

*Ministers' Deputies*

## Decisions

CM/Del/Dec(2016)1270 10 November 2016

---

### 1270<sup>th</sup> meeting, 9 November 2016

Decisions adopted

---



**CONTENTS****Page**

List of those present .....	5
Introduction .....	9

**1. General questions**

1.1	Adoption of the agenda .....	9
1.2	Preparation of forthcoming meetings.....	+
1.3	Dialogue with the Secretary General and the Deputy Secretary General.....	9
1.4	Report of the Bureau .....	9
1.5	Conferences of specialised ministers – State of preparation .....	+
1.6	Report of the fact-finding mission to Calais and Grande-Synthe (France) by the Special Representative of the Secretary General on migration and refugees, 12-13 and 21-23 September 2016.....	+

**2. Democracy and political questions**

2.1	The Council of Europe and the conflict in Georgia.....	+
2.1bis	Current political questions .....	+
	- <i>Statement by the Representative of the Russian Federation</i>	
2.2	Situation in Cyprus.....	+

**3. Parliamentary Assembly**

3.1	Written Questions by members of the Parliamentary Assembly to the Committee of Ministers	
	a. Written Question No. 716 by Mr Rónán Mullen: “Disproportionate Russian restrictions on freedom of religion and belief” .....	10
	b. Written Question No. 717 by Mr Andrei Neguta: “Constitutional Court of the Republic of Moldova” .....	10
	c. Written Question No. 709 by Mr Dirk Van der Maelen: “The production of foie gras” .....	10

**4. Human rights**

H46-1	Ilgar Mammadov v. Azerbaijan (Application No. 15172/13): situation of the applicant – Supervision of the execution of the Court’s judgments .....	10
H46-1	Supervision of execution of judgments of the European Court of Human Rights - Adoption of final resolutions .....	11
4.1	“The case against a Council of Europe legal instrument on involuntary measures in psychiatry” – Parliamentary Assembly Recommendation 2091 (2016) .....	12

**8. Youth and sport**

8.1	World Anti-doping Agency (WADA) – Designation of the second European representative to the Foundation Board for 2016-17 .....	12
-----	-------------------------------------------------------------------------------------------------------------------------------	----

---

<sup>+</sup> There were no decisions under this item.

**10. Legal questions**

10.1	Committee of Legal Advisers on Public International Law (CAHDI) – Abridged report of the 52 <sup>nd</sup> meeting (Brussels, Belgium, 15-16 September 2016) .....	12
10.2	“Transparency and openness in European institutions” – Parliamentary Assembly Recommendation 2094 (2016) .....	13
10.3	European Charter for Regional or Minority Languages a. Election of a member of the Committee of Experts in respect of Romania..... b. Sixth report of the Committee of Experts in respect of Hungary .....	13 13

**11. Programme, Budget and Administration**

11.1	Appointment of members and alternate members of the Budget Committee for the period 1 January 2017 to 31 December 2019 .....	14
11.2	Committee for Works of Art (C-ART) – Report by the Chair of the C-ART .....	15

**12. Congress of Local and Regional Authorities of the Council of Europe**

12.1	31 <sup>st</sup> Plenary Session of the Congress (Strasbourg, 19-21 October 2016) – Adopted texts .....	15
------	---------------------------------------------------------------------------------------------------------	----

**13. Other business**

13.1	- Statement by the Representative of Estonia - Statement by the Representative of Italy .....	+
------	--------------------------------------------------------------------------------------------------	---

**APPENDICES**

APPENDIX 1 (Item 1.1)	1270 <sup>th</sup> meeting of the Ministers' Deputies (Strasbourg, 9 (10 a.m.) November 2016) Agenda .....	18
APPENDIX 2 (Item 3.1c)	Reply to Written Question No. 709 by Mr Dirk Van der Maelen: “The production of foie gras” .....	21
APPENDIX 3 (Item 4.1)	Reply to Parliamentary Assembly Recommendation 2091 (2016) on “The case against a Council of Europe legal instrument on involuntary measures in psychiatry” .....	22
APPENDIX 4 (Item 10.2)	Reply to Parliamentary Assembly Recommendation 2094 (2016) on “Transparency and openness in European institutions” .....	24

---

<sup>+</sup> There were no decisions under this item.

1270<sup>th</sup> meeting – 9 November 2016

The 1270<sup>th</sup> meeting of the Ministers' Deputies opened on 9 November 2016 at 10.00 a.m. under the chairmanship of Ms K. Kivi, Deputy for the Minister for Foreign Affairs of Estonia.

PRESENT

## ALBANIA

Ms A. Hobdari  
Ms A. Kasa  
Ms A. Doko

## ANDORRA

Ms M.E. Rabasa Grau  
Mr J. Forner Rovira

## ARMENIA

Mr P. Hovhannisyan  
Mr A. Khachatryan  
Ms S. Adamyan

## AUSTRIA

Mr R. Lennkh

## AZERBAIJAN

Mr E. Eyyubov  
Mr E. Hasanov  
Mr U. Machanov

## BELGIUM

Mr G. Heyvaert  
Mr M. Creffier

## BOSNIA AND HERZEGOVINA

Mr P. Grgić  
Ms S. Radjo

## BULGARIA

Ms K. Todorova  
Mr E. Valev  
Mr A. Manov  
Ms J. Parparova

## CROATIA

Mr M. Papa  
Ms B. Babić  
Ms A. Vrkljan Sučić

## CYPRUS

Ms T. Constantinidou, Vice-Chairperson  
Mr M. Karagiorgis  
Ms M. Savvidou  
Ms I. Demosthenous

## CZECH REPUBLIC

Mr J. Šlais  
Mr M. Bouček

## DENMARK

Mr A. de Fine Skibsted  
Mr T. Sand Kirk

## ESTONIA

Ms K. Kivi, Chair  
Ms K. Juhasoo-Lawrence  
Mr M. Tiigimäe

## FINLAND

Ms S. Mattila-Budich  
Ms H. Kosonen

## FRANCE

Mr J.-B. Mattei  
Mr O. El Kachtoul  
Mr J.-F. Goujon-Fischer  
Ms V. Lübken

## GEORGIA

Mr K. Korkelia  
Ms M. Maisaia  
Ms I. Kubetsia  
Mr M. Sulaberidze

## GERMANY

Mr G. Küntzle  
Mr A. Huber  
Ms C. Bergerhausen  
Ms V. Wolf

## GREECE

Mr S. Perrakis  
Mr V. Vikas  
Mr G. Skemperis

## HUNGARY

Ms Á. Kertész  
Ms K. Jensen-Magyar  
Mr G. Kocsis

## ICELAND

Ms S. Ágústsdóttir

## IRELAND

Mr K. McBean  
Ms A. Foley  
Ms C. Nevin

## ITALY

Mr M. Marsilli  
Mr P. Vaira  
Mr D. Loi

## LATVIA

Mr I. Pundurs  
Ms S. Kauliņa  
Mr E. Rubīns

1270<sup>th</sup> meeting – 9 November 2016

## LIECHTENSTEIN

Mr D. Ospelt

## LITHUANIA

Ms L. Jurevičienė  
 Ms D. Mardosaitė-Vaišnorienė  
 Mr A. Tumėnas

## LUXEMBOURG

Ms M. Eisenbarth  
 Ms C. Goy  
 Ms R. Spoto

## MALTA

Mr J. Filletti

## REPUBLIC OF MOLDOVA

Ms C. Călugăru  
 Ms I. Botnari

## MONACO

Mr R. Mortier  
 Mr G. Revel

## MONTENEGRO

Ms B. Krunić  
 Mr P. Karanikić  
 Ms A. Radusinović

## NETHERLANDS

Mr O. Elderenbosch

## NORWAY

Ms A. Helle  
 Mr Å. Eriksen  
 Mr Y.O. Hvoslef

## POLAND

Mr J. Stanczyk  
 Ms I. Marczyk-Stępniewska  
 Ms A. Kropczyńska

## PORTUGAL

Mr J.M. Cabral  
 Ms M. Caldas Faria

## ROMANIA

Ms A.-L. Rusu  
 Mr L. Bleoca  
 Ms I. Rustem

## RUSSIAN FEDERATION

Mr I. Soltanovsky  
 Mr V. Egorov  
 Ms M. Astakhova  
 Ms M. Molodtsova  
 Mr S. Savushkin  
 Mr A. Vlasov  
 Mr A. Tarasov  
 Mr V. Kurbartskiy

## SAN MARINO

Mr G. Bellatti Ceccoli

## SERBIA

Mr Z. Popović  
 Mr I. Vučinić  
 Mr D. Ninkov

## SLOVAK REPUBLIC

Mr D. Štefánek  
 Ms M. Hanusová

## SLOVENIA

Ms E. Tomič  
 Ms M. Štrumelj Piškur  
 Mr H. Hartman

## SPAIN

Mr L.J. Gil Catalina  
 Mr F. Torres Muro  
 Mr L. Tarin Martin

## SWEDEN

Mr T. Haak  
 Ms A.M. Bolin Pennegård  
 Ms K. Flarup

## SWITZERLAND

Mr U. Beer

“THE FORMER YUGOSLAV  
REPUBLIC OF MACEDONIA”

Mr P. Pop-Arsov  
 Ms O. Vasilevska  
 Mr I. Kadriu

## TURKEY

Mr E. Işcan  
 Ms S. Erkan  
 Mr C. Öztas  
 Ms M. Yılmaz Öskiper  
 Mr M.T. Çiçek  
 Mr M.Z. Uzun  
 Mr A. Vural  
 Mr Y. Şimşek  
 Ms B.B. Soydan

## UKRAINE

Mr D. Kuleba  
 Mr O. Kulikovskiy  
 Mr O. Maznychenko  
 Mr A. Oganov  
 Mr D. Nebrat

## UNITED KINGDOM

Mr C. Yvon  
 Ms M. Tankard  
 Mr M. Gorey

\*  
\*   \*  
\*

1270<sup>th</sup> meeting – 9 November 2016

## EUROPEAN UNION

Mr J. Vilén  
Mr J. Mendes Bota  
Ms B. Glasenhardt

\*

\* \*

## CANADA

-

## HOLY SEE

Mgr J.B. Itaruma

## JAPAN

Mr S. Shimizu  
Mr K. Wada  
Ms W. Fujita

## MEXICO

Mr S. Oñate Laborde  
Mr D. Sandoval Pimentel

## UNITED STATES OF AMERICA

Ms A. Westling





**Introduction**

At the start of the meeting, the Chair welcomed Mr Daniele Loi, Deputy to the Permanent Representative of Italy, and Mr Artur Oganov, Deputy to the Permanent Representative of Ukraine, and wished them a pleasant stay in Strasbourg and a successful mission within the Committee.

**Item 1.1****Adoption of the agenda***Decisions*

## The Deputies

1. agreed to add the following sub-item to the agenda of their present meeting:
  - 2.1bis Current political questions
    - *Statement by the Representative of the Russian Federation*
2. agreed to add the following item to the agenda of their present meeting:
  - 13.1
    - Statement by the Representative of Estonia
    - Statement by the Representative of Italy
3. taking into account decisions 1 and 2 above, adopted the agenda of their 1270<sup>th</sup> meeting, as it appears at Appendix 1 to the present volume of Decisions.

**Item 1.3****Dialogue with the Secretary General and the Deputy Secretary General**

SG/Com(2016)1270, SG/Inf(2016)39

*Decision*

The Deputies took note of the communication of the Secretary General and the Deputy Secretary General (SG/Com(2016)1270) and the exchange of views under this item.

**Item 1.4****Report of the Bureau**

CM/Bur/Del(2016)1270

*Decisions*

## The Deputies

1. approved the Bureau's recommendations with regard to the agendas of their 1271<sup>st</sup> (16 November 2016) and 1272<sup>nd</sup> (30 November 2016) meetings, as they appear in Appendix 1 to the Bureau report;
2. took note of the report of the meeting of the Bureau of 7 November 2016 (document CM/Bur/Del(2016)1270) as a whole.

**Item 3.1a****Written Questions by members of the Parliamentary Assembly to the Committee of Ministers**

- a. Written Question No. 716 by Mr Rónán Mullen: “Disproportionate Russian restrictions on freedom of religion and belief”**

*Decision*

The Deputies agreed to postpone this item to their 1271<sup>st</sup> meeting (16 November 2016).

**Item 3.1b****Written Questions by members of the Parliamentary Assembly to the Committee of Ministers**

- b. Written Question No. 717 by Mr Andrei Neguta: “Constitutional Court of the Republic of Moldova”**

*Decision*

The Deputies agreed to postpone this item to their 1271<sup>st</sup> meeting (16 November 2016).

**Item 3.1c****Written Questions by members of the Parliamentary Assembly to the Committee of Ministers**

- c. Written Question No. 709 by Mr Dirk Van der Maelen: “The production of foie gras”**

CM/Del/Dec(2016)1263/3.1b, CM/AS(2016)Quest709-prov

*Decision*

The Deputies adopted the reply to the above-mentioned written question, as it appears in document CM/AS(2016)Quest709-final.<sup>1</sup>

**Item H46-1****Ilgar Mammadov v. Azerbaijan (Application No. 15172/13): situation of the applicant – Supervision of the execution of the Court’s judgments***Decision*

The Deputies agreed to postpone this item to their 1271<sup>st</sup> meeting (16 November 2016).

---

<sup>1</sup> Cf. also Appendix 2 to the present volume of Decisions.

**Item H46-2****Supervision of execution of judgments of the European Court of Human Rights –  
Adoption of final resolutions***Decision*

The Deputies adopted the final Resolutions CM/ResDH(2016)306 to CM/ResDH(2016)332 in respect of the decisions and judgments listed below.

Resolution	Application No.	Case	Judgment or decision of	Final on
<b>BULGARIA</b>				
CM/ResDH(2016)306	50899/99	KRASIMIR YORDANOV	15/02/2007	15/05/2007
<b>ESTONIA</b>				
CM/ResDH(2016)307	16563/08+	JULIN	29/05/2012	29/08/2012
	66393/10	TALI	13/02/2014	13/05/2014
CM/ResDH(2016)308	35985/09	MARTIN	30/05/2013	07/10/2013
CM/ResDH(2016)309	59632/09	VRONCHENKO	18/07/2013	18/10/2013
	26540/08	ROSIN	19/12/2013	14/01/2014
<b>FRANCE</b>				
CM/ResDH(2016)310	19522/09	M.K.	18/04/2013	18/07/2013
<b>GREECE</b>				
CM/ResDH(2016)311	53466/07	KONSTAS	24/05/2011	28/11/2011
CM/ResDH(2016)312	19516/06	ALEXANDRIDIS	21/02/2008	21/05/2008
CM/ResDH(2016)313	46929/06	ELYASIN	28/05/2009	06/11/2009
	53451/07	POPOVITSI	14/01/2010	14/04/2010
<b>ITALY</b>				
CM/ResDH(2016)314	3449/05	HOKIC AND HRUSTIC	01/12/2009	01/03/2010
CM/ResDH(2016)315	16861/02	NICOLA SILVESTRI	09/06/2009	09/09/2009
	29385/03	GAGLIARDI	16/07/2013	16/07/2013
CM/ResDH(2016)316	357/07	VENTORINO	17/05/2011	17/08/2011
CM/ResDH(2016)317	231/07	OGARISTI	18/05/2010	18/08/2010
<b>LATVIA</b>				
CM/ResDH(2016)318	45559/06	DAVIDOVŠ	07/07/2015	07/07/2015
	16858/11	URTĀNS	28/10/2014	28/01/2015
CM/ResDH(2016)319	798/05	MIROĻUBOVŠ AND OTHERS	15/09/2009	15/12/2009
<b>LIECHTENSTEIN</b>				
CM/ResDH(2016)320	38191/12	A.K.	09/07/2015	09/10/2015
<b>ROMANIA</b>				
CM/ResDH(2016)321	16184/06	NIȚULESCU	22/09/2015	22/12/2015
CM/ResDH(2016)322	78039/01	GROSARU	02/03/2010	02/06/2010
<b>RUSSIAN FEDERATION</b>				
CM/ResDH(2016)323	75639/13	Aleksandr Sergeyevich FOTEYEV	19/01/2016	Decision
	24232/13	Dmitriy Vladimirovich NAUMOV	17/06/2014	Decision
	15338/06+	Andrey Vladimirovich OKHAPKIN AND 15 OTHER APPLICATIONS	17/06/2014	Decision
	17329/06	Igor Andreyevich RESHETIN	26/01/2016	Decision
<b>SERBIA</b>				
CM/ResDH(2016)324	76895/13	Vesna KATIĆ AND 39 OTHER APPLICATIONS	08/12/2015	Decision
<b>SWITZERLAND</b>				
CM/ResDH(2016)325	52166/09	HASANBASIC	11/06/2013	07/10/2013

Resolution	Application No.	Case	Judgment or decision of	Final on
CM/ResDH(2016)326	27510/08	PERİNÇEK	15/10/2015	Grand Chamber
CM/ResDH(2016)327	33169/10	POLIDARIO	30/07/2013	30/10/2013
CM/ResDH(2016)328	12020/09	UDEH	16/04/2013	09/09/2013
<b>TURKEY</b>				
CM/ResDH(2016)329	76476/12	YAVUZ SELİM GÜLER	15/12/2015	15/03/2016
CM/ResDH(2016)330	41135/98	AHMET ARSLAN AND OTHERS	23/02/2010	04/10/2010
CM/ResDH(2016)331	4789/10	GÖZÜM	20/01/2015	20/04/2015
CM/ResDH(2016)332	39324/98	DEMIREL GROUP	28/01/2003	28/04/2003

**Item 4.1**

**“The case against a Council of Europe legal instrument on involuntary measures in psychiatry” –  
Parliamentary Assembly Recommendation 2091 (2016)**

PACE REC\_2091(2016), CM/AS(2016)Rec2091-prov

*Decision*

The Deputies adopted the reply to Parliamentary Assembly Recommendation 2091 (2016) on “The case against a Council of Europe legal instrument on involuntary measures in psychiatry”, as it appears in document CM/AS(2016)Rec2091-final.<sup>1</sup>

**Item 8.1**

**World Anti-doping Agency (WADA) –  
Designation of the second European representative to the Foundation Board for 2016-17**  
DD(2016)1202

*Decision*

The Deputies, having regard to the unanimous endorsement by the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA), designated Mr Akif Çağatay KILIÇ, Minister of Youth and Sport of Turkey, to the position of second member of the Foundation Board of the World Anti-Doping Agency (WADA) appointed by the Council of Europe for 2016-2017.

**Item 10.1**

**Committee of Legal Advisers on Public International Law (CAHDI) –  
Abridged report of the 52<sup>nd</sup> meeting (Brussels, Belgium, 15-16 September 2016)**  
CM(2016)139

*Decision*

The Deputies took note of the abridged report of the 52<sup>nd</sup> meeting of the CAHDI, as it appears in document CM(2016)139.

<sup>1</sup> Cf. also Appendix 3 to the present volume of Decisions.

**Item 10.2****“Transparency and openness in European institutions” –  
Parliamentary Assembly Recommendation 2094 (2016)**

CM/AS(2016)Rec2094-prov, DD(2016)1146

*Decision*

The Deputies adopted the reply to Parliamentary Assembly Recommendation 2094 (2016) on “Transparency and openness in European institutions”, as it appears in document CM/AS(2016)Rec2094-final.<sup>1</sup>

**Item 10.3a****European Charter for Regional or Minority Languages****a. Election of a member of the Committee of Experts in respect of Romania**

CM(2016)147

*Decision*

The Deputies, in accordance with Article 17, paragraph 1, of the European Charter for Regional or Minority Languages, declared the person whose name appears below elected as a member of the Committee of Experts of the European Charter for Regional or Minority Languages, in respect of Romania, for a period of six years starting on 8 December 2016:

- Mr Ion Diaconu.

**Item 10.3b****European Charter for Regional or Minority Languages****b. Sixth report of the Committee of Experts in respect of Hungary**

This sub-item was postponed.

---

<sup>1</sup> See also Appendix 4 to the present volume of Decisions.

**Item 11.1****Appointment of members and alternate members of the Budget Committee for the period  
1 January 2017 to 31 December 2019**

CM(2016)65, CM(2016)65-add1, CM(2016)65-add2, CM(2016)65-add3, CM(2016)65-add4, CM(2016)65-add5,  
CM(2016)65-add6, CM(2016)65-add7, CM(2016)65-add8, CM(2016)65-add9, CM(2016)65-add10, CM(2016)65-add11

*Decisions*

## The Deputies

1. in accordance with Article 29 of the Financial Regulations, appointed the following members and alternate members of the Budget Committee for a term of three years from 1 January 2017 to 31 December 2019:

- from amongst the six highest contributors to the General Budget:

<b>Member State</b>	<b>Member</b>	<b>Alternate member</b>
France	Jean Parmentier	Marie-Chantal Musset
Germany	Detlev Hammann	Michael Ulrich
Italy	Maria Teresa Polito	Salvatore Sebastiano Vizzini
Russian Federation	Nikolay Lozinskiy	Evgeny Vladimirovich Kalugin
Turkey	Cebrail Yilmazer	Ömer Nuri Türkşen
United Kingdom	Amardeep Khosla	Keith McMahon

- from amongst the other member States:

<b>Member State</b>	<b>Member</b>	<b>Alternate member</b>
Austria	Christoph Jackwerth	Angelina Migsich
Norway	Hilde Bakken	Heidi Malene Nipe
Poland	Wojciech Nowak	Marta Pietrzak
Spain	Jesus Manuel Gomez Garcia	Maria del Mar Rodriguez Polack
Switzerland	Jörg Portmann	To be appointed

2. agreed to extend to 30 November 2016 at 12 noon the deadline by which member States could submit candidatures for the remaining vacancies of members and alternate members of the Budget Committee.

**Item 11.2****Committee for Works of Art (C-ART) – Report by the Chair of the C-ART**  
CM(2016)157*Decisions*

## The Deputies

1. expressed their appreciation of the gift presented by Poland on the occasion of the 25<sup>th</sup> anniversary of its accession to the Council of Europe: tablets containing the 21 demands formulated by strikers in August 1980 at the Gdansk Shipyard, and decided to accept it gratefully;
2. took note of the report of the Chair of the Committee for Works of Art (C-ART), as it appears in document CM(2016)157, as a whole.

**Item 12.1****Congress of Local and Regional Authorities of the Council of Europe –  
31<sup>st</sup> Plenary Session of the Congress (Strasbourg, 19-21 October 2016) – Adopted texts**  
Compendium of adopted texts*Decisions*

## The Deputies

1. concerning Recommendation 388 (2016) – “The situation of Roma and Travellers in the context of rising extremism, xenophobia and the refugee crisis in Europe”
  - a. took note of Recommendation 388 (2016);
  - b. agreed to transmit it to the Ad hoc Committee of Experts on Roma Issues (CAHROM) and to the Joint Council on Youth (CMJ) for information and possible comments before 21 December 2016;
  - c. invited their Rapporteur Group on Social and Health Questions (GR-SOC) to prepare a draft reply for adoption at one of their forthcoming meetings;

\*\*\*
2. concerning Recommendation 389 (2016) – “Local democracy in Cyprus”
  - a. took note of Recommendation 389 (2016);
  - b. agreed to bring it to the attention of the authorities of Cyprus;

\*\*\*
3. concerning Recommendation 390 (2016) – “Women’s political participation and representation at local and regional levels”
  - a. took note of Recommendation 390 (2016);
  - b. agreed to transmit it to the Gender Equality Commission (GEC) for information and possible comments before 21 December 2016;
  - c. invited their Rapporteur Group on Human Rights (GR-H) to prepare a draft reply for adoption at one of their forthcoming meetings;

\*\*\*

## 4. concerning Recommendation 391 (2016) – “Local and regional democracy in Croatia”

- a. took note of Recommendation 391 (2016);
- b. agreed to bring it to the attention of the authorities of Croatia;

\*\*\*

## 5. concerning Recommendation 392 (2016) – “Good governance in metropolitan areas”

- a. took note of Recommendation 392 (2016);
- b. agreed to transmit it to the European Committee on Democracy and Governance (CDDG) for information and possible comments before 21 December 2016;
- c. invited their Rapporteur Group on Democracy (GR-DEM) to prepare a draft reply for adoption at one of their forthcoming meetings;

\*

\* \*

## 6. took note of the following resolutions:

- Resolution 399 (2016): “Verification of new members’ credentials and official procedures for appointing national delegations to the Congress”
- Resolution 400 (2016): “Follow-up to the Congress strategy to combat radicalisation at grassroots level”
- Resolution 401 (2016): “Preventing corruption and promoting public ethics at local and regional levels”
- Resolution 402 (2016): “The misuse of administrative resources during electoral processes: the role of local and regional elected representatives and public officials”
- Resolution 403 (2016): “The situation of Roma and Travellers in the context of rising extremism, xenophobia and the refugee crisis in Europe”
- Resolution 404 (2016): “Women’s political participation and representation at local and regional levels”
- Resolution 405 (2016): “Gender budgeting”
- Resolution 406 (2016): “Congress priorities for 2017-2020”
- Resolution 407 (2016): “Good governance in metropolitan areas”
- Resolution 408 (2016): “Rule of Law Checklist adopted by the Venice Commission at its 106<sup>th</sup> Plenary Session (11-12 March 2016)”
- Resolution 409 (2016): “Revision of the Rules and Procedures of the Congress”

\*

\* \*



7. adopted the following reply to the texts adopted by the Congress of Local and Regional Authorities of the Council of Europe at its 31<sup>st</sup> Plenary Session (Strasbourg, 19-21 October 2016):

“The Committee of Ministers has taken note of Recommendations 388 to 392 (2016) and Resolutions 399 to 409 (2016) adopted by the Congress of Local and Regional Authorities of the Council of Europe at its 31<sup>st</sup> Plenary Session (Strasbourg, 19-21 October 2016).

The Committee of Ministers has forwarded Recommendations 388, 390 and 392 (2016) to the competent intergovernmental committees for information and comments, as appropriate. It has also instructed its relevant Rapporteur Groups to prepare draft replies to these recommendations for adoption at one of its forthcoming meetings.”

**Appendix 1**  
(Item 1.1)

**1270<sup>th</sup>** meeting of the Ministers' Deputies  
(Strasbourg, 9 (10 a.m.) November 2016)

## Agenda

### **1. General questions**

- 1.1 Adoption of the agenda  
CM/Del/OJ(2016)1270
- 1.2 Preparation of forthcoming meetings
- 1.3 Dialogue with the Secretary General and the Deputy Secretary General  
SG/Com(2016)1270, SG/Inf(2016)39
- 1.4 Report of the Bureau  
CM/Bur/Del(2016)1270
- 1.5 Conferences of specialised ministers – State of preparation  
CM/Inf(2016)15
- 1.6 Report of the fact-finding mission to Calais and Grande-Synthe (France) by the Special Representative of the Secretary General on migration and refugees, 12-13 and 21-23 September 2016  
SG/Inf(2016)35  
CM/Notes/1270/1.6 of 4.11.2016

### **2. Democracy and political questions**

- 2.1 The Council of Europe and the conflict in Georgia  
CM(2008)150-rev, CM(2008)162, SG/Inf(2008)19, DD(2008)631, SG/Inf(2009)5, SG/Inf(2009)7, CM(2009)PV-final, SG/Inf(2009)10, SG/Inf(2009)5-add, SG/Inf(2009)9, CM/AS(2009)Quest572, DD(2009)447, SG/Inf(2009)15-final, SG/Inf(2009)5-add2, Parliamentary Assembly REC\_1846(2008), CM/AS(2009)Rec1846-final, Parliamentary Assembly REC\_1857(2009), CM/AS(2009)Rec1857-final, CM(2009)164, Parliamentary Assembly REC\_1869(2009), CM/AS(2010)Rec1869-final, DD(2010)71, DD(2010)95, SG/Inf(2010)7, SG/Inf(2010)8, DD(2010)238, CM/Del/Dec(2010)1090/2.1, SG/Inf(2010)19, DD(2010)559, SG/Inf(2011)8, SG/Inf(2011)24, SG/Inf(2012)5, SG/Inf(2012)28-rev, SG/Inf(2013)13, SG/Inf(2013)38, DD(2014)490, SG/Inf(2014)17, SG/Inf(2014)41, SG/Inf(2015)18, SG/Inf(2015)41, SG/Inf(2016)14-rev
- 2.1bis Current political questions  
- *Statement by the Representative of the Russian Federation*
- 2.2 Situation in Cyprus

### 3. **Parliamentary Assembly**

#### 3.1 Written Questions by members of the Parliamentary Assembly to the Committee of Ministers

a. Written Question No. 716 by Mr Rónán Mullen: “Disproportionate Russian restrictions on freedom of religion and belief”

CM/Notes/1270/3.1a of 26.10.2016

b. Written Question No. 717 by Mr Andrei Neguta: “Constitutional Court of the Republic of Moldova”

CM/Notes/1270/3.1b of 4.11.2016

*(Sub-items a. and b. postponed)*

c. Written Question No. 709 by Mr Dirk Van der Maelen: “The production of foie gras”

CM/Del/Dec(2016)1263/3.1b, CM/AS(2016)Quest709-prov  
CM/Notes/1270/3.1c of 4.11.2016

### 4. **Human rights**

#### H46-1 Ilgar Mammadov v. Azerbaijan (Application No. 15172/13): situation of the applicant – Supervision of the execution of the Court’s judgments

CM/Del/Dec(2016)1265/H46-3, CM/ResDH(2016)144, CM/ResDH(2015)156, CM/ResDH(2015)43,  
DH-DD(2016)1069, DH-DD(2016)1126  
CM/Notes/1270/H46-1 of 3.11.2016

*(Item postponed)*

#### H46-2 Supervision of execution of judgments of the European Court of Human Rights – Adoption of final resolutions

CM/Notes/1270/H46-2 of 27.10.2016

#### 4.1 “The case against a Council of Europe legal instrument on involuntary measures in psychiatry” – Parliamentary Assembly Recommendation 2091 (2016)

**(Item prepared by the GR-H on 19.10.2016 and the GR-SOC)**

PACE REC\_2091(2016), CM/AS(2016)Rec2091-prov  
CM/Notes/1270/4.1 of 28.10.2016

### 8. **Youth and sport**

#### 8.1 World Anti-doping Agency (WADA) – Designation of the second European representative to the Foundation Board for 2016-17

DD(2016)1202  
CM/Notes/1270/8.1 of 4.11.2016

### 10. **Legal questions**

#### 10.1 Committee of Legal Advisers on Public International Law (CAHDI) – Abridged report of the 52<sup>nd</sup> meeting (Brussels, Belgium, 15-16 September 2016) **(Item prepared by the GR-J on 2.11.2016)**

CM(2016)139  
CM/Notes/1270/10.1 of 3.11.2016

- 10.2 “Transparency and openness in European institutions” –  
Parliamentary Assembly Recommendation 2094 (2016)  
**(Item prepared by the GR-J on 2.11.2016)**

CM/AS(2016)Rec2094-prov, DD(2016)1146  
CM/Notes/1270/10.2 of 3.11.2016

- 10.3 European Charter for Regional or Minority Languages  
**(Item prepared by the GR-J on 2.11.2016)**

- a. Election of a member of the Committee of Experts in respect of Romania

CM(2016)147  
CM/Notes/1270/10.3a of 3.11.2016

- b. Sixth report of the Committee of Experts in respect of Hungary

CM(2016)144

*(Sub-item b. postponed)*

## **11. Programme, Budget and Administration**

- 11.1 Appointment of members and alternate members of the Budget Committee for the period  
1 January 2017 to 31 December 2019

CM(2016)65-add1, CM(2016)65-add2, CM(2016)65-add3, CM(2016)65-add4, CM(2016)65-add5,  
CM(2016)65-add6, CM(2016)65-add7, CM(2016)65-add8, CM(2016)65-add9, CM(2016)65-add10,  
CM(2016)65-add11  
CM/Notes/1270/11.1 of 25.10.2016

- 11.2 Committee for Works of Art (C-ART) – Report by the Chair of the C-ART

CM(2016)157  
CM/Notes/1270/11.2 of 25.10.2016

## **12. Congress of Local and Regional Authorities of the Council of Europe**

- 12.1 31<sup>st</sup> Plenary Session of the Congress (Strasbourg, 19-21 October 2016) – Adopted texts

Compendium of adopted texts  
CM/Notes/1270/12.1 of 27.10.2016

## **13. Other business**

- 13.1 - Statement by the Representative of Estonia  
- Statement by the Representative of Italy

**Appendix 2**

(Item 3.1c)

**Reply to Written Question No. 709 by Mr Dirk Van der Maelen:  
“The production of foie gras”***(Adopted by the Committee of Ministers on 9 November 2016  
at the 1270<sup>th</sup> meeting of the Ministers' Deputies)*

1. The Committee of Ministers reiterates that the two recommendations mentioned by the Honourable Parliamentarian remain valid. The member States are responsible for the implementation of these recommendations. The Committee of Minister notes that notwithstanding the fact that the recommendations remain valid, no report has been received to date in their respect.
2. It recalls that Article 8, paragraph 3, of the European Convention for the Protection of Animals kept for Farming Purposes (ETS No. 087) stipulates that a majority of the representatives of the Contracting Parties or the representative of the European Union can request the Secretary General to convene the Standing Committee. No such request has been made since 2010. The Committee of Ministers underlines that unfortunately the budgetary constraints referred to in its reply to Written Question No. 702 and their consequences remain unchanged.

### Appendix 3

(Item 4.1)

#### **Reply to Parliamentary Assembly Recommendation 2091 (2016) on “The case against a Council of Europe legal instrument on involuntary measures in psychiatry”**

*(Adopted by the Committee of Ministers on 9 November 2016  
at the 1270<sup>th</sup> meeting of the Ministers' Deputies)*

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2091 (2016) on “The case against a Council of Europe legal instrument on involuntary measures in psychiatry” and has forwarded it to the relevant committees and bodies for information and comments.<sup>1</sup>
2. The Committee of Ministers agrees with the Assembly that the utmost should be done to promote alternatives to involuntary measures. It nevertheless considers that in exceptional situations where there is risk of serious harm to the health of the person concerned or to others, and in the absence of alternatives, involuntary measures could be justified subject to strict protective conditions. The Court has said that “*a mental disorder may be considered as being of a degree warranting compulsory confinement if it is found that the confinement of the person concerned is necessary as the person needs therapy, medication or other clinical treatment to cure or alleviate his/her condition, but also where the person needs control and supervision to prevent him/her from, for example, causing harm to him/herself or other persons.*”<sup>2</sup> For this reason, involuntary measures in psychiatry continue to be provided for in the laws of member States and regularly applied.
3. The Committee of Ministers observes, however, that there is a wide variation in the application of such measures and notes in this context the number of cases regularly brought before the European Court of Human Rights that relate to violations as a result of involuntary measures. Bearing in mind this reality, the Committee considers that an Additional Protocol to the Oviedo Convention could be an effective tool to ensure that in all circumstances, involuntary measures are embedded with the guarantees required by the European Convention on Human Rights so as to (i) safeguard the human rights of the person concerned,<sup>3</sup> and in particular provide the possibility for the right to an effective remedy against such a measure and (ii) prevent violations of the Convention similar to those already found by the European Court of Human Rights. Better protecting the rights of the persons concerned both in law and in practice and strengthening the necessary safeguards would be essential to ensure that involuntary measures are exceptional and used as a last resort in the absence of alternatives.
4. The Committee of Ministers agrees on the importance of information exchange and sharing of best practices with a view to the complementary development of guidelines to reduce the use of involuntary measures and that the CAHDPH has a particularly important role to play in this context.
5. With regard to paragraph 12 of the Assembly recommendation, the Committee of Ministers notes that for the purpose of the preparation of the draft protocol, several consultation procedures have taken place, including with international non-governmental organisations (representing patients and their families, health professionals, human rights defenders and advocacy groups). However, as has been suggested by the Assembly, it would encourage the DH-BIO to directly involve disability rights organisations to participate in the work still to be undertaken.

<sup>1</sup> Steering Committee for Human Rights (CDDH), Committee on Bioethics (DH-BIO), Ad hoc Committee of Experts on the Rights of Persons with Disabilities (CAHDPH).

<sup>2</sup> *Bergmann v. Germany*, No. 23279/14, judgment of 7 January 2016, § 97.

<sup>3</sup> Involuntary measures, in particular placement, raise important human rights questions especially concerning Article 5 §1(e) (right to liberty and security), but also in some cases Articles 3 (prohibition of torture and inhuman or degrading treatment) and 8 (protection of private and family life) of the European Convention on Human Rights.

6. Finally, the Committee of Ministers reiterates that involuntary measures should be exceptional and only be envisaged in the absence of alternatives. It is convinced that the possible drawing up of a legal instrument to lay down the necessary framework for such measures within the Council of Europe would not diminish in any way the credibility of the Organisation, but would on the contrary contribute to prevention of abuses and encourage the progressive transition to a more uniform application of voluntary measures in psychiatry by the member States, in accordance with the spirit of the United Nations Convention on the Rights of Persons with Disabilities.

**Appendix 4**  
(Item 10.2)**Reply to Parliamentary Assembly Recommendation 2094 (2016) on  
“Transparency and openness in European institutions”**

*(Adopted by the Committee of Ministers on 9 November 2016  
at the 1270<sup>th</sup> meeting of the Ministers' Deputies)*

1. The Committee of Ministers has taken good note of Recommendation 2094 (2016) of the Parliamentary Assembly on “Transparency and openness in European institutions” and has forwarded it to the various bodies concerned for information and possible comments.<sup>1</sup>
2. The Committee of Ministers considers that transparency, openness and participation are fundamental aspects of democracy. It welcomes the work being done by the European Committee on Legal Co-operation (CDCJ) to prepare a draft recommendation on the regulation of lobbying activities in the context of public decision making. It notes that the draft text, which contains principles relating to transparency, takes account of the comments received following a broad consultation of the relevant stakeholders. This work is on the point of being finalised and the Committee of Ministers will give close attention to its outcome.
3. Reference should also be made to the work being carried out by the Group of States against Corruption (GRECO) in the context of its Fourth Evaluation Round concerning the prevention of corruption and in particular relations between members of parliaments and third parties, including lobbyists.
4. With regard to the Assembly's recommendation as it appears in paragraph 1.3, the Committee of Ministers considers that it would be more appropriate to launch such a comparative study after the adoption of the draft recommendation on lobbying and after a period of observation of its implementation by member States.
5. Access to public documents, at the level of both European and national institutions, plays an important role in facilitating civil society's participation in the decision-making process. The Committee of Ministers therefore encourages member States which have not yet done so to sign and ratify the Council of Europe Convention on Access to Official Documents (CETS No. 205) to ensure its rapid entry into force. It recognises the importance of co-operation with the European Union in this field and supports its accession to this Convention.
6. The Committee of Ministers also supports the strengthening of co-operation with the European Union in fighting corruption, particularly with a view to its accession to the Criminal Law Convention on Corruption (ETS No. 173) and endorses the Assembly's recommendation that the European Union participate in the Group of States against Corruption.

---

<sup>1</sup> Group of States against Corruption (GRECO); Steering Committee for Human Rights (CDDH); European Committee on Legal Co-operation (CDCJ); Conference of INGOs.





