

APROBATÎn sedința Biroului permanent al
Camerei Deputaților

9.02.2010

din data de

133

Parlamentul României
Camera Deputaților

P. Nr. 133 din 8.02.2010

**Parlamentul României
Camera Deputaților****INFORMARE**

**privind participarea la lucrările Comisiei pentru probleme economice și dezvoltare a Adunării Parlamentare a Consiliului Europei și la prima parte a Sesiunii ordinare 2010 a APCE
(Londra, 21 – 22 ianuarie și Strasbourg, 25 – 29 ianuarie 2010)**

În zilele de 21 și 22 ianuarie 2010, la Londra, au avut loc reuniunea **Comisiei pentru probleme economice și dezvoltare a APCE și întâlnirea anuală cu conducerea Băncii Europene pentru Reconstrucție și Dezvoltare (BERD)** la care au participat domnul deputat Relu Fenechiu și domnul senator Viorel Badea membri ai Delegației Parlamentului României la APCE.

În deschiderea lucrărilor Comisiei, prezidată de domnul Márton Braun, președintele Comisiei pentru probleme economice și dezvoltare a APCE, domnul Thomas Mirow, președintele BERD, a prezentat o evaluare privind activitatea Băncii Europene pentru Reconstrucție și dezvoltare pe anul 2009 și impactul crizei economice asupra obiectivelor BERD.

În continuare, membrii Comisiei au dezbătut și aprobat următoarele rapoarte de opinie: „Conceptul de drepturi de creație în era Internetului” elaborat de parlamentarul belgian Geert Lambert, și „Regiunea Euro-Mediteraneeană: apel la o strategie a Consiliului Europei” elaborat de parlamentarul turc Ertuğrul Kumcuoğlu. De asemenea, a avut loc un schimb de vederi cu parlamentarul finlandez Antti Kaikkonen, pe marginea proiectului de raport preliminar privind „Încurajarea potențialului socio-economic în regiunea Mării Baltice”, ocazie cu care au fost aduse în atenție provocările privind crearea de noi oportunități de creștere economică durabilă și de creștere a calității vieții prin dezvoltarea patrimoniului natural ambiental și promovarea politicii de mediu. În continuarea lucrărilor, la Camera Comunelor a Parlamentului englez, s-a desfășurat seminarul cu tema „Criza economică mondială: facem față consecințelor”.

În perioada 25 – 29 ianuarie 2010 s-au desfășurat, la Strasbourg, lucrările primei părți a Sesiunii ordinare a Adunării Parlamentare a Consiliului Europei. Din partea Delegației Parlamentului României la APCE la sesiunea APCE au participat domniile deputați **Cezar Preda, Președinte,**

Relu Fenechiu și Florin Anghel, doamnele deputate Maria Stavrositu, parlamentar de referință al legislativului român în campania Consiliului Europei pentru combaterea violenței împotriva femeilor și Adriana Săftoiu, domnii senatori Traian Igaș, Gyorgy Frunda și Titus Corlățean. Delegația a fost însoțită din partea Camerei Deputaților de doamnele Nadia Ionescu, director, secretara Delegației Parlamentului României la APCE și Alina Ilie, funcționar în cadrul secretariatului și de doamna Mihaela Drăghici, secretara Delegației Parlamentului României la APCE din partea Senatului.

În debutul lucrărilor plenul A.P.C.E. a ales noul președinte al organizației în persoana parlamentarului turc MEVLÜT ÇAVUŞOĞLU, precum și ceilalți membri ai Biroului APCE.

Noul Președinte al APCE a adresat mulțumiri membrilor Adunării, celor care l-au propus și care i-au susținut candidatura, cât și delegației turce.

Domnul Mevlüt ÇAVUŞOĞLU a arătat că „este deosebit de onorat de a fi primul președinte turc al APCE” și speră ca, împreună cu membrii Adunării și alături de Secretarul General al Consiliului Europei, domnul THORBJØRN JAGLAND, să îndeplinească cu succes obiectivele de reformare și modernizare a organizației.

Cu privire la Republica Belarus, Președintele APCE și-a exprimat speranța că această țară își va redobândi statutul de invitat special al organizației de îndată ce va îndeplini condițiile impuse.

Domnul ÇAVUŞOĞLU a opinat că, criza economică, problemele de mediu, discriminarea și intoleranța din cadrul societăților noastre sunt doar câteva dintre provocările pe care APCE le are de înfruntat în această eră a globalizării. Numai într-o societate deschisă, bazată pe respectul față de diversitate și nu pe excludere, frică și amenințare, se pot pune bazele unei autentice case comune europene. De asemenea, migrația trebuie privită mai degrabă ca o oportunitate și nu ca o amenințare; trebuie încurajat dialogul inter-cultural și inter-religios. Președintele APCE și-a exprimat îngrijorarea față de încălcarea drepturilor omului, adăugând că rasismul, xenofobia, antisemitismul, islamofobia și alte asemenea forme de fobii care duc la discriminare și intoleranță, trebuie eradicat. În opina Președintelui APCE terorismul reprezintă una dintre principalele amenințări la adresa securității, a idealurilor și valorilor organizației (democrația, drepturile omului și statul de drept) și, de aceea, acesta trebuie condamnat.

În încheierea prezentării obiectivelor mandatului său de președinte, parlamentarul turc a subliniat principalele responsabilități pe care și le asumă: apărarea valorilor Adunării și drepturilor membrilor săi; consolidarea poziției organizației în plan european și întărirea relațiilor de cooperare cu Uniunea Europeană, o dată cu intrarea în vigoare a Tratatului de la Lisabona.

Plenul APCE a respins propunerea privind o dezbatere în procedură de urgență pe tema legată de gestionarea pandemiei H1N1. Subiectul a fost dezbătut doar în cadrul unei audieri organizată de Comisia pentru probleme sociale, sănătate și familie unde domnul doctor Keiji Fukuda, consultant special pe lângă Directorul General al Organizației Mondiale a Sănătății, a susținut importanța vaccinării împotriva temutului virus.

Parlamentarul socialist, englezul Paul Flynn, vicepreședintele Subcomisiei pentru sănătate a APCE, va pregăti un raport cu privire la această temă pentru o posibilă viitoare dezbatere în cadrul sesiunii ordinare a APCE din luna iunie sau octombrie 2010.

Domnul THORBJØRN JAGLAND, secretar general al Consiliului Europei a prezentat plenului APCE programul său de reformare a organizației. Obiectivul reformei propusă de domnia sa îl reprezintă revitalizarea organizației ca entitate politică și inovatoare, mai transparentă și mai flexibilă.

În cadrul sesiunii plenare, Adunarea Parlamentară a ales, cu majoritatea absolută de voturi, pentru un mandat de șase ani, pe judecătorul Curții Europene pentru Drepturile Omului, domnul Guido Raimondi.

De asemenea, Adunarea a confirmat acreditările delegațiilor parlamentare ale Albaniei și Armeniei, în urma respingerii de către Comisia de regulament și imunități a obiecțiilor privind neconformitatea cu regulile și procedurile Adunării.

Printre personalitățile internaționale care s-au adresat plenului APCE în cadrul acestei sesiuni menționăm pe domnul George A. Papandreou¹, Prim-ministrul Greciei, domnul Franco Frattini, Ministrul afacerilor externe al Italiei, domnul Daniel Ayalon, Ministrul adjunct al afacerilor externe din Israel, domnul Miklos Haraszi, Reprezentantul OSCE privind libertatea media.

Dintre rapoartele supuse dezbaterii și aprobării plenului Adunării, în ordinea prezentării, menționăm:

▪ **Raportul parlamentarului italian Piero FASSINO** privind „Situatia în Orientul Mijlociu”: la dezbatere au luat parte, ca invitați speciali, domnul Daniel Ayalon, Ministrul adjunct al afacerilor externe israelian și domnul Mohammad Shtayyeh, Ministrul muncii al Autorității Naționale Palestiniene. Adunarea consideră că rezolvarea conflictului din Orientul Mijlociu este de o importanță deosebită atât pentru aspirațiile legitime ale Israelului – dreptul de a fi recunoscut ca stat evreu și de a exista în deplină siguranță, cât și cele ale Palestinienilor – dreptul de a avea un stat palestinian independent, democratic, viabil și contiguu. Conform rezoluțiilor adoptate pe marginea raportului sunt aduse în atenție următoarele reglementări: Israelul trebuie să înceteze înființarea de așezări în afara granițelor sale, să înlăture așa-numitele „avanposturi” și să reînceapă negocierile, cu bună credință, pentru crearea unui Stat Palestinian. De asemenea, trebuie începută o anchetă temeinică cu privire la implicarea soldaților israelieni în încălcarea drepturilor omului. În ceea ce privește forțele palestiniene aflate sub autoritatea Președintelui Abbas, trebuie să se abțină de la folosirea forței, să recunoască dreptul la

existență al Statului Israel și să respecte toate acordurile încheiate. În schimb, Hamas, în primul rând trebuie să-l elibereze pe israelianul Gilad Shalit, soldatul răpit și să stopeze traficul cu arme.

▪ **Raportul privind „Funcționarea instituțiilor democratice în Bosnia și Herțegovina”** al parlamentarului turc Mevlüt Çavuşoğlu, președintele APCE, și al parlamentarului finlandez Kimmo Sasi, membru al Comisiei pentru monitorizare a APCE. Temele abordate de cei doi parlamentari au vizat evoluțiile interne din această țară în special în ceea ce privește reforma Constituțională și reforma poliției. Adunarea a reafirmat necesitatea implementării reformelor în toate domeniile vieții social-politice și consideră că, dezbaterea privind viitoarea structura constituțională a țării, trebuie condusă de parlamentul Bosniei și Herțegovinei. Aranjamentele constituționale trebuie să fie rezultatul acordului voluntar între diferitele partide politice ale Bosniei și Herțegovinei; cu toate acestea, Adunarea consideră că, comunitatea internațională are un rol important de jucat ca mediator și îi solicită să ofere, în cooperare cu Comisia de la Veneția a Consiliului Europei, sprijinul necesar pentru conducerea dezbaterii.

▪ **Raportul privind „Promovarea Convenției Consiliului Europei privind acțiunea împotriva traficului de ființe umane”** al parlamentarei austriece Gisela Wurm, membră a Comisiei pentru egalitatea de șanse pentru femei și bărbați a APCE, și raportul de opiniei pe aceeași temă al parlamentarului englez John Prescott, membru supleant în Comisia juridică și pentru drepturile omului a APCE: Adunarea Parlamentară a făcut apel la statele membre ale Consiliului Europei de a semna și/sau ratifica Convenția Consiliului Europei privind acțiunea împotriva traficului de ființe umane și a încurajat Uniunea Europeană de a subscrie la aceasta. Parlamentara austriacă Gisela Wurm a propus organizarea, în acest an, a unei conferințe privind acțiunea împotriva traficului, la care să fie implicați toți factorii.

▪ **Raportul privind „Discriminarea pe baza orientării sexuale și a identității de gen”** al parlamentarului elvețian Andreas Gross, membru supleant în Comisia juridică și pentru drepturile omului a APCE, și raportul de opiniei pe aceeași temă a parlamentarei din Turcia Nursuna Memecan, membră a Comisiei pentru egalitatea de șanse pentru femei și bărbați a APCE (raportul a suscitat numeroase polemici și reacții publice). La sugestia raportorului Andreas Gross și datorită celor 80 de amendamente depuse, Adunarea a votat pentru retrimiteră textului la Comisia juridică și pentru drepturile omului a APCE, urmând ca dezbateră să desfășoare în cadrul următoarei sesiuni APCE.

▪ **Raportul privind „Respectarea libertății presei”** al parlamentarului englez Andrew McIntosh, președintele Comisiei pentru cultură, știință și educație și președintele Subcomisiei pentru media ale APCE. Adunarea a

adoptat proiectul de recomandare privind „Respectarea libertății presei” care cuprinde o serie de măsuri care să garanteze o mai bună respectare a libertății presei și a apărării jurnaliștilor. Adunarea a propus, în special, o revizuire a legislației naționale pentru a se asigura că măsurile antiteroriste respectă în totalitate libertatea presei. De asemenea, Adunarea face apel la guvernele statelor membre la Consiliul Europei să asigure accesul liber și egal la media, tuturor candidaților și partidelor politice, în campaniile electorale. În acest context, parlamentarii prezenți la dezbateri au adresat Secretarului General al Consiliului Europei rugămintea de a aloca resursele necesare pentru strângerea de informații cu privire la încălcarea libertății media, pentru crearea unei baze de date care să analizeze aceste informații și care să poată fi accesată spre a fi consultată de către guvernele statelor membre.

▪ Raportul parlamentarului francez Michel Hunault, membru al Comisiei juridice și pentru drepturile omului a APCE, privind „Libertatea religiei și a altor drepturi ale omului pentru minoritățile nemusulmane din Turcia și pentru minoritatea musulmană din Tracia, din Estul Greciei. Adunarea consideră că atât Grecia, cât și Turcia trebuie să acorde un tratament egal, fără discriminare tuturor persoanelor care sunt membre ale unei minorități religioase, în conformitate cu standardele Convenției Europene pentru Drepturile Omului. De asemenea, Adunarea a solicitat ambelor guverne să recunoască libertatea individuală a etnicilor și să întreprindă o serie de modificări ale politicilor privind minoritățile, educația și religia, precum și elaborarea unui raport cu privire la progresul înregistrat de către cele două țări.

Contribuția parlamentarilor români la lucrările primei părți a sesiunii ordinare a APCE 2010

▪ În debutul primei părți a Sesiunii ordinare 2010 a Adunării Parlamentare a Consiliului Europei, în cadrul ședinței Comisiei pentru cultură, știință și educație a APCE, a fost adoptat cu unanimitate de voturi Proiectul de Raport de opinie și amendamentele propuse de deputatul român Florin Serghei ANGHEL, pe marginea Raportului și Proiectului de Rezoluție ale parlamentarului leton Boriss Cilevičs, cu tema „Protecția minorităților în Europa: bune practici și neajunsuri în implementarea standardelor comune”. Pentru finalizarea raportului de opinie, parlamentarul român s-a întâlnit cu parlamentarul leton Boriss Cilevičs, urmând ca atât Raportul de fond cât și Raportul de opinie să fie supuse spre aprobare finală Comisiei Permanente a APCE.

▪ Delegația Parlamentului României la Adunarea Parlamentară a Consiliului Europei s-a întâlnit în după-amiaza zilei de marți, 26 ianuarie a.c. cu noul Președinte al organizației, parlamentarul turc Mevlüt Çavuşoğlu.

Cu acest prilej, Președintele Delegației Parlamentului României la APCE, deputatul Cezar Florin PREDA a transmis Președintelui APCE un mesaj de felicitări din partea Președintei Camerei Deputaților, doamna Roberta Alma Anastase, precum și invitația de a efectua o vizită oficială în România. În cadrul convorbirii, au fost subliniate relațiile excelente de colaborare dintre membrii delegațiilor parlamentelor turc și român, în cadrul activității Adunării Parlamentare a Consiliului Europei, precum și dorința de a le consolida și dezvolta.

Domnul Mevlüt Çavuşoğlu a adresat mulțumiri pentru sprijinul acordat de parlamentarii români în procesul de alegere a sa în funcția de Președinte al APCE și a arătat că, va avea în continuare nevoie de acest suport, pentru îndeplinirea cu succes a obiectivelor de reformă și modernizare a organizației. Președintele APCE a subliniat că alegerea unui parlamentar turc în această funcție are o semnificație deosebită, Turcia fiind prima țară, în afara celor ce s-au regăsit printre membrii fondatori ai organizației, care, nefiind membră UE, a obținut alegerea unui reprezentat al său în această poziție. Noul Președinte al APCE a mulțumit pentru mesajul transmis din partea Președintei Camerei Deputaților și a precizat că România se găsește cu siguranță pe lista țărilor pe care le va vizita în calitate de Președinte al Adunării Parlamentare a Consiliului Europei.

▪ Domnul deputat Relu FENECHIU a prezentat o intervenție pe marginea raportului privind „Rolul activității de lobbying în societatea democratică”. În intervenția depusă la secretariatul Adunării, parlamentarul român, a subliniat că APCE ar trebui să pună bazele dezvoltării și implementării de reglementări legislative privind activitatea de lobby, care să definească foarte clar ce înseamnă activitatea de lobby și să aibă aplicabilitate în toate statele membre ale Consiliului Europei. Totodată, domnia sa a întărit ideea conform căreia legislația privind lobby-ul ar permite reprezentarea profesionistă în cadrul procesului legislativ a intereselor diverselor structuri ale societății civile. Parlamentarul român consideră că activitatea de lobby este destul de modest reprezentată în România din cauza percepției autorităților care s-au perindat de-a lungul timpului în funcțiile-cheie ale țării. Asta pentru că, de cele mai multe ori, nu a fost percepută diferența dintre lobby și traficul de influență. Lipsa unor reglementări clare crează ambiguitate, iar ambiguitatea poate genera abuzuri sau lipsa răspunderii acolo unde este posibil ca cineva să fi comis fapte grave. De aceea, în opinia parlamentarului român avantajele reglementării activității de lobby sunt sporirea gradului de transparență în actul decizional, în relația grupurilor de interese cu factorii de decizie și prevenirea conflictelor de interese.

▪ Doamna deputată Maria Stavrositu, parlamentar de referință al legislativului român în campania Consiliului Europei pentru combaterea violenței împotriva femeilor, a participat la dezbaterile privind „Promovarea Convenției Consiliului Europei privind acțiunea împotriva traficului de ființe

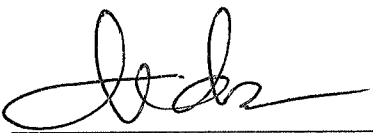
umane” și a semnat, împreună cu alți colegi, o moțiune de rezoluție privind „Creșterea reprezentării femeilor în politică prin sistemul electoral”.

■ Domnul senator Gyorgy FRUNDA, membru al Delegației României la APCE, a fost desemnat co-raportor al Comisiei de Monitorizare a APCE pentru Federația Rusă; de asemenea, a fost ales vicepreședinte al Grupului Parlamentar al Partidului Popular European din APCE și președinte al Subcomisiei pentru drepturile minorităților din cadrul Comisiei juridice și pentru drepturile omului. Domnia sa a intervenit în plenul APCE pe marginea raportului privind „Corupția judiciară”, al parlamentarului finlandez Kimmo Sasi, membru al Comisiei juridice și pentru drepturile omului a APCE.

Președintele Delegației Parlamentului României la APCE, deputatul Cezar Preda, alături de alți membri ai Delegației, a avut o întrevedere cu Delegația Parlamentului din Republica Moldova la APCE, condusă de doamna Ana Guțu, ocazie cu care au fost discutate chestiuni de interes privind colaborarea și sprijinirea reciprocă a inițiativelor.

Pe durata Sesiunii APCE, membrii Delegației au răspuns întrebărilor jurnaliștilor români și străini, au dat declarații și interviuri, iar secretariatul Delegației a informat despre activitatea parlamentarilor români prin comunicate de presă.

Deputat Cezar PREDA, președintele Delegației



Deputat Relu FENECHIU

Deputat Florin ANGHEL

Deputat Maria STAVROSITU

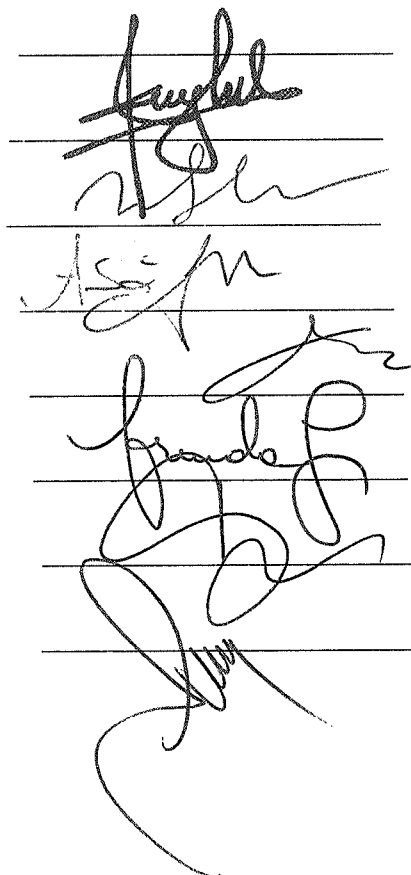
Deputat Adriana SĂFTOIU

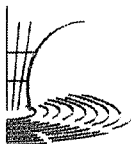
Senator Titus CORLĂȚEAN

Senator Gyorgy FRUNDA

Senator Viorel BADEA

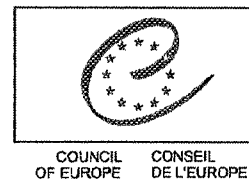
Senator Traian IGAȘ





Parliamentary Assembly
Assemblée parlementaire

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25 January 2010

Draft agenda

**1st part of the 2010 Ordinary Session
(25-29 January 2010)**

updated by the Bureau of the Assembly on 25 January 2010

Monday 25 January 2010

8 a.m. Bureau of the Assembly

9.30 a.m. Political groups

11.30 a.m. 1. **Opening of the first part of the 2010 Ordinary Session**
(by the oldest member in the Chair)

- a. Examination of credentials (Doc. 12128)
- b. Election of the President of the Assembly
- c. Election of Vice-Presidents of the Assembly
- d. Appointment of members of committees (Commissions (2010) 1)
- e. Requests for debate:
 - under urgent procedure on "Faked pandemics: a threat for health"
 - under urgent procedure on "Recent developments in Turkey"
 - as a current affairs debate on "What can Europe do for Haiti?"
- f. Adoption of the agenda
- g. Adoption of the minutes of proceedings of the Standing Committee (20 November 2009, Bern)

2. **Progress report of the Bureau of the Assembly and the Standing Committee**
(Doc. 12126 Parts I and II + Addendum)

Rapporteur: Mr Lluís Maria de Puig (Spain, SOC)

Observation of the presidential election in Ukraine (17 January 2010) (Doc.)

Rapporteur of the Ad hoc Committee of the Bureau: Mr Mátyás Eörsi (Hungary, ALDE)

Debate and [possibly] vote

1 p.m. **End of the sitting**

2 p.m. Committees

3 p.m. 1. **Communication from the Committee of Ministers to the Parliamentary Assembly presented by Ms Micheline Calmy-Rey, Head of the Federal Department of Foreign Affairs of Switzerland, Chairperson of the Committee of Ministers Questions (Doc. 12127)**
(Deadline for tabling written questions: Monday 18 January at 11.30 a.m.)

4 p.m. 2. **Communication from Mr Thorbjørn Jagland, Secretary General of the Council of Europe Questions**

5 p.m. **End of the sitting**

5 p.m. Political groups

Tuesday 26 January 2010

8.30 a.m. Committees

10 a.m. 1. Election of a judge to the European Court of Human Rights in respect of Italy (Doc. 12020) (from 10 a.m. to 1 p.m.)

2. The situation in the Middle East (Doc. 12117)
Rapporteur of the Political Affairs Committee: Mr Piero Fassino (Italy, SOC)
Rapporteur of the Committee on Legal Affairs and Human Rights (for opinion):
Mr Jean-Charles Gardetto (Monaco, EPP/CD)
Deadline for tabling amendments: Monday 25 January at 4 p.m.

Statement by Mr Daniel Ayalon, Deputy Minister of Foreign Affairs of Israel

Statement by Mr Mohammad Shtayyeh, Minister of Public Works and Housing of the Palestinian National Authority

Debate
Vote on a draft resolution

12 noon 3. Address by Mr George A. Papandreou, Prime Minister of Greece
Questions

1 p.m. End of the sitting

2 p.m. Committees

3 p.m. 1. Election of a judge to the European Court of Human Rights in respect of Italy (Doc. 12020) (continued) (from 3 p.m. to 5 p.m.)

2. Address by Mr Franco Frattini, Minister for Foreign Affairs of Italy
Questions

3. The functioning of democratic institutions in Bosnia and Herzegovina (Doc. 12112)
Co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee):
Mr Mevlüt Çavuşoğlu (Turkey, EDG) and Mr Kimmo Sasi (Finland, EPP/CD)
Deadline for tabling amendments: Monday 25 January at 4 p.m.

Debate
Votes on a draft resolution and a draft recommendation

4. Action against trafficking in human beings: promoting the Council of Europe convention (Doc. 12096)
Rapporteur of the Committee on Equal Opportunities for Women and Men:
Mrs Gisela Wurm (Austria, SOC)
Rapporteur of the Committee on Legal Affairs and Human Rights (for opinion) (Doc.):
Mr John Prescott (United Kingdom, SOC)
Deadline for tabling amendments: Monday 25 January at 4 p.m.

Debate
Votes on a draft resolution and a draft recommendation

5. Lobbying in a democratic society (European code of conduct on lobbying) (Doc. 11937)
Rapporteur of the Committee on Economic Affairs and Development:
Mr José Mendes Bota (Portugal, EPP/CD)
Deadline for tabling amendments: Monday 25 January at 4 p.m.

Debate
Vote on a draft recommendation

8 p.m. End of the sitting

8.30 a.m. Political groups

- 10 a.m. 1. **[Possibly 2nd round] Election of a judge to the European Court of Human Rights in respect of Italy (Doc. 12020) (from 10 a.m. to 1 p.m.)**
2. **Discrimination on the basis of sexual orientation and gender identity (Doc. 12087)**
Rapporteur of the Committee on Legal Affairs and Human Rights:
Mr Andreas Gross (Switzerland, SOC)
Rapporteur of the Committee on Equal Opportunities for Women and Men (for opinion) (Doc. 12099): Mrs Nursuna Memecan (Turkey, ALDE)
Deadline for tabling amendments: Tuesday 26 January at 10.30 a.m.

Debate

Votes on a draft resolution and a draft recommendation

3. **Judicial corruption (Doc. 12058)**
Rapporteur of the Committee on Legal Affairs and Human Rights:
Mr Kimmo Sasi (Finland, EPP/CD)
Deadline for tabling amendments: Tuesday 26 January at 10.30 a.m.

Debate

Votes on a draft resolution and a draft recommendation

1 p.m. End of the sitting

2 p.m. Committees

- 3 p.m. 1. **Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece) (Doc. 11860)**
Rapporteur of the Committee on Legal Affairs and Human Rights:
Mr Michel Hunault (France, EDG)
Deadline for tabling amendments: Tuesday 26 January at 3.30 p.m.

Debate

Vote on a draft resolution

2. **Respect for media freedom (Doc. 12102)**
Rapporteur of the Committee on Culture, Science and Education:
Mr Andrew McIntosh (United Kingdom, SOC)
Deadline for tabling amendments: Tuesday 26 January at 3.30 p.m.

Statement by Mr Miklós Haraszti, OSCE Representative on Freedom of the Media

Debate

Vote on a draft recommendation

- 3.a. **Thresholds and other features of electoral systems which have an impact on representativity of national parliaments in Council of Europe member states (Doc. 12107)**
Rapporteur of the Political Affairs Committee: Mr Hendrik Daems (Belgium, ALDE)
Deadline for tabling amendments: Tuesday 26 January at 3.30 p.m.

- 3.b. **Increasing women's representation in politics through the electoral system (Doc. 12097)**
Rapporteur of the Committee on Equal Opportunities for Women and Men:
Mrs Lydie Err (Luxembourg, SOC)
Rapporteur of the Political Affairs Committee (for opinion):
Mrs Liliane Maury-Pasquier (Switzerland, SOC)
Deadline for tabling amendments: Tuesday 26 January at 3.30 p.m.

Joint debate

Votes on a draft resolution and a draft recommendation (Doc. 12107)

Votes on a draft resolution and a draft recommendation (Doc. 12097)

8 p.m. End of the sitting

Thursday 28 January 2010

8.30 a.m. Committees

10 a.m. 1. **Current affairs debate: What can Europe do for Haiti?**¹
Debate

2. **Detention of asylum seekers and irregular migrants in Europe (Doc. 12105)**
Rapporteur of the Committee on Migration, Refugees and Population:
Mrs Ana Catarina Mendonça (Portugal, SOC)
Deadline for tabling amendments: Wednesday 27 January at 10.30 a.m.

Debate
Votes on a draft resolution and a draft recommendation

1 p.m. **End of the sitting**

2 p.m. Committees

3 p.m. 1. **Solving property issues of refugees and displaced persons (Doc. 12106)**
Rapporteur of the Committee on Migration, Refugees and Population:
Mr Jørgen Poulsen (Denmark, ALDE)
Deadline for tabling amendments: Wednesday 27 January at 3.30 p.m.

Statement by Ambassador Wolfgang Petritsch, Former High Representative for Bosnia and Herzegovina

Debate
Votes on a draft resolution and a draft recommendation

2. **The functioning of democratic institutions in Albania (Doc. 12113)**
Co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee):
Mr Jaakko Laakso (Finland, UEL) and Mr David Wilshire (United Kingdom, EDG)
Deadline for tabling amendments: Wednesday 27 January at 3.30 p.m.

Debate
Votes on a draft resolution and a draft recommendation

6.30 p.m. **End of the sitting**

6.30 p.m. Joint Committee

1. If the current affairs debate is decided by the Assembly.

8.30 a.m. Bureau of the Assembly

- 10 a.m. 1. **Fifteen years since the International Conference on Population and Development Programme of Action (Doc. 11992)**
Rapporteur of the Committee on Social, Health and Family Affairs:
Ms Christine McCafferty (United Kingdom, SOC)
Rapporteur of the Committee on Migration, Refugees and Population (for opinion) (Doc. 12053): Mr Francis Agius (Malta, EPP/CD)
Deadline for tabling amendments: Thursday 28 January at 10.30 a.m.

Debate

Vote on a draft recommendation

2. **Biodiversity and climate change (Doc. 12093)**
Rapporteur of the Committee on the Environment, Agriculture and Local and Regional Affairs: Mrs Francine John-Calame (Switzerland, SOC)
Deadline for tabling amendments: Thursday 28 January at 10.30 a.m.

Debate

Vote on a draft recommendation

3. **Euro-Mediterranean region: call for a Council of Europe strategy (Doc. 12108)**
Rapporteur of the Political Affairs Committee: Mr Denis Badré (France, ALDE)
Rapporteur of the Committee on Economic Affairs and Development (for opinion) (Doc.): Mr Ertuğrul Kumcuoğlu (Turkey, EDG)
Rapporteur of the Committee on the Environment, Agriculture and Local and Regional Affairs (for opinion) (Doc.): Mr Daniel Ducarme (Belgium, ALDE)
Deadline for tabling amendments: Thursday 28 January at 10.30 a.m.

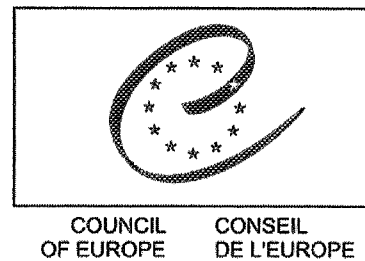
Debate

Votes on a draft resolution and a draft recommendation

4. **Constitution of the Standing Committee**

1 p.m. Closure of the first part of the 2010 Ordinary Session

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D3(2010)
25.01.2010

Communication from

Thorbjørn JAGLAND

Secretary General of the Council of Europe

on the occasion of the
first part of the 2010 Ordinary Session
of the Council of Europe Parliamentary Assembly

(Strasbourg, 25-28 January 2010)

Mr President,

I should like to start by congratulating you on your election as the President of this Assembly. This is an important event for you personally, but I assure you that it is also an important event for the Assembly, for Turkey and for Europe. For a Europe without dividing lines.

Dear members of the Assembly,

Less than four months ago, you elected me as Secretary General with a clear majority and a clear mandate – to help reform, revitalise and reinforce the Council of Europe.

Today, I am here before you to deliver my first speech on the state of the Council of Europe, to report to you on the progress achieved so far and, most importantly, on what will happen in the immediate future. I would like to thank you, Mr President, for your strong support to the reform process earlier today.

A few days ago I read an interesting article in *The Economist*. In the article, the journalist questioned the validity and utility of the division into Western and Eastern Europe, which, in the view of *The Economist*, has never been justified by geography, and is no longer justified by today's political and economic realities. I agree.

The Economist also mentions the Council of Europe and labels it “another talking shop and human-rights guardian, based in Strasbourg”.

Well, Sir Winston Churchill said that it is better to jaw, jaw than to war, war. Furthermore, the Council of Europe is more than another human-rights guardian. The Council of Europe has institutionalised human rights.

What would Europe be without the Court of Human Rights which gives 800 million people – as a last resort - the right to bring an individual application directly to Strasbourg? What would Europe be without a Parliamentary Assembly bringing together people from 47 states in Europe?

What would Europe be without the CPT which monitors every prison in Europe?

What would Europe be without the Human Rights Commissioner who confronts governments about their obligations towards some 200 conventions?

Or the Venice Commission which gives advice on constitutional questions?

Or indeed the Pharmacopeia which sets standards for all medicines in Europe?

Is this a “talking-shop”? If so, this “talking-shop” has been indispensable in tearing down walls in Europe, walls that were never justified.

The European Union could not have been widened without the common standards and values that the Council of Europe has established. 20 countries outside the EU would not have been under the same rules and the same Court had it not been for the Council of Europe.

As the outstanding European - Prime Minister Jean-Claude Juncker - said in his report: “The Council of Europe is a full scale factory for democracy, it plays an indispensable and unrivalled part in steering Europe in the right direction.”

All of us – those who write and those who talk - should continue to enlighten people about the forces which unravel when civil and democratic institutions start to break down – as they did in the last century.

This constitutes the background for the institutions which were built after the war. National defenses were transformed into collective defense organisations. This was called hard security.

But, history taught us that a lasting peace had to be built on more than that, it had to be built on common standards for human rights, the rule of law and a democracy binding for all. The Council of Europe was given the responsibility for providing Europe with this, with soft security.

The Council of Europe has been, is, and will be indispensable in this wider European security concept combining hard and soft security.

But we can always do better.

Last week I presented a comprehensive package of reform to the Ambassadors of the 47 member States of the Council of Europe.

I am very encouraged by their overwhelming support. Today I am here to explain my reform process to you, members of the Parliamentary Assembly, and I hope to obtain the same support.

The starting point for such a reform process is to clearly define our comparative advantages.

Firstly, and most importantly, the Council of Europe works on defending common European values, is free from economic, military and geostrategic considerations and therefore enjoys a high level of trust and legitimacy when setting standards and monitoring obligations.

Secondly, the Council of Europe is the only genuinely pan-European organisation which covers the entire continent. The EU does not do that, even when extended to the candidate countries and associated countries. The OSCE includes non-European countries which may not share fully identical views on human rights and the functioning of democratic institutions.

Thirdly, the Council of Europe is the only organisation which has both the mandate and the necessary tools to effectively and comprehensively monitor member States' compliance with obligations related to the respect for human rights, democracy and the rule of law.

Fourthly, the Council of Europe is the only intergovernmental international organisation with a Parliamentary Assembly which has a real, meaningful and formal role to influence the work and the decision-making process.

This Assembly elects the judges of the European Court of Human Rights, the Commissioner for Human Rights and, of course, the Secretary General and the Deputy Secretary General of the Council of Europe.

We are not always conscious enough of the extent to which the role of the Assembly in this process contributes to the democratic legitimacy of our Organisation and all its elected officials.

Fifth, the Council of Europe is an extraordinary database of knowledge and information. The fact that we are reaching out to all European countries, possess monitoring tools, presence in the field, parliamentarians in 47 countries, unique contacts with local and regional governments and maintain close co-operation with the civil society gives us an exceptional access to knowledge and information.

Properly put together and used, this information should enable the Council of Europe to anticipate – and provide solutions for – major societal and political developments which have to be properly dealt with before it is too late.

The Council of Europe can be a lighthouse for Europe, carefully watching developments and trying to anticipate new social and political crises.

It only takes a quick look at the problems which our societies are facing today to understand that social stability is not guaranteed. We are facing increased mistrust and intolerance within practically all our countries, with convergence of economic problems, social issues and migration.

I am deeply worried when I hear that “if we also could cast our vote in a referendum about the rights of the Muslims, we would have done as the people in Switzerland”.

More and more people seem to forget that majority rule does not give the majority the right to harm the legitimate rights of minorities. The Universal Declaration of Human Rights and the European Convention of Human rights restrain the majority.

I have always believed that social rights and human rights are closely linked. If we look at the social conditions in many of the large cities in Europe, one can easily understand why integration is failing, and tolerance is lacking, and why young people find ways to convey their frustration.

The danger is that extreme forces can exploit the situation to promote intolerance and hatred. A negative dynamic may develop, one which will be difficult to control.

I make this point because we need to recognise human rights and social rights as an integral part of the same struggle to create democratic stability.

And I strongly believe that the Council of Europe can, and should be, a forum for better understanding of how we can live together, to prevent the emergence of new dividing lines within European countries.

President, Members of the Parliamentary Assembly,

We need to prevent new dividing lines between nations.

The entering into force of the Lisbon Treaty opens up new possibilities to reinforce the overall architecture of Europe. One of the most far-reaching implications of the new treaty is the accession of the European Union to the European Convention on Human Rights. The preparations for this truly historic development have already begun, both in Strasbourg and in Brussels.

When I say "historic", I use the word advisedly. The future accession is an event of huge political and legal importance, not only for the European Union or for the Council of Europe, but for European citizens. It will bring greater clarity in institutional relations between the two bodies and open possibilities for more and better co-operation. It will enable the Council of Europe and the European Union to work together to prevent the emergence of new dividing lines between European countries.

If EU accession to the European Court of Human Rights does not take place, the danger is that two different kinds of case-laws may develop, one under the Luxembourg Court and one under the Strasbourg Court.

The European Union has huge economic and political power to do good, but the exercise of any power always carries the risk of making mistakes, of breaching human rights.

By accepting to submit the work of its institutions to the same rules and the same scrutiny which apply to all countries in Europe – with the regrettable exception of Belarus – the European Union is sending a very powerful message - that the world is changing – and that the most influential and the most powerful are ready to accept their part of responsibility for that change.

It is equally important that the Russian Federation – another global player on our continent – has decided to approve the ratification of Protocol 14 which will reinforce the European Court of Human Rights.

We can now create a safe haven for human rights stretching from Lisbon to Baku and from la Valetta, over Brussels to Vladivostok.

In these new exciting and challenging circumstances, the Council of Europe and all its integral parts starting with the Parliamentary Assembly can – and should play an important political role. We are the guardians of the European Convention on Human Rights.

The sole purpose of the reform process is to make us fit and able to carry out this task.

It is important to stress that this will not be an administrative reform, but a political one. I will not satisfy myself with moving staff around and changing the structure. Certainly, there will be administrative changes, but these will be driven by policy objectives, not the other way around.

Secondly, the reform will not primarily be about cutting costs. Of course, times are harsh and all our governments are determined to achieve savings, including when it comes to financing international organisations. It is also clear that times are likely to get worse before they get better, so the reform is designed to anticipate that pressure on our budget will continue.

The reform has the following main goals:

- To revitalise the COE as a political body and an innovative organisation.
- To concentrate our work on fewer projects, selected on the highest added value and comparative advantages.
- To develop a flexible organisation that is also more visible and relevant for the citizens of Europe.

To achieve this, the first stage of the reform has four interrelated pillars.

The first pillar is Better Governance:

The main responsibility in this respect lies with the two statutory organs, starting with the Committee of Ministers as the decision-making body, but also with the Assembly which has a crucially important role within the Council of Europe system.

Better Governance should apply to relations between these two bodies – and I am already working on the report on enhanced dialogue and co-operation. In the debate on my reform proposals last week, many Ambassadors pointed out that this was also an opportunity to critically assess the work of the Committee of Ministers and I would certainly encourage you to have the same attitude.

As to the Secretariat, I will strengthen the political aspect of our work by reinforcing the Directorate General of Political Affairs. A new Policy Planning Cell will be created to anticipate challenges and deliver forward-looking analysis.

We must undertake a complete review of communication. I have initiated an audit of our various communication services and the resources allocated to them.

We shall create a new Budget and Programme Service, under the authority of the Directorate General of Administration and Logistics, in order to ensure that activity planning and resources are directly linked.

We need to evaluate our work. To that end, we need a new quality control tool. This is why I want to establish a new, independent Internal Oversight Service, responsible for all aspects of quality control of our work, first and foremost evaluation and performance audit.

I think we can all agree that we have an excellent, committed and hard-working staff. The staff is a key partner in the reform process but we need new staff measures to ensure mobility, flexibility and control of expenditure.

Second, we have the Operational Pillar:

We need to review the programme of activities, and focus on impact and added value, and not whether an activity is a so-called core activity or enabling factor.

What counts is the impact.

We must focus our activities on areas where we have real comparative advantages – to do what others cannot do. We should move in the direction of fewer, but more effective projects and programmes. In view of financial constraints, we also need to consider more use of Partial Agreements and voluntary contributions.

We need a complete review of our field presence, in order to be as visible and effective as possible.

The objective is to create a network of Council of Europe Offices which should no longer be regarded as an *ad hoc* appendix to the Organisation, but as an integral part of the Council of Europe system. This will take place in the conditions of strict budget neutrality and without any duplication of other organisations' presence in the field.

The third pillar is about Our Structures:

The Secretariat must be structured in order to achieve the Organisation's political objectives, facilitate transversality and co-ordination, while keeping in mind the need to be cost-efficient. I should like to repeat again that the nature of the reform is to reinforce the political relevance and effectiveness of the Council of Europe. All administrative changes are driven by policy objectives, not the other way around.

The fourth pillar of reform concerns The European Convention on Human Rights:

This is the basic pillar of our organisation. Therefore the European Court of Human Rights has been called the jewel in the crown of the Council of Europe.

The challenge of the Court is its own success. We need to undertake reforms so that the Court can deal more efficiently with all the applications.

Protocol 14 opens up the pathway for necessary reforms, but they will not be sufficient. More has to be done, and we need to use all our means and tools to improve the judicial systems in member States so that fewer applications reach the Court.

The only thing which we cannot do is to continue to transfer money from the Programmes of Activity Budget to the Court. If we do that there will soon be no money left for programmes or activities. We must look for other solutions.

Dear friends,

You are surely all familiar with the famous essay "The End of History?" written by Francis Fukuyama in response to the fall of the Berlin Wall in 1989.

Many people believe that his argument has been tested and proven wrong. Confrontations unfold in the world, confrontations unfold in our societies. History has not ended.

But Fukuyama did not say that history was ending. History is happening every day, and it will continue to do so. What he did say, however, was that since the French Revolution, democracy has time and again proven to be a fundamentally better political system than any other alternative.

The ending point of mankind's ideological evolution towards the final form of human government is democracy.

Of course, there are numerous bumps on the road and progress will not be as straightforward and rapid as many among us will have wished.

What is important – vitally important for democracy – is the acceptance of the fact that responsibilities are shared, and rights are equal for all – within nations – and between nations.

Willy Brandt once said that security in Europe is indivisible, it is for all or for none. François Mitterrand stated that nationalism means war. This was why Mikhail Gorbachev came to this very assembly and talked about a Common European House.

Yes, a common European house where we can understand and respect each other.

We also want to build a European house which opens its windows to the world. The world is facing new global challenges, and we should therefore enter a new phase of internationalism. Europe must play a decisive role in that process, and so must the Council of Europe.

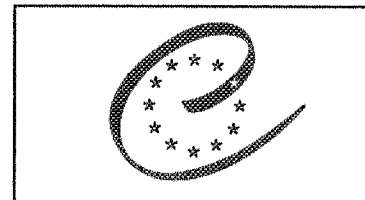
Therefore to achieve this aim, we must renew our institutions and our way of thinking. This is the only way we can pay tribute to those who signed the Treaty of London on 5 May 1949 marking the creation of the Council of Europe. In spite of all the errors and some very tragic detours, Europe, as a peace project, has worked. History is ongoing, democracy has prevailed.

But, as we are reminded on a daily basis, in the struggle for peace and stability, there are no irreversible victories. We must not drop our guard.

What we need to do is match the courage, the determination and the vision of the people who conceived and signed the Treaty of London.

This is what the reform of the Council of Europe is all about.

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COUNCIL
OF EUROPE CONSEIL
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D2(2010)
25.01.2010

**Communication from the Committee of Ministers
presented by**

Micheline CALMY-REY

**Head of the Federal Department of Foreign Affairs of Switzerland,
Chairperson of the Committee of Ministers**

on the occasion of the
first part of the 2010 Ordinary Session
of the Council of Europe Parliamentary Assembly

(Strasbourg, 25-28 January 2010)

Mr President,
Members of the Parliamentary Assembly,
Mr Secretary General,
Madam Deputy Secretary General,
ladies and gentlemen,

I feel highly honoured to have this opportunity to address you today during this plenary session of the Parliamentary Assembly to make my first report in my capacity as Chair of the Committee of Ministers. Two months ago, I had the opportunity to set out to your Assembly's Standing Committee, which was meeting in Berne, Switzerland's priorities during my term of office. I have subsequently been able to gauge the importance and extent of the work done by the Council of Europe.

In order for it to be effective, this work must be based on a perfect understanding between the various institutions which together form our Organisation. This is why I am happy to share with you the experience of the first two months of my term of office in the Chair and to discuss with you our plans for the next four months.

Firstly, I should like to congratulate you, President, on your election this very morning to lead this august Assembly. I wish you every success in your exercise of this high responsibility, and I am delighted to be able to co-operate with you. I am sure that we shall continue along the path of constructive dialogue opened up with your predecessor, Mr Lluís Maria de Puig, to whom I should like to pay tribute for his great commitment.

I should like to start by taking a brief look back. When the previous Swiss Chairmanship of the Committee of Ministers came to an end - having lasted from November 1991 to May 1992 - the continent of Europe had just experienced a period of historic upheaval. Spurred on by the Assembly, the Chairman of the Committee of Ministers at the time, my fellow-countryman René Felber, and the then Secretary General, Mrs Catherine Lalumière, had encouraged an inclusive approach - regarded as a bold one at the time - thanks to which this pan-European organisation as we know it today came into being.

Since that time, the Council of Europe has become even more important for Switzerland. The main reason for this is certainly the fact that the Council of Europe upholds the same standards as those which are central to our political system: human rights and fundamental freedoms, the rule of law and democracy.

The Council of Europe is playing an irreplaceable role in the building of a single Europe. Its intergovernmental co-operation method is enriched by a prominent parliamentary dimension - so well represented by your Assembly - as well as by a regional and local dimension in the form of the Congress of Local and Regional Authorities, not forgetting civil society, represented through the Conference of International Non-Governmental Organisations.

Thus the huge diversity of our continent is represented within a single institution. No organisation can claim to be more representative of all Europeans.

Managing this diversity is a challenge. It is natural for some differences of opinion to exist and for discussions to take place, some of them lively, especially in this Chamber. As a member of the federal government of a country which is itself hallmarked by great diversity, I am particularly sensitive to this aspect. Diversity is a rich asset which must be used to further the work which we are doing together. This is why the experience and viewpoint of each and every one of you is precious.

Mr President,

I should like now to say a few words about the relations between the Committee of Ministers, which I chair, and the Parliamentary Assembly. It was intensive discussions with a joint delegation led by my Slovenian colleague Samuel Zbogar, my predecessor in the chair of the Committee of Ministers, that enabled agreement to be reached on the election of a new Secretary General for the Council of Europe. Your spirit of co-operation and conciliation was vital in order to avoid a major institutional crisis which might well have tarnished our Organisation's reputation.

Thanks to the combined efforts of your Assembly and the Committee of Ministers, new foundations were laid for better co-operation between our two bodies, while maintaining their respective responsibilities. We have, in the past few months, successfully established stronger relations and made good progress on clarifying the rules and procedures for future elections to the office of Secretary General. The Swiss Chairmanship will continue to devote itself to this work and ensure that the measures identified for enhancing dialogue are diligently put into practice.

I wish to continue along the lines drawn by my colleague, the Slovenian Minister for Foreign Affairs, and develop a constructive working relationship between the Committee of Ministers and your Assembly. To this end, it is my intention to organise another meeting in the near future between the Presidential Committee of the Assembly and the Bureau of the Ministers' Deputies. I shall also continue my close contact with the Secretary General in respect of the report which he is due to present by October 2010 on the enhancement of co-operation between our two bodies.

A full report on this question and on the other activities of the Committee of Ministers since last October is presented to you in the written communication which has been distributed. I shall therefore confine myself to looking at certain subjects to which the Chairmanship attaches particular importance.

Mr President,

I should now like to recapitulate briefly for you the priorities of our Chairmanship of the Committee of Ministers and convey to you the early developments which we have registered in that regard.

We have elected to emphasise three main thrusts in our work, namely:

protection of human rights and rule of law;
strengthening of democratic institutions, and
enhancement of the Council of Europe's transparency and effectiveness.

As to our first priority, safeguarding human rights and rule of law, the major challenge to take up is clearly the future of the European Court of Human Rights, the flagship institution of the Council of Europe.

It seems to us essential to ensure that the Court not only has at its disposal the budgetary and human resources needed for it to continue performing its role to the full, but also that its rules of operation should enable it to discharge its tasks with all due competence but celerity too.

Here, a most important stride was made, ten days ago, with the approval for ratification of Protocol No. 14 to the European Convention on Human Rights by the Russian State Duma. This decision now leaves the path open for its entry into force. I welcome this, and see in it the successful outcome of the joint efforts made by your Assembly and by the Committee of Ministers.

The entry into force of Protocol 14 will enable the Court to discharge its tasks more efficiently. Given the disturbing delay in the disposal of applications – some 120 000 applications are currently waiting to be dealt with – the entry into force of Protocol 14 represents a big breath of air for the Court, thanks to the improvements which it will make to the Court's functioning.

Mr President,

With the entry into force of the Treaty of Lisbon, this Protocol also paves the way for the European Union's accession to the European Convention on Human Rights. I am glad about President Barroso's announcement that it would be one of his priorities, made when he met the Secretary General shortly after the latter took office. It is now important to press ahead quickly so that it becomes a reality.

Even so, we are all aware that the measures embodied in Protocol 14 will not suffice to vanquish the Court's difficulties over the handling of the very bulky mass of pending cases. We must look beyond and try to introduce a long-term strategy that will guarantee the Court's effective and sustainable action for the protection of human rights throughout the continent.

Bringing legislation at the national level into line with the European Convention on Human Rights, and proper application by national jurisdictions of the Court's case-law to stem the flow of cases towards the Court on the upstream side, appear essential in this regard.

As you know, we are organising a high-level Conference on the future of the European Court of Human Rights on 18 and 19 February 2010 in Interlaken. We rely on the co-operation and commitment of all member states to put in hand the reforms which are indispensable for the Court's future as guardian of fundamental rights and freedoms in Europe. The President of your Assembly has been invited to this conference, as have the members of the Swiss parliamentary delegation.

In Interlaken, it will be essential for the political leaders to speak with one voice in order to lend the necessary political impetus to the realisation of the goals set. To achieve this end, we are engaged in consultations with the member state governments for the preparation of a draft political declaration that the Ministers present in Interlaken may adopt.

In order to ensure that the draft declaration is as broadly based as possible, we have also consulted your Committee on Legal Affairs and Human Rights, as well as the non-governmental organisations. I would recall here in your presence the crucial importance of the national parliaments for the preservation of the system of human rights safeguards in Europe.

The Interlaken declaration will need to lay down the guidelines for an in-depth reform guaranteeing the long-term effectiveness of the individual petitions system. We know that this kind of reform process will take a good deal of time, but unless we set it in motion now the results of this process are liable to come too late to save the Court. That is why, in Interlaken, the member states will need to send out a loud and clear political signal by tracing the path to be pursued later by the experts in the relevant Council of Europe committees. We count on the co-operation and commitment of all states to achieve it.

We support the efforts to help on the EU's accession to the European Convention on Human Rights. Indeed, as soon as the EU is a Party to the Convention, we shall have more extensive legal certainty in relation to human rights, which will benefit all the men and women of Europe. The Court in Strasbourg will become the ultimate authority for the protection of human rights.

While the Court is the cornerstone of the system for protecting human rights in Europe, the system does not yet reach all Europeans. That is why we shall carry on the endeavours of our predecessors for closer ties with Belarus. In this matter I consider co-ordination with your Assembly's activities necessary as regards the rapprochement in progress. I am convinced that our efforts converge in a joint approach for the future accession of this country, which is part of the European family.

Besides this essential question, the Committee of Ministers continues the efforts towards rapprochement by following a variety of avenues. One concerns the accession of Belarus to certain Council of Europe conventions. Accordingly, the Committee of Ministers will very soon consider the request by Belarus to accede to the Council of Europe Convention on Action against Trafficking in Human Beings. We also continue to work for Belarusian civil society, particularly through the Info Point inaugurated in Minsk in June 2009.

The Swiss Chair and the entire Committee of Ministers sincerely hope that the agreement to set up the Info Point will be renewed before it expires this coming March. The Swiss Chair also hopes that a solution regarding a more stable and long-term Council of Europe presence can be found.

An issue with direct bearing on the well-being of all citizens in Europe and beyond is the fight against counterfeiting of medicines and other pharmaceutical products.

Counterfeiting of medical products and like offences threaten the right to life enshrined in the European Convention on Human Rights. The Council of Europe in fact performs a crucial role in this respect with the MEDICRIME Convention. Switzerland has actively supported the work in this area, particularly the drafting of this binding international legal instrument so far unprecedented anywhere in the world.

In order to advance the fight against counterfeiting of medical products in Europe and worldwide, Switzerland is holding an international conference on 15 and 16 April 2010 in Basel. I invite you all to give this instrument, the first ever at the international level, your vital political support.

The second main strand of the Swiss Chairmanship's priorities deals with strengthening of democratic institutions in the Council of Europe member states.

Democracy, with human rights and rule of law, represents one of the fundamental values of the Council of Europe. A special role in the promotion of grassroots democracy falls to civil society acting *inter alia* at the local and regional levels as well as elsewhere. Consequently there is a need to foster means of enabling citizens of both sexes to participate, to build the democratic authorities' management capability, and to encourage good governance at every tier. Democracy, whether at national, regional or local level, is an essential trait of governance in Europe.

To reinforce the democratic idea, Switzerland will organise in conjunction with the University of St Gallen and the Venice Commission a conference on the theme of democracy and decentralisation on 3 and 4 May 2010.

The aim of the conference is to provide a platform for the representatives of the member states of the Council of Europe and for known personalities of science, politics and civil society where they can delve into various aspects of democracy, decentralisation and participation, and pool their experiences. I hope to be able to welcome a large number of you at this conference.

Reinforcement of democratic structures is an important part of Council of Europe co-operation and assistance activities in its member states. Switzerland financially supports the Council of Europe project to enhance local and regional government structures in Albania.

Last week the Committee of Ministers approved an action plan intended to support the general elections scheduled in Bosnia and Herzegovina during the current year. Alignment of the constitution and the electoral law of Bosnia and Herzegovina with the European Convention on Human Rights is a particularly important and urgent matter in this context, following the important judgment recently delivered on this issue by the Strasbourg Court. The Committee of Ministers has firmly encouraged the country's authorities to call upon the Venice Commission for assistance in completing this task.

Our attention also focused recently on boosting co-operation activities with Moldova. Just a few days ago, the Committee of Ministers approved a "democracy package" of aid to the strengthening of institutions, and a set of proposed confidence-building measures for the Transnistria region. We will follow very closely and regularly evaluate progress made in these activities.

As you know, we also examine the situation in Georgia on a regular basis. The consequences of the conflict in August 2008 appear on the agenda of all Ministers' Deputies meetings. A full review of the Organisation's action has been made, and we held a discussion on the direction to be given to subsequent stages of this action at the handover meeting of the Chairmanship on 18 November 2009. The Committee of Ministers will come back to this question very soon, in the light of the proposals which we shall be receiving from the Secretary General.

I can assure you that the Swiss Chair assigns a high priority to the situation in Georgia. That is why I made a point of going there personally last week. On that occasion I stressed the importance of the dedication of the Commissioner for Human Rights, Mr Hammarberg, whose action over the last few months has centred on cases of imprisoned or missing persons. I encouraged my Georgian contacts to keep up support for his efforts and proposed on behalf of the Council of Europe to make experts available to assist in the search for missing persons.

In this connection I should also like to thank the rapporteur Mrs Jonker of the Committee on Migration, Refugees and Population for drawing our attention to the humanitarian situation arising from the war between Georgia and Russia.

Observation of the human rights situation in the territories affected by the conflict is also a contribution which the Council of Europe could make. Finally, I called upon the authorities to complete the exchange of prisoners and of victims' remains with the other parties to the conflict.

Mr President,

Lately the result of a Swiss Federal referendum caused a great stir in Switzerland, in the Council of Europe member states and further afield.

I am speaking, obviously, about the referendum that resulted in a ban on building minarets in Switzerland, a decision taken by 57.5 % of voters following a popular initiative launched in accordance with the Swiss Constitution by a group of citizens. The government and parliament had recommended the refusal of the initiative. This ballot is probably an expression of fears and anxieties, inflamed by the universal presence of extremist images and misdeeds.

I am convinced that the majority of my fellow-citizens who expressed their opinion, nearly two months ago now, have not turned against the Muslim community settled in our country. Indeed, Muslims in Switzerland – some 400 000 – are generally well-integrated in Swiss society, which as you know is itself marked by great cultural and religious diversity. Men and women among the Muslims so wishing may continue to attend the country's 200 or so mosques, since only the construction of new minarets is henceforth prohibited in Switzerland, not the construction of new mosques.

Nonetheless, we remain concerned by this vote which in fact creates a certain discrimination against a religious community. Now, every slight to the co-existence of different cultures and religions can be construed as a lack of tolerance and likely to cause provocations, to fuel extremism. The question to be resolved concerns us all, Council of Europe member countries, whatever our religious differences and our choice of society. I consider that the fears and prejudices which appeared during the campaign must be frankly confronted.

Should an admissible application be lodged with the European Court of Human Rights, it will be for the Court to decide whether the new Swiss constitutional provision is compatible with the European Convention on Human Rights. If it comes to that, we shall have to draw the inferences which any state respecting the Court's authority has a duty to make from its judgments.

At last I come to the third chapter of our priorities headed "increasing the transparency and efficiency of the Council of Europe".

Our Organisation performs an irreplaceable role in building a wider Europe without dividing lines, as was emphasised by the Heads of State and Government at the Warsaw Summit. It is essential, in the present institutional and international context, to make the Council of Europe as effective and efficient as possible. That presupposes an overhaul of its programme of activities with a view to greater impact and greater visibility, and to its meeting the present challenges that face our societies still more effectively.

The Swiss Chair has no ambition for upheaval in our Organisation. On the contrary, we are determined to do our utmost to ensure sustainable financing of the expenditure linked with operation of the Council of Europe and of its activities. The Secretary General, Mr Jagland, will put to you his proposals before the end of day. We wholeheartedly support him as regards all measures that will contribute to the Council of Europe's increased efficiency, but also greater visibility.

Mr President,

Nobody casts doubt on the quality of the work done by the Council of Europe, or on the importance of the fields in which it is engaged. What is at stake is the role which our Organisation must perform in the present context which, as we have just seen, has undergone significant changes. The end of the Cold War and the destruction of the Berlin Wall and the Iron Curtain are among the historical changes which have shaped the life of our continent in the political redesign which has gone on for twenty years.

Besides this – and perhaps just as importantly, above all when we contemplate the future of the Council of Europe – there is the intensification of international co-operation in an ever larger number of fields. The process of European integration, which came to be coupled with the intergovernmental co-operation carried on most notably by the Council of Europe since the 1950s, has enjoyed constant and considerable development.

Thus the majority of Council of Europe member states are now part of the European Union. With the entry into force of the Treaty of Lisbon, the integration of the 27 has gained a fresh quality. The Union now possesses legal personality and so will be able to accede to the European Convention on Human Rights, as amended by Protocol 14.

The success of this integration process, which is in the best interests of our continent, is also fully significant for the Council of Europe. It seems to me essential that we ponder together the role that it behoves our Organisation to perform in the present context. What are the assets and abilities that the Council of Europe will be able to bring into play? This question should in my opinion be asked before any other: what is the added value that the Council of Europe can offer today? What difference can it make to the lives of Europeans?

The Council of Europe is the sole pan-European organisation capable of setting credible standards in crucial areas with an unarguable practical bearing for the citizens of Europe.

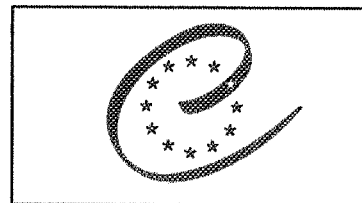
The need for probing strategic reflection about the Organisation's future is also dictated by the dearth of available resources. If we are to ensure sustainable funding of the Organisation and of its priority activities, when we are facing a difficult budgetary situation, it is imperative that we scrutinise its mode of operation and its structures. I am glad to see that the Secretary General made this question his priority as soon as he took office, and that the member state governments, through the Ministers' Deputies, signified their support to him.

I know I can rely on the backing of your Assembly to effect the political and structural refocusing that will enable our Organisation to perform a strengthened, lasting role on the international scene. Switzerland sees in the Council of Europe an important agent in the consolidation of a democratic Europe, united around the values of human rights, democracy and rule of law thanks to its impressive standard-setting attainments and to its tools for monitoring the member states' honouring of their commitments. We must give the Council of Europe the means to continue fulfilling this fundamental mission.

By way of a conclusion, I wish to tell you that I am extremely pleased to be able to work with you and to meet with you again on the occasion of your next session at the end of April.

Thank you for your attention, and I remain at your disposal to answer your questions.

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25.01.2010

**Opening statement
by**

Mevlüt ÇAVUŞOĞLU

**President of
Council of Europe Parliamentary Assembly**

on the occasion of the
first part of the 2010 Ordinary Session
of the Council of Europe Parliamentary Assembly

(Strasbourg, 25-28 January 2010)

Ladies and Gentlemen,
Esteemed Colleagues,

It is a great honour for me to have benefited from your confidence and trust in electing me President of our Assembly. I assume this high office with gratitude and the ambition to do my absolute best.

First of all, I thank you for honouring by a minute of silence the victims of the Haiti earthquake. I very much hope that the Assembly during this week will discuss concrete ways of how European countries should help in this kind of terrible tragedies in the most urgent and efficient manner.

Even though my dream was always to be active in politics, never could I have imagined, as a young boy working on my father's farm in Alanya-Antalya, that some day I would become the President of an Assembly representing 47 states and 800 million Europeans.

My sincere thanks to all of you - members of this Assembly. I thank those who proposed and supported me as candidate. I thank my political group, the European Democrat Group and also all members of other political groups, particularly their leaders. I thank the members of the Turkish delegation, whose forerunners have faithfully served this Assembly ever since the Council of Europe was created in 1949.

In that year, the Turkish Vice-President of this Assembly, Mr. Kasım Gülek, said in a speech to the founding members of this house and I quote: "Some day, all the countries and peoples of Europe will be represented in this Assembly". Today, after sixty years, this dream has come true, making our Parliamentary Assembly the only truly pan-European body. We are waiting for Belarus to be able to join us.

Allow me also to thank the Turkish Government, an eminent member of which is among us today, Minister of European Affairs, Mr. Bağış, and the Turkish Grand National Assembly, not only for the support and encouragement they have given me, but also for the many reforms they have recently undertaken in Turkey – reforms that have led to ending the Parliamentary Assembly's monitoring of my country, and to the further strengthening of human rights, democracy and the rule of law there.

I wish to pay tribute to my predecessor, Lluís Maria de Puig. His good sense of diplomacy, his kindness and consideration for all around him, irrespective of their political belonging – these qualities have made him a truly excellent President over these past two years, and he has guided us through many difficulties. The same appreciation also goes for our former president Rene van der Linden, and now President of the Dutch Senate, who is with us today.

At this point, allow me to express a few words in Turkish as well

Dear colleagues,

I have always believed that to be in politics is to bring a difference to people's lives, to bring about change and make things better. I am delighted to have the honour of being the first Turkish citizen to hold this post, the youngest person – and paradoxically also the person with the least hair on his head.

Dear colleagues,

In the era of globalization we unavoidably face challenges: The economic crises, environmental problems and, last but not least, the increasing intolerance and discrimination in our societies. Tolerance remains an important European goal which we cannot set aside. Creating new fault lines with the false image of the other and the disrespect towards difference must be fought with renewed urgency and vigor. We must first breakdown the walls in our minds. Unless we do that there is no real freedom.

The foundation of our common European home must be built on an open society based on respect for diversity not on exclusion, not on discrimination, not on fear and not on hatred. Migration must be seen as an opportunity rather than a threat. We must enhance inter-cultural and inter-religious

dialogue. We must eradicate racism, xenophobia, anti-semitism, Islamophobia and all kinds of similar phobia leading to discrimination and intolerance.

In this connection, allow me to quote the very famous philosopher Mevlana Rumi:

Come, come over, more over,
For how long more such schism?
For how long more such fuss and fight
As you are me and I am you.
How long this discrimination of you and I?

We should strive for the European ideal to allow for everyone to live in dignity and security. In this regard terrorism as one of the main threats against these values, should be condemned and fought in full cooperation whilst respecting democracy, humans rights and rule of law.

I am particularly proud to take on this responsibility at a time when there is such a need to reform the Council of Europe - reflecting on its past 60 years.

Today the need for reform is as strong as ever. We must work hard to uphold the values of our communal life – the functioning of democracy, the rule of law and, most important of all, the protection of human rights. The Council of Europe, and this Assembly especially, have a central role to play.

While we are talking about reform, I believe we should fully support the reform process of the European Court of Human Rights.

As a member of this Assembly for seven years, working with three Presidents and two Secretaries General, I recognize that now - with a new President and a new Secretary General - we have a golden opportunity, all of us working together, to develop our analysis for a reform of the Council of Europe.

We cannot safeguard freedoms and rights by being distant from the ordinary citizen. We, the Parliamentary Assembly, represent the ordinary citizen. We have our fingers on the pulse of what the citizens require and are able to assess the actual effects of the Council of Europe initiatives on our citizens.

Therefore, the Parliamentary Assembly must give support to the Secretary General to achieve the institutional improvements that he is aiming for. We, within the Parliamentary Assembly, must also begin to discuss reform regarding our own working methods, procedures and structures. We must reflect on how to increase the relevance and effectiveness of our work.

Towards these goals, I will engage with all political groups and the Chairs of Assembly Committees.

To the Committee of Ministers, I offer the hand of friendship and a willingness to work with them. The Permanent Representatives of member states will always find my door open. Needless to say, that door of mine will also be wide open to all of you, fellow members of this Assembly.

I want to use my term in office, not to reshape the Assembly, but rather to build on its strengths. I would like to encourage the Assembly to open a path, to give people throughout Europe renewed confidence that we are an Organization that does more than talk, that we are prepared to listen, and deliver a positive outcome.

I shall defend the rights of this Assembly, whenever and wherever. In so doing, I will have three main responsibilities as the President of this Assembly.

- to defend the values of the Assembly;
- to defend the rights of people to come to this Assembly and participate in free debate;
- and to champion the cause of the Parliamentary Assembly throughout Europe.

Following the entry into force of the Lisbon Treaty, new avenues of cooperation with the European Union have emerged. Strengthening relations with the European Union must be our priority.

Distinguished guests and
Dear colleagues,

I come from a country which has prided itself for two millennia on being a bridge among continents. I want to bring that political understanding to a new level, to act as a bridge for the peoples of Europe, whether they are in the frozen Arctic or on the warm beaches of Antalya. And by Europe I mean the entire Europe - from Reykjavik in the west to Vladivostok in the east, from Hammerfest in the north to La Valetta in the south. I want all 800 million Europeans to feel that in the Parliamentary Assembly and the Council of Europe they have an Organization that will look, listen and respond with positive action, and protect those values that every person in this room upholds so dearly.

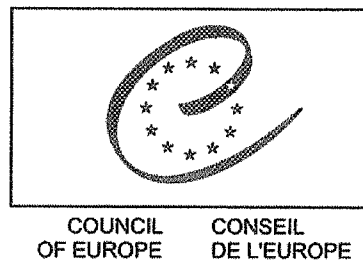
This Organization, representing those 800 million Europeans, is made up of many parts – but nothing is more important than the values that bring these parts together. The post of President holds the key to both making that cohesion work and delivering on the issues that this Organization cares for.

I know that my task is not going to be easy, but I did not enter politics to have an easy life. Still, I hope there will also be moments when I shall be able to relax and think that we have succeeded. Of course, I will not be able to succeed without your support, particularly the support of our Secretary General, Mr. Sorinas, and his staff. I will cherish, with humble appreciation, the opportunity the Assembly has given me. I will work with you and for you.

Concluding with the words of the first elected President of this Assembly, Mr. Paul-Henri Spaak, "Now to work!"

Thank you.

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Address by

Franco FRATTINI

Minister for Foreign Affairs of Italy

on the occasion of the
first part of the 2010 Ordinary Session
of the Council of Europe Parliamentary Assembly

(Strasbourg, 25-28 January 2010)

Signor Presidente,
 Illustri Onorevoli,

desidero innanzitutto ringraziare il Presidente dell'Assemblea Parlamentare del Consiglio d'Europa per questa occasione di incontro con i Parlamentari degli Stati membri dell'organizzazione di Strasburgo. E' un'occasione preziosa che mi consente di **presentare il punto di vista del governo italiano sulla costruzione dell'identità europea nel tempo della globalizzazione**. Sul modo in cui possiamo riscoprire e sul ruolo che al riguardo devono svolgere – insieme - l'Unione Europea e il Consiglio d'Europa, soprattutto in materia di rispetto dei diritti umani, democrazia e stato di diritto. Questioni che rappresentano il cuore di una costruzione complessa e determinante, quello appunto dell'identità europea. Attorno a questi temi, del resto, il Consiglio d'Europa, che si pone come foro di dialogo tra tutti i Paesi del continente, ha costruito la sua ragion d'essere e la sua riconosciuta autorevolezza.

Illustri Onorevoli,

la fase di grande trasformazione che stiamo attraversando sul piano internazionale mette in gioco anche il "posto" dell'Europa nel mondo; dobbiamo quindi far sì che questo nostro Vecchio continente riesca a **lasciare la propria impronta nella ridefinizione degli equilibri globali, secondo i propri interessi e in nome dei propri principi**.

Una missione difficile ma decisiva per l'Europa del XXI° secolo. Tanto più nel momento in cui l'onda di ritorno della globalizzazione, dopo aver dato l'impressione di aver reso il mondo piatto e omologato, crea ora l'esigenza di nuovi punti di riferimento e genera una nuova domanda di appartenenza. **Tanto più** quando la recente crisi finanziaria ed economica rivela le fragilità di un liberismo senza regole e riferimenti etici. **Tanto più ancora** con l'entrata in vigore del Trattato di Lisbona, che suggerisce la necessità di riscoprire e alimentare le radici dell'identità europea. **Tanto più infine** in questa fase storica che vede l'Europa confrontarsi con l'immigrazione.

Siamo – se ci pensate bene - nella scomoda posizione di chi deve saper accogliere l'identità degli altri senza però tradire la propria, ancor fragile, complessa e profonda nello stesso tempo.

"Il perdono e la promessa" sono state all'origine della costruzione europea: due parole chiave, pesanti e leggere nello stesso tempo. Queste due parole hanno saputo dire a figlie e figli di generazioni che avevano orribili responsabilità: che non le avremmo lasciate ai margini della storia; che avrebbero potuto tornare a far parte della nostra comunità umana; che avrebbero potuto vivere - come tutti noi - nella promessa di un nuovo e duraturo sogno di pace, nella libertà. Questa è l'Europa, all'origine. E per questo possiamo dire, oggi, che l'Unione Europea non è figlia del caso, ma della volontà. E che alla crisi che oggi noi attraversiamo – sotto un cielo diverso da quello ancora infuocato che Adenauer, De Gasperi e Schumann avevano conosciuto – dobbiamo e possiamo reagire con la forza dei nostri valori.

L'Europa che abbiamo fin qui costruito – come un sogno purificatore dopo gli anni della follia della guerra, il sangue, l'odio e le macchine del terrore totalitario – è certo uno straordinario spazio di libertà per uomini e merci, ma anche un'architettura complessa e complicata per tutti noi, ancora senza una compiuta politica estera ed una difesa comuni. Non la abitano neppure, ancora, cittadini dall'identità comune. Dobbiamo essere sinceri: proprio la querelle politica che ha impedito nelle pagine del Trattato ogni riferimento alle "radici cristiane" di un'Europa che è certamente giudaica, cristiana e laica, illuminista – ha rivelato tutta la nostra debolezza: quella di un mondo che giustamente riconosce agli altri – ad esempio i Musulmani - il tratto religioso delle identità che compongono larga parte del fenomeno migratorio, ma allontana poi, quando parliamo di Cristianesimo, questo stesso carattere in nome di una coscienza che noi, per noi stessi, vorremmo invece muta di fronte alla religiosità. E' lo spettacolo involontario di un razzismo rovesciato

Perché dunque l'Europa possa mostrarsi all'altezza di una sfida così ampia e complessa, l'Europa deve sapere e volere riappropriarsi dei valori di una tradizione che è religiosa e laica. E che ha conosciuto, nella religiosità, accanto alle guerre ed alle persecuzioni, l'idea stessa di tolleranza. E che da essa fa derivare, fin dalle sue origini, il principio fondamentale della separazione tra chiesa e stato.

Se questo è il punto di partenza, le strade principali da percorrere per tagliare il traguardo di una riscoperta consapevole e profonda della nostra identità culturale - anche attraverso una stretta cooperazione tra **Consiglio d'Europa, Unione Europea ed OSCE** - appaiono principalmente due: (1)

contribuire alla **globalizzazione dei diritti umani**, ad una loro effettiva universalizzazione, senza tuttavia diluirne i contenuti, né relativizzarne la portata; (2) favorire il confronto fra diverse culture senza rinunciare ad alcuni principi fondanti. Ciò che comporta, fra l'altro, l'adozione di **nuove politiche di gestione e integrazione dell'immigrazione**, che sappiano coniugare sicurezza e solidarietà, nel pieno rispetto dei diritti fondamentali di ogni persona.

(1) Globalizzare i diritti umani ma senza diluirne né relativizzarne i contenuti – La globalizzazione ha suggerito un modo diverso di guardare ai **diritti fondamentali della persona**. Insieme ai mercati, ai commerci, alla mobilità e alla comunicazione, devono essere realmente universalizzati anche i diritti e le opportunità. Bisogna adoperarsi, in particolare, per la globalizzazione del valore della dignità umana. Il che comporta una vera e propria pedagogia dei diritti umani, anche lavorando, come bene fa il Consiglio d'Europa, sull'educazione scolastica e dei giovani.

Diffondere i valori universali e i diritti civili non significa però accettare che i loro contenuti vengano diluiti. Il rischio, purtroppo, esiste. La globalizzazione sta infatti ridefinendo la gerarchia del potere internazionale che si sta progressivamente spostando da Occidente verso altri punti cardinali. Un'evoluzione positiva nella misura in cui lo sviluppo di una nuova *governance* consente di allargare il perimetro delle responsabilità internazionali nella gestione delle sfide globali. Ma la "diffusione del potere" non deve comportare un cambiamento nel modo in cui si interpretano i diritti fondamentali dell'individuo. Su questo punto l'Europa e l'Occidente hanno il dovere storico e morale di continuare a difendere l'integrità dei valori universali quando sono messi in discussione. Penso in particolare ai diritti dei più deboli e dei più vulnerabili. Penso ai diritti dei bambini e delle donne, ai diritti delle minoranze religiose, ai temi della non-discriminazione e della libertà di espressione.

La stessa crescita, accelerata e drammatizzata dalla crisi finanziaria, dei diritti economici, sociali e culturali va correttamente inquadrata. I diritti dell'individuo alla scolarità, alla salute, all'ambiente, all'accesso all'acqua, solo per fare qualche esempio, devono integrare e rafforzare i diritti politici e civili.

La promozione dei diritti politici e civili da parte dell'Unione Europea, del Consiglio d'Europa e dell'OSCE deve però avvenire in stretto coordinamento tra queste istituzioni e attraverso le idee e il dialogo, compreso il dialogo interculturale e interreligioso. Il punto non è quindi quello di esportare, in Afghanistan piuttosto che in Iran, i diritti e la democrazia così come concepiti e "confezionati" a Strasburgo, Bruxelles, o Vienna, ma di operare affinché quei diritti possano germogliare all'interno dei Paesi che ne sono deficitari, grazie ad una progressiva presa di coscienza e all'azione delle loro società civili, dal basso verso l'alto.

Scegliere un'impostazione del genere, significa tuttavia compiere un salto di qualità anche negli strumenti istituzionali e normativi dedicati alla tutela dei diritti. La comunità internazionale deve cioè mostrarsi capace di porre il rispetto dei diritti universali tra le grandi questioni strategiche del XXI° secolo, alla pari del disarmo nucleare o della lotta al terrorismo. Alcuni passi in questa direzione sono stati compiuti attraverso la costruzione di un sistema giuridico sopranazionale dotato di propri organi di giurisdizione: pensiamo, ad esempio, al Tribunale Penale Internazionale. Ma non basta. Oltre la dimensione giuridica, serve un'assunzione di responsabilità politica e morale da parte dei governi. In questo senso, un progresso significativo verrebbe segnato **dalla piena affermazione in ambito Nazioni Unite del principio della "responsabilità di proteggere"**, obiettivo per il quale l'Europa è chiamata a svolgere un ruolo di autentica leadership.

L'impegno dell'Unione Europea a tutela dei diritti umani uscirà poi rafforzato sia dal valore giuridico della Carta dei Diritti fondamentali, sia dal costante dialogo fra il sistema giuridico di tutela dei diritti dell'uomo creato dal Consiglio d'Europa e l'ordinamento comunitario. In base alle nuove disposizioni del Trattato di Lisbona, questo dialogo potrebbe portare all'adesione della UE alla **Convenzione europea dei diritti dell'uomo**. Prospettiva, quest'ultima, che dovrà però essere oggetto di adeguata riflessione in modo da evitare ogni possibilità di contrasto fra l'ordinamento comunitario e la giurisprudenza della Corte, salvaguardando al contempo la diversità – sia pur entro la cornice di valori condivisi – della storia, della cultura, e delle tradizioni dei popoli europei.

Altro strumento, nell'ambito di una buona cooperazione con il Consiglio d'Europa è l'**Agenzia Europea per i Diritti Fondamentali**. Siamo sinceri: l'Europa che vigilava e vigila sulle gravissime piaghe del razzismo e della xenofobia farebbe soltanto a metà il lavoro di protezione e promozione dei diritti fondamentali.

Il compito e l'impegno originari richiedono certamente ancora uno sguardo vigile. Anche perché abbiamo conosciuto nuove sensibilità e nuovi errori: pensiamo all'Europa dell'allargamento ed alla condanna dell'altro grande totalitarismo del XIX secolo, il comunismo. Pensiamo anche all'Europa dell'immigrazione ed al complicarsi del tema della diversità ed al rischio quindi di nuove intolleranze e di nuove paure, l'islamofobia per esempio.

Ma l'Agenzia sarebbe uno strumento nato vecchio se non la collocassimo nel cuore della grande questione europea: quella che vede appunto il tema dei diritti al centro del confronto tra identità e immigrazione, e dunque come campo dell'integrazione, la vera prospettiva d'avvenire che l'Europa deve sapere indicare e raggiungere.

Dobbiamo dunque ritornare a promuovere una cultura dei diritti anche in Europa, che ci ripaghi dagli errori e dai disastri compiuti dall'aver praticato un modello multiculturale basato prevalentemente, se non esclusivamente, sul riconoscimento solo dei gruppi culturali e religiosi, e conseguentemente sul prevalere dei loro diritti di gruppo rispetto ai diritti individuali. La logica della democrazia liberale non è anzitutto la logica della libertà delle culture, ma della libertà degli individui: noi dobbiamo tutelare gli individui anche rispetto al tentativo di oppressione delle comunità parziali che si organizzano all'interno di una democrazia in nome di una strana idea dei diritti delle minoranze. Questo prevalere dei valori e dei diritti del gruppo sui singoli potrebbe significare, che una ragazza musulmana, ad esempio, potrebbe essere trattata in Europa diversamente da una ragazza ebrea o cristiana, seguendo le tradizioni dei suoi genitori ai quali spetterebbe il diritto di decidere del suo futuro del suo stile di vita, del suo matrimonio.

La promozione dei diritti umani rappresenta dunque un aspetto cruciale della politica estera italiana. Ecco perché l'Italia ha deciso di ricandidarsi, per il 2011, al Consiglio dei Diritti Umani delle NU, organo di cui è già parte. I diritti umani sono poi un settore nel quale **Governo e Parlamento italiani lavorano in stretto coordinamento, anche grazie ad un Osservatorio congiunto** che è stato attivato su mia proposta. L'Italia sta infatti sviluppando diverse iniziative concrete soprattutto in tre settori: i diritti dei minori; i diritti delle donne; la libertà religiosa.

Vorrei soffermarmi, in particolare, sul tema dei diritti delle donne, per il quale il Consiglio d'Europa sta svolgendo un'azione fondamentale, anche in vista della finalizzazione – che auspichiamo già entro il 2010 - della Convenzione sulla prevenzione e la lotta contro la violenza nei confronti delle donne e la violenza domestica. **Prima però permettetemi, visto che ho citato i diritti dei minori, di ricordare la drammatica situazione che stanno vivendo migliaia di bambini soli ad Haiti.** Dobbiamo incoraggiare certo atti di solidarietà delle famiglie europee in primo luogo con le adozioni a distanza. Ma non basta. Dobbiamo sentirci tutti coinvolti e responsabili per il loro destino. In Europa e in questo luogo politico, culla dei diritti, dobbiamo **sentire tutti il dovere di lanciare iniziative concrete per aiutarli.** I bambini di Haiti devono essere una priorità del nostro intervento di fronte al dramma di quel Paese. Dobbiamo creare un coordinamento internazionale ed ancor prima europeo per vigilare su quei bambini e garantire loro un futuro, anzitutto in Haiti.

Tornando ai diritti delle donne, nel corso del 2009 l'Italia ha lanciato due importanti iniziative in questo campo: anzitutto, una **"Conferenza Internazionale sulla violenza contro le donne"**, organizzata nel quadro della Presidenza Italiana del G8 al fine di garantire grande visibilità politica alla questione; in secondo luogo, il varo di un processo per giungere all'approvazione consensuale da parte dell'Assemblea Generale delle NU di una risoluzione che condanni, come violazione dei diritti umani, **il ricorso alla pratica delle mutilazioni genitali femminili.**

La tutela delle donne da ogni tipo di violenza costituisce un tema sul quale sono impegnato anche a livello personale: su invito del Segretario Generale delle Nazioni Unite, infatti, sono entrato a far parte di un **"Network internazionale di uomini"** impegnati nell'eliminazione della violenza contro le donne; è un invito, quello di Ban Ki Moon, che considero come un forte apprezzamento per l'impegno internazionale dell'Italia in questo settore.

(2) Il confronto con le altre culture e le nuove politiche di gestione e integrazione dell'immigrazione: riscoprire la nostra identità senza tradirla – Ma la riscoperta e la costruzione di un'identità culturale europea più forte passa anche attraverso un confronto costruttivo con chi è portatore di retaggi culturali diversi dal nostro. Un modo sbagliato di far fronte a queste problematiche è quello di

considerare l'immigrazione come qualcosa che non può essere gestita: quasi che l'unica alternativa stia fra il subirla passivamente o il respingerla "in toto". Niente di più sbagliato. L'immigrazione può e deve essere gestita. Per coglierne appieno le potenzialità. Per minimizzare il rischio di contraccolpi sociali e per favorire al meglio un inserimento armonico dei nuovi arrivati all'interno dei nostri Paesi.

Per gestire correttamente i fenomeni migratori dobbiamo però dotarci di politiche più articolate. E questo per l'Italia significa adottare un duplice approccio. Da un lato contrastare con determinazione l'immigrazione clandestina e gestire in modo oculato i flussi migratori; dall'altro definire una strategia lungimirante capace di preparare i percorsi di integrazione dei migranti regolari.

Per quanto concerne il primo punto, siamo tutti consapevoli che i flussi migratori che dalle coste africane raggiungono – attraverso il Mediterraneo – l'Europa, rappresentano sicuramente una delle questioni contemporanee più complesse, urgenti e drammatiche da affrontare. Una sfida che richiede un approccio moderno che tenga conto del profilo multidimensionale del fenomeno immigrazione e che comporti un'assunzione di responsabilità da parte di tutti i soggetti coinvolti: paesi di origine, di transito e di destinazione, in una logica di partenariato tra Europa e paesi africani.

Le problematiche migratorie vanno inoltre affrontate **miscelando fermezza e spirito di accoglienza, nel pieno rispetto della legalità e dei diritti umani.** Massimo rispetto per i diritti fondamentali dei migranti, quindi. Le opinioni pubbliche non vengono spesso informate circa il fatto che l'Italia è una piattaforma purtroppo facile per l'immigrazione illegale e che **la nostra attività e la nostra accoglienza** vengono fatte in nome di tutti i Paesi dell'Unione Europea, anche quelli dell'estremo nord. Conseguentemente l'Italia – nonostante il tentativo fatto nel recente passato di screditare la nostra immagine - è il paese più impegnato a salvare la vita di chiunque sia in pericolo nel Mediterraneo e continueremo a farlo. **Tra il 2008 e il 2009 abbiamo soccorso in mare più di 40.000 migranti.** Dobbiamo però usare la massima severità nel punire i trafficanti di esseri umani. Dobbiamo, altresì, lavorare sulla prevenzione, favorendo lo sviluppo economico dei Paesi di origine, come l'Italia sta facendo avendo messo il futuro dell'Africa tra le priorità della sua politica estera. La gestione di questo fenomeno così complesso non può comunque ricadere solamente sugli Stati più direttamente esposti per motivi geografici. Ecco perché da tempo insistiamo per un maggiore impegno europeo sull'immigrazione nel Mediterraneo. **La UE deve fare ancora di più, affrontando questa sfida in uno spirito di autentica solidarietà tra i suoi Stati membri.**

Le recenti decisioni dell'Unione Europea, in particolare l'approvazione del suo Programma pluriennale in materia di Giustizia, Libertà e Sicurezza (c.d. Programma di Stoccolma), hanno rappresentato una tappa importante e positiva in questa direzione. Sono state infatti sostanzialmente accolte le proposte italiane per rafforzare a tutto tondo il ruolo operativo dell'Agenzia Frontex; per istituire l'Ufficio europeo per l'Asilo; per realizzare un regime comune di Asilo in ambito europeo; per sviluppare la protezione internazionale al di fuori del territorio europeo; per programmare una maggiore collaborazione con i Paesi della sponda sud del Mediterraneo.

Quanto al **secondo aspetto**, quello della elaborazione di efficaci politiche di integrazione, dobbiamo anzitutto indicare con molta chiarezza quale debba essere il loro punto di partenza: **e cioè l'impossibilità di prescindere dalla nostra storia e dalla nostra identità culturale anche nazionale.** Per alcuni, per coloro che saranno pronti, si dovrà poi pensare alla cittadinanza. In mezzo vi deve essere un percorso di dialogo, di formazione scolastica e civica, di apprendimento della lingua del paese in cui si vive, di condivisione dei principi e dei valori fondamentali dell'ordinamento nazionale e, soprattutto, di rispetto dei diritti fondamentali della persona. La cittadinanza è una conquista, dopo un percorso complesso, piuttosto che un dono a chi non se la sente (o non è pronto) ad accettarla.

I diritti fondamentali devono rimanere gli stessi per ogni individuo, a prescindere dalla fede religiosa, dalla nazionalità, dal genere cui si appartiene.

Illustri Onorevoli,

L'Italia è sempre stata particolarmente attiva in seno al Consiglio d'Europa di cui è Stato co-fondatore. Vorrei ricordare, in particolare, che fu italiana l'idea di creare la Commissione Europea per la Democrazia attraverso il Diritto, nota come **Commissione di Venezia.** Per il cui ventennale, dall'istituzione, l'Italia organizzerà a Venezia, nel giugno prossimo, importanti celebrazioni. Nell'esemplificare il nostro impegno in seno al Consiglio d'Europa desidero anche citare **la lotta contro la tratta degli esseri umani,** tema di

cui l'Assemblea Parlamentare discute proprio oggi, sottolineando come la questione sia stata affrontata anche in ambito G8, sotto impulso e Presidenza italiani. Inoltre, proprio lo scorso anno, dopo il superamento di alcune difficoltà di funzionamento del Segretariato di Lisbona, l'Italia è rientrata nel **Centro Nord-Sud del Consiglio d'Europa**, la cui presidenza è stata assunta dall'On. Debora Bergamini, che ha subito consacrato tutte le sue energie al rafforzamento del nuovo organismo. E che ha presentato, meno di un anno fa, a Venezia, una sua iniziativa speciale contro la violenza sulle donne: si chiama **Action for Women ed è un concorso per registi di cortometraggi promosso dalla nostra Camera dei Deputati e da YouTube, in collaborazione con il Consiglio d'Europa, Cinecittà Luce e CSC Production.**

L'Italia è molto interessata anche al futuro del Consiglio d'Europa ed auspica che possa operare con sempre maggiore efficienza, non solo dal punto di vista dell'impiego delle risorse, ma soprattutto assicurando la massima coerenza di giudizio fra i suoi organi e una costruttiva sintonia con le attività dell'Unione Europea e dell'OSCE. In questo quadro, la **rimessa dell'organizzazione di Strasburgo** - alla quale sta lavorando il Segretario Generale cui va tutto il mio sostegno e ringraziamento - appare un passaggio molto importante. Così come molto rilevante sarà la **conferenza di Interlaken sul futuro della Corte**, un appuntamento che riteniamo debba permettere di definire importanti modifiche al suo funzionamento, senza escludere un ripensamento della sua stessa struttura, affinché essa torni a svolgere efficacemente il ruolo assegnatole.

Con questi auspici e con la manifestazione dell'impegno italiano a contribuire alla loro realizzazione mi avvio a terminare questo mio intervento.

Nel parlarvi di valori ho cercato di non parlare la lingua dei discorsi senz'anima che spesso accompagna i testi delle burocrazie europee. E di usare il linguaggio della verità. Voi rappresentate la coscienza d'Europa e non sfuggirà a voi, come non sfugge a me, che la complessità dei fenomeni che i nostri popoli affrontano è un intreccio complicato e mobile di paure e di speranze. La politica ha anche questo alto compito di accompagnare le opinioni pubbliche verso una consapevolezza informata dei problemi che agitano la nostra vita quotidiana. Diamo troppo spesso per scontato che la casalinga come il professionista, l'adolescente e l'anziano sappiano fronteggiare il tema delle nostre città che cambiano: nelle popolazioni e nei quartieri, nelle forme della religiosità e in uno stile di vita che spesso era prima pacifico e si è fatto oggi improvvisamente violento.

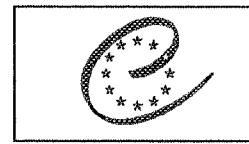
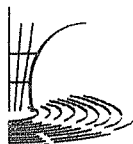
Dobbiamo anche chiedere e promuovere reciprocità. La moschea che la nostra città ospita deve avere una sua gemella, una chiesa, la dove i cristiani (di qualsiasi denominazione) la chiedano. Non parlo quindi di uno schematico, arido e cieco diritto da imporre, parlo della possibilità che comunità viventi e desiderose di vivere in pace con la nuova società di accoglienza possano professare la loro religione senza essere linciati, perseguitati, le loro case e chiese bruciate. Un'Europa cieca e silenziosa su tutto questo è un'Europa debole, in mano a quello che oggi - di fronte ai cambiamenti radicali, alla sicurezza minacciata di ognuno di noi - è involontariamente una nuova forma di conformismo del pensiero. Se ci guardiamo intorno la reciprocità non è ancora di casa qui.

* * *

Misuriamo le fragili speranze e insieme le paure, quasi ogni giorno, dei nostri cittadini e leggiamo nei numeri dei sondaggi la loro grande attesa per una nuova promessa.

Questa promessa deve porre al centro la dignità di ogni essere umano e dei suoi diritti fondamentali; alimentarsi di pace nella libertà e nella democrazia; nella tolleranza, nel rispetto per le diversità e nella sussidiarietà. E infine nella ricerca del bene comune e nell'affermazione di una solidarietà capace di contrastare le disuguaglianze.

Tutto questo a partire da un uguale rispetto per noi stessi, le nostre radici, le nostre differenti forme di sguardo sul mondo: senza censure, senza rimozioni. A partire dalla nostra serena accettazione di noi stessi e della nostra storia per guardare con serenità, rispetto e amicizia anche a chi è diverso da noi.



Doc. 12137
26 January 2010

Day of Remembrance to commemorate the extermination and persecution of the Jewish people and the Italian military and civilian deportees to Nazi camps

Written Declaration No 434

This written declaration commits only the members who have signed it

The Parliamentary Assembly of the Council of Europe :

Remembers with revulsion, on the occasion of the 65th anniversary of the liberation of the Auschwitz-Birkenau extermination camp, the massacre by the Nazis of six million Jews and hundreds of thousands of other people persecuted for their race, religion, political persuasion or sexual orientation;

Affirms that indifference is best countered by nurturing the memory of injustice. The institutions have a leading role to play in promoting awareness of the Shoah, because future generations will not be able to hear first-hand accounts from those who survived. It is only through memory that new tragedies can be averted;

Undertakes to combat the phenomenon of "denialism", which refuses to accept that the massacre of the Jews took place, or challenges the dimension of the act. Denialism is reawakening new and belligerent forms of anti-Semitism, which are manifesting themselves in calls for extermination;

Expresses its concern at the resurgence of anti-Semitic incidents in Europe. New anti-Semitism assails both the Jews of the world and the State of Israel, which is accused of coarse prejudicial acts, such as bloody conspiracies and international plots to conquer the world.

The Council of Europe therefore undertakes to work constantly and to do all in its power to pass on the memory of the Shoah and to oppose all forms of anti-Semitism and racism.

Today we observe a minute's silence in memory of the six million victims of the Shoah.

Signed (see overleaf)

Signed: ¹

NIRENSTEIN Fiamma, Italy, EPP/CD
AGRAMUNT FONT DE MORA Pedro, Spain, EPP/CD
ALIGRUDIĆ Miloš, Serbia, EPP/CD
ANGHEL Florin Serghei, Romania, EPP/CD
BERGAMINI Deborah, Italy, EPP/CD
CESA Lorenzo, Italy, EPP/CD
CONDE BAJÉN Agustín, Spain, EPP/CD
COUSIN Alain, France, EPP/CD
FARINA Gianni, Italy, SOC
FRUNDA György, Romania, EPP/CD
GALATI Giuseppe, Italy, EPP/CD
KAŹMIERCZAK Jan, Poland, EPP/CD
KELEMEN András, Hungary, EPP/CD
LINDBLAD Göran, Sweden, EPP/CD
MIGNON Jean-Claude, France, EPP/CD
MUÑOZ ALONSO Alejandro, Spain, EPP/CD
NÉMETH Zsolt, Hungary, EPP/CD
NESSA Pasquale, Italy, EPP/CD
OLSSON Kent, Sweden, EPP/CD
PUCHE RODRÍGUEZ-ACOSTA Gabino, Spain, EPP/CD
QUINTANILLA BARBA Carmen, Spain, EPP/CD
SANTINI Giacomo, Italy, EPP/CD
STULIGROSZ Michał, Poland, EPP/CD
VITALI Luigi, Italy, EPP/CD
VOLONTE' Luca, Italy, EPP/CD
WACH Piotr, Poland, EPP/CD
WOJTCZAK Michał, Poland, EPP/CD
ZINGERIS Emanuelis, Lithuania, EPP/CD

Total = 28

¹ EPP/CD: Group of the European People's Party
SOC: Socialist Group
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group

Information Documents

SG/Inf(2010)2

25 January 2010

Granting of participatory status to international non-governmental organisations

Implementation of Resolution (2003)8 of the Committee of Ministers on
participatory status for international non-governmental organisations with
the Council of Europe

Communication of the Secretary General of the Council of Europe

1. In accordance with Committee of Ministers Resolution (2003)8 on participatory status for international non-governmental organisations (INGOs), and after the favourable opinion expressed by the Standing Committee of INGOs enjoying participatory status with the Council of Europe, the Secretary General communicated on 28 September 2009 to the Committee of Ministers, the Parliamentary Assembly, and the Congress of Local and Regional Authorities of the Council of Europe (SG/Inf(2009)14) the names of the INGOs to which he had decided to grant participatory status.

2. In the absence of any objection founded on the conditions set out in paragraph 15 of the Appendix to Resolution (2003)8, the Secretary General's decision should be considered as a decision of the Committee of Ministers after a period of three months following this communication.

3. However, in application of paragraph 15 of the Appendix to Committee of Ministers' Resolution (2003)8, two members of the Committee of Ministers raised an objection with regard to the granting of participatory status to the Council of Armans. The decision on whether or not to grant participatory status to the Council of Armans is therefore suspended until the Committee of Ministers has examined the file and taken its decision.

4. The following 12 INGOs have been granted participatory status with the Council of Europe as from 28 December 2009, no objection having been raised during this period by the Committee of Ministers, the Parliamentary Assembly or the Congress of Local and Regional Authorities of the Council of Europe:

- CIVILSCAPE (NGOs for the European Landscape Convention)
- Equal Rights Trust (ERT)
- Euclid Network
- European Council of Associations of General Interest (CEDAG)
- European Council of Religious Leaders – Religions for Peace
- European Network for Education and Training (EUNET)
- European Public Health Alliance (EPHA)
- European Youth Forum (YFJ)
- Solidar
- Special Olympics
- UNISCAPE (European Network of Universities for the implementation of the European Landscape Convention)
- WAVE (Women against Violence Europe)

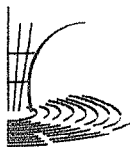
5.. The following INGOs informed the Secretariat that they no longer wished to hold participatory status and they have consequently been removed from the list:

- European College of Neuropsychopharmacology
- Friends of ECSO (European Co-operation and Solidarity Support Group)
- Organisation of World Heritage Cities

6. The Secretariat was informed that the following INGO had ceased its activities:

- European Children's Network

7. At present 422 INGOs enjoy participatory status with the Council of Europe.



Provisional edition

The functioning of democratic institutions in Bosnia and Herzegovina

Resolution 1701 (2010)¹

1. Since Bosnia and Herzegovina joined the Council of Europe in 2002 the Parliamentary Assembly has been repeatedly calling for the implementation of a constitutional reform with a view to improving the functioning of its democratic institutions, ensuring compliance with the European Convention on Human Rights and speeding up the necessary reforms to complete the implementation of the remaining commitments and obligations. In its Resolution 1626 (2008) on the honouring of obligations and commitments by Bosnia and Herzegovina, the Assembly called upon all political stakeholders to “re-launch dialogue about the various reform proposals immediately after the October 2008 local election, in close co-operation with the European Commission for Democracy through Law (Venice Commission), with a view to drafting and adopting a new constitution before October 2010”.

2. The Assembly regrets that lack of constitutional reform has frequently led to deadlock within the state institutions as entity and party agendas block the decision-making process. Perpetual confrontation and obstructionism negatively affect Bosnia and Herzegovina's honouring of its commitments to the Council of Europe. Moreover, Bosnia and Herzegovina is lagging behind its neighbours in the process of Euro-Atlantic integration and the gap is widening every day. All this hampers the completion of much needed reforms, such as:

2.1. the implementation of the National War Crime Strategy and the National Judicial Reform Strategy;

2.2. the adoption of the Revised Strategy for the Implementation of Annex VII to the Dayton Peace Agreement;

2.3. decentralisation reforms and the effective devolution of sectoral competences and financial resources to the municipalities in the Federation of Bosnia and Herzegovina and the Republika Srpska.

3. The Assembly takes note of the fact that, since the adoption of Resolution 1626 (2008), two initiatives aimed at implementing a constitutional reform were launched:

3.1. the so-called “Prud process” brought together the leaders of key political parties forming the ruling majority at state level and helped resolve some outstanding issues, such as the adoption of the first Constitutional amendment on the Status of the Brcko district and the agreement on the organisation of a population census in 2011;

3.2. the so-called “Butmir process” was a joint United States- and European Union-led endeavour to generate the agreement of key domestic political stakeholders around a package of concrete proposals relating to the constitutional reform, as well as to the issues of apportionment of state and Defence property. Supported by the Swedish Foreign Minister Carl Bildt, on behalf of the European Union, and Deputy State Secretary Jim Steinberg, on behalf of the United States, the “Butmir

¹ *Assembly debate* on 26 January 2010 (4th Sitting) (see Doc. 12112, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), corapporteurs: Mr Çavuşoğlu and Mr Sasi). *Text adopted by the Assembly* on 26 January 2010 (4th Sitting).

See also Recommendation 1894 (2010).

package”, sought to bring the domestic constitutional order into line with the European Convention on Human Rights and improve the functioning of the country’s democratic institutions. The Venice commission was informally involved in the drafting.

4. Regrettably, so far, both initiatives have failed to produce concrete results. The “Prud process” ended before any discussions on concrete reform proposals actually started and the “Butmir process” has so far failed to secure the agreement of key domestic political stakeholders.

5. The Assembly is seriously concerned about the lack of progress on the constitutional reform front. It takes note of the judgment of the European Court of Human Rights in the case *Sejdic and Finci v. Bosnia and Herzegovina*, in which the Court ruled that the applicants’ continued ineligibility to stand for election to the House of Peoples and to the Presidency of Bosnia and Herzegovina, on the grounds that they do not identify themselves with one of the three “Constituent peoples”, constitutes a violation of Article 14, taken in conjunction with Article 3 of Protocol 1 to the European Convention on Human Rights, and of Article 1 of Protocol 12 to the Convention. To comply with the decision of the Court, the authorities of Bosnia and Herzegovina must implement a constitutional reform. If a constitutional reform is not implemented in the coming months, it will be impossible to hold the forthcoming parliamentary elections of October 2010 on the basis of new rules, as it will not be possible to change the electoral legislation in time. Thus, there is a serious risk that the country’s institutions established following the parliamentary elections of October 2010, yet again, will be formed in violation of the European Convention on Human Rights.

6. The Assembly believes that a last-minute agreement on the constitutional reform is still possible. It notes, however, that the negotiations must focus on a comprehensive set of reform proposals, endorsed by the Venice Commission and in line with the standards of the European Convention on Human Rights. A “piece-meal” approach based on short-term compromises and ambiguous formulas will merely mask rather than resolve the problems Bosnia and Herzegovina has to face.

7. The Assembly is deeply concerned by statements and possible actions by politicians at the highest level of Republika Srpska which undermine state institutions, as well as challenge the authority and powers of the High Representative. So long as the authorities of the state and of the Entities comply with their constitutional and legal obligations, the High Representative has no reason to use the so-called “Bonn powers” to impose legislation. As long as obstructionism continues and important reforms are blocked because of entity and ethnic agendas, the High Representative should remain the final authority to enforce the Dayton Peace Agreement, under the political guidance and with the backing of the Peace Implementation Council.

8. The Assembly believes that, fourteen years after the signing of the Dayton Peace Agreement, new challenges to the stability of Bosnia and Herzegovina’s institutions have emerged and new approaches and solutions should be found. Therefore, it considers that it is high time to launch a wide discussion, with the participation of key local and international stakeholders, including the members of the Peace Implementation Council and, in particular, the European Union institutions and Bosnia and Herzegovina’s neighbours, about the challenges Bosnia and Herzegovina currently has to face and the means to do so. Such a discussion would contribute to speeding up the advancement of the country on the path of Euro-Atlantic integration. The Council of Europe could play a leading role in this process.

9. In the light of the above considerations, the Assembly urges all domestic political stakeholders to fully engage in a meaningful and constructive dialogue about concrete proposals for amendments to the Constitution, in line with the 2005 recommendations of the Venice Commission, with a view to adopting a reform package in time for the 2010 parliamentary elections which should be organised in accordance with the revised Constitution.

10. Moreover, the Assembly calls upon the authorities of Bosnia and Herzegovina to:

10.1. stop obstructionism and work constructively at the level of state institutions, in order to speedily enact key legislation necessary to advance on the path of Euro-Atlantic integration;

10.2. speed up the implementation of key reforms relating to the implementation of the remaining commitments to the Council of Europe, in particular, as regards the National War Crimes Strategy and the National Judicial Reform Strategy;

10.3. comply with the decision of the High Representative concerning the extension of the mandate of the international judges and prosecutors working in the war crimes chambers of the State Court and of

the Chief Prosecutor's Office and secure the necessary funding as well as train appropriate staff in order to hire, in 2013, national judges and prosecutors to replace international officials;

10.4. complete the reform of the state-level Ombudsperson's institution by effectively dismantling the existing Entity Ombudsperson's institutions;

10.5. implement a comprehensive local government reform, with a view to harmonising local government legislation at entity level and, in the Federation of Bosnia and Herzegovina, between the different cantons, in order to effectively devolve sectoral competences to local authorities, strengthen fiscal decentralisation, build up the capacity of local authorities and promote cross-entity inter-municipal co-operation;

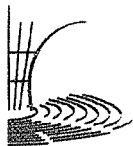
10.6. ensure media pluralism and provide equal access to the media to all political parties, in order to guarantee a fair and unbiased coverage of the election campaign in the run up to the October 2010 parliamentary elections;

10.6. urgently adopt the Revised Strategy for the Implementation of Annex VII to the Dayton Peace Agreement; the funds for the implementation of the revised strategy should be obtained in accordance with the decision of the Parliamentary Assembly of Bosnia and Herzegovina from February 2009;

10.7. urgently enact the legislation necessary to conduct a nation-wide population census in 2011, in accordance with the agreement previously reached between the key stakeholders;

10.8. comply with their legal obligations with a view to completing the implementation of the Brcko Final Award and opening the door for closing international supervision.

11. The Assembly resolves to closely follow the situation in Bosnia and Herzegovina and invites its Monitoring Committee, at its next meeting prior to the April 2010 part-session, to examine the progress achieved by the authorities of Bosnia and Herzegovina in the implementation of this and previous Assembly Resolutions, and to propose any further action to be taken as required by the situation.



Provisional edition

The situation in the Middle East

Resolution 1700 (2010)¹

1. The Parliamentary Assembly refers to its Resolutions 1420 (2005), 1452 (2005), 1493 (2006), 1520 (2006) and 1550 (2007), and reasserts its undertaking to participate, for matters in its remit, in the international community's efforts to promote and foster peace in the Middle East
2. The Assembly stresses that the passage of time does not facilitate peace. Quite the contrary; the undue slowness of the peace process is exactly what has weakened it, causing frustration and bitterness.
3. The Assembly invites the parties not to remain imprisoned by the past and to overcome any attitude of distrust, loss of confidence or recrimination, in order to embark resolutely on the course of a shared and negotiated peace.
4. The Assembly confirms that there could be no peace without resolutely and explicitly combating all forms of intimidation, violence and terrorism, particularly against civilians, and urges all parties to act accordingly.
5. It reaffirms that peace can only come from a negotiated solution shared by the parties, and certainly not from military solutions.
6. It condemns all forms of anti-Semitism, anti-Zionism and anti-Israeli prejudice and all forms of incitement of violence, and enjoins all members to combat them.
7. In the same way, it also condemns anti-Arab and anti-Muslim prejudices and enjoins all members to combat islamophobia.
8. The Assembly reaffirms that the right to defend oneself must never transgress the principle of proportionality taking into account the gravity of the subjected aggression and the means of self-defence, and that the use of all weapons and technologies prohibited by international agreements is unacceptable.
9. The Assembly appreciates the way the new United States administration immediately took action confirming the resolve of the United States to pursue a solution of peace between the Israelis and Palestinians – and, in welcoming the direct personal involvement of President Obama, expresses its full support for his initiatives to foster a resumption of the negotiations between the parties in the conflict.
10. It also underlines the value of the President of the United States' speech in Cairo on 4 June 2009, which sought to establish a new climate of trust between the United States and the Muslim world. It underlines that President Obama's visit to Buchenwald once again demonstrated friendship and solidarity with the Jewish people and commitment to supporting Israel's right to exist. It also hopes that a future visit of President Obama to Israel would be warmly welcomed and of great help.
11. The Assembly again underlines that the conflict in the Middle East above all concerns two equally legitimate aspirations – Israel's right to be recognised and to exist in safety and the Palestinians' right to have

¹ *Assembly debate* on 26 January 2010 (3rd Sitting) (see Doc. 12117, report of the Political Affairs Committee, rapporteur: Mr Fassino). *Text adopted by the Assembly* on 26 January 2010 (4th Sitting).

an independent, viable and contiguous state – and that a stable peace cannot be achieved unless the aspirations and rights of both peoples are fulfilled.

12. The Assembly stresses that the resolutions adopted by the United Nations, the Oslo, Washington and Taba negotiations, the 2001 Moratinos document, the Road Map proposed by the United Nations – European Union – United States – Russia Quartet and the final declarations of the Annapolis Conference all point in the direction of a peace founded on the principle of land for peace in order to guarantee the existence of a Palestinian state next to the state of Israel.

13. The Assembly underlines that, until the Annapolis Conference, all the preliminary talks and negotiations were directed at seeking mutual solutions on four strategic points: a Palestinian state based on the 1967 borders, modified by possible exchanges of territory as agreed by the parties concerned; a fair and mutual solution for the Palestinian refugees, which would not undermine the characteristics of the State of Israel; the evacuation of Israeli settlements in the territories occupied in 1967; an agreed status of Jerusalem, taking account of the historic and religious value of the city, which both the Israelis and the Palestinians claim as their own capital. On each of these questions, convergences of positions, though not formalised, have been recorded and ought not to be jeopardised.

14. The Assembly notes that the current Israeli Government has proposed a new approach for a peaceful solution which, while acknowledging the right to a Palestinian state, at the same time demands recognition of the Jewish nature of the State of Israel.

15. The Assembly regrets that the proposals made by Prime Minister Netanyahu in his Bar Ilan speech of 24 June 2009 – a demilitarised Palestinian state with airspace and borders under Israeli control; Jerusalem as the sole and exclusive capital of the State of Israel; the Palestinian refugees' right of return to be exercised outside the State of Israel; the borders between Israel and the Palestinian state to be determined on the basis of the current population breakdown – deviate from the approach followed to date by the parties and the international community.

16. The Assembly points out that the issue of the Israeli settlements in the Palestinian territories has become an increasingly acute aspect of the conflict and that the United States administration and the international community has asked the Israeli Government to stop the settlements.

17. The Assembly appreciates the fact that on 25 November 2009 the Israeli Government agreed on a 10-month suspension of new settlements and building in the West Bank, but notes that this suspension does not include new buildings already begun or approved, public works, or construction in East Jerusalem. Nonetheless, the Assembly hopes that this partial freeze may be a first step to fostering the resumption of relations between the parties in the conflict, even though the limitations referred to are a cause for concern. The Assembly places particular emphasis on the need not to take any steps which would pre-judge the identity of that part of Jerusalem.

18. The Assembly welcomes the Israeli Government's moves to reduce checkpoints and controls on entry to the West Bank and hopes that other steps of this kind will be taken. At the same time, it notes that the vast majority of the separation wall falls inside the West Bank and that, even if it reduced the death toll caused by terrorist attacks, it remains a serious point of contention and represents a violation of international law. The Assembly calls upon Israel to abide by the advisory opinion of the International Court of Justice to reroute the wall so that it lies solely on Israeli sovereign territory, and pay reparations to Palestinians who have been affected.

19. The Assembly reaffirms its support for President Mahmoud Abbas and hopes that he will reverse his decision not to stand again for election as president.

20. The Assembly welcomes the significant economic and security improvements made in the West Bank by the Fayyad Government and urges it to continue in this direction.

21. The Assembly welcomes the fact that the Fatah Congress confirmed the leadership of President Mahmoud Abbas and hopes that the new leaders elected by the Congress will keep their active commitment to a negotiated and shared peace.

22. The Assembly wishes the negotiations between President Mahmoud Abbas and Hamas to lead to a positive outcome, enabling a government of national unity to be formed and an acceptable date to be agreed for the holding of parliamentary and presidential elections.

23. The Assembly strongly urges Israel and Hamas to resume negotiations for a firm and lasting truce, the reopening of the crossing-points into Gaza and an exchange of prisoners allowing the soldier Gilad Shalit and the Palestinian prisoners to return to their families.
24. In particular, the Assembly reminds the parties in the conflict that, if peace is to be achieved, it is vital to restore a climate of mutual trust, which is now almost non-existent, and accordingly asks the parties to be consistent and unselfish in their actions in taking account of the expectations of the other party.
25. The Assembly therefore urges the Government of Israel to:
 - 25.1. confirm the goal of a peace that sees the birth, alongside the State of Israel, of a Palestinian state based on the 1967 borders modified by possible limited exchanges of territory as agreed by the parties concerned;
 - 25.2. attain this goal through negotiation with the Palestinian National Authority, on the basis of negotiated and shared criteria and objectives;
 - 25.3. vest the Palestinian National Authority with all the powers set out in the agreements concluded to date;
 - 25.4. conduct a thorough inquiry in order to ascertain the responsibilities of Israel's military forces in human rights violations, the gratuitous and unwarranted use of force and the use of chemical weapons, as reported by Richard Goldstone;
 - 25.5. free the imprisoned Palestinian Legislative Council members and a large number of other prisoners in accordance with the Annapolis agreements;
 - 25.6. authorise no further settlements beyond the borders of the State of Israel, or the extension of existing ones, and to remove what are referred to as "illegal outposts";
 - 25.7. lift the siege of the Gaza Strip, allow humanitarian aid to enter and guarantee the lasting re-opening of access points;
 - 25.8. continue relaxing the constraints on mobility and day-to-day living for the population of the West Bank by reducing the roadblocks and easing controls at the passages into the West Bank, while keeping its sense of responsibility toward the Israeli population;
 - 25.9. fulfil its obligations under international law, including adhering to United Nations Security Council resolutions and its obligations under the Fourth Geneva Convention of 1949, and to cease with immediate effect all home demolitions in occupied territory, all confiscation of land and theft of property;
 - 25.10. ensure equal rights for the non-Jewish citizens of Israel.
26. The Assembly urges all the Palestinian forces to:
 - 26.1. recognise the authority of President Mahmoud Abbas;
 - 26.2. take definite and significant steps in the direction of the three pleas made by the Quartet: to refrain from violence; to recognise the right of the State of Israel to exist; to abide by all the agreements signed by the Palestinian representatives in recent years;
 - 26.3. rapidly conclude the negotiations for the formation of a government of national unity and set a universally acceptable date for the parliamentary and presidential elections;
 - 26.4. avoid any national form of incitement, in particular related to children, and any celebration of martyrdom.
27. In particular, the Assembly urges Hamas to:
 - 27.1. reject the use of terrorism and combat it explicitly, renouncing its Charter ("The Charter of Allah: The Platform of the Islamic Resistance Movement (Hamas)", 1988);
 - 27.2. cease rocket launching and all types of aggression against Israel;

27.3. free the soldier Gilad Shalit;

27.4. end all illegal smuggling of weapons into the Gaza Strip and the West Bank;

27.5. cease all forms of persecution of opposing factions.

28. The Assembly urges both Israel and the Palestine Liberation Organisation to adhere to previously signed agreements.

29. The Assembly calls on the United States, the European Union, the Russian Federation and the United Nations to revitalise the joint action of the Quartet by extricating it from the stagnation of 2008 and adjusting its approach in line with developments.

30. The Assembly underlines the essential role which the European Union needs to perform in supporting the action of the Quartet, helping the parties concerned to resume negotiations and expanding bilateral relations with the countries in the region, as well as in making the newly established Union for the Mediterranean the instrument for a policy of co-operation, progress and security.

31. The Assembly recalls the conclusions of the European Union Council of Ministers meeting on 8 December 2009, in which the European Union expressed its deep concern about the stalemate of the peace process, confirmed its profound commitment for a two state solution, declared that it would accept the modifications to the 1967 borders only if they were agreed by both parties, underscored that the illegal settlements were an obstacle to peace and asked for stopping them, demanded the re-opening of the access to Gaza, warned against attempts to annex East Jerusalem which would jeopardise reaching an agreement between the parties for Jerusalem as a capital of both states.

32. The Assembly warmly welcomes the renewed commitment of the Arab League and its member countries to peace and regards the Arab initiative adopted in Beirut and Riyadh, recently confirmed again in Doha, as an essential contribution to a peaceful mutual arrangement.

33. It expresses its support for the Arab leaders – first and foremost, President Mubarak – actively engaged in creating a climate of trust and building a peace with which all parties can identify.

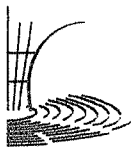
34. The Assembly underlines the contribution which the Kingdom of Jordan makes to stability in the region and to efforts to achieve a peaceful mutual arrangement.

35. The Assembly is gratified by the formation of a new Lebanese Government, after many months of negotiations between the parties, and the new relations established between Syria and Lebanon following President Hariri's visit to Damascus, stresses the importance of the UNIFIL/UN contingent's peace-keeping action, welcomes the commencement of business by the Special Tribunal for Lebanon and appeals to all members of the Lebanese society to pursue the path of rebuilding the country's economy and institutions, strengthening its unity and overcoming the earlier divisions between opposing factions and armed groups. At the same time, the Assembly draws attention to the question of the disarmament of the militias, which exposes the country to the risk of continuous outbreaks of violence and is still unresolved, as is the question of the role of Hezbollah, the main Lebanese Islamist party.

36. The Assembly regards as decisive a positive resolution of the international dispute with Iran under the new approach suggested by President Obama, and calls upon the Iranian authorities to display the same readiness to seek an agreement which offers specific guarantees as to the exclusively civilian use of nuclear technologies, on the basis of the proposals put forward by the United Nations. To prevent these efforts being undermined, Iran must comply with international demands to suspend its nuclear enrichment and reprocessing activities, co-operate with the International Atomic Energy Agency in its investigation of open questions, and immediately cease construction of the Qom enrichment site. Both Iran and Israel should co-operate with the United Nations on nuclear issues.

37. The Assembly condemns the repression and continuous acts of violence on the part of the Iranian authorities against the peaceful demonstrators and members of the opposition, and calls for the release of those detained following the demonstrations. At the same time, the Assembly rejects the violent anti-Israeli statements made by the Iranian leaders, as well as those against Western countries.

38. The Assembly welcomes the positive advances made in the democratic transition in Iraq and asks the international community to support all the efforts of the Iraqi authorities to further the country's development and enhance its stability, based on respect for universal values.
39. The Assembly takes note of the new, more constructive attitude shown by the Government of Syria and encourages it to stay on course.
40. The Assembly welcomes the important role played by Turkey and therefore hopes that this country's positive relations of friendship with Israel, which have recently been strained, can be restored to their previous level.
41. The Assembly stresses the major contribution that the Russian Federation can make to the region's stability, in particular by encouraging Syria and Iran to put more open policies in place.
42. The Assembly stresses how important it is to support the peace process through policies of assistance for the economic and social development of the region and accordingly commends the action of the Quartet's Envoy, Mr Tony Blair, and welcomes the financial undertakings made at the Donor Conference in Sharm El Sheikh.
43. The Geneva Initiative of December 2003, although not the expression of official institutions, is promoted by Israeli and Palestinian significant personalities, and makes a very important contribution supplying precious details for negotiations related to the final status.
44. It stresses that full affirmation of, and respect for, human rights, individual freedoms and democracy in all the countries in the region are vital to a stable and lasting peace, and that the Council of Europe has an important part to play in this respect.
45. The Assembly stresses that the Council of Europe can make a useful and specific contribution to peace in the Middle East. It considers that the Committee of Ministers and the relevant sectors of the organisation should promote:
- 45.1. technical and legal assistance for complete conformity of legislation with the Universal Declaration of Human Rights and the European Convention on Human Rights;
 - 45.2. initiatives involving inter-institutional, intercultural and interfaith dialogue.
46. The Assembly is pleased by the start of the activities of the Tripartite Forum bringing together the Council of Europe Assembly, the Knesset and the Palestinian Legislative Council, and urges the parties to keep up their efforts.
47. The Assembly encourages the Palestinian Legislative Council to submit its request for partner for democracy status with the Assembly.
48. For its part, the Assembly is determined to continue its efforts to establish relations with the parliamentary institutions of the countries of the region and to foster contacts between them.
49. The Assembly decides to continue to follow developments in the situation in the Middle East.



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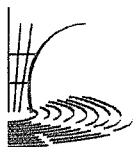
Action against trafficking in human beings: promoting the Council of Europe convention

Recommendation 1895 (2010)¹

1. The Parliamentary Assembly refers to its Resolution 1702 (2010) on action against trafficking in human beings: promoting the Council of Europe convention, noting the primacy and relevance of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), an instrument aimed at ensuring effective prevention of trafficking, prosecuting traffickers and protecting victims. It stresses the primary role of the monitoring mechanism laid down in the convention, particularly the Group of Experts on Action against Trafficking in Human Beings (GRETA).
2. The Assembly asks the Committee of Ministers to:
 - 2.1. step up its co-operation with the European Union, the Organisation for Security and Co-operation in Europe and the United Nations, while taking care to uphold the primacy of the Council of Europe convention in this field;
 - 2.2. ensure that the Council of Europe's standards in terms of combating trafficking in human beings are uniformly applied throughout Europe and used as a reference for all international instruments currently being developed in the field of action against trafficking in human beings;
 - 2.3. ensure that there is effective co-operation between these organisations in the field of action against trafficking:
 - 2.3.1. by enhancing dialogue between them;
 - 2.3.2. by taking care to avoid all risk of duplication between the different monitoring mechanisms, taking due account of the primacy of GRETA;
 - 2.3.3. by co-operating effectively with GRETA.
3. It invites the Committee of Ministers to:
 - 3.1. promote the widest possible signature and ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, including by the European Union, and explicitly to ask the member states of the Council of Europe which have not yet done so to sign and/or ratify it;
 - 3.2. hold regular exchanges of views with the Committee of Parties to the convention and GRETA;
 - 3.3. provide GRETA with the requisite staffing and financial resources to ensure its effective functioning;

¹ *Assembly debate* on 26 January 2010 (4th Sitting) (see Doc. 12096, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Wurm and Doc. 12134, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Prescott). *Text adopted by the Assembly* on 26 January 2010 (4th Sitting).

3.4. encourage member states to sign and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, if they have not yet done so.



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20 January 2010
Or. English

COMMITTEE ON CULTURE, SCIENCE AND EDUCATION

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

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

Draft Opinion¹

I. Conclusions of the committee

1. The Committee on Culture, Science and Education congratulates the rapporteur, Mr Cilevičs, 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. 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 new 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

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

(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 new 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 new 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 new paragraph:

“The Assembly recalls that the Convention on the Participation of Foreigners in Public Life at Local Level (CETS 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 new 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 in bold and 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 new 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;"

III. Explanatory memorandum by Mr Anghel, Rapporteur

1. The rapporteur Mr Boriss Cilevičs 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 Cilevičs 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.

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 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 of 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 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 (CETS 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.