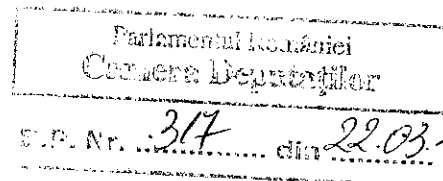


APROBATÎn ședința Biroului permanent al
Camerei Deputaților

din data de 22.03.2010

317



Parlamentul României Camera Deputaților

INFORMARE

**privind participarea la lucrările Comisiei pentru cultură, știință, educație a
Adunării Parlamentare a Consiliului Europei și la
Comisia Permanentă a A.P.C.E. (Paris, 10 – 12 martie 2010)**

În perioada 10 – 12 martie 2010 s-au desfășurat la Paris reuniunea Comisiei pentru cultură, știință, educație a Adunării Parlamentare a Consiliului Europei (APCE), precum și reuniunea Comisiei Permanente a A.P.C.E.

La aceste acțiuni au participat domnul deputat Cezar Preda, președintele Delegației Parlamentului României la A.P.C.E., doamna deputată Maria Stavrositu, membră a Delegației și doamna Nadia Ionescu, director, secretara Delegației Parlamentului României la A.P.C.E.

Reuniunea **Comisiei pentru cultură, știință și educație a A.P.C.E.** a fost prezidată de parlamentarul britanic Andrew McIntosh, președintele Comisiei, și a fost consacrată, în mare parte, unei audieri pe tema violenței în școli, cu participarea unor experți consacrați în domeniul educației și problemelor tineretului. Astfel, au prezentat expuneri, **domnul Dan Olweus, profesor de psihologie la Universitatea din Bergen, Norvegia, domnul Hugues Feltesse, director în cadrul Biroului Avocatului Poporului pentru copii din Franța și domnul George Fotinos, membru al Comitetului francez pentru UNICEF.**

Parlamentarii membri ai comisiei au intervenit pe marginea expunerilor și au exprimat îngrijorarea față de proliferarea violenței în instituțiile de învățământ și au subliniat necesitatea unor reglementări și acțiuni coordonate și coerente care să conducă la eliminarea violenței din instituțiile de învățământ, la cultivarea toleranței și a unui climat de disciplină bazat pe reguli clare. Toți intervenții au subliniat responsabilitatea instituțiilor de învățământ în acest sens și au evidențiat importanța unei cât mai bune comunicări și colaborări între toți factorii implicați în procesul educațional.

Comisia a examinat de asemenea unele rapoarte, între care cel referitor la „Reconsiderarea drepturilor de creație în epoca Internet-ului”, care a fost transmis spre adoptare Comisiei Permanente a A.P.C.E., ca și raportul de opinie referitor la drepturile minorităților, elaborat de deputatul român Florin Anghel. Comisia a decis ca la reuniunea Comisiei Permanente, în absența raportorului de opinie care nu a mai putut efectua deplasarea, raportul să fie susținut și prezentat de doamna deputată Maria Stavrositu.

Doamna deputată Maria Stavrositu, a fost desemnată în unanimitate reprezentanta Comisiei în Comitetul pentru operele de artă al Consiliului Europei, alături de parlamentarul britanic Edward O'Hara și a fost mandatată să reprezinte Comisia la Masa rotundă privind educația în spiritul parteneriatului pentru cetățenie și drepturile omului ce se va desfășura la Strasbourg la 15 aprilie 2010.

Din discuțiile purtate cu ocazia participării la lucrările Comisiei cu parlamentarul finlandez Markku Laukkanen, președintele Subcomisiei pentru media, raportor pe problema instituțiilor publice de radio și televiziune, a reieșit interesul de a se organiza la București, eventual în 2011, a unei reuniuni consacrate situației media, drepturi și responsabilități, în țările membre ale Consiliului Europei.

În cadrul reuniunii Comisiei Permanente doamna deputată Stavrositu a prezentat și susținut în numele Comisiei pentru cultură, știință, educație și al raportorului, raportul de opinie privind bunele practici în domeniul drepturilor minorităților reușind să obțină votul majorității pentru amendamentele propuse de domnul deputat Florin Anghel. Domnia sa a subliniat în intervențiile făcute că România reprezintă un model de succes.

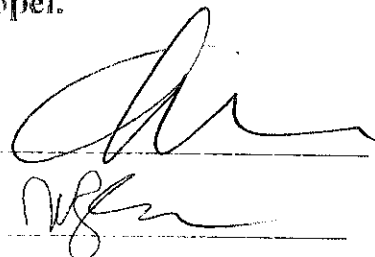
Președintele Delegației Parlamentului României la A.P.C.E., domnul deputat Cezar Preda a avut o convorbire cu Președintele A.P.C.E. în cadrul căreia parlamentarul turc și-a exprimat deosebita apreciere pentru colaborarea cu delegația română și a avansat propunerea ca vizita sa în România să aibă loc în luna mai sau în luna septembrie/prima parte a lunii octombrie a acestui an și să includă o vizită în Delta Dunării. Domnul Preda a arătat că pentru a se putea organiza în bune condiții vizita și toate contactele cu oficialitățile române, propunerea părții române este ca vizita să aibă loc în toamnă perioada exactă și programul urmând a fi convenite prin intermediul secretariatului Delegației.

Propunem ca:

- acest raport să fie transmis direcției de specialitate din MAE, spre informare.
- Secretariatul Delegației Parlamentului României la A.P.C.E. să convină cu Cancelaria Președintelui Camerei Deputaților două variante de perioade pentru vizita în România a Președintelui A.P.C.E. pe care să le transmită Cancelariei Președintelui A.P.C.E. și să aibă în vedere la alcătuirea programului de relații externe al Parlamentului României pentru anul 2011 organizarea la București a unei reuniuni a Comisiei pentru cultură, știință educație a A.P.C.E. consacrată situației media, drepturi/responsabilități, în țările membre ale Consiliului Europei.

Deputat Cezar PREDA

Deputat Maria STAVROSITU





AS/Cult (2010) OJ 02rev
Updated 5 March 2010

COMMITTEE ON CULTURE, SCIENCE AND EDUCATION

Draft agenda

for the meeting to be held on
on Wednesday 10 March 2010 from 10am to 6pm
in the Paris Office of the Council of Europe
55, avenue Kléber (16ème)
(Tel: +33 (0)1 44 05 33 60)

1. **AGENDA** [AS/Cult (2010) OJ 02]
Adoption of the agenda for the meeting
2. **MINUTES** [AS/Cult (2010) PV 01]
Approval of the draft minutes of the meeting held in Strasbourg during the January part-session
3. **MATTERS ARISING FROM THE MINUTES**
4. **PROHIBITING THE MARKETING AND USE OF THE "MOSQUITO" YOUTH DISPERSAL DEVICE**
Rapporteur: Mr Wach, Poland, EPP/CD [AS/Cult (2010) 04]
Consideration of a draft report and adoption of a draft recommendation
5. **RETHINKING CREATIVE RIGHTS IN THE INTERNET AGE** [Doc. 12101
Rapporteur: Mr Arnaut, Portugal, EPP/CD Doc. 12142
+ amendments]
Consideration of possible amendments
6. **COUNCIL OF EUROPE MUSEUM PRIZE** [AS/Cult (2010) 12]
Rapporteur: Mr O'Hara, United Kingdom, SOC
Information on the current situation and discussion on the future of the Council of Europe Museum Prize

This draft agenda, addressed to members of the Committee and their alternates, is the contribution to the meeting.

Copy to Secretaries of national delegations

7. EDUCATION AGAINST VIOLENCE AT SCHOOL (2.30pm)

[AS/Cult (2010) 09]

Rapporteur: Mr Flego, Croatia, SOC

Consideration of an outline report and exchange of views with:

Mr Dan Olweus, Professor of Psychology, University of Bergen, Norway

Mr Hugues Feltesse, Chief Executive, Office of the French Ombudsperson for Children (Défenseur des enfants), Paris

Mr Ernesto Bianchi, Head of Unit for Fundamental Rights and Rights of the Child, Directorate-General Justice, Freedom and Security, European Commission, Brussels

Mr George Fotinos, Member, French Committee for UNICEF, Paris

8. COMMITTEE WORK PROGRAMME

[AS/Cult (2010) 01-March]

8.1 Reports in preparation

- * Islam, Islamism and Islamophobia (Mr Jensen)
- * Strengthening measures to protect and revive highly endangered languages (Mr Kumcuoğlu)
- * Balanced approach to the rescuing of archaeological finds from development projects (Mr O'Hara)
- * The protection of journalists' sources (Mr Johansson)
- * The ethics of science (Mrs Melo)
- * The right of everyone to take part in cultural life (Mrs Marland-Militello)
- * Convention on youth rights (Mrs Kovács)
- * Privacy and the management of private information on the Internet and other online media (Mrs Rihter)
- * Access to and protection of the audiovisual cultural heritage (Mrs Fiala)
- * The protection of freedom of expression and information in electronic media (Mr McIntosh)

For opinion:

- * Migrants, intercultural dialogue and integration (Mr Olsson)
- * The need for a global consideration of human rights implications of biometrics (Mrs Brasseur)
- * Measures to improve the democratic character of elections in Council of Europe member states (Mr Ayva)

8.2 Reports on recent meetings

8.3 Appointment of rapporteurs/institutional representatives

- * Jewish cemeteries (Doc. 12115)

8.4 Designation of representatives to forthcoming events

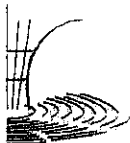
8.5 Replies from the Committee of Ministers

8.6 Sub-committees

9. OTHER BUSINESS

10. NEXT MEETING

Strasbourg, during the next part-session of the Assembly (26-30 April 2010)



Standing Committee
Commission permanente

AS/Per (2010) OJ 1 rev
11 mars 2010
fayoj1R_2010

Commission permanente

Projet d'ordre du jour révisé

de la réunion qui aura lieu

à Paris, le vendredi 12 mars 2010 (de 9 heures à 13 h 30)

à l'Assemblée nationale (Salle Lamartine)

101, rue de l'Université, PARIS 7^e

Tel: + 33 (0) 1 40 63 70 25 - Fax : + 33 (0)1 40 63 53 47

(Métro : Invalides/Assemblée nationale)

1. Ouverture de la réunion par M. Mevlüt Çavuşoğlu, Président de l'Assemblée parlementaire
2. Vérification des nouveaux pouvoirs Doc. 12180
3. Modifications dans la composition des commissions Commissions (2010) 3
et addendum
4. Demande(s) de débat d'actualité ou de débat selon la procédure d'urgence

**Ce document tient lieu de convocation pour les membres de la
Commission permanente**

Copie pour information : aux secrétaires des délégations nationales,
 aux secrétaires des groupes politiques,
 aux secrétaires des délégations d'observateurs.

Les membres qui souhaitent prendre la parole lors d'une discussion sur les rapports sont invités à donner leur nom au service de la Séance.

Les membres qui souhaitent présenter des amendements et des sous-amendements sur les rapports sont invités à les déposer auprès du service de la Séance le plus tôt possible.

5. Ordre du jour

AS/Per (2010) OJ 1 rev

Adoption du projet d'ordre du jour révisé

6. Saisines, transmissions et modifications de saisines des commissions

AS/Bur (2010) 15

Examen des propositions soumises par le Bureau de l'Assemblée

7. (Eventuellement) Débat d'actualité ou débat selon la procédure d'urgence**8. Observation des élections**

Observation de l'élection présidentielle en Ukraine – 2^{ème} tour (7 février 2010) Doc. 12178
(sous réserve de l'approbation du Bureau)

Rapporteur de la commission ad hoc du Bureau :
M. Mátyás Eörsi (Hongrie, ADLE)

Discussion

9. Coopération renforcée avec le Comité des Ministres

a. Règles et procédures pour les futures élections du Secrétaire Général du Conseil de l'Europe – Projet de déclaration interprétative conjointe (Comité des Ministres / Assemblée parlementaire) Doc. 12170

Rapporteur de la commission du Règlement, des immunités et des affaires institutionnelles :
M. John Greenway (Royaume-Uni, GDE)

Discussion

Vote sur un projet de résolution

b. Projet de Convention du Conseil de l'Europe sur la contrefaçon des produits médicaux et les infractions similaires menaçant la santé publique Doc. 12130
Doc. 12160

Rapporteur de la commission des questions sociales, de la santé et de la famille :
M. Bernard Marquet (Monaco, ADLE)

Discussion

Vote sur un projet d'avis

c. Projet de protocole d'amendement à la Convention concernant l'assistance administrative mutuelle en matière fiscale (STE n° 127) Doc. 12104
Doc. 12161
Amendments

Rapporteur de la commission des questions économiques et du développement :
M. Pieter Omtzigt (Pays-Bas, PPE/DC)

Discussion

Vote sur un projet d'avis

10. Règlement, immunités et affaires institutionnelles

Modification de la composition du Bureau de l'Assemblée parlementaire Doc. 12124

Rapporteur de la commission du Règlement, des immunités et des affaires institutionnelles :
M. John Greenway (Royaume-Uni, GDE)

Discussion

Vote sur un projet de résolution

11. Questions juridiques et des droits de l'homme

La protection des minorités en Europe : bonnes pratiques et lacunes dans l'application des normes communes

Doc. 12109
Amendements

Rapporteur de la commission des questions juridiques et des droits de l'homme :
M. Boriss Cilevičs (Lettonie, SOC)

Rapporteur de la commission de la culture, de la science et de l'éducation (pour avis): Doc. 12141
M. Florin Serghei Anghel (Roumanie, PPE/DC)

Discussion

Votes sur un projet de résolution et un projet de recommandation

12. Questions sociales, de la santé et de la famille

a. Les enfants témoins de violence domestique

Doc. 12111
Amendements

Rapporteur de la commission des questions sociales, de la santé et de la famille :
Mme Carina Ohlsson (Suède, SOC)

Rapporteur de la commission sur l'égalité des chances pour les femmes et les hommes (pour avis) Mme Marlene Rupprecht (Allemagne, SOC) Doc. 12155

Discussion

Votes sur un projet de résolution et un projet de recommandation

13. Culture, science et éducation

Repenser les droits des créateurs à l'ère d'Internet

Doc. 12101
Amendements

Rapporteur de la commission de la culture, de la science et de l'éducation:
*M. José Luís Arnaut (Portugal, PPE/DC)*¹

Rapporteur de la commission des questions économiques et du développement (pour avis): M. Geert Lambert (Belgique, SOC) Doc. 12142

Discussion

Vote sur un projet de recommandation

14. Égalité des chances pour les femmes et les hommes

Le fossé salarial entre les femmes et les hommes

Doc. 12140
Amendements

Rapporteur de la commission sur l'égalité des chances pour les femmes et les hommes:
M. Paul Wille (Belgique, ADLE)

Rapporteur de la commission des questions économiques et du développement (pour avis) : M. Albrecht Konečný (Autriche, SOC) Doc. 12151

Discussion

Vote sur un projet de résolution et un projet de recommandation

¹ Le rapporteur n'étant plus membre de l'Assemblée, le rapport sera présenté par un autre membre de la commission.

15. Respect des obligations et engagements des Etats membres

Mandat des corapporteurs de la commission de suivi

Doc. 12143
Amendements

Rapporteur de la commission pour le respect des obligations et engagements des Etats membres du Conseil de l'Europe (Commission de suivi):

M. Pedro Agramunt Font de Mora (Espagne, PPE/DC)

Rapporteur de la commission du Règlement, des immunités et des affaires institutionnelles :

(pour avis) M. Ertuğrul Kumcuoğlu (Turquie, GDE)

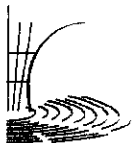
Doc. 12167

Discussion

Vote sur un projet de résolution

16. Questions diverses**17. Prochaine réunion**

- Skopje (« L'ex République yougoslave de Macédoine »), 21 mai 2010



Doc. 12141
9 February 2010

Minority protection in Europe: best practices and deficiencies in implementation of common standards

Opinion¹

Committee on Culture, Science and Education

Rapporteur: Mr Florin Serghei ANGHEL, Romania, Group of the European People's Party

I. Conclusions of the committee

1. The Committee on Culture, Science and Education congratulates the rapporteur, Mr Čilevičs, and the Committee on Legal Affairs and Human Rights for the comprehensive analysis and guidance provided to enhance minority protection in Europe. It welcomes the report on "Minority protection in Europe: best practices and deficiencies in implementation of common standards" and firmly supports it.
2. Moreover, the committee agrees with the opinion of the rapporteur regarding the necessity to focus on proper implementation of the existing standards, as the Council of Europe already has a wide panoply of mechanisms and legal instruments in the field.
3. The Committee on Culture, Science and Education would, however, consider it important to explicitly mention the link between the legal foundations of minority protection and cultural acceptance of diversity in our societies. Beyond the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, other Council of Europe standards and work also contribute to a better integration of persons belonging to national minorities into our modern societies and thus complement each other.

II. Explanatory memorandum by Mr Anghel, rapporteur

1. The rapporteur Mr Boriss Čilevičs has produced an important and well-documented report: it should be welcomed and we share the conclusions therein. The remarks which follow – and the amendments suggested to the draft resolution and recommendation – are mainly intended to supplement the in-depth legal analysis Mr Čilevičs has made of key legal instruments on minority protection, looking at this issue also from a "cultural dimension" perspective.
2. We think it is important to underline that existing standards and norms are sufficiently developed. Therefore, in the present circumstances, efforts should be concentrated on ensuring full implementation of these commonly agreed standards, which should be monitored by the specialised bodies of the Council of Europe. In this respect, we consider it appropriate to discourage initiatives meant to create new standards or to modify the mandate and the operation modalities of the Advisory Committee of the Framework Convention for the Protection of National Minorities and the Committee of Experts of the European Charter for Regional or Minority Languages, which need to preserve their independence.

¹ See Doc. 12109 tabled by the Committee on Legal Affairs and Human Rights.

3. As responsible European politicians and in order to be coherent with our own previous decisions, we consider it extremely important to highlight the need for all Council of Europe member states to ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. In this respect, I should like to mention the positive Romanian experience and the good practices developed by the Romanian authorities – Romania being already party to both conventions.
4. A crucial issue raised by the rapporteur is linked to the application of the framework convention, as this legal instrument does not provide a definition of the term “national minorities” thus letting the states decide the scope of its application. The majority of member states have chosen the protection given under the framework convention for citizens belonging to traditional national minorities (i.e. not coming from recent migration). In this respect, we wish to underline the need for the authorities from receiving countries to adopt active measures for the protection of immigrants’ rights, on the basis of relevant Council of Europe legal instruments and expertise, such as the European Convention on Human Rights, the revised European Social Charter, the recommendations of the European Commission against Racism and Intolerance (ECRI), the recommendations of the Commissioner for Human Rights and the reports by the Parliamentary Assembly.
5. Another drawback spotted in the report is the politicised approach which in some states leads to an unstable regime of the protection of national minorities. Therefore, a great step forward would be made by a depoliticised, neutral and technical approach towards all aspects related to the implementation of the Framework Convention.
6. The different level of decentralisation in member states and the transfer to local authorities of competences in the field of national minorities sometimes create difficulties such as: confusion about responsibilities, non-application of the framework convention due to very limited funds or lack of political will at local level, as well as decisions taken by local authorities that do not comply with the international commitments endorsed by the central authorities.
7. The draft resolution underlines the obligation for member states to create the necessary conditions for persons belonging to national minorities to participate directly in public life and in the decision-making process. We strongly support this idea and want to evoke in this respect the noteworthy practice developed in Romania creating the conditions for ensuring the presence of representatives of national minorities in the elected bodies, including in Parliament. In addition, an important contribution to the preservation of cultural and spiritual identity of national minorities would be made by guaranteeing access to mother tongue religious services in all Council of Europe member states.
8. Concerning more specifically the amendments proposed to the draft resolution and recommendation, we should like to stress that parliaments represent the people democratically – the majority as well as minorities – and reflect the political views of a country. Therefore, parliamentary work on questions related to national minorities should be pursued regularly in member states as well as by the Parliamentary Assembly of the Council of Europe. The Assembly has adopted various reports concerning the cultural dimension of minority protection, which should be recalled here. Also beyond their national context, cultural minorities contribute to the cultural diversity and heritage of Europe.
9. In addition, building on the analysis in the report (which highlights the need to strengthen the participation of minority groups in public life and the importance of the role of local government in ensuring the protection of the rights of minorities) reference should be made to the recently adopted Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) and to the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144). In fact, their provisions underpin enhanced participation of minority groups in local policy and decision-making processes as well as their integration in local communities.
10. Finally, we propose that member states be requested not to interfere in the functioning of national minorities’ councils – where such bodies are used, for instance in Serbia – and to take the appropriate measures in order to ensure the necessary financing and consequently the independent work of these bodies.

III. Proposed amendments

4. On behalf of the committee, the rapporteur suggests the following amendments to the draft resolution and draft recommendation on minority protection in Europe: best practices and deficiencies in implementation of common standards:

Amendment A

In the draft resolution, after paragraph 8, add the following paragraph:

“The Assembly considers that parliaments must be the leading political forums for public debate on minority issues in their respective countries and that this debate should not overlook the cultural dimension of minority protection. In this respect, the Assembly recalls its own work which led to Recommendation 1775 (2006) on the situation of Finno-Ugric and Samoyed peoples, Resolution 1519 (2006) on the cultural situation of the Kurds, Recommendation 1751 (2006) on cultural diversity of the North Caucasus, Recommendation 1688 (2004) on diaspora cultures, Resolution 1171 (1998) on endangered Uralic minority cultures, Recommendation 1333 (1997) on the Aromanian culture and language, Recommendation 1291 (1996) on Yiddish culture, Recommendation 1203 (1993) on Gypsies in Europe, Recommendation 1162 (1991) on the contribution of the Islamic civilisation to European culture and Recommendation 1134 (1990) on the rights of minorities.”

Amendment B

In the draft resolution, after paragraph 8, add the following paragraph:

“Enhanced minority protection depends not only on recognition of – and respect for – individual rights of minorities, but also on the political and cultural acceptance of diversity in society in general. The latter requires advanced cultural and educational policies in all member states. In this context, the Assembly refers to its Recommendation 1849 (2008) for the promotion of a culture of democracy and human rights through teacher education, Recommendation 1740 (2006) on the place of the mother tongue in school education, Recommendation 1720 (2005) on education and religion, Recommendation 1682 (2004) on education for Europe, Recommendation 1625 (2003) on policies for the integration of immigrants in Council of Europe member states, Resolution 1313 (2003) on cultural co-operation between Europe and the south Mediterranean countries and Recommendation 928 (1981) on the educational and cultural problems of minority languages and dialects in Europe.”

Amendment C

In the draft resolution, after paragraph 14, add the following paragraph:

“The Assembly refers to the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207), which was opened for signature on 16 November 2009. This protocol supports inclusive policies towards minorities at local level as well as their stronger involvement in local policy making and local cultural and social life. Therefore, the Assembly urges all member parliaments to study the possibility of ratifying this Protocol.”

Amendment D

In the draft resolution, after paragraph 15, add the following paragraph:

“The Assembly recalls that the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144) highlights the need to improve the integration of foreign residents into their community, especially by enhancing the possibilities for them to participate in public affairs. Full implementation of this convention would certainly strengthen the protection of foreigners as minorities and encourage constructive dialogue within multicultural communities. Therefore, it is highly regrettable that, to date, only eight member states have ratified this convention and only five others have signed it. Member parliaments should envisage measures for this convention to be signed and ratified.”

Amendment E

In the draft resolution, after paragraph 16, add the following paragraph:

"The Assembly emphasises the positive effects national minorities' councils or bodies may have on the protection of persons belonging to national minorities in member states. Governments should abstain from interfering in their organisation and activities and should provide adequate administrative and financial resources for their functioning."

Amendment F

In the draft recommendation, amend paragraph 1.1 as follows (changes underlined):

"1.1 enhance efforts aimed at the speedy ratification of the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority or Regional Languages and Protocol No. 12 to the European Convention on Human Rights. Study the possibility of adhering to the additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, and to the Convention on the Participation of Foreigners in Public Life at Local Level;"

Amendment G

In the draft recommendation, add the following sub-paragraph after paragraph 1.1:

"strengthen the Council of Europe's work on intercultural dialogue and education aimed at fostering respect for diversity and societal cohesion, in particular through teacher training and life-long learning, for instance in co-operation with the European Centre for Global Interdependence and Solidarity (North-South Centre) in Lisbon, the European Wergeland Centre in Oslo and the European Centre for Modern Languages in Graz;"

* * *

Reporting committee: Committee on Legal Affairs and Human Rights

Committee for opinion: Committee on Culture, Science and Education

Reference to committee: Doc. 11261, Reference 3355 of 25 June 2007

Opinion: approved by the committee on 25 January 2010

Secretariat of the committee: Mr Fasino, Mr Dossow