ILDG) thanked the rapporteurs for this excellent document, which mentioned *inter alia* the right of local authorities to be consulted. He said he agreed with the rapporteurs about the need to introduce a formal consultation procedure. Such a procedure had been suggested nine years previously, but nothing had ever come of the proposal. Mr Svensson said that he was part of the reference group that was studying state proposals, together with other representatives of civil society, but that the government viewed this committee as just another special interest group, something which was not acceptable. In some cases, SALAR had very little time to respond when it received government proposals. Mr Svensson felt that this was a key issue for strengthening local self-government and he reminded Congress members that Mr Knapé was working on this subject. Consultation in financial matters, in particular, had a direct impact on local and regional authorities. Mr Svensson further recommended that close attention be paid to paragraph 6.a of the recommendation concerning the principle of subsidiarity.

THE PRESIDENT gave the floor to the rapporteur.

Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC), rapporteur, said that numerous Swedish practices were to be commended. In reply to Mr Broz, she said that the negotiations approach was indeed one of the strengths of local authorities in Sweden. Such an approach helped to build public trust in the political process. Legal protection for local self-government was important, however, and could become even more so if a future government were to adopt a policy of centralisation. It was therefore advisable to strengthen the legal framework for local self-government, whether through subsidiarity or through consultations.

Ms Mosler-Törnström went on to talk about migrants. Some of the figures cited were very striking: in one case, 2,000 refugees had arrived in a town of 16,000 inhabitants. How to deal with this issue of integration in a country where local authorities bore the bulk of the responsibility for public service delivery? Certainly, some degree of central co-ordination was needed, but local initiatives, involving town councillors and local residents, were also part of the solution. The report provided guidelines and could be a useful tool, along with the handbook of good practices that had been suggested. Not all the member states were faced with this migration problem to the same extent, but best-practice models could be useful for countries such as Italy and Malta.

THE PRESIDENT asked the Chair of the Monitoring Committee for his opinion.

Lars O. MOLIN (Sweden, L, EPP/CCE) said that as a Swedish national and in the interests of neutrality, he had not chaired the last Monitoring Committee meeting. The Committee had approved the report.

VOTE ON THE DRAFT RECOMMENDATION

THE PRESIDENT asked members to turn their attention to the draft recommendation, saying that one amendment had been tabled.

Yoomi RENSTRÖM (Sweden, R, SOC) presented Amendment No. 1. She observed that local self-government in Sweden was particularly robust and based on a long tradition. In the recent revision of the Constitution, the principle of local self-government had been reinforced and the principle of subsidiarity introduced. The current problem lay more in the failure to strictly apply this principle.

THE PRESIDENT announced that the rapporteur wished to table an oral sub-amendment to Amendment No. 1.

Gudrun MOSLER-TÖRNSTRÖM (Austria, R, SOC), rapporteur, proposed a slight change to clarify the wording of Amendment No. 1, by deleting the word “consider”. The amendment would read as follows: “strengthen the principle of subsidiarity...”.

THE PRESIDENT noted that there were no objections to this oral sub-amendment and put it to the vote.

The oral sub-amendment was adopted.

THE PRESIDENT put Amendment No. 1 to the vote, as amended.

Amendment No. 1, as amended, was adopted.

THE PRESIDENT put the draft recommendation, as adopted, to the vote.

The draft recommendation set out in Document [CG(26)12PROV], as amended, was adopted.

7. CLOSE OF THE 26TH SESSION BY THE PRESIDENT OF THE CONGRESS

THE PRESIDENT announced that all of the items on the agenda of the 26th Session of the Congress had been discussed.

The President wished to reiterate the Congress’s support for the people and local and regional authorities of Ukraine. The Congress would carry on looking for peaceful solutions, working closely with other actors from the Council of Europe, and in this spirit would seek to maintain a dialogue with the Russian Federation.

This session had taken place against the backdrop of the 20th anniversary of the Congress in its current shape and form. The President thanked the Congress’s partners for taking part in the celebrations.

This 26th session was the first to be held on this year’s theme “Empowering youth: a shared responsibility for cities and regions”. Together with representatives of the younger generation, the Congress had discussed the role of young people in building local and regional democracy. The issues of voting at 16, the occupational integration of young people and policies to promote Roma youth participation had also been addressed.

Lively debates had been held on the role of local councillors today, the situation of local elected representatives in detention, digital media and urban mobilisation, and implementing human rights policies. Discussions had been held with the Austrian Chairmanship of the Committee of Ministers, the Secretary General of the Council of Europe, the new President of the Parliamentary Assembly and the Commissioner for Human Rights, as well as with other speakers whom the President thanked for taking part. He also thanked the representatives of the governments whose countries had been the focus of attention at this 26th session and which had agreed to take part in the debates.

The President thanked all the Congress members for their contribution to this 26th session, and the Secretariat for planning and preparing it.

The President invited Congress members to attend the seminar on e-democracy which was to be held at 2 p.m.

The President declared the 26th Session of the Congress of Local and Regional Authorities of the Council of Europe closed.

The 27th Session of the Congress would take place in Strasbourg, from 14 to 16 October 2014. A new Bureau and a new President would have to be elected on that occasion.

The assembly stood for the European Anthem.

The sitting rose at 12.14 p.m.

