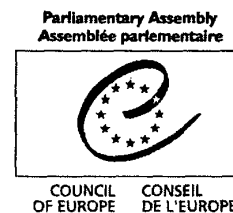


**Parliamentary Assembly**  
**Assemblée parlementaire**



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**2005 ORDINARY SESSION**

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(Second Part)

**REPORT**

Ninth Sitting

Monday 25 April 2005 at 3 p.m.

In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are summarised.
3. Speeches in German and Italian are reproduced in full in a separate document.
4. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

The contents page for this sitting is given at the end of the verbatim report.

*Mr van der Linden, President of the Assembly, look the chair at 3.05 p.m.*

### **1. Opening of the part-session**

THE PRESIDENT. – The 2005 Session of the Parliamentary Assembly of the Council of Europe, adjourned on 28 January, at the end of the eighth sitting, is now resumed.

### **2. Voting cards and register of attendance**

THE PRESIDENT. – May I remind all members – including any non-voting Substitutes and Observers – to sign the attendance lists outside the doors of the Chamber at the beginning of every sitting?

May I also remind all Representatives and duly designated Substitutes to ensure that they have placed their voting cards in the slot so as to ensure that the electronic system will work properly?

Thirdly, I emphasise to everyone present the importance of switching off mobile phones during sittings of the Assembly and during committee meetings.

### **3. Opening remarks by the President**

THE PRESIDENT. – “With the growth in contacts between people of all continents, we feel in a new way how necessary it is that there should be understanding between human communities with different traditions. Peace depends on this respect for the cultural and spiritual identity of peoples. May Europeans found upon this conviction their disinterested contribution to the good of all nations!”

This was John Paul II’s vision of intercultural and inter-religious dialogue, which he shared with us when he addressed our Assembly in 1988. This vision has become one of the keystones of our Organisation.

His Holiness Pope John Paul II dedicated his life to the service of understanding between peoples and peace and freedom across the world. We are grateful for his tireless efforts to end the division of our continent and to promote democratic reforms. He was our firm ally in the fight against the death penalty. He denounced and fought poverty. He respected those belonging to other faiths and was respected by them. The death of this great pilgrim of peace is a loss to us all.

May I invite you to join me in a minute of silence for prayer and meditation in remembrance of that great man? We will also devote this minute of silence to Prince Rainier of Monaco, a longstanding friend of Europe, whose political vision and wisdom paved the way for Monaco’s accession to the Council of Europe.

Dear friends and colleagues,

Let me, first of all, congratulate Pope Benedict XVI most warmly on his election. I trust that he will follow the example of John Paul II and be a firm ally of the Council of Europe in promoting the core values of our Organisation: human rights, democracy and the rule of law. I believe that he will continue fighting for peace, against poverty and building bridges to other religions.

Three weeks from now, the Third Summit of the Council of Europe will take place. Our Assembly has said very clearly what it expects from the summit, which is, mainly, to provide the Organisation with a clear political mandate for the coming years; strengthen the role of the European Court for Human Rights; stress the unity of Europe without dividing lines represented by the Council of Europe as a pan-European institution and based on shared values; confirm the position of the Council of Europe as the framework for standard-setting in the field of democracy and human rights, and ensure that full use is made of the instruments and mechanisms of the Organisation; and stress the unique role of our Organisation as the forum for political dialogue as well as inter-cultural and inter-religious dialogue between European Union members and non-member states.

The draft final declaration and the draft plan of action are almost finalised. I have asked the Committee of Ministers to send the latest versions of these texts in advance to the Assembly for our discussions in the Joint Committee this Thursday.

These texts are important, of course. However, what is more important is that the message contained in these documents is understood and assimilated by the leaders of our member states. Otherwise, our gathering in Warsaw will be just another opportunity for a group photo.

Our Assembly has called on the parliaments of our member states to hold debates on the Third Summit. I have written letters to all Speakers in this respect and spoken in several parliaments about the importance of the summit. I have met leaders of the European Union and argued that the European Union should make increased use of the experience, instruments and mechanisms of the Council of Europe and avoid duplication. The Union should, of course, also publicly recognise this input provided by our Organisation.

Have we succeeded in sufficiently mobilising our member states for the summit? Honestly, I do not know. That is why we need you – members of national parliaments – to ensure that your leaders attend the summit and, most of all, commit themselves fully to implementing its decisions. We have to make further use of our double mandate, here in the Parliamentary Assembly of the Council of Europe and at home in our national parliaments.

At the summit, we will take decisions for the future of democracy and human rights that concern the whole of Europe.

At the same time, many people of the European Union will be asked to take another decision, which, in my opinion, will also have a major impact on the quality of democracy within the Union – the decision on the draft European constitution. A current affairs debate has been requested, and this Assembly may debate the matter later this week. However, I appeal to you as politicians to give honest guidance to your citizens on this issue, devoid of any prejudices, fears or personal interests. This decision is crucial for the future of Europe as a whole.

*(The speaker continued in French.)*

He said that he had attended the Inter-parliamentary Union conference in Manila. Its key discussions were on the situation of women today, the issues of domestic violence and the trafficking in human beings. He had found this very moving. He had met the President of the Congress of the Philippines and they had discussed the possibility of setting up an Asian parliamentary assembly similar to that of the Council of Europe. The President of the Council of Europe Parliamentary Assembly had invited a delegation of Asian parliamentary assembly presidents to the part-session in June.

The President had also been to St Petersburg for the commemoration of the sixtieth anniversary of the end of the siege of the city in World War II. St Petersburg had been under siege for 900 days and had come to symbolise the suffering and sacrifice of many cities, including London and Rotterdam. It was only with the end of the cold war that the division of Europe ceased. The Council of Europe had become the champion of a unified continent.

The President ended by calling for the rapid release of the journalists held hostage in Iraq. Freedom of expression lay at the heart of the Council of Europe.

#### **4. Examination of credentials**

THE PRESIDENT. – The first order of the day is the examination of credentials of new members submitted in accordance with Rule 6. The names are in Doc. 10504. If no credentials are contested, the credentials will be ratified.

Are any credentials contested?

*The credentials are ratified.*

I welcome our new colleagues.

#### **5. Election of a Vice-President**

THE PRESIDENT. – The next order of the day is the election of a Vice-President of the Assembly in respect of the Russian Federation.

In accordance with Rule 14 the chairperson of the national delegation of the Russian Federation has proposed Mr Konstantin Kosachev. If there is not request for a vote, Mr Kosachev will be declared elected.

Since there has been no request for a vote, I declare Mr Kosachev elected as a Vice-President of the Assembly.

I congratulate Mr Kosachev on his election. He will take precedence following the Vice-Presidents already elected.

The vice-presidency in respect of Moldova remains vacant for the time being.

#### **6. Changes in the membership of committees**

THE PRESIDENT. – Our next business is to consider the changes proposed in the membership of committees. These are set out in document Commissions (2005) 4 and Addendum.

Are the proposed changes in the membership of the Assembly's committees agreed to?

*They are agreed to.*

#### **7. Request for urgent procedure and current affairs debates**

THE PRESIDENT. – Before we examine the draft order of business, the Assembly needs to consider two requests for debate under urgent procedure provided for in Rule 50 of the Rules of Procedure, and a request for a current affairs debate under the procedure provided for in Rule 52.

The first request for urgent procedure was submitted in due form under Rule 50 and concerns the constitutional reform process in Armenia.

At its meeting this morning the Bureau approved this request, and therefore recommends to the Assembly that the matter be placed on the order of business for this part-session. If the Assembly agrees with the Bureau's proposal, the Bureau proposes to hold the debate on the morning of Thursday 28 April as indicated in the draft order of business.

Does the Assembly agree to the recommendation of the Bureau that a debate on the constitutional reform process in Armenia should be placed on the order of business for this part-session?

Mr COLOMBIER (*France*) said that he was the co-rapporteur of the Monitoring Committee and saw nothing to justify calling that sort of debate. The Assembly should wait until the committee had paid its next visit to Armenia. They were meeting in May and a referendum could not be held in June, only at the end of July or the beginning of August. He was therefore in favour of waiting until the June part-session to debate the subject.

THE PRESIDENT. – Does the Chairman of the Monitoring Committee wish to speak?

Mr FRUNDA (*Romania*). – Thank you, Mr President. Colleagues, in our committee session this afternoon at 2 o'clock we had a debate, when Mr Colombier took the same approach. Most committee members agreed on the need for an urgent debate on constitutional reform in Armenia. Our Armenian colleagues told us that a referendum on the constitution will take place at the end of July or in early August. An urgent debate would encourage democratic reform in Armenia and encourage our colleagues in the Armenian Parliament to make the right decision and undertake reform of the constitution.

THE PRESIDENT. – I remind delegates that the Bureau is in favour of the motion. Does anybody wish to speak in favour of the motion?

Mr EÖRSI (*Hungary*). – Thank you, Mr President. The proposal that the rapporteur should go first to the country and produce a report puts the urgent debate system into question. If we have an urgent debate rapporteurs cannot leave the country and produce a report. Before we consider whether we should hold an urgent debate we should ask ourselves why we come to Strasbourg. Are we doing so because we want to influence the outside world and help emerging democracies to make proper decisions? In Armenia, the constitutional debate is going to start now. It is important that every political party there listens to what the Council of Europe and the Assembly tells them about international standards. If we want to help them and make an input into constitutional progress the best thing to do is hold an urgent debate and give wonderful advice to our colleagues in Armenia.

THE PRESIDENT. – We shall now vote on the request for urgent procedure. I remind the Assembly that the decision requires a two-thirds majority.

The vote is open.

*The request for urgent procedure is rejected.*

Mr SEYIDOV (*Azerbaijan*). – On a point of order, Mr President. My voting card did not work.

THE PRESIDENT. – Are other members experiencing the same problem? I am sorry that the system is not working properly. We must hold the vote again, because five or six members could not vote.

Mr IWIŃSKI (*Poland*). – On a point of order, Mr President. I would be grateful if I could be shown the rule that allows the vote to be repeated. I fear that you may be repeating the vote because of the result. In the meeting of the Bureau I said that we should not hold an urgent debate. The result of the vote will not be changed by one or two votes, as a two-thirds majority was clearly lacking.

THE PRESIDENT. – If I see that six or seven members could not vote because of the system it is my decision as the Chair to hold the vote again. I remind colleagues that everyone has the right to vote, and if the system does not work we have to vote again. That has nothing to do with my own opinion. I am completely indifferent to the result, but it is my role to check that everyone can cast their vote. I hope that the system will now work properly.

The vote is open.

*The request for urgent procedure is rejected.*

THE PRESIDENT. – The second request for urgent procedure was submitted in due form under Rule 50 and concerns the freedom of the press and the working conditions of journalists in conflict zones.

At its meeting this morning, the Bureau approved this request, and therefore recommends to the Assembly that the matter be placed on the order of business for this part-session. If the Assembly agrees with the Bureau's proposal, the Bureau proposes to hold the debate on the morning of Thursday 28 April as indicated in the draft order of business.

Does the Assembly agree to the recommendation of the Bureau that a debate on the freedom of the press and the working conditions of journalists in conflict zones should be placed on the order of business for this part-session?

Mr HANCOCK (*United Kingdom*). – I do not think that anyone, particularly politicians, can deny that if people go into harm's way, there is a chance that harm will befall them, and most journalists who work in conflict zones fully understand the consequences. When we look around this Assembly, we see representatives of many countries whose journalists have been held hostage or been killed – the United Kingdom is not unique in that. I know someone who was injured; the cameraman with him was killed. A leading British journalist was killed in Iraq, and a well-known journalist was killed by friendly fire from the Americans, so it happens.

To suggest that there is a magic remedy that makes journalists safe only highlights for terrorist groups the fact that the kidnapping or killing of journalists has a greater effect on public opinion in the host country than the death of soldiers or innocent civilians. This sort of resolution and debate will make journalists and those who work with them far more vulnerable than they are at present; it will incite terrorist organisations to target journalists.

THE PRESIDENT. – Thank you. I call Mr Frunda.

Mr FRUNDA (*Romania*). – We have to defend journalists, who accept the risks of entering conflict zones. We have to emphasise our support for them. They are not soldiers who accept that by going to the front they risk being killed, but reporters who are in conflict zones to show us the truth of what is happening there. Unfortunately, three Romanian citizens are being held captive by terrorists who have set a deadline for tomorrow. We cannot accept terrorists' blackmail. We have to use all political arguments and arms against them. I strongly support the proposal for this debate.

THE PRESIDENT. – Thank you. Does anyone from the Committee on Culture, Science and Education want to speak?

Mr VARVITSIOSIS (*Greece*). – Mr Jařab from the Czech Republic was appointed.

THE PRESIDENT. – That was not what I asked.

I remind you that the Bureau is in favour of the proposal.

We shall now vote on the request for urgent procedure. I remind the Assembly that the decision requires a two-thirds majority.

*The request for urgent procedure is agreed to.*

Following the usual practice of the Assembly, which is to refer a question to only one committee for report (Rules 24.2 and 33.1), the Bureau has proposed that the freedom of the press and the working conditions of journalists in conflict zones be referred to the Committee on Culture, Science and Education for report and to the Political Affairs Committee for oral opinion.

Does the Assembly agree to this reference?

*This reference is agreed to.*

The Assembly now needs to consider the proposal for a current affairs debate on the European Constitutional Treaty.

The request for a current affairs debate was submitted to the Bureau in due form under Rule 52.2 of the Rules of Procedure.

At its meeting this morning the Bureau supported the proposal. If it is agreed, the Bureau proposed that the debate takes place on the afternoon of Thursday 28 April, following the communication from the Committee of Ministers, as set out in the draft order of business.

Is the proposal for a current affairs debate on the European Constitutional Treaty agreed to?

I call Mr Dupraz.

Mr DUPRAZ (*Switzerland*) considered that this was an improper subject for the Council of Europe because several countries were about to vote on the European Constitutional Treaty.

THE PRESIDENT. – Thank you. I call Mr Einarsson.

Mr EINARSSON (*Sweden*). – It would be hard to find a topic which better met the criteria for a current affairs debate than the European Constitutional Treaty. Even though I come from a European Union member state, I do not think that the treaty is a matter only for EU members. It will affect the workings of the whole of Europe, so we should provide a forum for an all-European debate on the constitution. I remind the Assembly that a current affairs debate will not produce an Assembly decision, so there will be no monitoring of the European Union, but there will be a forum in which European politicians can debate the treaty.

THE PRESIDENT. – Thank you.

The Assembly will now vote on the proposal that a current affairs debate be held. A simple majority will decide this question.

*The Bureau's proposal is agreed to.*

### **8. Adoption of the order of business**

THE PRESIDENT. – The next order of the day is the adoption of the order of business for the second part of the 2005 Ordinary Session.

The draft order of business which is submitted for the Assembly's approval was brought up to date by the Bureau on 18 March and this morning. The updated draft order of business was issued earlier today.

Arrangements for the organisation of debates, speakers' lists and tabling of amendments are set out in today's notice paper.

Is the draft order of business agreed to?

*It is agreed to.*

### **9. Time limit on speeches**

THE PRESIDENT. – Because the number of speakers wishing to participate in the debates on Wednesday 27 April, the Bureau proposed at its meeting this morning that speaking time in the debates at both morning and afternoon sittings on Wednesday be limited to four minutes. Is that agreed to?

*It is agreed to.*

### **10. Adoption of the minutes of the Standing Committee**

THE PRESIDENT. – The minutes of the meeting of the Standing Committee in Paris on 18 March 2005 have been distributed.

I invite the Assembly to take note of these minutes.

### **11. Progress report**

THE PRESIDENT. – The next order of the day is the presentation of and debate on the progress report of the Bureau and the Standing Committee, Document 10515.

The list of speakers closed at 1 p.m. Five names are on the list.

I call Mr Holovaty to present the progress report. He has eight minutes.

Mr HOLOVATY (*Ukraine*). – Dear President, dear colleagues, first I would like to take this opportunity to thank the French National Assembly for the invitation to hold the meeting of the Standing Committee and the Bureau on 18 March in Paris. I would like to thank in particular the chairman of the French delegation, Mr Schreiner, for his hospitality.

As you may know, the next meeting of the Standing Committee and the Bureau will take place in Lisbon on 6 June 2005, when an exchange of views will be held with Mr Diogo Freitas do Amaral, Portugal's Minister for Foreign Affairs and the future Chairperson of the Committee of Ministers.

As you can see in the report, the members of our Bureau have been very busy since the last part-session. I will not comment on every item in the progress report but focus on those I consider to be most important.

The Bureau has dealt with the follow-up to the first part-session in January, when we heard the addresses of two presidents of our member countries – Mr Victor Yushchenko, President of Ukraine, and Mr Mikhail Saakashvili, President of Georgia.

In respect of the address by President Yushchenko, on 18 March the Bureau welcomed the decision of the Presidential Committee to visit Kyiv, possibly at the beginning of July 2005. The Secretary General of the Assembly, Mr Haller, sent a letter to Mr Oliynyk, the chairman of the national delegation of Ukraine, to inform him that the dates proposed by the President of the Assembly for this visit are two days between 6 and 9 July 2005.

The Bureau has decided in principle to set up a broadly based ad hoc committee to observe the next parliamentary elections in Ukraine, which are to be held in March 2006.

The Bureau has invited the Assembly's committees to organise conferences and seminars within their various co-operation programmes in order to facilitate co-operation between Ukrainian authorities and the Council of Europe.

As regards the address by President Saakashvili, the Bureau took note of the intention of the President of the Assembly to meet the heads of the Russian and Georgian parliamentary delegations during this part-session in order to help to strengthen the bilateral parliamentary dialogue.

The Bureau invited the Political Affairs Committee to consider organising a round table with the Georgian authorities and other concerned parties to discuss President Saakashvili's peace initiative, which was announced here in Strasbourg.

This morning, the Bureau approved the composition of the ad hoc committee on the implementation of Resolution 1416 on the conflict over the Nagorno-Karabakh region dealt with at the Minsk conference of the Organisation for Security and Co-operation in Europe. The Bureau has appointed as chairman Lord Russell-Johnston, former President of our Assembly.

The Bureau has taken some decisions on Resolution 1420 on prospects for peace in the Middle East. It has invited the Assembly committees to consider the possibility of organising activities involving representatives of the Knesset and the Palestinian Legislative Council and has invited the Political Affairs Committee to submit a proposal on a tripartite forum also involving an equal number of representatives from the Knesset and the Palestinian Legislative Council. The Bureau noted that the President of the Palestinian Authority has been invited to address the Assembly during the April part-session and has asked the Secretary General of the Assembly to consider, in close co-operation with his Palestinian counterpart, the possibility of organising training seminars for parliamentarians and staff members from the Palestinian Legislative Council.

Let us consider the dialogue with the Parliament of Liechtenstein. On 18 March, the Bureau appointed Mr Glesener, Chairman of the Ad hoc Committee on the Dialogue with the Parliament of Liechtenstein. The Bureau has asked the President of the Assembly to write to the newly elected Speaker of the Parliament of Liechtenstein with a view to agreeing, in consultation with the chairperson of the Ad hoc Committee the exact date for the start of the dialogue.

Another important issue was debated several times in meetings of the Bureau. It was the timetable for the election of the Commissioner for Human Rights of the Council of Europe.

On 18 March, the Bureau was informed by Ambassador Landman about the chairman's summing-up, following a discussion on "Council of Europe Commissioner for Human Rights – Procedure for Election", which was adopted at the 919th meeting of the Minister's Deputies. The Bureau conducted an exchange of views on the issue and expressed regret that the Committee of Ministers was unable to respect the required deadline for the submission of candidates to the Assembly. It was proposed to hold this election during the October 2005 part-session.

The Bureau also asked the Committee of Ministers to open the procedure for election without further delay. It recorded that the current Commissioner, on his election by the Assembly on 21 September 1999, was declared to be elected for a term of office that would last for six years, from 1 January 2000. We propose to the Assembly that, to allow the newly elected Commissioner sufficient time to take up his or her functions, the term of office should start on 1 January 2006. The Bureau has therefore decided to ask the Committee on Legal Affairs and Human Rights to organise the interviews of candidates in September 2005.

The Bureau has proposed to hold a debate on budgetary issues. We invited the Committee on Economic Affairs and Development to consider the Assembly's budget in the context of the Council of Europe's budget as a whole, taking into account the institutional balance, the statutory role of the Assembly and the proposals for savings of 2% in the Assembly's budget in comparison with the 2005 budget.

The Bureau has declared that it was against any reduction in the Assembly's 2006 budget and instructed the Secretary General of the Assembly to inform the Secretary General of the Council of Europe of that view.

On 18 March, the Bureau took note of the memorandum prepared by the Secretary General of the Assembly and approved the proposed timetable to be transmitted to the Committee of Ministers. On this occasion, Mr Haller told us that it was his last term of office and that he would not put himself forward as a candidate for the next election. I would like to take this opportunity to thank him, on behalf of Bureau members, for his personal commitment to the work of the Assembly.

THE PRESIDENT. – Thank you. I call Mr Margelov.

Mr MARGEVLOV (*Russian Federation*) said that the European Democratic Group welcomed the work done by the Bureau and the standing committees since January. The European Democratic Group felt that the focus of that work had been reflected in the progress report. He stressed that the European Democratic Group wanted proper preparations to be made for the third summit of heads of states and government. The European Democratic Group was confident that the work of the Standing Committee and the Bureau meant that the summit would be a success. The informal side of the summit would be important also as the summit would mark a further milestone in the history of the Council of Europe. He emphasised the importance of integrationary processes in Europe and the interaction of many member states which shared stable European values. Such interaction might also positively affect Europe's neighbours, particularly the middle east. On behalf of the European Democratic Group he thanked the members of the Bureau and the Standing Committee for all their hard work.

THE PRESIDENT. – Thank you. I now call Mr Wielowieyski.



Mr WIELOWIEYSKI (*Poland*) thanked the President on behalf of the group of the European People's Party. It was important that the summit was properly prepared and he had some concerns that preparations were not going satisfactorily. He said that the EPP was concerned with pluralist democracies and the proper functioning of democracy. He cited the response of the Committee of Ministers dated 11 April 2005. In this response some problems of democracy were dealt with but it avoided the question of monitoring and assessing democracy in Europe. He said that the EPP felt this to be a serious problem and that the summit should come up with proposals to address this problem. The problem of education in civics was cited. Progress made on this issue in the second summit in which the problems facing Europe in this area were outlined was acknowledged. He stressed that the EPP would like talks to continue along those lines and wanted a draft convention on education. He said that the EPP felt that the Committee of Ministers was avoiding the issue. Pressure from the Council of Europe would be important.

THE PRESIDENT. – I call Mr Holovaty to reply to the debate.

Mr HOLOVATY (*Ukraine*). – I would simply like to add that the Bureau has taken account of a conference of Speakers of Parliaments, which will be held in Helsinki. The Bureau agreed the title of that conference.

The last two Bureau meetings have paid special attention to preparing the draft conventions and the Assembly's involvement in and contribution to the Council of Europe's heritage, especially in fighting terrorism. We have also considered the Assembly's concern that the procedure for preparing the draft conventions does not take sufficient account of several reservations expressed in the Assembly about the protection of human rights.

I thank all members of the Bureau for their efficient contributions between the January part-session and 25 April. Thank you, Mr President.

THE PRESIDENT. – Thank you, Mr Holovaty.

I shall close the debate, and I invite the Assembly to approve the progress report of the committee and the Bureau, Document 10515.

The vote is open.

The item will be retained in the Progress Report.

The Progress Report is approved.

### **12. *The rights of children in institutions: follow-up to Recommendation 1601 (2003)***

THE PRESIDENT. – The final order of the day is the debate on the rights of children in institutions: follow-up to Recommendation 1601 (2003) of the Parliamentary Assembly presented by Mr Hancock on behalf of the Social, Health and Family Affairs Committee (Document 10452). The list of speakers closed at 1 p.m. Seven names are on the list and two amendments have been tabled.

I call Mr Hancock, rapporteur. You have eight minutes.

Mr HANCOCK (*United Kingdom*). – I am grateful for the indulgence of the Assembly in changing the debate to today to allow me to return to the United Kingdom to continue to try to be a member of the British Parliament and, I hope, the Council of Europe. I am grateful for the obliging way in which that matter has been dealt with.

I commend the report to all members of the Assembly. I hope that all delegations take back a positive message about the role of the Council of Europe in delivering an improvement in the lot of children right across Europe.

The rights of children extend from experiencing love in their lives to good education, a decent home and, where possible, living in a family – if that is not possible, children should live in a place where we would not be ashamed to live ourselves. If we cannot defend the rights of children, we should put the lights off and go home, because the Council of Europe should cease to exist.

We can talk in glowing terms – this week, we probably will – about people in society who need our help. Children in long-stay institutions are vulnerable. Indeed, few people on earth are as vulnerable as those kids, so we must do something.

It would be wrong to suggest that the three countries highlighted in the report – Romania, Russia and Bulgaria – are the worst. That is far from the truth. Very few countries represented in the Assembly have a blemish-free record, and many countries, including my own, still have a lot to do on caring for children who experience problems such as ill health or the economic decline of their families and who find themselves in institutions. None of us should pretend that we are blameless, and none of us should claim the moral high ground.

The report attempts to address some of those issues, and it offers some remedies. The overriding factor is a lack of resources. Money is needed to support the ongoing progress of such children into an adopted family, a foster family or a return to the family home – in some cases, the family home is in an inappropriate location and must be moved to enable a child to return.

Most members – I hope all members – and the people in the gallery grew up with love in their lives. Those of us who are fortunate enough to have children know that the richest gift that we can give them is love. Some children in institutions go their whole lives without experiencing love and without another human being making sure that they are safe and well-looked after. They are denied the experience of hugging another human being by factors beyond their control.

This Assembly should stand up and be counted on behalf of those children. We owe it to them to ensure that those countries with lamentable records – such countries have been and are prepared to see children in second-rate establishments and have allowed institutions to decline – are highlighted. I hope that such countries realise that they must move forward.

I have visited all three of those countries in the course of my investigations. They have all taken major steps, and they have all achieved something that leads me to believe that there is hope. In countries such as Romania and Bulgaria, some 9 000 children go into care or long-stay institutions each year. We must continue to be vigilant, and we must do more.

What can we do? All members should try to do something about the lack of training and expertise in many such institutions. Perhaps local authorities and our sister organisations across Europe will each take on the training of one – just one – qualified member of staff. If we did that, thousands of people would be better trained and equipped to deal with the crises that they face.

The Council of Europe should ensure that every country has a children's commissioner. We should establish a children's commissioner to whom all member states have a responsibility to report on the rights of the child and on how children in institutions are denied such rights. We could discuss that issue at the forthcoming summit. If the summit ignores the plight of children, what is it worth? If some children continue to lead awful lives, what right has the summit to say that it speaks for the people of Europe? In that case, our leaders will once again have failed to deliver anything positive for those children.

The report suggests that we should continue to monitor the issue. We must examine what has occurred, consider how best practice can be transported to other countries and equip and prepare people for fostering and adoption.

Sooner or later, we must debate international adoption. I, for one, would vote for it, if I believed that, first, the country of origin would conduct proper checks and, secondly, that the destination countries would prepare themselves properly. To deny one child the opportunity of a better life, is to deny them all the opportunity to think that they can have a better life. It is too easy for politicians to say that they are against international adoption. There are ways in which we could make international adoption work, but we need to debate the matter.

I am delighted that I was given the opportunity to introduce the report, and I hope that the Assembly will accept it. I have no problem with the two amendments, which I would readily accept because they improve the report.

I commend the report to the Assembly.

(Mr Schreiner, Vice-President of the Assembly, took the Chair in place of Mr van der Linden.)

THE PRESIDENT (Translation). – Thank you, Mr Hancock. I call Ms Bargholtz to speak on behalf of the Liberal, Democratic and Reformers' Group.

Ms BARGHOLTZ (Sweden). – Many years ago, I visited an institution for children in Riga, Latvia. There I saw a lovely little baby boy who was going to be adopted by a Swedish couple, but they rejected

the baby. They did not want this child. It turned out that he was blind. Now and then, I wonder what has happened to that boy, who must be a teenager of about 14 or 15. How does his life look now?

On behalf of my group, I wholeheartedly support Mr Hancock's excellent report. He has done very important work through his fact finding in Bulgaria and Romania. As we can see, the problems for children in institutions are enormous, even though the authorities in those countries have improved conditions for such children. However, their difficulties might become worse when they get older and have to leave the institutions. What will happen to them then?

Specifically, I am worried about the young girls. With no family and no proper education, they are at great risk of being recruited for trafficking. I wonder how many young prostitutes began their lives in institutions.

Mr Hancock's report is a follow-up to previous recommendations of the Parliamentary Assembly. He explains why he has been forced to limit his report. It is very important that a future follow-up should focus on institutionalised children in all European countries, starting with countries that are members of the European Union.

Finally, as we noticed, Mr Hancock is very emotional on this issue, which is very good. Children in institutions is an issue to be very emotional about. We need many, many emotional politicians.

On behalf of my group, I once more express our full support for this excellent report.

THE PRESIDENT (Translation). – Thank you, Ms Bargholtz. I call Ms Smirnova to speak on behalf of the European Democratic Group.

Ms SMIRNOVA (*Russian Federation*) said that she was speaking on behalf of the European Democrats to thank Mike Hancock for his report. The subject was of the greatest importance not just for children themselves but for society at large and for the future. The abandoned children of today would become the law breakers of tomorrow. She had made many visits to children's homes and although things were improving problems remained. The Assembly must unite to defend the rights of the child and aim for all young people to return to their families whenever possible but always with oversight and care. The Council of Europe had made many recommendations on the subject but the numbers of disadvantaged children had not yet fallen. The Committee of Ministers also supported the Assembly's recommendations and had called for the European Development Bank to provide more money to protect children. The European Democratic Group called for all bodies to work together and provide more money to help children in need. It was also important to press for better conditions for those children who remained in institutions and could not return to their families and this care must continue when the young people went out into the world of work and living on their own. She very much supported Mike Hancock and would like to see the subject debated at the next part-session.

THE PRESIDENT (Translation). – Thank you, Ms Smirnova. I call Ms Rupprecht to speak on behalf of the Socialist Group.

Ms RUPPRECHT (*Germany*) thanked the rapporteur for placing the subject of children at the centre of the Assembly's discussions. She was concerned about the position of children in the former Communist countries and her amendment to the draft recommendation emphasised the attention to be paid to children in institutions. Ideally they should go back to their families, but this was not always possible. Therefore, it was essential that the staff in children's homes were well educated and skilled. Fostering could also provide a good alternative. The important thing was that any decision about a child should be based on the best interests of that child. In Germany because there was a federal system both the national and the regional levels must be involved and work together. Children must be empowered and guidelines drawn up so that this could happen. The Council of Europe could set an example for the whole world and must continue to discuss the subject and ensure that future generations grew up in stable conditions.

THE PRESIDENT (Translation). – I call Ms Cliveti to speak on behalf of the Socialist Group.

Ms CLIVETI (*Romania*) also thanked the rapporteur for his report. She felt that things were improving in her own country. The Romanian parliament had recently decided that each of its members would "adopt a child" and take a special interest in a particular young person.

The ombudsman had an assistant for the problems of children and there was a need to create more common training to harmonise solutions in Europe. She thanked Mr Hancock.

THE PRESIDENT (Translation). – Thank you. I call Mr Schneider.

Mr SCHNEIDER (*France*) agreed with Mr Hancock that solutions other than the institutionalisation of children should be proposed. The situation world-wide was worrying, and children had a right to a future. The proposed draft resolution of the Council of Ministers should be welcomed. Without resources children would continue to lack necessary support. The committee's recommendations were worthy of support.

THE PRESIDENT (Translation). – Thank you. I call Mr van Winsen.

Mr VAN WINSEN (*Netherlands*) pointed out that the State of the Children 2005 report showed how many children were in poor conditions. That many children were still under threat from maltreatment, including trafficking, needed to be condemned with great firmness. Defending the rights of children was a priority and the European People's Party supported Mr Hancock's report. The EPP advocated de-institutionalisation of children. Individual situations had to be taken into account, and the party criticised sexual exploitation of children in and out of institutions. Unfortunately this existed in many states, including his own – not only Bulgaria and Romania – and the report should have referred to the wider situation. It was important that successful action programmes were continued, and the Council of Europe had to encourage a protective environment for children.

THE PRESIDENT. – Thank you. I call Mr Mirzazada.

Mr MIRZAZADA (*Azerbaijan*) asked why there should be children in state institutions. The report under consideration dealt with two countries with two different approaches: one more successful than the other. It was necessary for the problems of children to be the subject of regular discussion in committees of the Council of Europe.

He pointed out that there were 3 000 children in Azerbaijan out of a total population of 8 million who were in institutions. The state had had to divert funds which might have been spent on these problems due to the local territorial dispute with Armenia. However, the situation was improving, and he stressed the personal interest being taken by Mrs Aliyevna, the first lady of Azerbaijan in these problems. Azerbaijan was looking at many alternative ways of dealing with the problem of institutionalising children, including SOS Children's Villages, foster families, and foreign fostering, although there had been problems with the last option. He thanked Mr Hancock for this excellent report.

THE PRESIDENT (Translation). – Thank you Mr Mirzazada.

The list of speakers is now closed.

I call Mr Hancock, the rapporteur.

Mr HANCOCK (*United Kingdom*). – When members look around the Assembly this afternoon they will be as disappointed as I am to see that once again when children, or for that matter women, are being discussed the occupants of the Assembly seem to disappear, so few members are here to take part in the debate. I am not particularly proud of that. I think it is a rather sad reflection on us. I suppose that there are good reasons for it, but I am at a loss to understand what they may be.

I thank everyone who contributed to the debate. I willingly accept the two amendments suggested by Ms Rupprecht; they are helpful and creative, and bring to the report an element that is missing. I thank Ms Bargholtz for her contribution. I thought Svetlana Smirnova made a good point about the Council of Ministers, who have now adopted the report. That is mentioned in the report and has been alluded to by several speakers.

Sadly, however, the text has no compulsory force and there is no provision for proper monitoring. Our Azerbaijani friend spoke about the ongoing situation. We cannot ignore that; we must continually return to it. Yet the Council of Ministers chose a report which again contains neither compulsion nor monitoring. We ought to send it back to them and say, "For goodness sake, put it right."

I thank Ms Cliveti for her comments. I entirely accept her point about the situation in her own country.

For those members who said that the report highlights the position in both, I started by saying that this is a snapshot of Bulgaria and Romania; the previous report included Russia. However, none of us has a blemish-free record when it comes to the care of children. We need to examine what we do in all our countries; that is why some of the recommendations are extremely important. It is not possible for a rapporteur to examine, in a very short period of time, the whole range of issues in Council of Europe countries, but we owe it to ourselves to recognise the failings in our own countries that are outlined in the

report, because if we are critical enough we will find the same issues; they may be present in different degrees, but we all have to deal with them.

In thanking everyone who participated and in wishing that the Assembly will not only vote for the report but support the amendments, I also ask members to take on board the responsibility that the recommendations placed on us as parliamentarians by seeking help from our colleagues in the regional assemblies of Europe and in the Congress of Local and Regional Authorities of the Council of Europe and asking them to play a part. I ask our own Secretary General to consider the role of the Council of Europe in properly monitoring what is going on. I ask all of you to try to have such debates in your own parliaments to bring greater awareness not only of the plight of children in my country, the UK, but in children's homes right across Europe.

There is no magic solution that embraces everyone. Every child's case is different; the member who spoke about the individual solution was right. We have to find the solution that best fits that child. What we ultimately hope to achieve, surely, is something better than what we have at present. We have taken steps to improve the situation. This sort of debate helps, but we cannot just leave it at that – we have to put these words into action. We are best placed to do that. We seek office to make things better for people, so let us start by making things better for the children of Europe.

THE PRESIDENT (Translation). – Thank you, Mr. Hancock. I call Mr Glesener.

Mr GLESENER (*Luxembourg*) said that the Committee had examined this issue of abandoned, often disabled, children living in poor conditions. He said that the Council of Europe must react and that indeed they had with the report of Mr Hancock whom he thanked for his efforts. He asked the Assembly to adopt the report and the amendments that the Rapporteur had already agreed to.

THE PRESIDENT (Translation). – Thank you, Mr Glesener.

The debate is closed.

The Committee on Social, Health and Family Affairs Committee has presented a draft recommendation to which two amendments have been tabled.

They will be taken in the following order: 1, 2.

I remind members that speeches on amendments are limited to one minute.

We come now to Amendment No. 1, tabled by Ms Marlene Rupprecht, Mr Walter Riester, Mr Klaus Werner Jonas, Mr Wolfgang Wodarg, Ms Marianne Tritz, Mr Rainer Steenblock, which is, in the draft recommendation, paragraph 3, replace the first sentence with the following sentences:

"It points out that maximum priority must be given to ensuring that progress is made in improving the quality of education and care transmitted in institutions and of closing pedagogically unsuitable, insanitary and dilapidated institutions. When children are placed in families, it must be ensured that this constitutes the better alternative to placement in an institution. Placement in living groups and Children's Villages must also be taken into consideration as further possibilities. The top priority when making this choice must be the best interests of the child."

I call Ms Rupprecht to support Amendment No. 1.

Ms RUPPRECHT (*Germany*) said that the quality and training of those who cared for children in institutions must be enhanced. Also the educational needs of such children must be respected.

THE PRESIDENT (Translation). – Does anyone wish to speak against the amendment?

That is not the case.

The committee has not considered the amendment, but is Mr Hancock prepared to accept it?

Mr HANCOCK (*United Kingdom*). – Yes. I entirely accept what Ms Rupprecht said – training is vitally important.

I am slightly embarrassed because I forgot in my speech and my wind-up to thank Christine Meunier, who is sitting behind me and is responsible for a very important part of the report. We both experienced traumatic and sometimes debilitating events which undoubtedly affected us and others who

were with us. I thank her on behalf of the Assembly for the role that she played in the production of the report and the support that she gave.

THE PRESIDENT (Translation). – The voting is open.

Amendment No. 1 is adopted.

We come now to Amendment No. 2, tabled by Ms Marlene Rupprecht, Mr Walter Riester, Mr Klaus Werner Jonas, Mr Wolfgang Wodarg, Ms Marianne Tritz, Mr Rainder Steenblock, which is in the draft recommendation, to replace paragraph 8.iv with the following text:

“ask the member states to create institutions responsible for supervising and providing advice to institutions (homes, living groups, residential communities, Children's Villages etc.) as well as foster and adoptive parents in order to protect the rights of the children concerned. These institutions should develop binding guidelines, with the participation of all parties concerned (including the children), aimed at monitoring the extent to which assistance is being provided in a targeted manner;”.

I call Ms Rupprecht to support the amendment.

Ms Rupprecht (*Germany*) supported Mr Hancock again but wished to extend paragraph 3 to address the institutions and to advise them. She stressed that it was important that the people in charge of children's institutions received proper advice and information.

THE PRESIDENT (Translation). – Does anyone wish to speak against the amendment?

That is not the case.

The committee did not examine the amendment, but the rapporteur is in favour of the amendment.

The vote is open.

Amendment No. 2 is adopted.

We will now proceed to vote on the draft recommendation contained in Document 10452, as amended. A majority of two thirds is required.

The vote is open.

The draft recommendation in Document 10452, as amended, is adopted.

### ***13. Date, time and orders of the day of the next sitting***

THE PRESIDENT (Translation). – I propose that the Assembly hold its next public sitting tomorrow at 10 a.m. with the orders of the day which were approved today.

Are there any objections? That is not the case.

The orders of the day of the next sitting are therefore agreed.

The sitting is closed.

*(The sitting was closed at 4.50 p.m.)*

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8. Adoption of the order of business
9. Time limit on speeches
10. Adoption of the minutes of the Standing Committee
11. Progress report of the Bureau and the Standing Committee  
Presentation by Mr Holovaty of report, Doc. 10515  
*Report agreed to*
12. The rights of children in institutions: follow-up to Recommendation 1601 (2003)  
Presentation by Mr Hancock of report, Doc. 10452, on behalf of the Social, Health and Family Affairs Committee  
*Speakers:*  
Mrs Bargholtz (Sweden)  
Ms Smirnova (Russian Federation)  
Ms Rupprecht (Germany)  
Mrs Cliveti (Romania)  
Mr Schneider (France)  
Mr van Winsen (Netherlands)  
Mr Mirzazada (Azerbaijan)  
Mr Glesener (Luxembourg)  
*Amendments Nos. 1 and 2 adopted.*  
*Draft recommendation contained in Doc. 10452, as amended, adopted*
13. Date, time and orders of the day of the next sitting

