



## Parliamentary Assembly Assemblée parlementaire

Doc. 10294  
4 October 2004

### Progress report of the Bureau of the Assembly and of the Standing Committee (25 June – 4 October 2004)

Bureau of the Assembly  
Rapporteur: Mr Luc Van den Brande, Belgium, Group of the European People's Party

#### 1. INTRODUCTION

1. The Assembly held the third part of its 2004 Ordinary Session from 21 to 25 June 2004. The Bureau met on 25 June in Strasbourg, on 7 September in Oslo and on 4 October in Strasbourg. The Standing Committee met on 7 September 2004 in Oslo.

#### 2. FUNCTIONING OF THE ASSEMBLY

##### A. *PROGRESS REPORT OF THE BUREAU OF THE ASSEMBLY AND OF THE STANDING COMMITTEE (25 JUNE – 4 OCTOBER 2004)*

2. On 25 June, the Bureau appointed Mr Van den Brande (Belgium, EPP/CD) as rapporteur.
3. On 4 October, the Bureau approved the Progress report and appointed M. Schieder (Austria, SOC) as rapporteur for the next Progress report for the period from 8 October to 24 January 2004.

##### B. *FOLLOW-UP TO THE 3<sup>rd</sup> PART OF THE 2004 ORDINARY SESSION (21-25 JUNE 2004)*

- **Resolution 1379 (2004) on the composition of the Bureau of the Assembly**
4. On 25 June, the Bureau:
    - took note of the decision of the Assembly to add Chairpersons (or their representatives) of the Assembly's general committees to the Bureau members as from the moment of the adoption of this Resolution and to increase the number of Assembly Vice-Presidents from 19 to 20 as from the opening of the January 2005 part-session;
    - agreed that Vice-Chairpersons could attend Bureau meetings in case the Chairpersons were not available and also that Committees could appoint a Vice-Chairperson or another Committee member as their representative to attend Bureau meetings on a permanent basis during the whole Assembly session provided that this was notified in writing to the President of the Assembly;

- agreed that these rules concerning attendance and representation at Bureau meetings would also apply to the Assembly Political Groups;
- agreed to come back to the possible harmonisation of the rules concerning attendance and representation at Standing Committee and Bureau meetings at one of its forthcoming meetings.
- **Resolution 1387 (2004) on the monopolisation of the electronic media and possible abuse of power in Italy**

5. On 25 June, the Bureau took note of the President's reasons for declaring out of order an amendment tabled by Mr Gross and others concerning the initiation of the monitoring procedure and decided to refer this issue to the Committee on the Rules of Procedure and Immunities for an opinion.

- **Resolution 1386 (2004) on the Council of Europe's contribution to the settlement of the situation in Iraq**

6. On 25 June, the Bureau asked the Political Affairs Committee to make concrete proposals to the Bureau as regards the implementation of paragraph 12, in which the Assembly offers its assistance and expertise in building democracy in Iraq.

**C. 4<sup>th</sup> PART OF THE 2004 ORDINARY SESSION (4-8 OCTOBER 2004)**

7. On 7 September, the Bureau:

- adopted the draft agenda;
- drew up the draft order of business;
- agreed to propose to the Assembly that, subject to receiving a formal request, an urgent debate be held on "the challenge of terrorism in Council of Europe member states" and that this matter be referred to the Political Affairs Committee for report and to the Committee on Legal Affairs and Human Rights for an oral opinion;
- election of judges to the ECHR with respect to Slovakia: took note that the Sub-Committee on the election of judges intends to interview the candidates on Monday 4 October 2004 in the afternoon and agreed to a written consultation of Bureau members to declassify the Sub-committee's report;
- took note that the Council of Europe Human Rights Commissioner intends to visit the Chechen Republic before the October part-session and agreed to invite him, should the visit take place as planned, to take part in the debate on the reports concerning the Chechen Republic;
- Joint Committee (Thursday, 6.30 pm): agreed to include on the draft agenda the items concerning the Council of Europe monitoring procedures and the fight against terrorism.

8. On 25 June, the Bureau agreed to the proposal of the Committee on Equal Opportunities for Women and Men to organise a meeting of women members of the Assembly on Tuesday 5 October 2004 at the end of the Assembly sitting.

9. On 4 October, the Bureau:

a. Urgent debate on the "Challenge of terrorism in Council of Europe members states":

- took note of the formal request from the Political Affairs Committee to hold this urgent debate;

- did not recommend to the Assembly to include in this urgent debate the report on "Combating terrorism through culture" as requested by the Committee on Culture, Science and Education (Rapporteur: M. Sudarenkov (Russia, SOC));
- b. Current affairs debate:
- following a request by the Georgian delegation, recommended to the Assembly to hold a current affairs debate on "Georgian-Russian relations" and proposed that the debate takes place on Thursday 7 October from 5.30 pm to 6.30 pm;
  - agreed to the request of Mrs Burjanadze, Speaker of the Georgian Parliament, to speak in this debate and invited a representative of the Russian Parliament also to participate in it;
- c. updated the draft order of business as follows:
- Monday 4 October: *Progress report of the Bureau and the Standing Committee*: Mr La Pergola, President of the European Commission for Democracy through Law ("Venice Commission") is not in a position to speak in the Assembly;
  - Wednesday 6 October: "*OECD and the world economy*" : Mr Schlögl, Deputy Secretary General of the OECD, will replace Mr Johnston, Secretary General of the OECD;
  - Thursday 7 October:
    - add a current affairs debate on "Georgian-Russian relations" from 5.30 pm to 6.30 pm;
    - "*Global warming: beyond Kyoto*": Mr Töpfer, Executive-Director of the United Nations Environment Programme (UNEP), is not in position to speak in the Assembly;
- d. decided to limit the speaking time on Wednesday 6 October and on Thursday 7 October to 4 minutes;
- e. election of judges to the European Court of Human Rights with respect of Slovakia: confirmed the written consultation of the Bureau members to declassify the Sub-committee's report on the elections of judges;
- f. Joint Committee
- took note of the draft agenda;
  - invited rapporteurs of the Monitoring Committee on Armenia, Azerbaijan and Serbia and Montenegro to the Joint Committee for the item "Monitoring procedures".
- g. Chechen Republic:
- agreed to invite M. Alkhanov, President of the Chechen Republic, to take part in the debate on reports concerning the Chechen Republic on Thursday 7 October;
  - authorised the Political Affairs Committee to hold an exchange of views on the Chechen Republic on Wednesday 6 October at 6 pm;

**D. MEETING OF THE STANDING COMMITTEE IN OSLO (7 SEPTEMBER 2004)**

10. On 25 June, the Bureau took note of the draft agenda of the Standing Committee and decided to refer paragraph 7 of the draft resolution contained in "2003 Annual Progress Report of the Monitoring Committee" to the Committee on the Rules of Procedure and Immunities for opinion on the conformity of this paragraph with the Rules of Procedure and for a possible report on this matter.

11. On 7 September, the Standing Committee:

- heard a welcome address by Mr Jørgen Kosmo, President of the Storting (Norwegian Parliament),
- held an exchange of views on the terrorist attack in Beslan and the need to strengthen international co-operation against terrorism and endorsed a statement by the President of the Assembly (Appendix I);
- held an exchange of views with Mr Jan Petersen, Minister for Foreign Affairs of Norway and Chairperson of the Committee of Ministers;
- ratified the credentials of new members of the Assembly submitted by the delegations of Austria, Belgium, Latvia, Luxembourg, Malta, Russia and Spain;
- ratified the changes in the composition of general Assembly committees in respect of the delegations of Belgium, Luxembourg, Malta and Spain;
- took note of the agenda adopted by the Bureau for the fourth part of the Assembly's 2004 session (4-8 October 2004) as well as of the draft order of business drawn up by the Bureau;
- took note of the appointment of Mr Van den Brande (Belgium, EPP/CD) as rapporteur for the progress report of the Bureau and the Standing Committee;
- postponed consideration of the report on the Repayment of the deposits of foreign exchange made in the offices of the Ljubljanska Banka not on the territory of Slovenia, 1977-1991 to the next meeting of the Standing Committee;
- postponed consideration of the report on the Progress of the Assembly's monitoring procedure;
- referred the report on the situation of women in the countries of post-communism transition back to the Committee on Equal Opportunities for Women and Men;
- within the framework of the debate on the report on the "Council of Europe Development Bank: a voice for solidarity", heard a communication by Mr Orhan Güvenen, Chairman of the Governing Board of the Council of Europe Development Bank;
- took note that the next scheduled meeting of the Standing Committee will be held in Warsaw (Poland) on 23 November 2004.

#### **E. ADOPTED TEXTS**

12. On 7 September, the Standing Committee adopted, on behalf of the Parliamentary Assembly, the following texts:

- |                                   |   |
|-----------------------------------|---|
| <b>Recommendation 1670 (2004)</b> | <b>on Internet and the Law;</b>   |
| <b>Recommendation 1671 (2004)</b> | <b>on the Ratification of Protocols to and withdrawal of reservations and derogations made in respect of the European Convention on Human Rights;</b> |
| <b>Recommendation 1672 (2004)</b> | <b>on Council of Europe Development Bank: a voice for solidarity;</b>   |
| <b>Recommendation 1673 (2004)</b> | <b>on Counterfeiting: problems and solutions;</b>   |
| <b>Recommendation 1674 (2004)</b> | <b>on Challenges facing the European audiovisual sector;</b>  |

Resolution 1389 (2004)	on the Council of Europe and the conflict in Northern Ireland;
Resolution 1390 (2004)	on the New Bulgarian Law on Religion known as the Confessions Act 2002;
Resolution 1391 (2004)	on the Ratification of Protocols to and withdrawal of reservations and derogations made in respect of the European Convention on Human Rights;
Resolution 1392 (2004)	on Corporate ethics in Europe;
Resolution 1393 (2004)	on Parliaments and the knowledge society;
Resolution 1394 (2004)	on the involvement of men, especially young men, in reproductive health;
Resolution 1395 (2004)	on the Content of written declarations and motions for recommendations and resolutions.

**F. REFERENCES AND TRANSMISSIONS TO COMMITTEES**

13. On 25 June, the Bureau approved the following proposals for references<sup>1</sup>:

a. references

➤ **Doc. 10181**

**Motion for a recommendation presented by Mr Bindig and others**

**Annual Report on all procedures for the monitoring of compliance with commitments in the framework of the Council of Europe, to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), to be taken into account in the preparation of its annual Progress Report for 2004 or 2005.**

➤ **Doc. 10194**

**Motion for a resolution presented by Mr Meale and others**

**Protection of European deltas, to the Committee on the Environment, Agriculture and Local and Regional Affairs, for report at the Standing Committee**

➤ **Doc. 10226**

**Motion for a resolution presented by Mrs Cliveti and others**

**Establishment of a European Adoption Agency/Monitoring Centre, to the Social, Health and Family Affairs Committee, for report**

➤ **Doc. 10227**

**Motion for a resolution presented by Mr Frunda and others**

**Electoral rules and affirmative action for national minorities' participation in the decision-making in the European countries, to the Venice Commission for consultation**

➤ **Doc. 10229**

**Motion for a resolution presented by Mr Jurgens and others**

**Procedure for the post-monitoring dialogue to the Committee on Rules of Procedure and Immunities, to be taken into account in the preparation of its ongoing report on "Terms of reference of Assembly committees"**

<sup>1</sup> The Assembly ratified these references on 25 June 2004.

b. requests to modify references

➤ **Doc. 9971, Ref. No 2896**

**Motion for a resolution presented by Mr Frey and others**

**Initiation of a monitoring procedure**, to the Committee on Rules of Procedure and Immunities, *for report*, and to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) *for opinion*.

➤ **Doc. 10169, Ref. 2966**

**Motion for a recommendation presented by Mr Lengagne and others**

**Student disaffection for scientific studies**, to the Committee on Culture, Science and Education *for report*

14. Concerning the motion for a recommendation on the Holy See and respect for human rights presented by Mrs Hägg and others (Doc. 10193), on 25 June, the Bureau took note of the President's decision that, in accordance with Rule 23.3, this motion was not in order.

15. On 7 September, the Standing Committee ratified the following references, modifications of references and requests to extend a reference proposed by the Bureau:

a. references to committees:

**Reference No. 2985**

**Motion for a resolution presented by Mr Severin and others on the Strengthening of collaboration relations of the Parliamentary Assembly of the Council of Europe with other international parliamentary organisations having similar competences (Doc. 10168):** to the Committee on Rules of Procedure and Immunities to be taken into account in the preparation of its report on the terms of reference of Assembly committees;

**Reference No. 2986**

**Motion for a resolution presented by Mr Margelov and others on the Condemnation of the admiration and justification of Nazism (Doc. 10231):** reference to the Political Affairs Committee, *for report*;

**Reference No. 2987**

**Motion for a resolution presented by Mr Margelov and others on the anniversary of "Oświęcim" ("Auschwitz") liberation (Doc. 10232 rev.):** transmission to the Political Affairs Committee, *for information*;

**Reference No. 2988**

**Motion for a resolution presented by Mrs Cliveti and others on the Integration of migrant women in Europe (Doc. 10236):** reference to the Committee on Equal Opportunities for Women and Men, *for report*, and to the Committee on Migration, Refugees and Population, *for opinion*;

**Reference No. 2989**

**Motion for a recommendation presented by Mr Skarphéðinsson and others on the situation of migrant workers in temporary employment agencies (Doc. 10237):** reference to the Committee on Migration, Refugees and Population, *for report*, and to the Committee on Economic Affairs and Development, *for opinion*;

**Reference No. 2990**

**Motion for a resolution presented by Mr Sasi and others on the current tendency by some European governments**

to favour "national champions" in industry, to the detriment of European and worldwide competition, economic progress and international harmony (Doc. 10238): transmission to the Committee on Economic Affairs and Development, *for information*;

Reference No. 2991

Motion for a resolution presented by Mr McNamara and others on avoiding unnecessary duplication of activities between international mechanisms for the protection of human rights in Europe (Doc. 10241): reference to the Committee on Legal Affairs and Human Rights, *for report at the Standing Committee*;

Reference No. 2992

Motion for a resolution presented by Mr Einarsson and others on the human rights situation of the Kurds in Turkey (Doc. 10242): transmission to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), *for information*;

Reference No. 2993

Motion for a resolution presented by Mr Pourgourides and others on enforced disappearances (Doc. 10243): transmission to the Committee on Legal Affairs and Human Rights, *for information*;

Reference No. 2994

Motion for a resolution presented by Mr Eörsi and others on Iran's nuclear threat (Doc. 10244): reference to the Political Affairs Committee, *for report*;

Reference No. 2995

Motion for a resolution presented by Mr Mooney and others on respect for human rights in the fight against terrorism (Doc. 10248): reference to the Committee on Legal Affairs and Human Rights, *for report*;

Reference No. 2996

Motion for a recommendation presented by Mr Gedei and others on the situation of the Vojvodina Hungarians (Doc. 10262): transmission to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), *for information*;

Reference No. 2997

4<sup>th</sup> Annual Report on the activities on the Council of Europe Commissioner for Human Rights (1<sup>st</sup> January – 31 December 2003) (Document BCommDH(2004)27): reference to the Committee on Legal Affairs and Human Rights, *for report*.

b. modification of reference:

Reference No. 2998

Motion for a resolution presented by Mr Holovaty and others on the principle of the rule of law (Doc. 10180, Ref. 2974 of 21 June 2004): reference to the Committee on Legal Affairs and Human Rights, *for report* (Modification of Ref. No. 2974 of 21 June 2004).

c. extension of a reference:

Extension of reference No. 2659

Motion for a resolution on the conflict dealt with by the Minsk Conference of the OSCE (Doc. 9239): extension until 31 January 2005;

16. On 7 September, the Standing Committee took note of the decisions of the Bureau on the following texts:

**Motion for a recommendation presented by Mr Seyidov and others on the Settlement of civilian population by Armenia in the occupied territories of the Republic of Azerbaijan (Doc. 10239):** no further action;

**Motion for a resolution presented by Mr Grebennikov and others on working out draft European Convention on Election Standards, Electoral Rights and Freedoms (Doc. 10240):** consultation of the Venice Commission to give an opinion on the need for a draft European Convention on election standards, electoral rights and freedoms;

**Motion for a resolution presented by Mr Kocharyan and others on the restriction of the use of firearms in peacetime within the member states of the Council of Europe (Doc. 10234):** consultation of the Committee on Legal Affairs and Human Rights on the possible follow-up.

#### **G. LATVIA**

17. On 25 June, the Bureau took note of a memorandum adopted by the Monitoring Committee on the post-monitoring dialogue with Latvia (Appendix II).

#### **H. CHECHEN REPUBLIC (RUSSIAN FEDERATION)**

18. On 25 June, the Bureau adopted a declaration condemning rebel attacks in the North Caucasus and appealing to stop further escalation of violence (Appendix III).

#### **I. UKRAINE**

- **New constitutional amendments in Ukraine**

19. On 25 June, the Bureau:

- took note of the information by Mrs Severinsen, co-rapporteur of the Monitoring Committee on Ukraine, who considered that the procedure followed by the Ukrainian Parliament was unconstitutional;
- took note that the Assembly President would address a letter to the President of the Ukrainian Parliament in this respect.

#### **J. ARMENIA, AZERBAIJAN AND GEORGIA**

- **Meeting of the President of the Assembly and the Presidents of Parliaments of Armenia, Azerbaijan and Georgia (Strasbourg, 17 May 2004)**

20. On 25 June, the Bureau:

- took note of an information document on this meeting and of the preliminary conclusions presented by the Assembly President (Appendix IV);
- took note that, as a follow-up to this meeting, the Secretary General of the Assembly would visit Armenia, Azerbaijan and Georgia on 30 June – 5 July 2004 with a view to discussing with the Parliaments of these countries possibilities of concrete assistance programmes and a possible regional dimension of an inter-parliamentary co-operation.

21. On 4 October, the Bureau took note that the President will meet the Chairpersons of the parliamentary delegations of Armenia, Azerbaijan and Georgia on Tuesday 5 October at 5 pm as a follow-up to the meeting with the Speakers of these countries during the Speakers' conference in May 2004.



- **Parliamentary assistance programmes with Armenia, Azerbaijan and Georgia**

22. On 7 September, the Bureau took note of the memorandum on the visit of the Secretary General of the Parliamentary Assembly to the South Caucasus region (30 June – 5 July 2004) and approved the proposals contained therein (Appendix V).

**K. LIECHTENSTEIN**

- **Dialogue with the Parliament of Liechtenstein**

23. On 7 September, the Bureau took note that the President would visit Liechtenstein on 27 September 2004 to meet Mr Wanger, President of the Parliament, and that he would invite representatives of the Liechtenstein Movement on Democracy to meet him in Strasbourg at the beginning of October 2004.

**L. CYPRUS**

- **Implementation of paragraph 6 of Resolution 1376 (2004) on Cyprus**

24. On 7 September, the Bureau noted that, if the President had not received a reply from the Parliament of Cyprus on this matter at least two weeks before the beginning of the October 2004 part-session, he intended to invite representatives of both sides to meet him before the Bureau meeting on 4 October 2004.

25. On 4 October, the Bureau:

- took note of the letters of Mr Christofias, Speaker of the Parliament of Cyprus, and Mr Christodoulides, Chairman of the parliamentary delegation of Cyprus on 21 September, containing the position of the Parliament of Cyprus on the draft decision presented to the Bureau on 21 June 2004 and presenting concrete amendments to it;
- took note that the President met on 3 October Mr Christodoulides, Chairman of the Cypriot parliamentary delegation, and on 4 October representatives of the Turkish Cypriot community, to inform them about the proposal for a revised draft decision;
- adopted the revised draft decision (Appendix VI).

**M. VISITS OF RAPPORTEURS**

26. On 25 June, the Bureau authorised Mr Margelov, rapporteur of the Political Affairs Committee on the Middle East, to carry out a fact-finding visit to the region in September 2004.

**N. INVITATION TO HOLD MEETINGS OF THE STANDING COMMITTEE, OF THE BUREAU AND OF THE JOINT COMMITTEE IN BAKU IN 2005**

27. On 25 June, the Bureau thanked the Azerbaijani authorities for this invitation and decided to come back to it at one of the forthcoming meetings.

**O. COMPOSITION OF THE MONITORING COMMITTEE**

28. On 25 June, the Bureau approved the proposal by the EPP/CD Group to nominate Mr Matusic (Croatia) as member, subject to ratification by the Assembly.

**P. MEETINGS ELSEWHERE THAN IN STRASBOURG OR PARIS**

29. On 25 June, the Bureau authorised the following meetings:

- Sub-Committee on Violence against Women (of the Committee on Equal Opportunities for Women and Men), Antwerp (Belgium), 18 October 2004;
  - Committee on Migration, Refugees and Population, Geneva (Switzerland), 4-5 November 2004.
30. On 7 September, the Bureau authorised the following meetings:
- Sub-Committee on the Europe Prize (of the Committee on the Environment, Agriculture and Local and Regional Affairs): Oudenaarde (Belgium) 18 September 2004;
  - Sub-Committee on Relations with Non-member Countries (of the Political Affairs Committee): New York 19-21 October 2004.

### **3. RELATIONS WITH THE COMMITTEE OF MINISTERS AND OTHER BODIES OF THE COUNCIL OF EUROPE**

#### **A. JOINT COMMITTEE**

31. On 25 June, the Bureau acknowledged that the Joint Committee had noted on Thursday 24 June that the requirement concerning the access of Monegasque citizens to senior governmental and public posts, contained in paragraph 15 of Opinion N° 250 (2004) on the Principality of Monaco's application for membership of the Council of Europe, had been fulfilled and that it was now up to the Committee of Ministers to take a decision on inviting Monaco to become member of the Council of Europe.

32. On 7 September, the Bureau agreed to include on the draft agenda of the Joint Committee on Thursday 7 October 2004 at 6.30 pm the items concerning the Council of Europe monitoring procedures and the fight against terrorism.

#### **B. EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION)**

33. On 25 June, the Bureau:

- approved a draft co-operation agreement between the Parliamentary Assembly and the Venice Commission (Appendix VII);
- agreed that this agreement would be signed during the October 2004 part-session of the Assembly and that, on this occasion, Mr La Pergola, President of the Venice Commission, would address the Assembly.

### **4. RELATIONS WITH OTHER INTERNATIONAL INSTITUTIONS**

#### **A. PARLIAMENTARY TROIKA ON THE STABILITY PACT**

34. On 7 September, the Bureau set up an Ad hoc Committee to ensure the Assembly's contribution and participation in the Conference on the "Fight against organised crime in South Eastern Europe" (Sofia, 11-12 November 2004) composed of five representatives from each of the following Committees: the Political Affairs Committee, the Committee on Legal Affairs and Human Rights and the Committee on Economic Affairs and Development, its Chairperson being chosen in conformity with the Bureau's order of precedence.

#### **B. RELATIONS BETWEEN THE COUNCIL OF EUROPE AND THE EUROPEAN UNION**

35. On 7 September, the Bureau took note of the memorandum of the Secretary General of the Assembly on the proposals made by the Parliamentary Assembly since 2002 on this issue.

## **5. OBSERVATION OF ELECTIONS**

### **A. *PRESIDENTIAL ELECTION IN THE CHECHEN REPUBLIC (29 AUGUST 2004)***

36. On 25 June, the Bureau took note of the invitation to observe this election, recalled that the Assembly only observed elections at federal level and agreed that the rapporteurs of the Committees, which were currently preparing reports concerning the Chechen Republic, i.e. the Political Affairs Committee, the Committee on Legal Affairs and Human Rights and the Committee on Migration, Refugees and Population, could possibly visit the region in connection with this election in the framework of the preparation of their respective reports.

### **B. *PARLIAMENTARY ELECTIONS IN KAZAKHSTAN (19 SEPTEMBER 2004)***

37. On 7 September, the Bureau:

- set up an Ad Hoc Committee to observe these elections composed of 10 members (3 SOC, 2 EPP, 2 LDR, 2 EDG and 1 EUL), approved the list of this Ad hoc Committee and appointed Mr Elo<sup>2</sup> (Finland, SOC) as Chairperson;
- agreed to invite two representatives of the Parliament of Kazakhstan to the October 2004 part-session.

38. On 4 October, the Bureau members were consulted in writing with a view to approving the report of the Ad Hoc Committee on these elections.

### **C. *LOCAL ELECTIONS IN BOSNIA AND HERZEGOVINA (2 OCTOBER 2004)***

39. On 7 September, the Bureau took note of the invitation and noted that observing local elections does not fall under the competence of the Assembly.

### **D. *PARLIAMENTARY ELECTIONS IN BELARUS (17 OCTOBER 2004)***

40. On 7 September, the Bureau confirmed its wish to observe these elections and agreed to set up an Ad hoc Committee composed of ten members (3 SOC, 2 EPP, 2 LDR, 2 EDG and 1 EUL), subject to receiving an invitation.

### **E. *PRESIDENTIAL ELECTION IN UKRAINE (31 OCTOBER 2004)***

41. On 7 September, the Bureau:

- approved the list of the Ad Hoc Committee and appointed Mr Christodoulides (Cyprus, UEL) as Chairperson;
- took note of the programme of the pre-electoral mission on 25-29 September 2004;
- authorised the observation of a possible 2<sup>nd</sup> round on 21 November 2004 by members of the same Ad hoc Committee.

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<sup>2</sup> Mr Elo having resigned, the Standing Committee, on 7 September 2004, appointed Mrs de Zulueta as Chairperson.

## 6. OTHER MATTERS

### A. **INTERNATIONAL INSTITUTE FOR DEMOCRACY**

42. On 25 June, the Bureau:

- held an exchange of views with Lord Russell-Johnston, Chairman of the Governing Board;
- agreed to take a decision on a possible increase of the grant to the Institute for 2004 to the level of the last year's contribution in the light of a report on the Institute's accounts which should be prepared as soon as possible;
- authorised the Assembly's President to decide on this possible increase before the meeting of the Bureau on 7 September 2004, if he received the above-mentioned report with satisfactory conclusions before this meeting as well as a projection of the Institute's expenditure until the end of the year.

43. On 4 October, the Bureau:

- took note that the Institute has been invited by the Secretary General of the Council of Europe to provide its comments on the Internal Auditor report by 15 October 2004;
- took note of the financial documents requested by the Bureau on 25 June 2004;
- took note that the mandate of the President's representatives in the Institute's Governing Board expired on 31 August 2004 and therefore nobody is representing either the President or the Assembly in the Governing Board at present;
- took note that the Institute will hold an extraordinary meeting of its Governing Board on Wednesday 6 October 2004.

44. On 7 September, the Bureau:

- took note that the President has not received the report on the accounts of the Institute and the projection of the Institute's expenditure until the end of 2004 as requested by the Bureau on 25 June 2004 and consequently he decided not to increase the grant to the Institute for 2004;
- took note that an audit has been carried out by the Council of Europe Auditor and that its conclusions should be available to the Bureau at its next meeting;
- decided to come back to this question at its next meeting.

### B. **THIRD SUMMIT OF THE COUNCIL OF EUROPE**

45. On 7 September, the Bureau took note that a motion for a recommendation on the Assembly's contribution to the Summit would be circulated among Assembly members.

### C. **COMMUNICATION BY THE SECRETARY GENERAL OF THE COUNCIL OF EUROPE**

46. On 7 September, the Bureau was informed of the staff appointments to the Secretary General's Private Office and of his first priorities in office.

### D. **IMMUNITY OF SENATOR IANNUZZI, MEMBER OF THE ITALIAN DELEGATION TO THE PARLIAMENTARY ASSEMBLY**

47. On 25 June, the Bureau took note of the request by Senator Iannuzzi to defend his immunity and privileges and proposed to refer this matter to the Committee on the Rules Procedure and Immunities.

**E. CONFERENCE ON CHILDREN ORPHANED BY AIDS (19-24 SEPTEMBER 2004, CAPE TOWN)**

48. On 7 September, the Bureau took note that the President will attend this Conference.

**F. SITUATION IN HAITI**

49. On 4 October, the Bureau took note that the President will give a follow-up to the proposal of Mr Azzolini to draw attention to the very serious humanitarian situation in Haïti.

APPENDIX I

**Council of Europe Parliamentary Assembly**  
Standing Committee Meeting - Oslo, 7 September 2004

**Statement on the terrorist attack in Beslan and the need to strengthen international cooperation against terrorism**

The Standing Committee (\*) of the Parliamentary Assembly of the Council of Europe (PACE), meeting in Oslo on 7 September 2004 at the invitation of the Norwegian Parliament, today endorsed the following statement by the President of the Assembly, Peter Schieder:

The Assembly joins the whole of Russia during this day of mourning in memory of the victims of the terrorist attack in Beslan. We convey our deepest sympathies to the families of the victims and to all those injured or affected and express Europe's full solidarity with the Russian people and authorities at this tragic time.

Terrorism has no justification and it must be considered abhorrent, unacceptable and a crime against humanity. It must be fought with all legal means available.

First of all, international cooperation against terrorism needs to be strengthened. At present, the legislative framework is fragmented and incomplete and so far the United Nations has not been able to conclude a comprehensive convention on the fight against terrorism.

It is therefore more urgent than ever to begin work without delay on the elaboration of a comprehensive Council of Europe Convention on Terrorism. The future convention should include a definition of terrorism and terrorist acts so that terrorist offences cannot in any way be justified as politically motivated acts.

As the Assembly has consistently stated in the past, action against terrorism must at all times be consistent with the fundamental freedoms and human rights which it is designed to protect. The Assembly strongly supports the Council of Europe's plan of action against terrorism based on three cornerstones: strengthening legal action against terrorism, safeguarding fundamental values and addressing the causes of terrorism.

Simultaneous debates on the fight against terrorism in the national parliaments of our member States could help to generate the necessary political momentum. The Assembly intends to discuss in depth further action that the Council of Europe can take to fight terrorism during its October part-session (Strasbourg, 4-8 October 2004).

Appendix: main Assembly texts adopted on the fight against terrorism

**Contact:**

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(\*) The Standing Committee comprises the Bureau (the President of the Assembly, the 19 Vice-presidents, the chairs of the five political groups and the 10 chairs of the committees) as well as the chairs of the national delegations. It generally meets at least twice a year and has the main task of acting on behalf of the Assembly when the latter is not in session.

**APPENDIX II**

**AS/Mon (2004) 08 rev**

**24 May 2004**

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**COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY  
MEMBER STATES OF THE COUNCIL OF EUROPE (MONITORING COMMITTEE)**

**Post-monitoring dialogue**

**LATVIA**

**Information memorandum by the Chair**

## I. INTRODUCTION

1. With the recent accession of Latvia to the European Union on 1 May 2004, the country has entered a new and promising phase in its development as a full-fledged democracy that should guarantee to all residents their rights and dignity.
2. Latvia has continued to make substantial progress in honouring its obligations and commitments to the Council of Europe, as witnessed by the various concrete steps taken since the beginning of the post-monitoring dialogue in 2002 – and more particularly within the observation period of this report since January 2003 – concerning the naturalisation of its non-citizens and their integration into Latvian society.
3. I also note that Latvia has fulfilled the vast majority of the recommendations as required by Resolution 1236 (2001). It has (a) continued to encourage non-citizens to apply for citizenship by various means such as regular media campaigns, combining the compulsory tests for naturalisation with centralised final school exams, targeting language training for naturalisation candidates and considerably reduced the cost of the application for naturalisation for several categories of applicants; (b) provided additional means to the Naturalisation Board and the National Programme for Latvian Language Training; (c) amended the Education Law of October 1998 in conformity with the Framework Convention for the Protection of National Minorities; (d) established a state body in charge of minority affairs; (e) ratified the Social Charter of the Council of Europe, and (f) sped up the implementation of the society Integration Programme.
4. The discussions I have held with government officials and various state institutions in Latvia lead me to think and even to believe that they sincerely intend to continue to improve and to implement legislation regarding the above issues. Important shortcomings still persist in many areas, which are not denied by state authorities. I appreciate the openness and constructive attitude towards carrying out further reforms that I encountered during the meetings, and I feel confident that further recommendations would be tackled without delays. I welcome the speed at which the recent suggestions made by the Human Rights Commissioner Alvaro Gil-Robles and myself during our respective visits at the end of 2003 (regarding the automatic registration of new-born children of non-citizen parents and the simplification of naturalisation examinations) have been dealt with. One could wish for the adoption of more flexible approaches and considerations though when dealing with highly sensitive issues of identity, naturalisation, preserving education in minority languages, etc.
5. I also take note of the decision of the Bureau, after a fairly exceptional procedure (see Chapter II), not to re-open a monitoring procedure as regards Latvia, which allows the post-monitoring dialogue to continue as foreseen. The interim procedure has given me additional time to review this memorandum (which was first presented to the Monitoring Committee on 3 March 2004 but not discussed) along the lines of the suggestions made by Mr Berzins, Chair of the Latvian delegation, and Mr Cilevics, opposition member of the Latvian delegation, and to take account of the particularly valuable information presented in the draft opinion by MM Jurgens and Sasi, co-rapporteurs. I thank all those who have contributed to this report. The usefulness of pursuing the post-monitoring dialogue with Latvian authorities has become evident.

## II. BACKGROUND: HISTORY OF THE POST-MONITORING DIALOGUE WITH LATVIAN AUTHORITIES

6. Latvia has been a member of the Council of Europe since **10 February 1995**. The first report on the honouring of its obligations and commitments was presented to the Assembly in June 1999 (Doc. 8426).
7. On **23 January 2001** the Assembly adopted Resolution 1236 (2001) which closed the monitoring procedure as regards Latvia and opened a post-monitoring dialogue with the Latvian authorities *“on the issues listed in paragraph 5, or on any other issue arising from the obligations of Latvia as a member state of the Council of Europe, with a view to reopening the procedure in accordance with Resolution 1115 (1997) if further clarification or enhanced co-operation is deemed desirable.”*



8. In accordance with the procedural arrangements for post-monitoring dialogue with the member states approved by the Bureau on **6 March 2000** and ratified by the Assembly on 3 April 2000, the post-monitoring dialogue began one year after the full-scale monitoring procedure had been closed, i.e. in **January 2002**.

9. The chairmanship of the Monitoring Committee then invited the Latvian delegation to provide information on the action taken by the Latvian authorities on the recommendations in Resolution 1236. This information was received on **6 June 2002**.

10. On **27 June 2002**, Mr Rogozin and others presented a motion for a resolution (Doc. 9501) suggesting "the reopening of monitoring procedure in respect to Latvia". The next day the Bureau of the Assembly asked the Committee to consider this text in conformity with Resolution 1115 (1997).<sup>3</sup>

11. At its meeting on **10 September 2002**, after having considered the comments presented by the Latvian delegation as well as the motion for resolution on reopening of monitoring procedure with respect to Latvia, the Monitoring Committee decided to continue the post-monitoring dialogue with Latvia in the normal way, as provided for in the rules, and authorised its Chair to carry out a fact-finding visit to the country on a date to be decided.

12. In a letter dated **30 October 2002**, the Committee Chair informed of the Bureau that at that stage the Committee considered it premature to submit an opinion to the Bureau on the reopening of the monitoring procedure and that such action would conflict with the current policy of the Committee, which considered post-monitoring dialogue as a means of helping the countries concerned to honour those commitments which they had not yet fulfilled. The letter did not elicit a reaction from either the Bureau or the Russian parliamentary delegation.

13. In view of the parliamentary elections in Latvia (on 5 October 2002) I made a fact-finding visit to the country on **15 and 16 January 2003**. As this fact-finding visit took place as the new government was taking office, I was unable to meet some of the key figures involved in the reform process, such as the Speaker of the Latvian Saeima (Parliament) Ingrida Udre, the Head of the State Language Centre or the President of the Society Integration Foundation. Furthermore, the Special Task Minister for Society Integration Nils Muiznieks had taken up his functions only a month before and was not yet able to provide all relevant information.

14. In the light of the foregoing, and after considering a memorandum which I had presented after this visit, the Monitoring Committee decided at its meeting on **4 March 2003** to continue the dialogue with the authorities on the issues mentioned in the memorandum, and authorised me to make another visit to the country later in the year.

15. On 19 June 2003, Andris Bērziņš, Head of the Latvian delegation to the Parliamentary Assembly, transmitted further information on the actions taken by the Republic of Latvia with regard to the recommendations contained in the Resolution 1236 (2001), which were complemented by a separate contribution by Mr Cilevičs, member of the Latvian delegation (doc. AS/Mon (2003) 23).

16. At the meeting on **30 September 2003** I presented an interim memorandum (AS/Mon (2003) 30) in preparation of my second visit which took place from **18 to 20 November 2003**. During that visit, I met with State President Vaira Vīke-Freiberga, Prime Minister Einars Repse, all competent ministers and heads of key institutions, and representatives of various NGOs in the field of human rights and minority communities.

17. I am most grateful to the Latvian parliamentary delegation for making their best effort to organise the visit in accordance with my requests and priorities, regardless of the national holidays in the country. I also extend gratitude to the Latvian Permanent Representation in Strasbourg as well as the Council of Europe information centre in Riga for facilitating the visit.

<sup>3</sup> This text, which contains the terms of reference of the Monitoring Committee, foresees that the Committee after carrying out the necessary investigation will submit a written opinion to the Bureau which will take a decision on whether to initiate or to reopen a monitoring procedure.

18. All these discussions have fed into the present memorandum, which was initially prepared for the Monitoring Committee meeting of 3 March 2004 and which, in compliance of the Committee's decision of 4 March 2003, was supposed to be addressed to the Bureau of the Assembly, including an opinion as to whether or not to re-launch a monitoring procedure, following the request by Mr Rogozin and others.

19. However, on **10 December 2003**, in response to a repeated request to the Bureau by Mr Rogozin, the Bureau invited the Monitoring Committee to appoint two co-rapporteurs, in accordance with paragraph 3 of Resolution 1115 (1997), with a view to the preparation of a written opinion that would serve as a basis for the Bureau's decision as to whether to initiate a monitoring procedure.

20. At its meeting on 3 March 2003, the Monitoring Committee designated MM Eric Jurgens (Netherlands, SOC) and Kimmo Sasi (Finland, EPP) as co-rapporteurs and asked them to carry out a fact-finding visit to Latvia as soon as possible in order not to interfere with the Committee's ongoing post-monitoring dialogue with Latvian authorities which it did not wish to interrupt. The visit took place on 29 and 30 March 2004, following which the co-rapporteurs presented their opinion not to reopen the monitoring procedure to the Committee at the latter's meeting on 28 April. The Committee approved this opinion and submitted it on the same day to the Bureau of the Assembly for decision.

21. The Bureau decided at its meeting on 30 April 2004 not to re-open a monitoring procedure as regards Latvia. This decision was confirmed by the Assembly on the same day.

### **III. FOLLOW-UP GIVEN BY LATVIA TO RESOLUTION 1236 (2001)**

22. The commitments stipulated in paragraph 5 of Resolution 1236 (2001) refer mostly to the question of the situation and integration of the Russian-speaking and other minorities in Latvia, and concentrate on seven key issues:

#### **1. RATIFICATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

##### **1.1. Overview**

23. Latvia has acceded to most of the major international human rights instruments, and its record of human rights protection in general is good. However, Latvia is among the ten Council of Europe countries (Andorra, Belgium, France, Georgia, Greece, Iceland, Latvia, Luxembourg, Netherlands and Turkey) which have not ratified the Council of Europe **Framework Convention for the Protection of National Minorities** (hereafter Framework Convention), which it signed in 1995. Several attempts of ratification have failed in Saeima (Parliament), as well as the ratification of the Protocol No. 12 (prohibition of discrimination) to the ECHR.

24. The ratification of the Framework Convention is not among the original commitments and obligations of Latvia (Opinion 183(1995)). However, it was claimed among the top priorities for Mr Muiznieks before his approval as Special Assignments Minister for Society Integration Affairs in November 2002. The latter was also confirmed at our meeting in January 2003, although Mr Muiznieks admitted at the time that the discussions would probably not be reopened until after the EU-referendum of 20 September 2003 in order not to confuse the population. The competent state bodies in Latvia emphasise that the existing legislature ensures the protection of minorities, the current situation being covered by the 1969 Vienna Convention on the law of treaties, to which Latvia became a party on 4 May 1993. It must also be noted that the ratification of the Framework Convention is by all means not seen as a priority matter among the Latvian population, social issues being regarded far more relevant and certainly more important for society's smooth integration.

25. On legal grounds, different political groups of the Saeima have pointed to various aspects which would need further analysis before the ratification could take place: (a) the convention leaves broad possibility of interpretation (e.g. the protection of the Latvian language is considered necessary in many of the country's regions). (b) A detailed comparative analysis should be made on how the programmatic principles could be worked into national legislation. (c) The term of "minorities" should be defined to determine which groups of residents the convention will apply to<sup>4</sup>.

### **1.2. Recent developments:**

26. Although opinions on the estimated ratification calendar vary greatly, first steps have been made after the positive outcome of the EU referendum on 20 September 2003.

27. On 22 January 2004, the Human Rights Commission of the Saeima established a Sub-committee on Society Integration. Presided by Mr Berzins, one of the main tasks of this Sub-committee is to consider the issue of ratification of the Framework Convention. The Sub-Committee consists of 13 members, representing all parliamentary factions, including the opposition groupings. The Commission has begun its work of analysing the definitions.

28. On 13 February 2004, a seminar on the Framework Convention and its ratification in Latvia organized in Riga by the Latvian Centre for Human Rights and Ethnic Studies in cooperation with the Council of Europe. Representatives of the Latvian Parliament and the competent ministries as well as participants from the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, the office of the OSCE High Commissioner on National Minorities took part in this seminar.

### **1.3. Outstanding**

29. In fact, to date some progress has been made as regards the ratification of the Framework Convention for the Protection of National Minorities. Even though Opinion 183 (1995) on the application by Latvia for the membership of the Council of Europe did not explicitly make the ratification of the Framework Convention an obligation *per se*, Resolution 1236 (2001) recommended Latvia to ratify it "as a matter of priority". Three years later the country has not progressed much in its initial discussions and legal analysis of the definitions.

30. On the other hand, the Latvian authorities and the co-rapporteurs for the opinion on reopening the monitoring procedure alike have indicated that, within the current political context in Latvia where passions fly high over the education reform and where the Framework Convention has been so much mythologized, it would be unwise to push for its hasty ratification. The problem of ratification is that if it is done too quickly it could adversely affect the result.

31. It is important that society accepts the ratification. But for that, a much wider and more open discussion is necessary in order to fight current misapprehensions created by the controversial polemics in public media. In this situation, it is widely considered that ratifying the convention before clarity is reached on the minority education reform could lead to confrontation in society and halt the process of integration, thereby achieving results in diametric opposition to the spirit of the convention.

32. Nevertheless, I call upon the Latvian authorities to step up the ground work necessary for defining how and on what terms the country could proceed to ratification of the Convention, and to launch a public awareness campaign in order to demystify the consequences of this ratification.

<sup>4</sup> There are several approaches as regards the subject of the convention: 1) to declare that the state has no minorities (Liechtenstein, Luxembourg, Malta), 2) not to define the convention's subjects (Azerbaijan, Bulgaria, Poland), 3) to name specific minorities (Germany, Denmark, Slovenia), 4) to specify the basic principles of the convention's application (Switzerland, Austria, Estonia).

## **2. SPEEDING UP THE NATURALISATION PROCESS**

### **2.1. Overview**

33. Of Latvia's total population of about 2.32 million, around 479,000 Latvian residents (21%) are non-citizens today. A large number of these residents either have been born in Latvia or have lived there for decades.

34. The legal status of Latvia's non-citizens is governed by the "Law on the Status of the former USSR Citizens who are not citizens of Latvia or any other state" (1995). Non-citizens in Latvia are treated by law neither as foreigners nor as stateless persons but as a distinct category of persons with long-lasting and effective ties to Latvia, to a large extent comparable to citizens (liberty of movement, social and medical rights, permanent residence, etc.) yet without full political rights (voting rights) or the possibility to occupy certain state and public positions or exercise certain professions in the private sector (lawyer, armed security guard, private detective, fireman). Non-citizens have the right "to preserve their native language, culture and traditions within the framework of national cultural autonomy", thus have minority rights equally with citizens.

35. Almost all non-citizens are entitled to naturalisation. For this, they have to apply, to pass a test in knowledge of Latvian (if they have not acquired general education in Latvian or taken a graduation exam in Latvian at a minority school), basic knowledge of history and the Constitution of Latvia, and pay a fee of 20 LVL (ca. 30 €) with some exceptions at 3 LVL (ca. 4,5 €) or entirely free of charge (incl. the politically repressed persons who are acknowledged as such, in accordance with existing legal acts of the Republic of Latvia; disabled persons in category I; orphans and children who are not under their parents' charge; and persons sheltered by social care institutions of the state or self-government). For children born in Latvia since August 1991, a request of their parents suffices for naturalisation.

36. Since the beginning of the naturalisation process in February 1995, 72 657 people including about 8,000 minors have acquired Latvian citizenship through naturalisation (data of Naturalisation Board of Latvia of 15 May 2004). This forms a mere 14 % of the total non-citizen population who have acquired Latvian citizenship in the last 9 years. The average annual application rate has remained about 1,6% of the total number of non-citizens.

37. Despite many initiatives launched to facilitate the naturalisation process (by reducing the state charge, lowering requirements with respect to language skills and examination in history for specific groups of applicants, organising free-of-charge language courses for persons willing to acquire Latvian citizenship, and launching a nationwide citizenship information campaign), the number of applications have exceeded 10,000 only in 1999, after the 2001 information campaign, but in the last few months there has been a sharp increase, following the positive results of the EU referendum in September 2003.

38. Nonetheless, the figures have grown consistently since then, reaching an all-time record of 2048 applications in March 2004. Altogether 6724 applications have been registered in the first four months of 2004, which is more than two times the number of applications within the same period last year (3235 applications).

### **2.2. Recent developments**

39. The Naturalisation Board has made very considerable and consistent efforts to inform the society on the possibilities of acquisition of the citizenship as well as on the gradual simplification of the procedures.

40. In the course of 2003, naturalisation regulations were eased concerning issues such as the oath of loyalty, the reduction of state fees for naturalisation for pensioners, disabled persons, schoolchildren and full-time students, the possibility for secondary school graduates to present their results of the centralised examination instead of taking the Latvian language test, etc.

41. Further amendments have been introduced with regard to abolishing the requirement for the applicant to prove registration of residence and ensuring easier access to the services of state administrative institutions, enabling to submit naturalisation applications in any regional branch or sub-branch of the Naturalisation Board.

42. Taking into consideration the suggestions of Mr Gil-Robles, Commissioner of Human Rights of the Council of Europe, as well as the problems discussed during the Chair's meeting with the Naturalisation Board, the latter has immediately started to improve the language proficiency model in order to simplify it by excluding or merging some exercises of the examination. This would allow reducing the volume of the content of the examination as well as the time necessary for taking it.

43. Evidently with a view to improved communication of the naturalisation possibilities, the Naturalisation Board has put in place a toll-free hotline and an Internet portal. In 2003, these facilities were used 10,023 and 56,000 times respectively. The Board regularly organises information days (39 within the last three months) and publishes informative and methodological materials to furnish information on the possibilities on acquisition of the citizenship of Latvia. It also runs co-operation with educational establishments and local self-governments on these issues.

44. Recently, an information campaign has also been jointly launched by the Special Assignment Ministers of Society Integration and of Children, sending individual letters to all parents of the 17,000 non-citizen children born after 1991.

45. In response to the increased demand, the Cabinet of Ministers on 6 April 2004 decided to approve the establishment of another seven full-time jobs at the Naturalisation Board. That will cost LVL 20,800, or around EUR 32,000. Additional financing is to be granted to the Naturalisation Board in next year's national budget.

46. Furthermore, the Naturalisation Board has carried out an extensive analysis in all regions in Latvia (among seven thousand non-citizens) to find out why non-citizens do not ask for their naturalisation. The results of this comprehensive research were published in June 2003.

### **2.2.1. *Reasons for naturalisation and non-naturalisation***

47. The study shows that it is not the influence of any single factor but the "aggregate effect of several factors combined" that plays a fundamental role in whether or not the respondents consider applying for Latvian citizenship.

48. Overall, 64.2% of non-citizen respondents have enquired about Latvian citizenship and are also willing to acquire it. Only 14.2% of non-citizens do not want Latvian citizenship, while 19.6% of them have not thought about it.

49. The principal factors conducive to acquiring the citizenship is residency in Latvia and seeing one's future perspectives in relation to Latvia, the possibility to find a job more easily and increased opportunities to travel abroad. The conducive factors differ considerably between youths and senior residents: while for senior residents the fact that they live in Latvia and will continue to do so is very important, what matters most for youths is the possibility to find a job and opportunities to travel abroad (and to leave).

50. The principal factors which are obstructive to acquiring the citizenship are as follows: the belief or the conviction of being automatically entitled to Latvian citizenship, the hopes that the naturalisation procedure will be made easier, and increased opportunities to travel to the CIS.

51. Before 15 April 2002, non-citizens holding the "aliens' passport" did not require a visa for travelling to Russia whereas Latvian citizens (as well as EU citizens) needed to go through a lengthy and costly visa application procedure for the same purpose. Since then a visa requirement has been imposed on the non-citizens as well, yet it is 2,5 times less expensive for a single entry visa and 6,7 times less expensive for a multiple-entry visa than for citizens. There is no differentiation between citizens and non-citizens by the Belarus and Ukrainian authorities - the visa fee is the same. For

obvious economic reasons, the Russian Federation is one of the primary travel destinations not only for non-citizens of Russian origin<sup>5</sup>. Thus the question of freedom of movement, in particular to the Russian Federation, is likely to remain one of the key factors influencing the future success of the naturalisation process.

52. A comparison with previous surveys shows that factors such as the inability to pass the naturalisation examinations and lack of money to pay the state charge have lost their significance considerably while the importance of emotional factors, such as the belief of being automatically entitled to Latvian citizenship, the hope that requirements will be lowered, and that there is no need for Latvian citizenship, has increased.

53. Parents are rather sluggish in registering their children as citizens of Latvia because they are unaware of such an opportunity (19.3%) and because they do not want their children to have a status different from theirs (6.6%). One in every eight non-citizens leaves the choice up to their children, while one in every ten non-citizens sees no need for their children to have Latvian citizenship.

54. It is also interesting to note that here is no apparent clear correlation between state language skills and the naturalisation pace, except for the correlation between territories with very low state language skills and a low naturalisation pace. The study concludes that state language skills are a requisite but insufficient factor in the promotion of naturalisation.

55. The results of the survey also confirm that answers to many issues, including the citizenship process, must be sought at the municipal level, as opposed to state or regional level on the whole. For the reasons of greater respect of municipalities as much as state central institutions and proximity, co-operation between state institutions, in particular the Naturalisation Board and municipalities could be one of the most successful forms of activity designed to promote interest in naturalisation and integration.

### **2.3 Outstanding**

56. Latvia is a young multi-ethnic state which, thirteen years after regaining independence, is still in the process of reconstructing its nationhood. This process is characterised by three differing goals: (a) to build up the Latvian identity through the protection of its language and traditions, (b) to integrate through naturalisation its almost half a million non-citizens whose presence is regarded as a legacy of the Soviet occupation in 1940, and (c) to adhere to a wider European identity via its accession to the European Union. Faced with the task of reconciling these challenges, it is vital for Latvia firstly to find the right equilibrium that would enable progress to be made.

57. Its history, however traumatic, should not prevent Latvia from making headway in developing this equilibrium and enhanced democracy. The latter are, however, only achievable by making use of all internal resources of this country and on condition that a common willingness is expressed to build up, all together, a modern Latvian society.

58. The official stance of the Latvian government is to promote naturalisation instead of extending non-citizen rights, which in principle is understandable. However, if Latvia really wished its non-citizen population to naturalise, not at the current speed of annual 1.6% to 2% of the eligible population but at much higher percentages, it would have to take into account the different motivations of non-citizens. If the 100,000 non-citizens who are under 27 years of age and have almost all been born in the country believe that they should be automatically entitled to Latvian citizenship, or they wish that the requirements for that be lowered, or wait for the compulsory military service to be replaced by a professional army, then the state must consider these possibilities

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<sup>5</sup> Non-citizens currently need a visa for other countries, except for Denmark, Estonia and Lithuania with whom special agreements have been signed. It is still unclear whether Latvian non-citizens will have to obtain visas in order to travel within the EU after Latvia's official accession on 1 May 2004. However, it is possible that the biggest part of Latvian non-citizens holding the aliens' passports will be recognised under Article 21 and 22 of the Convention and notably under the recently elaborated European Council directive as third-country nationals who are long-term residents, with all corresponding rights (including the rights not only to move, but also to work in the EU states).

seriously. The same goes for the elderly generation now approaching or already at retirement age that should be granted the easiest possible option to naturalise.

### **2.3.2. Naturalisation fee**

59. Although the recent comprehensive study on naturalisation indicated that the fee was not a significant obstacle for naturalisation, every effort must be done to ensure that nobody should be excluded from the naturalisation process because of administrative or economic reasons.

60. Although, perhaps, as pointed out by President Vike-Freiberga during my November visit, the naturalisation fee has a symbolic value. When the naturalisation process was introduced in 1995, no fee was requested, which was perceived by the Latvian society as having a devaluating effect. The current rates – 20 LVL and 3 LVL were fixed in 2001 and are considered by the Naturalisation Board to correspond to the income of different social groups “since the fee is only 25% of the minimum salary as prescribed in the state”. However, within the Latvian authorities, large numbers of political figures and the Naturalisation Board agree that this tax carries a negative message and could be a pretext for opposition to it. Therefore it will need more determined efforts to overcome the traditional idea that implies that citizenship should be “earned”.

### **2.3.3. Granting automatic citizenship for children born to non-citizen families**

61. Following a previous proposal from the Commissioner on Human Rights, this matter was discussed at length with the Chair of the Naturalisation Board during the November 2003 visit. While citizenship to new-born children is accorded in accordance with the *jus soli* principle, I share the Commissioner's opinion that the procedure could be simplified. Instead of requiring non-citizen parents to specially register new-born children at a branch office of the Naturalisation Board, the birth certificate of a child could be considered as application for citizenship. This small simplification in the procedure could considerably help Latvia to gradually diminish the number of stateless persons in the country.

62. I note with satisfaction that since the discussions in November 2003 a special working group has been set up at the Secretariat of Minister for Special Assignments for Children and Family Affairs that has worked out amendments to the Law on Citizenship. The Ministry of Justice has proposed to include a norm in the draft law that the children born in Latvia after 21 August 1991 and whose both parents at the moment of their birth are non-citizens or stateless persons have to be registered as citizens of Latvia. This draft law has been submitted for review to the Cabinet of Ministers in February 2004.

63. I welcome these steps taken by the Latvian authorities in this regard and hope that positive changes can be introduced in the nearest future.

### **2.3.4. Other suggestions for boosting naturalisation**

64. 92% of the naturalisation applicants pass the examination of the proficiency in the Latvian language and 98% of that of the knowledge of the basic principles of the Constitution and history of Latvia at first try. Nevertheless, a more differentiated age pyramid would be highly recommendable, which would make the examination easier for those towards the end of their professional life and abolish it altogether for pensioners or senior persons.

65. Considering that 110,000 non-citizens are younger than 27 years old, minority youth should be better targeted. It must be explained what opportunities are opened to them by gaining citizenship, taking into consideration the future Latvian EU membership and the fact that the country is moving towards a creation of a professional army.

### **3. LANGUAGE LAW AND PROVIDING ADDITIONAL RESOURCES FOR LATVIAN LANGUAGE TRAINING**

#### **3.1. Overview**

66. In general terms, all international organisations and bodies agree that the Latvian Language Law of 1999 and the implementing regulations are essentially in conformity with Latvia's international obligations. It is the implementation of the law, or rather the limited availability and accessibility of Latvian language instruction for naturalisation purposes that remains the key issue of concern.

67. As regards the implementation of the State Language Law, the Supreme Court ruling of 6 June 2003, which declared unconstitutional Section 19. para. 5 of the **Law on Radio and Television** restricting the airtime of languages spoken by minorities in Latvian private media, has been a welcome step forward. Subsequently, nine private radio companies and three television companies immediately requested the National Council on Radio and Television to allow them to change their concepts and enlarge the amount of broadcasting in languages other than Latvian.

68. Language training in Latvia has been carried out through the National Latvian Language Training Programme. Since 1997 this Programme has developed modern teaching materials, provided free language courses tailored to the needs of specific groups, such as teachers and parents of students from minority schools, local government employees, medical and police personnel, and representatives from ethnic minority NGOs. By 2004, almost 68 000 participants had taken part in such courses. A total of 3085 courses have been offered under the Programme from 1997 to mid 2003, and more than 100 000 people have used the study aids developed as part of the Programme.

69. The Naturalisation Board co-ordinates the functioning of the special system of the Latvian language training for naturalisation. It meets the requirements of the examination of the proficiency in the Latvian language and it is meant for the persons wishing to become citizens of Latvia. The system is financed within the framework of the United Nations Development Programme (UNDP) and mainly from the funds of the foreign countries. 90.2 % persons having finished these courses have passed the examination of the proficiency in the Latvian language at their first attempt.

70. Since 2003 the Foundation of Integration of Society started the Latvian language training courses. They are free of charge or for part payment and any resident of Latvia may apply for these courses. The funding though has decreased from 185, 000 LVL in 2003 to 170, 000 LVL in 2004. At the same time, the EU funding for this purpose has considerably increased.

71. Since 2000 when the system began functioning, more than 7,100 persons have attended the courses or still attend them, i.e. 14 % out of the number of persons having submitted naturalisation applications. This figure is, however, not sufficient, considering the great number of non-citizens eligible for naturalisation living in the country.

#### **3.2. Outstanding**

72. Latvia will have to make a greater effort to avail sufficient funding and number of qualified teachers to encourage language training. To this end, further efforts are necessary to widen the accreditation of Latvian language teaching to competent non-governmental organisations, and to open the funds of the Society Integration Foundation for language training projects.

### **4. AMENDING AND IMPLEMENTATION OF THE EDUCATION LAW OF 1998**

#### **4.1. Overview**

73. The functioning of the education system and amendments to the Law on Education have for years been in the centre of passionate debate in Latvia, both in the political circles and in the civil



society. The education policy is viewed as the most acute source of social tension and perhaps the most critical internal problem of Latvia. On the other hand, the Law on Education has been considerably improved since the opening of the post-monitoring dialogue.

74. The education reform in Latvia aims at enabling all school-leavers to quit the educational system possessing a sufficient level of the state (Latvian) language, which is essential for the integration of the whole resident population in the country. Launched in 1995 and established in Law on education in 1998, this reform is scheduled to be carried out over a "transitional period" of 12 years and is supposed to be fully achieved by 2007.

75. The schools have been preparing for a gradual switch-over to bilingual education since 1999. The 9<sup>th</sup> graders of today, who will be the first ones directly concerned by the reform in the next academic year, are already studying 50% of their subjects in Latvian. The additional 10% thus involves two supplementary subjects in Latvian, to be freely chosen by each school.

76. The reform should be seen in the wider context of a re-building the nation state based on its historic cultural and territorial identity. This objective is to be reconciled with the reality of fifty years of Soviet occupation, which provided a strictly binary education system (Latvian schools for Latvians, Russian schools for Russians). This system persisted well into 1995. In fact, most state-funded schools with Russian language of instruction were preserved mostly unchanged throughout the 1990s. It is not surprising in this context that the transition of education in the schools with the Russian language of instruction to the state language is regarded by many Russian-speakers as resulting in deterioration of maintenance of cultural identity and their economic competitiveness. This fear has further been accentuated by the Russian-speaking media as well as by certain Russian politicians whose party politics are based on the "protection" of Russian identity abroad.

77. On the other hand, government personalities have regularly pointed out that if the education reform is not successfully implemented, an "underclass" of socially marginalised Russian-speakers could form in Latvia. These people, who due to their poor knowledge of Latvian, will be unable to compete effectively on the job market and will be in fact under-privileged. It is believed that if the education reform is not forced pushed through now, it might be regretted in the future.

78. In the 2003/2004 school year, 741 schools in Latvia had Latvian as the language of instruction, 159 schools had Russian (implementing bilingual education programme). There were 4 Polish, 2 Hebrew, 1 Ukrainian, 1 Estonian, 1 Lithuanian and 1 Belarusian schools, and separate classes in 2 schools taught in Romany.

#### **4.2. Recent developments**

79. A number of significant measures have been taken within the last year as regards amending the Law on Education of 1998. This Law originally included a provision that as of September 2004 studies in minority secondary schools would take place only in Latvian.

80. On 13 May 2003, the Latvian Government adopted the "General education Standard" which provided that from September 2004 minority secondary schools will also teach 60% of subjects in Latvian or bilingually and 40% in minority language.

81. It should be recalled here that the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities has acknowledged (in its opinion on Estonia) that the proportion 60/40 is a good reference and in conformity with the Framework Convention.

82. Following a number of protest manifestations against the education reform organised by the Russian-speaking NGOs over the summer months of 2003, the Cabinet of Ministers of the Republic of Latvia amended the Education Law and Professional Education Law on 12 August<sup>6</sup>.

83. On 11 September 2003, the Latvian Saeima adopted in the first reading the corresponding amendments to the Law on Education.

84. On 22 January 2004 the Latvian parliament had adopted a wording of the Law on education different from that adopted in the first reading. The changes provided that "secondary schools teach in Latvian, except for minority languages and other subjects related to the minority identity and culture in accordance with the General Education Standard". This unexpected and ambiguous wording created an uproar among the local Russian-speaking community as well as the Latvian society in general, for the amended version did not determine which subjects related to "minority identity and culture" and left a real and unacceptable possibility to narrow the scope of subjects to be chosen.

85. On 27 January 2004, President Vike-Freiberga stated that she would veto the Law if the same wording as adopted in the second reading would remain in the third reading.

86. Finally these highly contested amendments were significantly altered at the third reading on 5 February 2004 and were promulgated by the State President on 10 February 2004. The final version legally consolidated the norms that were previously foreseen in Government regulations. It removed the ambiguity on the application of the agreed 40% quota for teaching in minority languages in secondary schools. Furthermore, the amendments expressly provide that teaching of foreign languages rests within the 60 % quota foreseen for teaching in Latvian. In effect this means that the proportion of classes taught in Latvian and in the minority languages will be more generous to the use of minority language.

#### **4.3. Outstanding**

87. It is comprehensible that the Latvian authorities endeavour to form the Latvian nation by protecting and promoting the national language and culture. Every resident of Latvia, regardless of his or her citizenship status, should strive for an adequate command of the state language. It is extremely important that all young people leave secondary education with a good command of Latvian. In this respect, the recently adopted amendments to the Law on Education which provide that from September 2004 minority secondary schools will teach 60% of subjects in Latvian or bilingually and 40% in the minority language can only be welcomed. Nevertheless measures favouring the national language should in no way infringe the rights of minorities to preserve and develop their identities. Also, learning the official language must not continue to lower the standard of teaching in other subjects. Flexible implementation as regards the timing and possibilities for provisional arrangements for individual schools that may have difficulties meeting the September 2004 deadline is therefore necessary to ensure that the principle of equal education opportunities is upheld.

88. Again further amendments to the Education Law should be pursued with a view to abolishing the provisions that restrict the funding of private schools offering education in minority languages. All properly certified private educational institutions which implement accredited education programmes should be able to receive subsidies.

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<sup>6</sup> These amendments were aimed at permitting, as from 1 September 2004, to teach up to 40% of the curricula in state-funded minority secondary schools and professional schools in minority languages, but not less than 60% in Latvian. Although concrete language proportions were not mentioned in the law, the amendments referred to the governmental regulations adopted on 13 May 2003. Another provision stipulated that after the end of the transition period (2004-2006), not less than 5 subjects in minority secondary schools – besides the Latvian language and literature – were to be taught in Latvian. The school could determine the subjects to be taught in Latvian itself. As from the year 2007 all state examinations and tests would be passed in Latvian.

#### **4.3. 1. Attitudes to education reform**

89. The amending procedure of the Education Law has been reacted to by a strong mobilisation of Russian-speaking associations and political forces supporting the minorities. Over the last year, Latvia has seen some of the largest post-independence manifestations taking place in protest against the education reform. 106,157 signatures were collected in September 2003 by residents of Latvia in favour of maintaining state-supported secondary education in minority languages. More recently, the second reading of the draft law brought thousands of schoolchildren and their parents into the streets in protest to the curbing amendments. These manifestations had become quite regular, attracting more or less protesters, but mostly involving less than 3% of the Russian-speaking minority in the country.

90. The Latvian government has promised that educational reform will be implemented flexibly. Substantial collaboration has already been carried out with minority schools in preparation of the reform. To this end, the Ministry of Education and Science is continuing to examine the preparedness of each school for the reform and offer assistance and individual transition time-tables to schools encountering difficulties. The new Minister of Education has promised to personally visit all "problematic" minority schools in the country (about 15) to discuss their problems individually.

91. The new government has also declared its willingness to engage itself in a constructive dialogue with minorities regarding this reform. Dialogue is more than ever necessary, especially in the context of the recent radicalisation of a small part of the Russian speaking community, noted both in the recent report of Rolf Ekéus, OSCE High Commissioner on National Minorities, and in the opinion of the co-rapporteurs on the re-opening of the monitoring procedure.

92. I cannot but entirely agree with Mr Cilevics' comment that "each member state is responsible for the protection of minorities within its territory". I am indeed convinced that the Russian-speaking minority in Latvia should speak up for its own interest, as it is well represented in the national parliament (25 seats out of 100). However, the recent political competition between the split pro-minority parliament factions and the means they have resorted to in order to win over their electorate on the eve of the first elections to the European Parliament, oblige us to be cautious. The question is politically sensitive and could be exploited. Within the current heated debate over the education reform, it is absolutely essential that the interest of children should come first. In the framework of the debate on education reform children's interests have priority. I am not convinced that putting a moratorium on the reform or returning back to teaching the entire curriculum in Russian would serve that purpose. Besides, any manipulation of pupils attempted by any political party or civil society grouping is unacceptable and unethical.

93. Furthermore, I still strongly hold that any foreign campaign claiming that the Russian minority is being discriminated is counter-productive for the promotion of good-neighbourly relations with Russia. Besides this situation has tainted the image of the country, a new member of the European Union.

94. I sincerely hope that the Russian Federation will from now on express its wish to promote action that would help the Russian community to integrate better in the Latvian society. As was requested in paragraph 7 of Resolution 1236 (2001). At the same time being aware of their Russian roots, this community should maintain contacts through improved mobility of the population and opportunities to maintain contacts with Russian culture and language.

#### **4.3.2. Major concerns for the Russian-speaking minority**

95. Back in November 2003, my meetings with NGO and Human Rights representatives of the country revealed more worries concerning the reform than sentiments of protest or against it. Many felt that the ground for the switch had not been properly prepared and that no consultation with those directly affected by the reform had taken place while making the decision. All minority schools have been working hard to make their programmes meet the 60:40 criteria and at most schools these programmes have already reached at quite advanced stages of approval. Yet the majority of the Russian-speaking parents were concerned about the quality of education, pointing to the fact that minority schools did not have enough teachers able to teach their subjects in Latvian.

96. In addition, some NGO representatives expressed their complaints that the Russian-speaking children's knowledge of mother tongue had substantially deteriorated since the number of subjects taught in Latvian had increased.

97. In the light of the above, I have taken extremely seriously the declaration of the new Minister of Education and Science that the transition would not be rushed and that the principle of equal education opportunities would be upheld through a flexible application of the education law.

98. Nevertheless, the most frequent complaint by minority NGOs was the lack of dialogue between authorities and those directly affected by the reform. Evidently further efforts should be stepped up to involve minority representatives in any relevant decision-making process. Discussions should be encouraged in a form of an open dialogue and not by simply informing the minority organisations and persons concerned of the progress undertaken.

## **5. ESTABLISHMENT OF A STATE BODY IN CHARGE OF MINORITY AFFAIRS**

99. The post of Minister for Special Assignments for Society Integration Affairs having been created in late 2002 in order to promote social integration, protect ethnic minorities and eliminate racial discrimination in Latvia, it could be agreed that Latvia has fulfilled part of paragraph 5.v. of Resolution 1236 (2001).

100. Mr Muiznieks has been re-appointed as Special Assignments Minister in the composition of the new government coalition. This continuity will certainly prove useful for rapid and definite progress to be made in this field.

## **6. RATIFICATION OF THE SOCIAL CHARTER OF THE COUNCIL OF EUROPE**

101. Following the entry into force of the European Social Charter on 2 March 2002, after its ratification by the Saeima (Parliament) on 6 December 2001, this issue may be considered as closed.

## **7. SPEEDING UP OF THE IMPLEMENTATION OF THE SOCIAL INTEGRATION PROGRAMME**

102. The Society Integration Foundation, which became fully operational in October 2001, is considered as the main implementing mechanism of the National Programme for Integration of Society in Latvia. It has provided funding to promote minority education and foster dialogue in society and among minorities themselves. Numerous Foundation projects aim to facilitate the transition in minority schools, while others help to preserve ethnic minority language and culture and promote cooperation between Latvian and minority schools.

103. The influence of the Society Integration Foundation is gaining ground, even if still somewhat lacking focus. The Foundation's budget has also increased from 510,000 LVL in 2002 to 2,400,000 LVL in 2004.

104. For 2004, the state budget funding has been allocated as follows: 185,211 LVL have been allocated to 34 projects on Latvian language training for adults, estimating that around 2830 persons will participate in the courses. The goal of the project is to provide an opportunity for everybody with poor Latvian language proficiency to learn Latvian. The fee will depend on the income level of the applicants. 33,756 LVL have been allocated to 18 school projects aimed to provide information on education reform. Part of the funding is granted to mass media to inform about education reform. Another LVL 1,022,394 has been allocated by foreign donors within the framework of the PHARE programme. In addition, the first project competition within the PHARE Programme, allocating 1,283,850€ for the promotion of the society integration, has recently been launched.

105. The ongoing efforts to support the integration of non-citizens need to be sustained through the implementation of a comprehensive Society Integration Programme in all its aspects, including activities to encourage naturalisation and the expansion of Latvian language training.

## 8. OTHER ISSUES PERTAINING TO NON-CITIZENS

106. The official stance of the Latvian authorities has been to promote naturalisation as opposed to extending non-citizen's rights.

107. Various international organisations and bodies have recently suggested that Latvia consider granting non-citizens the right to vote in municipal elections, emphasising that this would help make all residents of the state feel responsible and realise that they have rights as well as responsibilities. However, equally grounded are the reflections of Latvian authorities, among whom also the President of Latvia Vaira Vīķe-Freiberga, according to whom granting the voting right to non-citizens would remove one of their primary incentives to naturalise. The possibility would be much more important if the naturalisation process was very difficult or expensive.

108. The State Language Law prohibits state, municipal and judicial institutions to accept written applications, statements and complaints from private persons in any language other than Latvian except for some emergency situations. Documents in "foreign language" can be accepted only when a certified translation into the state language is attached.

109. With this regard, Latvia should streamline the legislation and political practice in accordance with the Framework Convention by allowing communication with local authorities in minority languages in regions where minorities live in substantial numbers. In addition, certain standard administrative documents could, at significantly lower costs than providing interpreters, be translated into and distributed in minority languages.

## IV. RECOMMENDATIONS AND CONCLUSION

### *Recommendations*

110. In the light of the above, and with the aim of helping Latvia make further strides in its path towards the respect of its commitments, I recommend the Latvian authorities to:

- i. Strengthen the protection of minority rights by making definite progress towards ratifying the Framework Convention for the Protection of National Minorities without further delays;
- ii. Take a more pro-active approach in speeding up future naturalisation process by
  - a. taking into account the recent findings on the reasons for motivation or obstruction of naturalisation among the non-citizen population in future implementation of the Law on Citizenship;
  - b. accepting that all children born on the Latvian territory would automatically be considered as citizens of Latvia unless requested otherwise by their parents;
  - c. considering the possibility to further ease the naturalisation process for young non-citizens who have been born and grown up in the country;
  - d. applying a differentiated age pyramid that would make the naturalisation examination easier for those towards the end of their professional life and considering abolishing it altogether for pensioners or persons above 60 years of age;
  - e. examining the possibility of establishing naturalisation procedure free of charge for all non-citizens;

- f. allocating more substantial funds for motivation campaign and naturalisation purposes.
- iii. Facilitate the use of Russian in written communication with state administration by providing certain standard administrative documents in bilingual versions.
- iv. Further increase the funding for Latvian language teaching so as to enable all those interested in obtaining citizenship to acquire the requested Latvian language skills free of charge. To this end, widen the accreditation of Latvian language teaching and open the funds of the Society Integration Foundation to competent non-governmental organisations that are teaching Latvian language.
- v. As regards the Law on Education,
  - a. eliminate the discriminatory provisions concerning financial support for private minority schools;
  - b. ensure that the switch from minority languages to Latvian would not compromise the current high standards of education;
  - c. implement the education reform with flexibility and without rushing any transition so as to guarantee continued application of equal education opportunities;
  - d. provide all necessary support to minority schools in terms of providing adequate professional training and timely preparation of syllabi, textbooks and other study materials in order to maintain high quality of teaching;
  - e. step up the dialogue between the Ministry of Education and Science, minority schools and parents with a view to enhanced co-operation and reassurance of the benefits of the reforms.

### **Conclusions**

111. In conclusion, I fully share the opinion of co-rapporteurs Jurgens and Sasi (AS/Mon (2004) 13) who say that Latvia has shown substantial commitment to the construction of a democratic and balanced society. It has formally fulfilled all its obligations and commitments undertaken by Opinion 183 (1995) upon accession to the Council of Europe and the essential part of the recommendations prescribed in Resolution 1236 (2001) which closed the monitoring procedure and opened a post-monitoring dialogue. In this respect, the results achieved by Latvia are satisfactory.

112. Nevertheless, in certain aforementioned areas, expectations have fallen short, notably as regards guaranteeing minority rights through the ratification of the Framework Convention and undertaking more intense action for motivating their integration in the Latvian society. Therefore I would propose continuing the post-monitoring dialogue for some months in order to help the country significantly in three key areas: a) confirming the effectiveness of its policies as regards naturalisation and Latvian language teaching; b) implementing the education reform, notably as regards the efforts made towards the schools that are facing real problems; c) progress as announced in the ratification of the Framework Convention expected in the future as a signal of pacification and moderation.

113. Subject to appropriate follow-up being given to the above recommendations and on condition that no attempt be made to dilute or circumvent the agreed standards for minority education, I may consider proposing to the committee the termination of the post-monitoring dialogue before the end of 2004.

## Appendix 1

**Programme of the visit to Latvia of Mrs Durrieu,  
Chairperson of the Monitoring Committee  
(15-16 January 2003)**

**Members of the delegation:**

**Mrs Josette Durrieu, Chair of the Monitoring Committee**  
**Mr Geza Mezei, Secretary to the Committee**

**Tuesday, 14 January**

**23:00**                      *Arrival in Riga*

**Wednesday, 15 January**

**8:15**                      *Departure from the hotel*

**8.30 - 9.30**              *Meeting with Mrs Eizenija Aldermane, Director of the Naturalisation Board*

**9.50 - 10.50**            *Meeting with Mr Kārlis Šadurskis, Minister of Education and Science*

**11.05 - 11.50**          *Meeting with the State Secretary in the Ministry of Social Affairs*

**12.05 - 12.50**          *Meeting with Mr Andrejs Pildegovičs, Adviser of the President*

**13.10 - 14.40**          *Working lunch with the **Latvian Delegation to the Council of Europe Parliamentary Assembly***

**15.00 - 15.30**          *Meeting with the Deputy Speaker of the Saeima*

**15.45 - 16.15**          *Meeting with Mrs Sandra Kalniete, Minister of Foreign Affairs*

**16.30 - 17.15**          *Meeting with Mr Nīls Muisnieks, Minister of Integration*

**17.30 - 18.30**          *Meeting with representatives of Human Rights NGOs at the Council of Europe Information and Documentation Center*

**Thursday, 16 January**

**9:45**                      *Departure from the hotel*

**10.00 – 10.30**          *Meeting with Mr Einārs Repše, Prime Minister*

**10.45 - 11.30**          *Meeting with H.E. Mr Igor Stoudennikov, Ambassador of the Russian Federation in Latvia*

**11.30 - 12.30**          *Meeting with representatives of the Russian-speaking community*

**13.00 – 14.40**          *Working lunch with H.E. Mr Michel Foucher, Ambassador of France in Latvia*

**15.55**                    *Departure from Riga*

Appendix 2

**Programme of the visit to Latvia of Mrs Durrieu,  
Chairperson of the Monitoring Committee  
(19 – 20 November 2003)**

**Members of the delegation:**

**Mrs Josette Durrieu, Chair of the Monitoring Committee**  
**Mrs Ivi-Triin Odrats, co-secretary of the Committee**

**Tuesday, 18 November 2003**

23:00                      Arrival in Riga  
                                    Check-in at the Hotel "Konventa Sēta"

**Wednesday, 19 November 2003**

7.40                        Departure from the hotel

8.00 - 9.30                Meeting with representatives of Human Rights NGOs and representatives of the Russian-speaking community (organised by Mr Uldis Krastiņš, Chief of Council of Europe information center \*)

9.45 - 10.45              Meeting with **Mr Agris Timuska**, Director of the State Language Center

11.00 - 11.45             Meeting with **Mrs Sandra Kalniete**, Minister of Foreign Affairs

12.00 - 12.45             Meeting with **Mr Kārlis Šadurskis**, Ministry of Education and Science and **Mrs Aija Priedīte**, Head of the Latvian Language State Education Programme Center

12.55 - 13.55             Meeting with **Mr Nils Muiznieks**, Minister for Special Assignment for Society Integration Affairs, and **Mr Nils Saks**, representative from Social Integration Foundation

14.10 - 15.10             Working lunch hosted by the **Latvian Delegation to the Council of Europe Parliamentary Assembly**

15.30 - 16.10             Meeting with **Mrs Ingrīda Ūdre**, Speaker of the Saeima (with the participation of **Mr. Andris Bērziņš**, Chairman of the Latvian delegation to the PACE)

16.30 - 17.10             Meeting with **Mrs Eiženija Aldermane** Director of the Naturalisation Board

17.30 - 18.15             Meeting with **H.E. Mr Igor Stoudennikov** Ambassador Extraordinary and Plenipotentiary of the Russian Federation

21.00                        Working dinner hosted by **H.E. Mr Michel Foucher** Ambassador Extraordinary and Plenipotentiary of France



**Thursday, 20 November 2003**

- |               |   |
|---------------|---|
| 9.10          | Departure from the hotel  |
| 9.30 – 10.10  | Meeting with <b>Mr Einārs Repše</b> Minister-President                  |
| 10.30 - 11.00 | Meeting with <b>H.E. Mrs Vaira Vīķe-Freiberga</b> , President of Latvia |
| 11.15 - 11.40 | Press conference with the representatives of the Latvian mass-media     |
| 11.40 - 11.55 | Press interview by <i>Laku Avize</i> , Latvian newspaper                |
| 13.15         | Departure from Riga   |

\* List of representatives of NGOs present during the meeting on 19 November 2003:

1. Ilze Brands-Kehre, Latvian Centre for Human Rights and Ethnic studies
2. Igord Pimenovs, LASHOR
3. Gita Feldhune, Institute for Human Rights, Faculty of Law, University of Latvia
4. Tatjana Liguta, Russian Language and Literature association of Latvia, Minority Consultative council
5. Lidiya Kravchenko, Ukrainian Secondary school
6. Marija Fomina, Polish school, Minority Education consultative council
7. Boris Kolchanov, Baltic Insight: Centre for Pedagogic and Social Researches
8. Vjaceslavs Vasins, Civil Initiative XXI
9. Rafi Kharajanyan, National Culture Society Association of Latvia, Armenian Association of Latvia

Appendix 3

**Resolution 1236 (2001)<sup>1</sup>**  
**Honouring of obligations and commitments by Latvia**

1. The Assembly welcomes the substantial progress Latvia has made towards honouring its commitments and obligations as a member state since its accession to the Council of Europe on 10 February 1995. Latvia has thus met most of the objectives and deadlines set out in Assembly Opinion No. 183 (1995):

i. Latvia had already ratified the European Convention on Human Rights and its Protocols Nos. 1, 2, 4, 7 and 11 as well as Protocols Nos. 3, 5 and 8 before the monitoring procedure opened on 26 September 1997; since then Latvia has also ratified Protocol No. 6, on 7 May 1999;

ii. Latvia has also ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (10 February 1998); the European Convention on Extradition (2 May 1997); the European Convention on Mutual Assistance in Criminal Matters (2 June 1997); the Convention on the Transfer of Sentenced Persons (2 May 1997); the General Agreement on Privileges and Immunities of the Council of Europe and its additional protocol (15 January 1998); and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (11 December 1998);

iii. Latvia has honoured its obligation to settle international disputes by peaceful means, as an obligation incumbent on all member states of the Council of Europe.

2. As regards the honouring of commitments related to the situation of Latvia's stateless non-citizen population, the Assembly welcomes:

i. the amendments to the Law on Citizenship as approved in a nationwide referendum on 3 October 1998, which abolished the "age-window system", granted Latvian citizenship to stateless children born in Latvia since 21 August 1991, simplified the language tests for persons aged over 65 years and reduced the number of questions in history and other knowledge tests;

ii. the adoption by the Saeima of the amended State Language Law on 9 December 1999 and of implementing legislation in August 2000, as well as the further amendments made to these regulations by the Cabinet of Ministers on 21 November 2000, thus completing the implementation mechanism of the State Language Law, which is now essentially in conformity with Latvia's international obligations.

3. Noting the adoption of the Education Law (29 October 1998), the Assembly considers it to be essential that Latvian authorities maintain an open dialogue with the non-Latvian speaking community on the further implementation of this law, in particular on issues concerning the introduction of Latvian as the sole language of instruction in secondary schools by 2004, and the implementation of minority education programmes in primary schools.

4. The Assembly welcomes the National Programme for the Integration of Society in Latvia which was adopted by the Cabinet of Ministers in December 1999, presenting a comprehensive approach to furthering civic participation and integration in the political, social, educational and cultural fields. The Assembly considers the implementation of the social integration programme to be outstandingly important for Latvia's future development, and expects the speedy establishment of the new institutions foreseen in the programme.

5. The Assembly calls on the Latvian authorities to pursue their policy towards consolidation of democratic reforms and social integration by undertaking the following:

i. to ratify as a matter of priority the Framework Convention for the Protection of National Minorities (signed by Latvia on 11 May 1995) and to amend and implement legislation, in particular the amended State Language Law, in conformity with the provisions and the spirit of the framework convention;

ii. to give further encouragement to non-citizens to apply for citizenship – through media campaigns and public statements by the political leadership. Despite significant progress made in the naturalisation process, sustained efforts are imperative to produce further results in this field by, for instance, combining the compulsory tests for naturalisation with centralised final school exams, targeting language training for naturalisation candidates and reducing the cost of the application for naturalisation;

iii. to provide additional resources to the Naturalisation Board and the National Programme for Latvian Language Training;

iv. to amend and implement the Education Law of October 1998 in accordance with the provisions and spirit of the Framework Convention for the Protection of National Minorities;

v. to devise and adopt a law on the protection of national and language minorities and establish a state body in charge of minority affairs;

vi. to ratify as a matter of priority the Social Charter of the Council of Europe;

vii. to speed up the implementation of the Social Integration Programme.

6. The Assembly encourages the non-citizen population of Latvia to take advantage of all opportunities to learn the state language and to apply for citizenship in order to fully participate in the country's political, economic, social and cultural life.

7. The Assembly calls on the authorities of the Russian Federation to reduce the fees for visas for Latvian citizens to the same level as the fees for non-citizens, and also calls on the Russian and other neighbouring states' authorities to encourage non-citizens in Latvia to apply for Latvian citizenship.

8. The Assembly calls on all member states of the Council of Europe:

i. to grant technical assistance to the implementing agencies of the State Language Law and Latvia's Naturalisation Board, and both financial and technical assistance to the National Programme for Latvian Language Training and the agencies implementing the Social Integration Programme;

ii. to fund Council of Europe confidence-building projects with a view to strengthening social integration at the level of civil society.

9. In conclusion, the Assembly is of the opinion that Latvia has made substantial progress in honouring its obligations and commitments as a member state of the Council of Europe, and that Latvia is also determined to fulfil the remaining commitments. The Assembly therefore considers the current monitoring procedure as closed. It will carry out its post-monitoring dialogue with the Latvian authorities through its Monitoring Committee on the issues listed in paragraph 5 above, or on any other issue arising from the obligations of Latvia as a member state of the Council of Europe, with a view to reopening the procedure in accordance with Resolution 1115 (1997) if further clarification or enhanced co-operation is deemed desirable.

1. Assembly debate on 23 January 2001 (2nd Sitting) (see Doc. 8924, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: MM. Davis and Jansson). Text adopted by the Assembly on 23 January 2001 (2nd Sitting).

### APPENDIX III

26/06/04

#### ***Condemnation of rebel attacks in the North Caucasus***

#### ***Appeal to stop further escalation of violence***

Strasbourg, 25.06.2004 – The Bureau this morning adopted the following statement:

“The Bureau strongly condemns the recent acts of violence committed by rebels in a series of attacks throughout the North Caucasus region this week. Its members, appalled by the scale of human suffering, express their condolences to the victims’ families.

Following the series of rebel attacks in Ingushetia, Dagestan and in Chechnya itself earlier this week, there are now reports of several large-scale “special operations” by Federal and Ingush forces. The methods used by the security forces in these operations are reminiscent of the “mop-up operations” immediately after the hot phase of the second Chechen war.

Human rights NGOs such as Memorial and Human Rights Watch fear that this may only be beginning of a new round of escalation of violence.

The Bureau consequently recalls that violence cannot bring about a solution to the conflict in the region.

Any legitimate law enforcement activities must respect basic principles of the rule of law, in line with the Assembly’s earlier recommendations.

APPENDIX IV

AS/Bur (2004) 56  
10 June 2004

**Bureau of the Assembly**

***Meeting of the President of the Parliamentary Assembly of the Council of Europe and the Presidents of Parliaments of Armenia, Azerbaijan and Georgia (Strasbourg, 17 May 2004, 4 pm – 6 pm)***

*Memorandum for the Bureau of the Assembly*

1. The meeting took place at the invitation of the President of the Parliamentary Assembly on the occasion of the European Conference of Presidents of Parliaments (Strasbourg, 17-19 May 2004).
2. It was held following the adoption by the Parliamentary Assembly of Resolution 1358 (2004) on functioning of democratic institutions in Azerbaijan and Resolution 1361 (2004) on honouring of obligations and commitments by Armenia, in which the Assembly called "on the Bureau of the Assembly to consider how the regional parliamentary dialogue and co-operation involving the Speakers of Parliaments, that had been established, could be restored and progress made as soon as possible".
3. Mr Peter Schieder, President of the Assembly, opened the meeting (statement appended).
4. Mr Arthur Baghdasaryan, President of the Armenian Parliament, spoke in favour of developing regional cooperation on different issues (regional conflicts, creation of a common economic space, culture and education etc.) Existing problems should be solved peacefully and through dialogue. Neighbours of the South Caucasus countries (in particular Russia and Turkey) could also take part in the regional dialogue. He proposed signing a "Stability Pact for the South Caucasus" and said that the priority of the Armenian foreign policy was a closer integration with the European Union.
5. Mr Murtuz Aleskerov, President of the Azerbaijan Parliament, considered that meetings of the Presidents of the three Parliaments were useful. He said that the Council of Europe had an important role to play in the South Caucasus to help ensure full respect of human rights. Existing armed conflicts were the biggest obstacle to the development of the region. The Nagorno-Karabakh conflict has led to the occupation of 20 % of the territory of Azerbaijan and created more than one million refugees and internally displaced persons. He said that cooperation with Armenia could only start after solving this conflict and called on the OSCE Minsk Group to intensify its search for a peaceful solution.
6. Mrs Nino Burjanadze, President of the Georgian Parliament, considered the fact that old problems existing in the region were now being openly discussed as positive. She agreed that conflicts, including those in Georgia, were the biggest obstacle to the development of the region. Their solution needed new and innovative approaches and the Council of Europe should help in this respect. The Parliament of Georgia was actively supporting the creation of a "South Caucasus Parliamentary Assembly". She stressed that the main objective of the Georgian foreign policy was joining the European Union.

7. Following discussion, the President of the Assembly drew up the following preliminary conclusions:

a. Closer integration with the European Union is a priority for the three countries and the Council of Europe should help in this respect, in particular by supporting democratic reforms.

b. The position of Azerbaijan linking cooperation with Armenia to the solution of the Nagorno-Karabakh conflict must be taken into consideration. In this connection, it is important that the work of the OSCE Minsk Group be intensified.

c. The proposals for a "Stability Pact for the South Caucasus" and for a "South Caucasus Parliamentary Assembly" are interesting, but their realisation may need more time.

d. The Parliamentary Assembly should help the three parliaments to find new and innovative methods of cooperation in the region. Such cooperation could be enlarged to different fields and groups of society. In this respect, a regional youth meeting could be envisaged in Tbilisi.

e. The Secretary General of the Assembly will carry out a visit to all three countries with a view to discussing possibilities of concrete assistance programmes with the Parliaments as well as a possible regional dimension of inter-parliamentary cooperation.

f. The President of the Assembly will follow up the afore-mentioned proposals, including those with the OSCE Minsk Group and the Council of Europe European Youth Centre. He will convene a meeting of the Chairpersons of the three parliamentary delegations during the October 2004 part-session to evaluate progress. The President of the Assembly and the Presidents of the three Parliaments could meet again at the end of 2004 or at the beginning of 2005.

\*\*\*\*\*

### **Appendix - Statement by the President of the Assembly**

I am very glad to welcome you in Strasbourg and thank you for accepting my invitation to this meeting, which goes in the footsteps of the Speakers' meetings held in 1999-2000. I know that Mr Aleskerov took part in all of them.

At that time, the main issue was to stimulate confidence building and cooperation in the South Caucasian region in a period when Azerbaijan and Armenia were about to become members of the Council of Europe. These meetings were very valuable, facilitated the accession of both countries and put a good basis to our today's cooperation. Now, nearly all Committees have items on their agenda related to the South Caucasus region. This is very good and, in my opinion, we should not aim at setting up new structures to duplicate Committees' work.

As Speakers, we should look forward and explore new possibilities for cooperation. Because your region undoubtedly needs more confidence and more cooperation. In this respect, let me recall the principle on which was based the first declaration of the Speakers of your countries adopted five years ago here in Strasbourg:

"parliamentarians have an important role to play in developing regional cooperation and creating an atmosphere of confidence".

Today, we should try to come up with new ideas with a view to implementing this task. New, but realistic. We know that there are serious problems hindering cooperation in the region at institutional level. But we might help to encourage human contacts. There may be reasons why politicians cannot meet, but why should not ordinary people meet? Professionals, young people, NGOs.

I sincerely wish that we discuss such proposals instead of presenting official positions on the existing problems. These positions are widely known. This year alone, President Saakashvili addressed the Assembly this January, President Aliyev did so in April and President Kotcharian will come in June.

Let's be innovative and concentrate on what we can do now, rather than formulating conditions under which a future cooperation could be possible.

Further, as you know, we are prepared to facilitate and support parliamentary cooperation and help to improve the functioning of your Parliaments in the framework of our cooperation programme. Mrs Burjanadze, Speaker of the Georgian Parliament, has already made proposals in this respect. We are ready to extend this cooperation to all three countries. The Secretary General of the Assembly intends to visit Armenia, Azerbaijan and Georgia at the beginning of July 2004 to explore possibilities for concrete programmes.

I wanted this meeting as informal as possible. There is no obligation of a result. That's why I have not presented to you any draft declarations to avoid arguing about words instead of discussing substance. But if we could reach an agreement, even on a one single concrete issue, I would consider this meeting a success.

APPENDIX V

AS/Bur (2004) 67  
20 July 2004

**Bureau of the Assembly**

**PARLIAMENTARY ASSISTANCE PROGRAMMES WITH ARMENIA,  
AZERBAIJAN AND GEORGIA**

**Memorandum on the visit of the Secretary General of the Parliamentary Assembly to  
Armenia, Azerbaijan and Georgia from 30 June to 5 July 2004**

**1. Introduction**

1. At its meeting on 6 April 2004, the Bureau of the Assembly took note of the memorandum on "Parliamentary Assembly assistance programmes" prepared by the Secretary General of the Parliamentary Assembly (SG PA) and approved the proposals contained therein (see document AS/Bur (2004) 31). In this connection, it authorised the SG PA to explore possibilities for regional assistance programmes in the South Caucasus involving the Parliaments of Armenia, Azerbaijan and Georgia.

2. The President of the Parliamentary Assembly and the Presidents of Parliaments of Armenia, Azerbaijan and Georgia met on the occasion of the European Conference of Presidents of Parliaments on 17 May 2004 in Strasbourg. One of the conclusions of this meeting was that the SG PA would carry out a visit to all three countries with a view to discussing the possibilities of concrete assistance programmes with the Parliaments as well as a possible regional dimension of inter-parliamentary cooperation.

3. In accordance with the above-mentioned decision, the SG PA visited Azerbaijan (30 June – 1 July 2004), Georgia (2-3 July 2004) and Armenia (3-5 July 2004). Mr Wojciech Sawicki, Director in the Assembly Secretariat, and Mr Petr Sich, Executive Assistant of the SG PA, accompanied him. The programme of the visit is appended.

4. During this visit the SG PA met with the Presidents and Secretaries General of Parliaments, Chairpersons and members of the respective parliamentary delegations to the Parliamentary Assembly, Chairpersons of Committees, representatives of political groups in the Parliaments and members of staff. The authorities of the three countries also arranged for meetings with the Ministers of Foreign Affairs as well as the President of Azerbaijan and the Prime Minister of Georgia.

5. The discussions held were very open and constructive. The Parliamentarians and the staff confirmed their keen interest in closer contacts with the Parliamentary Assembly at practically all levels. Concrete proposals resulting from these talks are contained in this memorandum.



6. Furthermore, members of Parliaments as well as government authorities raised a number of political issues linked to the situation in their countries and the conflicts in the region. However, as such questions were not part of the mandate for this visit they are referred to in this memorandum only to the extent that they directly affect the matters of parliamentary cooperation.

7. The SG PA would like to thank very sincerely all three Parliaments, in particular their Presidents and Secretaries General, for an excellent organisation of this visit in their respective countries and their outstanding hospitality.

## **2. Bilateral cooperation**

8. In recent years, the Assembly has received several requests for assistance from national parliaments of member states or from new parliamentary delegations. With regard to the South Caucasus region, a specific request has been received from the Parliament of Georgia.

9. The Bureau approved the principles of parliamentary assistance programmes on 6 April 2004 (AS/Bur (2004) 31). The following proposals have been formulated in accordance with these principles and based on the requests made by the Parliaments. Their implementation, however, may depend on the financial means available.

### **- Assistance to national parliaments and delegations**

10. It was suggested that cooperation be reinforced between the corresponding committees of the Assembly and the national parliaments on subjects of interest to these parliaments, in full respect of the position of the national delegations, which are the statutory partners of the Assembly.

11. Seminars and hearings organised by Parliamentary Assembly Committees could be attended by members of national parliamentary committees concerned and experts either in Strasbourg or Paris in the framework of their current activities.

12. Moreover, other seminars and hearings could be organised in the region by the Assembly's Committees on such subjects as: experience of other Central and Eastern European countries with democratic transition, financing of political parties, civil service, situation of refugees and displaced persons, conflict resolution, management of water resources.

13. Furthermore, the current practice of organising seminars in Strasbourg on the functioning of the Assembly and the work of the Council of Europe for members of national parliamentary delegations should continue. However, these seminars could also be organised with the participation of experts on specific subjects according to the needs of national delegations.

14. High attention should be given to cooperation with national parliamentary Committees on European Affairs and/or Integration. It was clearly stated that integration to the European Union was the priority for all three countries. Possibilities of cooperation with the European Parliament in this respect should also be explored.

15. Cooperation with national parliamentary committees on legal affairs and human rights also deserves particular attention, as these committees are concerned with the implementation of commitments entered into by the respective countries at the moment of their admission in the Council of Europe.

16. It would be important to organise these activities in cooperation with Directorates General of the Council of Europe, which have the necessary expertise on specific matters. The Directorate General of Legal Affairs has specifically mentioned, as legal expertise is necessary for the Parliaments to assess the compliance of all draft laws with European standards in general and Council of Europe conventions in particular.

- ***Assistance to parliamentary staff members***

17. Emphasis was put on the important contribution of staff to the work of Parliaments. The staff should not only be trained on parliamentary procedures, but also on matters of substance like European Conventions, judgements of the European Court of Human Rights etc. Cooperation with Directorates General of the Council of Europe would again be crucial.

18. There was a clear interest to intensify study visits of staff members to Strasbourg as well as to organise training sessions in the respective countries with the assistance of the Assembly. The Parliaments are also interested in seconding staff members to the Assembly Secretariat for a period of 6 months to 1 year.

19. With respect to staff training, it should also be noted that the Assembly already contributes to the participation of the staff of these Parliaments in the activities of the "European Centre for Parliamentary Research and Documentation" (ECPRD). The visit was also a good occasion to stress the key position of ECPRD national correspondents who receive invitations to seminars and determine who should take part in them.

20. As a follow-up to this visit, the SG PA envisages inviting the Secretaries General of the three Parliaments to a meeting on the occasion of the October 2004 Assembly part-session.

### **3. Multilateral cooperation**

21. Following the above-mentioned meeting of the President of the Assembly and the Presidents of the three Parliaments on 17 May 2004, the President of the Assembly stressed that the position of Azerbaijan linking cooperation with Armenia to the solution of the Nagorno-Karabakh conflict had to be taken into consideration.

22. This position was confirmed during the SG PA's visit. All three Parliaments welcomed as frequent contacts as possible at different levels and in different frameworks, but a regional parliamentary cooperation at institutional level does not seem realistic at this moment.

23. However, the idea of encouraging regional contacts at civil society level under the auspices of the three parliaments and the Assembly seemed to encounter fewer difficulties. In particular, it was suggested that such contacts should be encouraged among young people, journalists and lawyers.

24. More concretely, the Parliament of Georgia would be willing to host a conference of the Youth of the South Caucasus, which could take place next year in Tbilisi under the auspices of the President of the Assembly and the Presidents of Parliaments of the three countries. This proposal was already mentioned during the meeting between the President of the Assembly and the Presidents of Parliaments of the three countries on 17 May 2004 in Strasbourg.

25. This proposal could be discussed further at the meeting of the President of the Assembly with the Chairpersons of the national delegations of Armenia, Azerbaijan and Georgia foreseen during the October 2004 part-session. If agreed to, this event could take place in association with the Council of Europe European Youth Centre, which, following preliminary contacts, seems open to this idea.

26. It was also suggested during the visit that the Assembly political groups could encourage contacts with and between the political forces of the three countries as well as their integration at European level.

27. Finally, it was suggested by various interlocutors that the Russian and Turkish Parliaments could be involved in the regional parliamentary activities.

#### **4. Languages**

28. It was stressed during the visit that the lack of knowledge of the Council of Europe official languages, English and French, hinders cooperation with the Parliamentary Assembly. It puts serious limitations both on training and on the use of the Council of Europe documents, including the texts adopted by the Assembly.

29. One of the solutions to this problem consists in intensive language courses for both members of Parliament and the staff. It was therefore very positive to see that some courses were already being organised through Embassies. National Parliaments could also provide help in this respect.

30. However, it was recognised that language learning takes time. Therefore, it was requested that draft resolutions and recommendations as well as adopted texts, which are currently translated into Russian with the help of the Assembly, could also be made available, informally, to the three Parliaments of the region. It was also requested that Russian interpretation should be available during meetings and training seminars.

#### **5. Conclusions**

31. Assistance by the Parliamentary Assembly seems crucial for ensuring that the Parliaments of the region fully play their constitutional role and for improving their democratic functioning, including relations between the majority and the opposition in Parliaments. Members of Parliaments and the staff should become more familiar with the European standards in order to contribute efficiently to the legislative reforms in their country.

32. Such assistance should help ensure that draft laws, from the very beginning of the legislative process, correspond to European standards. The expertise of nearly completed legislation is useful, but it requires costly translations and may delay the legislative process. In some cases it can also be difficult for outside experts to take fully into account the specific conditions in the country.

33. At present, there is no specific funding foreseen in the Assembly's budget for parliamentary assistance programmes with the South Caucasus countries, apart from organising events in connection with Committee meetings, receiving occasional trainees in the Assembly secretariat and one or two "seconded" staff members from these Parliaments.

34. Therefore, the Bureau is asked to:

- authorise the SG PA to start implementing proposals contained in this memorandum within the limits of the currently available budgetary means;
- ask the SG PA to present to the Bureau at a forthcoming meeting a list of specific parliamentary assistance programmes with estimated costs to be forwarded to the Secretary General of the Council of Europe with request to include their financing in the ordinary budget of the Council of Europe or in the framework of voluntary contributions;
- consider on a case-by-case basis the possibility of authorising meetings of Assembly Committees in the South Caucasus region in addition to their "annual ticket" meetings, provided that these meetings aim at reinforcing parliamentary assistance to national parliaments;
- ask Assembly Committees to examine their possible contributions to parliamentary assistance programmes and to inform the Bureau about their proposals;
- invite the President of the Assembly to put on the agenda of his meetings with the Chairpersons of the national delegations of Armenia, Azerbaijan and Georgia during the October 2004 part-session the proposal to organise a conference of the Youth of the South Caucasus, which could take place next year in Tbilisi under the auspices of the President of the Assembly and the Presidents of Parliaments of the three countries;
- invite the Assembly Political Groups to consider developing and encouraging bilateral and multilateral contacts with the political forces of the three countries.

**APPENDIX VI**

AS/Bur (2004) 80  
4 October 2004

**Bureau of the Assembly**

**IMPLEMENTATION OF PARAGRAPH 6 OF RESOLUTION 1376  
(2004) ON CYPRUS**

**I. EXPLANATORY NOTE BY THE SECRETARY GENERAL OF THE ASSEMBLY**

1. On 29 April 2004, the Assembly adopted Resolution 1376 (2004) on Cyprus. In paragraph 6, the Assembly "decides to associate more closely elected representatives of the Turkish Cypriot community in the work of the Parliamentary Assembly and its committees, beyond the framework of Assembly Resolution 1113 (1997) and integrated to the Cypriot Delegation".
2. On 30 April 2004, the Bureau invited the Secretary General of the Assembly to prepare a memorandum on the implementation of this decision of the Assembly.
3. On 25 June 2004, the Bureau:
  - a. took note of the memorandum prepared by the Secretary General of the Parliamentary Assembly on this issue (AS/Bur (2004) 55);
  - b. took note of the letters sent to the President of the Assembly by Mr Christofias, Speaker of the Parliament of Cyprus, and Mr Nami, representative of the Turkish Cypriot community;
  - c. decided to postpone its decision on this matter until the Bureau meeting on Monday 4 October 2004.
4. On 7 September 2004, the Bureau noted that, if the President has not received a reply from the Parliament of Cyprus on this matter at least two weeks before the beginning of the October 2004 part-session, he intends to invite representatives of both sides to meet him before the Bureau meeting on 4 October 2004.
5. On 21 September 2004, the President received letters from Mr Christofias, Speaker of the Parliament of Cyprus, and Mr Christodoulides, Chairman of the parliamentary delegation of Cyprus, containing the position of the Parliament of Cyprus on the draft decision and presenting concrete amendments to it.
6. Subsequently, a revised draft decision has been prepared. Should the Bureau approve it, according to the usual procedure this decision would be included in the Progress report of the Bureau and submitted to the Assembly for approval.

## II. REVISED DRAFT DECISION OF THE BUREAU

In implementing paragraph 6 of Resolution 1376 (2004) on Cyprus, the Bureau decides to apply the following measures to associate more closely “elected representatives of the Turkish Cypriot community” in the work of the Assembly and its committees:

1. According to paragraph 6 of Resolution 1376 (2004), they must be elected representatives of the Turkish Cypriot community. Their number will result from paragraph 10 of Resolution 1113 (1997) which states: “Cyprus is entitled to three representatives (and three substitutes) in the Parliamentary Assembly, two of which are to be Greek Cypriots and one a Turkish Cypriot. ...”

**2. Consequently, the Bureau invites two “elected representatives of the Turkish Cypriot community” to sit in the Chamber.** For each sitting, only one of them can get the floor. If authorised by the President to speak in the Chamber, the person will appear on the list of speakers with the indication: Cyprus\* (\*according to Resolution 1376 (2004)). As regards the order in which they will be included on the list of speakers, paragraph 12 of the Additional provisions relating to Assembly debates (adopted by the Bureau on 25 March 2002) will apply.<sup>7</sup>

**3. The names of these two “elected representatives of the Turkish Cypriot community” will be communicated to the President of the Assembly by those Turkish Cypriot political parties whose members shall represent the Turkish Cypriot community in the Assembly. The President will submit these names to the Bureau and then to the Assembly for approval and this decision will be valid for the whole Assembly session.**

4. The names of these representatives will be added on the page “Cyprus” of the Assembly List at the end of the current text with an indication “representatives of the Turkish Cypriot community”.

**5. As regards the participation in committee work, according to Rule 47.7, each Committee can decide to invite these representatives to sit in the Committee and speak. This decision can be taken for the whole Assembly session.**

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<sup>7</sup> In conformity with Rule 15.3, they do not have the right to sit in the Standing Committee. However, the President may invite them to take part in a specific debate, subject to the Standing Committee's approval

**Appendix VII**

AS/Bur (2004) 62  
17 June 2004

## **Bureau of the Assembly**

### **Draft Co-operation agreement between the Parliamentary Assembly of the Council of Europe and the European Commission for Democracy through Law (Venice Commission)**

1. The aim of this Agreement is to enhance co-operation between the Parliamentary Assembly and the Venice Commission while fully respecting their respective competences as stated in the Statute of the Council of Europe and the Revised Statute of the Venice Commission.

#### **I. Participation in their respective activities**

2. Article 2 of the Revised Statute of the Venice Commission states that representatives of the Parliamentary Assembly may attend the sessions of the Venice Commission. These representatives are appointed by the Bureau of the Assembly. Assembly representatives may also be invited to attend sessions of sub-commissions of the Venice Commission.

3. On request of the Bureau of the Parliamentary Assembly, the Venice Commission may allow an additional person to attend the sessions of the Venice Commission for any expertise which may be required.

4. The Presidential Committee of the Parliamentary Assembly and the Enlarged Bureau of the Venice Commission will meet every year in Venice on the occasion of one of the sessions of the Venice Commission to assess co-operation.

5. The President of the Venice Commission may, as appropriate, be invited to address the Parliamentary Assembly in the framework of debates on issues related to opinions adopted by the Venice Commission.

6. A representative of the Venice Commission may be invited every year to an exchange of views with the Committee on Legal Affairs and Human Rights.

7. Representatives of the Venice Commission may attend plenary meetings of Assembly committees. In this respect, the Monitoring Committee may establish contacts with the Venice Commission as provided in Resolution 1115 (1997).

#### **II. General co-operation**

8. The Assembly and its committees will make use of the possibility provided by Article 3 of the Revised Statute of the Venice Commission to request its opinion on issues related with its specific field of action as defined in Article 1 of the Revised Statute.

9. The Bureau of the Assembly may invite its committees to consult the Venice Commission whenever they are examining an issue within the Commission's competence; this would concern in particular reports being prepared in the fields such as constitutional reform; separation of powers; electoral rules; conflict resolution/federalism and autonomy; national minorities and fundamental rights.

10. Moreover, when proposing to refer to a committee a motion on an issue concerning one of the fields mentioned above, the Bureau could include in the reference the proposal to ask the Venice Commission to give an opinion on the legal aspects of the issue raised by the motion.

### III. Standard-setting

11. The Assembly welcomes the fact that the Council of Europe has developed comprehensive standards in the field of human rights. However, considering that minimum standards of democracy are less developed, the Assembly and the Venice Commission decide to jointly reflect on areas in which the definition of basic standards would seem useful.

12. In this context and as first step, the Assembly, in close co-operation with the Venice Commission, will prepare a report setting forth the core values and standards of the Council of Europe.

### IV. Co-operation in the electoral field

13. The Assembly and the Venice Commission will continue to promote the work of the Council for Democratic Elections.

14. In the future, whenever a report of an Assembly election observation mission points to problems related with the electoral legislation of the country concerned, the Bureau of the Assembly may invite the Venice Commission to examine ways to improve this legislation (in addition to the already existing general mandate of the Council for Democratic Elections given by Resolution 1320).

15. When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser.

### V. Information on their respective activities

16. Upon request, members of the Venice Commission can be included in the mailing lists for non-confidential documents of the Assembly.

17. The Assembly will make use of the possibilities offered by the European Conference of Presidents of Parliaments to circulate information about the activities of the Venice Commission.

18. This Co-operation Agreement enters into force on the day of the signature. It may be suspended or annulled by one of the parties.

Done in Strasbourg on .....

President of the Parliamentary Assembly

President of the European Commission for  
Democracy through Law