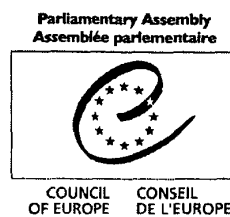


Parliamentary Assembly
Assemblée parlementaire



STANDING COMMITTEE

Paris, 17 March 2006

TEXTS ADOPTED

BY

THE ASSEMBLY

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by the Assembly
(17 March 2006)**

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Provisional edition

Need for international condemnation of the Franco regime

Recommendation 1736 (2006)¹

1. The Parliamentary Assembly strongly condemns the extensive and wide-ranging human rights abuses committed by the Franco regime in Spain from 1939 to 1975.
2. There is still an ongoing debate underway in Spain to draw up a full account of the Franco dictatorship's crimes which was launched in the 1980s and which has been further intensified under the present administration.
3. Initiatives started in the early 1980s, aimed at the withdrawal from public places of symbols of the Franco dictatorship including statues, names of streets and some colleges named after Franco and his generals, have been quite successful.
4. The Assembly hopes that the present debate in Spain will result in a thorough and in-depth examination and assessment of the Franco regime's actions and crimes. In particular, the Assembly looks forward to the results of the work of the Interministerial Commission for the Examination of the situation of Victims of Civil War and the Franco Regime, established in October 2004.
5. At the same time, the Assembly underlines that the violation of human rights is not an internal matter of a single country and therefore the international community is as much concerned as the Spaniards themselves.
6. The awareness of history is one of the preconditions for avoiding similar mistakes in the future. Furthermore, moral assessment and condemnation of committed crimes plays an important role in the education of young generations.
7. The Assembly stresses that the Council of Europe is well placed for a serious discussion on the subject. In accordance with its fundamental principles it should condemn the crimes and violation of human rights under the Franco regime at international level.
8. The Assembly therefore calls on the Committee of Ministers to:
 - 8.1. adopt an official declaration for the international condemnation of the Franco regime and to mark 18 July 2006 as the official day of condemnation of the Franco regime as it marks the 70th anniversary of the beginning of the Spanish civil war and Franco's overthrow of the Government;
 - 8.2. urge the Spanish Government to:

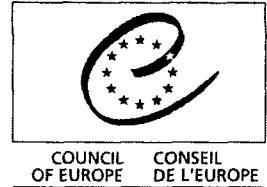
¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10737, report of the Political Affairs Committee, rapporteur: Mr Brincat).

8.2.1. set up a national committee to inquire into violations of human rights committed under the Franco regime which would submit its report to the Council of Europe;

8.2.2. continue to make available to all historians and researchers all civilian and military archives which may contain documents that can contribute to establishing the truth regarding repression;

8.2.3. set up a permanent exhibition in the underground basilica at the Valley of the Fallen outside Madrid – where Franco is buried – explaining the way it was built by the republican prisoners;

8.2.4. encourage local authorities to erect memorials as a tribute to the victims of the Franco regime in the capital of Spain and in other major Spanish cities.



Provisional edition

New trends and challenges for Euro-Mediterranean migration policies

Recommendation 1737 (2006)¹

1. The traditional role of the Mediterranean as an economic and cultural crossroads has assumed even greater significance since the 1990s and its geopolitical situation has taken on even more importance. At the same time, the Mediterranean has seen a sharp rise in migration movements, both from the Balkans to the western parts of the continent and from North Africa to Europe.
2. Unfortunately, this increase in migration flows has also proved lucrative to criminal networks of traffickers and smugglers who exploit the hardship of potential migrants and cause human tragedies, which can lead to the death of migrants or “modern” slavery.
3. Such tragedies should not, however, allow us to lose sight of the fact that migration can also be seen in a positive light, as it also represents an opportunity. Typically, among the most recent migrants, we find women and young people who have taken this step voluntarily. They are no longer relocating under family reunification arrangements.
4. The immense economic gaps between the two shores of the Mediterranean nonetheless continue to prompt illegal immigration which Council of Europe member states are attempting to halt in a diverse range of ways: some opt for restrictive policies involving draconian and sometimes non-judicial deportation procedures which can give rise to human rights violations, others opt for regularisation policies.
5. For its part, the European Union is attempting to harmonise asylum procedures, in particular accelerated procedures, or to externalise or decentralise and even “relocate” such procedures to the countries on the southern shore, as has recently been seen with Libya. However, the European Parliament has warned that it would find it unacceptable for foreigners to be grouped together in external transit centres designed to process asylum applications.
6. It is undeniable that the demographic situation will mean that by the middle of the century, the number of people living on both shores will be roughly the same. Given the falling birth rate and ageing of the population in Europe, this should prompt a review of migration policies.
7. The Parliamentary Assembly welcomes the final declarations of the First and Second Euro-Mediterranean Parliamentary Forums on migration organised in Cyprus on 20 and 21 October 2003 and Rome on 23 and 24 May 2005, respectively, by the Committee on Migration, Refugees and Population. It believes that the Council of Europe and, in particular, its European Committee on Migration (CDMG) and the European Centre for Global Interdependence and

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc. 10763, report of the Committee on Migration, Refugees and Population, rapporteur: Mr Danieli).

Solidarity (North-South Centre) are invaluable forums for intergovernmental deliberation and discussion on new Euro-Mediterranean migration policies.

8. In the light of the foregoing, the Assembly calls on the governments of Council of Europe member states, in close co-operation with non-member Mediterranean countries, to:

8.1. frame their migration policies so that migration is viewed as a phenomenon and not a problem. This will help demystify migration and help ensure that it is no longer seen uniquely from a security point of view;

8.2. rationalise and manage more efficiently the available administrative resources for foreigner reception and for processing asylum and naturalisation applications;

8.3. comply to the letter with international human rights protection conventions in all operations to prevent or deal with illegal migration and, in particular:

8.3.1. guarantee the right to leave one's country;

8.3.2. guarantee unimpeded access to asylum procedures for people in need of international protection;

8.3.3. ensure that return measures are conducted in keeping with human rights standards and with due regard for safety and dignity;

8.3.4. avoid returning irregular migrants to countries where they would be at risk of persecution or human rights violations;

8.3.5. avoid secondary migration movements by sending back migrants to non-European countries, whose nationality they do not have and by which they have merely transited,

8.3.6. examine and take account in all cases of the root causes of these migration movements.

9. The Assembly also calls on the European Council, the European Commission and the European Parliament to take the above considerations into account.

10. The Assembly calls on the countries on the southern and eastern shores of the Mediterranean which are not member states of the Council of Europe and which took part in the First and Second Euro-Mediterranean Parliamentary Forums on Migration to consult and co-ordinate on migration at regional level and co-operate with Council of Europe member states in this field, by collaborating, for example, with the European Committee on Migration (CDMG) and continuing to work together with the North-South Centre.

11. The Assembly strongly urges the countries participating in the Barcelona Process to pursue actively their partnership practices and the co-development strategy in the Euro-Mediterranean area and in consultation with the countries from which migration flows originate, including through parliamentary dialogue and co-operation, so as to draw up and adopt as swiftly as possible a unified Euro-Mediterranean regulatory framework.

12. The Assembly also recommends that the Committee of Ministers:

12.1. encourage Council of Europe member states and the countries that attended the First and Second Euro-Mediterranean Parliamentary Forums to ratify or accede to the United Nations Convention on the rights of migrant workers and their families and other international conventions on the protection of migrant women and young migrants and encourage Council of Europe member states to sign and ratify the European Convention on the Legal Status of Migrant Workers (CETS No. 093);

12.2. ask the European Committee on Migration (CDMG) to involve non-member Mediterranean countries in its activities;

12.3. call on the North-South Centre to enlarge the number of its member states to include all other Mediterranean countries whether or not they are members of the Council of Europe;

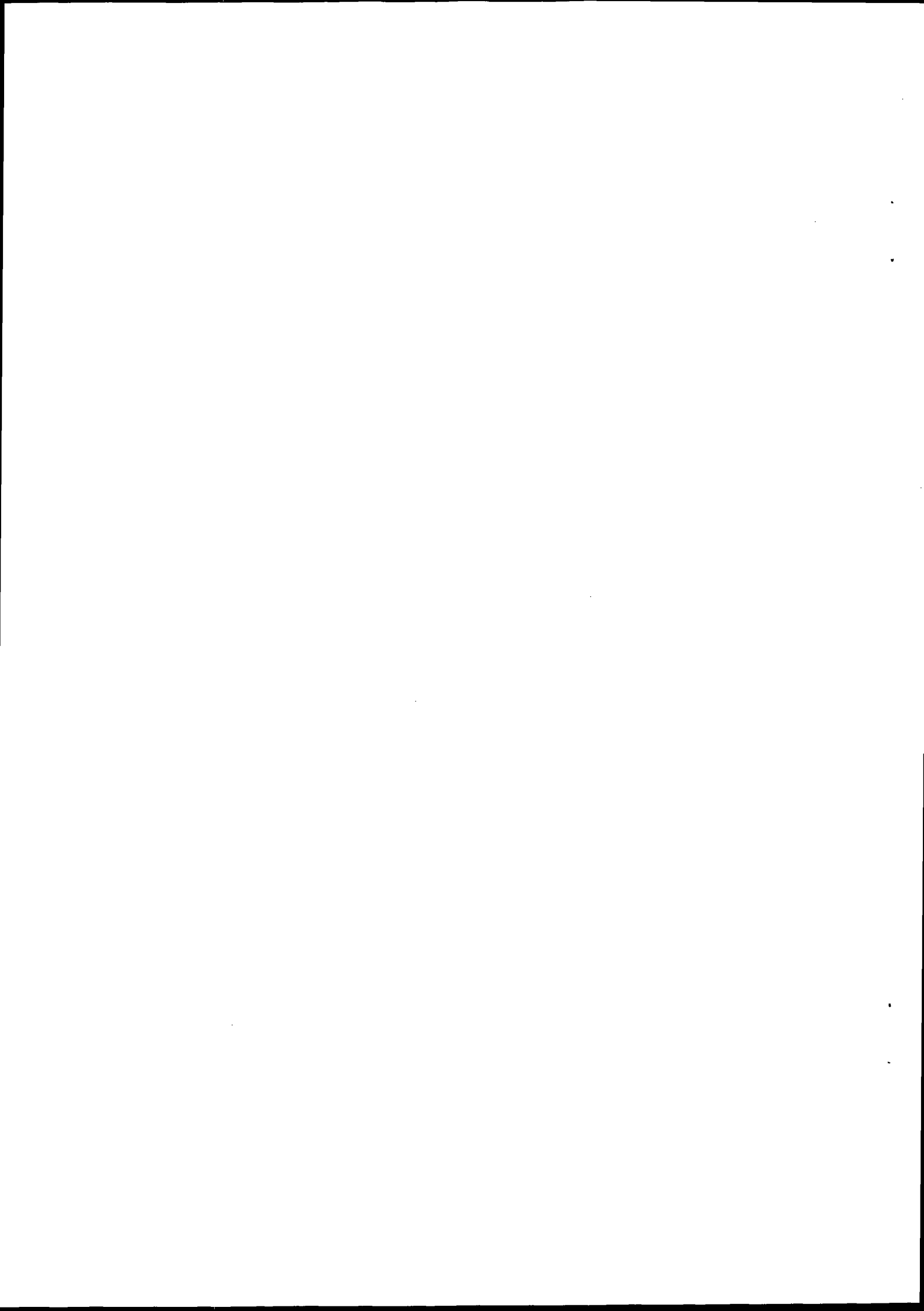
12.4. further develop political and cultural co-operation with the countries on the southern and eastern shores of the Mediterranean;

12.5. urge member states and the countries that attended the First and Second Euro-Mediterranean Parliamentary Forums to encourage student and teacher mobility and training exchanges, in particular by setting up a Euro-Mediterranean university;

12.6. encourage further discussion on the setting up of a Euro-Mediterranean migration observatory and on a large-scale information programme on the risks associated with illegal immigration, bearing in mind the valuable experience of the European Committee on Migration (CEMG) and the North-South Centre and taking advantage, if appropriate, of the North-South Centre's facilities for setting up such an observatory;

12.7. help give fresh impetus to the Barcelona Process, begun in 1995, by emphasising in its closer contacts with the European Union the contribution which the Council of Europe and the North-South Centre could make to that process;

12.8. focus serious attention on, and give greater visibility to, the issue of migrant women by means of special initiatives involving all Euro-Mediterranean countries.





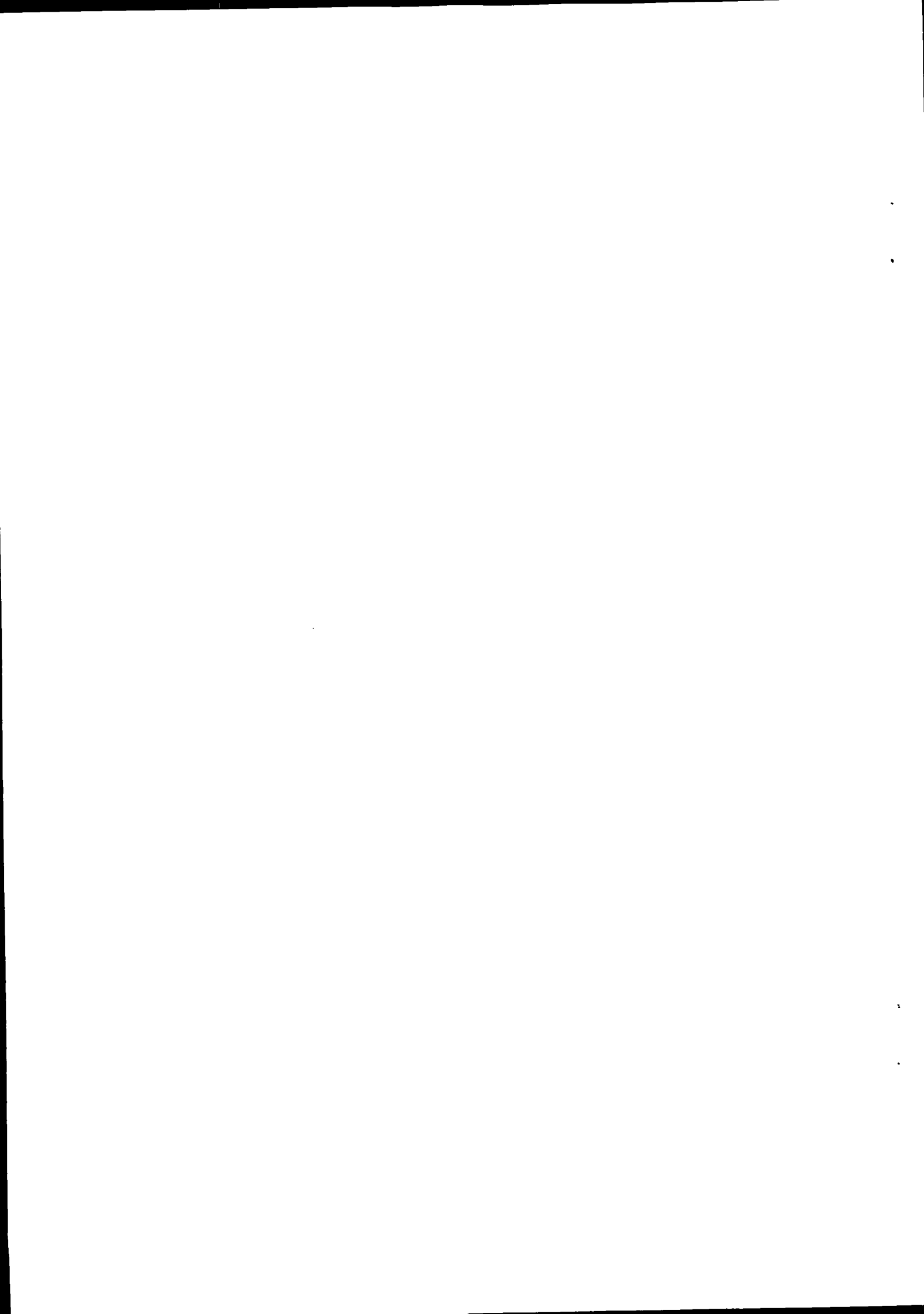
Provisional edition

Mechanisms to ensure women's participation in decision-making

Recommendation 1738 (2006)¹

1. The Parliamentary Assembly refers to Resolution 1489 (2006) on mechanisms to guarantee women's participation in decision-making.
2. The Assembly invites the Committee of Ministers to:
 - 2.1. continue its follow-up action on Committee of Ministers' Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision-making and ensure in particular that indicators are introduced to gauge the efficiency of the institutional mechanisms and national action plans put in place in the member states of the Council of Europe;
 - 2.2. in particular, invite the Steering Committee on Equality to conduct studies on the selection criteria used for public appointment procedures in order to pinpoint the factors that exercise a negative influence on female appointments and recommend measures to eliminate such factors;
 - 2.3. implement without delay the Assembly's Recommendation 1676 (2004) on women's participation in elections by drawing up a "Charter for Electoral Equality" aimed at giving women a genuine opportunity to accede to posts in political and public life and at combating family voting;
 - 2.4. ensure participation by women in its steering committees and its other working bodies at the levels mentioned in its own recommendation, namely at least 40%;
 - 2.5. continue its policy of promoting equal opportunities in the Council of Europe Secretariat and adopt further measures, taking account of the under-representation of women in the Organisation's top posts and in middle management;
 - 2.6. instruct the competent steering committee to define the duties and terms of reference of a Council of Europe gender equality ombudsperson with responsibilities covering all aspects of promotion of equal opportunities for men and women in Europe, including gender balance in decision-making, who would ensure implementation of the principle of equality between women and men in the member states of the Council of Europe, in co-ordination with the Commissioner for Human Rights.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10743, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Cliveti).





Provisional edition

Gender budgeting

Recommendation 1739 (2006)¹

1. The budget is the most important policy instrument of any government. It is through the public budget that the political authorities shape social and economic development, decide priorities for action and determine needs-based redistribution criteria for society. However, public budgets are not gender-neutral in their effects - they affect men and women in different ways, in terms of both revenue and expenditure.

2. Introducing a gender perspective into all levels of the public budgeting process – “gender budgeting” – is thus becoming an important tool, making it possible to measure the impact of public policies on citizens of different sexes and to restructure revenues and spending so as to reduce socio-economic inequalities between men and women. Practising gender budgeting is essential if countries, regions and municipalities are not to continue to assume the gender neutrality of their budgets – which in reality are often “gender-blind” and thus inadvertently cause further gender inequalities.

3. Gender budgeting has the added advantages of promoting and increasing accountability, transparency and efficiency. Unfortunately, gender budgeting is not yet a mainstream activity: considered too technical an issue by many of those who fight for equal opportunities for women and men, it is not considered a political priority by many of those who actually draw up, implement and oversee budgets.

4. The Parliamentary Assembly considers that gender budgeting must become a mainstream tool habitually used by all players at all levels in the budgeting process, both in Council of Europe member countries and – to the extent possible – within the Council of Europe itself. It thus welcomes the work of the Council of Europe Steering Committee for Equality between Women and Men (CDEG) on gender budgeting and encourages the Committee of Ministers to make full use of the expertise gathered in and developed by this Committee.

5. The Assembly thus invites the Committee of Ministers to:

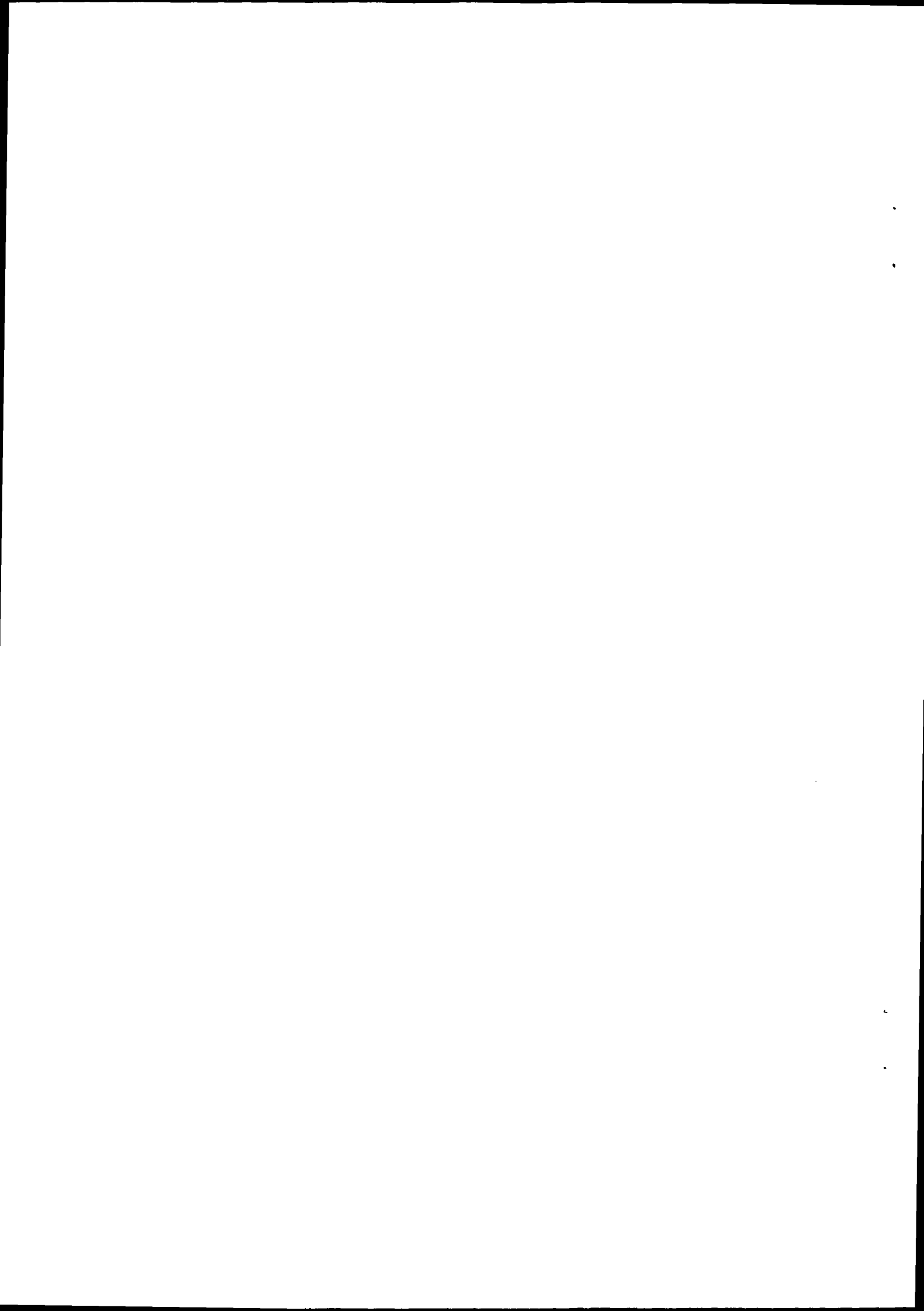
5.1. draw up a Recommendation to member states on gender budgeting, with the aim of encouraging the examination of budget processes and objectives by all players at all levels in the budgeting processes of Council of Europe member states (on national, regional and local level) to ensure that women’s and men’s needs and priorities are considered equally;

5.2. prepare a gender analysis of the Council of Europe’s budget and ensure that the needs of women and men (and girls and boys) are targeted equally by the Organisation’s activities.

6. The Assembly resolves to apply gender budgeting to its own expenses.

7. The Assembly calls upon all parliaments of Council of Europe member states to make full use of their specific role in the national budgeting process by demanding gender analyses in the preparation, implementation, audit and evaluation of government budgets and by recalibrating budgets to rectify gender inequities thus discovered.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10764, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Čurďová).





Provisional edition

A dynamic housing policy as an element of European social cohesion

Resolution 1486 (2006)¹

1. The Parliamentary Assembly notes that there have been far-reaching changes regarding housing problems in Europe, through a combination of many factors that operate interactively. Those factors include the concentration of employment in urban centres and greater job flexibility, making for increased occupational mobility but also erosion of income security and lasting exclusion of population groups from the labour market.
2. Changes in family structure, and in particular the escalation in divorces and one-parent households, the lengthening of young people's period of cohabitation with parents and ageing of the population, are further contributory factors maintaining housing demand at a high level while the supply is often unsuitable and insufficiently regenerated.
3. The magnitude of migratory flows and the concentration of immigration in towns also fuel the overall level of demand, add further pressure on the availability of housing and more generally raise the issue of the existing housing stock being unsuited to the needs of immigrant populations.
4. All these factors are contributing to a significant evolution in the nature of housing demand. The resultant pressure on housing stock and availability of land has caused a rapid rise in the price of dwellings, and specifically in rent.
5. Poorly controlled urban expansion, growth phenomena generated by urban encroachment on city outskirts, the downgrading of certain districts whose peripheral residential forms are unsuitable today, the reappearance of shanty towns and areas of insufficient or substandard housing in town centres are all symptomatic of the structural dimension of the housing crisis.
6. These phenomena also point to the inextricable linkage of housing with urban development and with questions of social mix, ethnic and racial discrimination and urban and land policies.
7. The Parliamentary Assembly expresses its deep concern at the emergence of a new housing crisis Europe-wide, which poses - and will increasingly pose in future - numerous problems for Council of Europe member countries in terms of both social exclusion and spatial segregation, resulting in an alarming erosion of their social cohesion.
8. The Assembly emphasises that the right to housing, as a fundamental social right recognised by the revised Social Charter of the Council of Europe in Article 31 thereof, is an element of social cohesion. As such, its effective realisation cannot be left to the sole discretion of market forces. This right to housing can only be universal and may not be vitiated by any exclusion in its application.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10833, report of the Social, Health and Family Affairs Committee, rapporteur: Mr Jacquat).

9. The Parliamentary Assembly wishes to point out that a housing policy vacuum costs the community far more than a dynamic housing policy geared to sustainability, continuity, involvement of all the players and adaptability to needs as they develop.

10. It considers that the most appropriate housing policies are those which have succeeded in adapting to the territoriality of the problems by means of suitable measures aimed at enhancing the role of local authorities while upholding the need for national solidarity and the indispensable commitment of State authorities.

11. Backing should be given to housing policy integrating actions aimed at both prevention of social exclusion and discrimination and urban development and renewal. Facilitating access to housing and home ownership, improving the human environment and promoting balanced development of territories are today key to the safeguarding of European social cohesion and peaceful labour relations against a weakening of social ties and a lesser feeling of belonging and sharing of common values.

12. The Assembly emphasises that there is no single, unequivocal and uniform formula for reforms to housing policies in view of differing national traditions and public intervention goals. While it is not possible to determine a single course of action for modernising housing policies, the member States must respect certain common principles.

13. Consequently, the Assembly invites the member States of the Council of Europe to:

13.1. pursue the ratification of the revised Social Charter so that all member countries recognise the right to housing as a fundamental social right and a factor in social cohesion (Article 31 of the revised Charter);

13.2. strengthen the supervisory machinery relating to the right to housing by treating its genuine enforcement as a priority, particularly in cases of discrimination, eviction and continuing existence of substandard housing;

13.3. develop knowledge of housing situations as reflected by statistical indicators in the member countries;

13.4. promote the exchange of best practices and development of integrated projects on the effective realisation of the right to housing and its enforceability;

13.5. pool thoughts on the future of housing policies, based on an appraisal of the policies conducted during the last decade and the definition of principles common to their future development;

13.6. cultivate knowledge of the territorial dimension of housing policies in conjunction with new forms of governance and methods of evaluating actions providing for the participation of all the players involved.

14. The Assembly encourages Council of Europe Development Bank member countries to support the Development Bank's activities in the field of social housing and to submit investment projects for financing, especially in favour of the most vulnerable groups of population.

15. Finally, the Assembly invites the States brought together within the Council of Europe to pursue closer co-operation with the European Union for the effective implementation of the right to housing and access to decent housing for all, given their shared aims of preserving European social cohesion and the special role of housing unanimously recognised by the Lisbon European Council and the European Parliament.



Provisional edition

The future and regeneration of coalfields in Europe

Resolution 1487 (2006)¹

1. The Parliamentary Assembly is aware that the coalmining industry has played an essential part in the economic and social development of Europe. Without coalmining, Europe would never have played its part in the world. Coal was the "staple food of industry" in the nineteenth century and in most of the twentieth century.

2. Today, at a time when mining work is being reorganised everywhere in Europe, the regeneration of entire regions is causing a great many problems and the traces of this glorious past are disappearing one after another.

3. The Assembly notes with concern that in some countries a mining heritage of great historical value is likely to be lost, in particular through lack of sufficient resources for its upkeep and development.

4. More generally, the conservation of the industrial heritage involves essential issues which were emphasised in Recommendation No. R (90) 20 of the Committee of Ministers of the Council of Europe on the protection and conservation of the technical, industrial and civil engineering heritage in Europe. The Council of Europe's Framework Convention on the Value of Cultural Heritage for Society also stresses the challenges of safeguarding this heritage.

5. Therefore the Assembly invites Member States and the European Union which succeeded the European Coal and Steel Community (ECSC) to work together on:

5.1. co-operation in protecting the mining heritage, whether tangible or intangible, stressing collaboration between the authorities and competent non-governmental bodies and individuals and associations from the worlds of industry and tourism and the community;

5.2. the creation of a European Body to draw up an inventory of mining sites, to preserve them and to develop them, in particular for cultural purposes and endowing it with the necessary resources;

5.3. the introduction, in parallel to a new world mining and industrial disaster centre, of a World Day for the victims of accidents at work and occupational diseases;

6. The Assembly also asks member States to:

6.1 promote improvements to transport, cultural, tourist and training infrastructures in the coalfields in order to provide a sound foundation for their regeneration;

6.2 encourage environmental improvement policies in order to transform the image of mining regions and re-use the former mining sites for other purposes;

6.3 promote co-operation by SMEs/SMIs with the various parties involved in order to develop an enterprise culture and offset the negative effects of the monoculture inherited from the mining "mono-industry";

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10825, report of the Committee on Culture, Science and Education, rapporteur: Mr Kucheida).

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6.4. encourage the training of men and women from these regions by fostering continued training; this is a priority in coalfields, calling for a close partnership between local authorities and States;

6.5 examine the social structures inherited from mining and which, in certain respects can be cited as exemplary.



Provisional edition

Regrouping land in central and eastern Europe

Resolution 1488 (2006)¹

1. The Parliamentary Assembly underlines the importance of agriculture in many countries in central and eastern Europe, where it still employs a large proportion of the workforce (approximately 15% in Poland and Ukraine, 35% in Romania). In order to provide the groups concerned with better living conditions and adequate income levels, agricultural policy must be adapted and structural reforms carried out so that land is used more rationally, more effectively and more sustainably.
2. In some of the countries in question, agriculture is hampered by the land being divided into many small plots, often as a result of the privatisation process following the collapse of the previous collectivist system. There is often lack of clarity surrounding ownership and, in some cases, there is no land register, plots are too small and the land is underused.
3. The Assembly believes that land regrouping measures can help to remedy some of these shortcomings with a view to improving living conditions in rural areas, especially those with less favourable climatic, geographical and topographical conditions.
4. It is also important to recognise the role which local and regional authorities can play in implementing such measures and to assign them the powers and financial and technical resources needed in this connection. The principles of local self-government, as set out in the European Charter of Local Self-Government, must be applied.
5. The Assembly underlines that land regrouping measures have already been tried out and implemented in many countries. In some countries, these measures have not achieved significant results, but they have proved successful in others, in particular in Switzerland, which deserves to be cited as an example given the success of the policy it has conducted for several decades in poorly accessible mountain regions where farming is difficult, which are often similar to those found in certain central and east European countries.
6. Land regrouping policies are complex and require both legal measures (land registry, property regulations, land use) and technical ones, in areas such as regional/spatial development (transport infrastructure, water regime), the environment (protection of water, soil, landscapes and biodiversity) and agriculture proper (reorganisation of land, land improvement and fertility, crop rotation, etc).
7. The Assembly believes that the regrouping of land boosts the efficiency of farming, optimises land use and improves the living conditions and standards of rural communities. It therefore encourages the implementation of the necessary reforms in countries where farms are too small and land is divided into too many individual plots.
8. It has taken note of the land reforms which have been carried out or are under way in several central and east European countries. It has considered land regrouping projects in Romania, in particular the RALF-RO pilot project being carried out in the municipality of Remetea, based on the Swiss model, which it supports as a good example of land improvement.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10836, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Maissen).

9. The Assembly therefore recommends that:

9.1. the governments of Central and East European member states:

9.1.1. make provision for and implement measures to encourage land regrouping so as to reduce the division of farmland into too many small plots and enable more efficient and more profitable farms to be established, thereby raising farmers' living standards;

9.1.2. take account of land regrouping experience already gained in Europe in societies of either Latin or Germanic cultural tradition and, to this end, follow the good example of other European countries such as Switzerland and the Netherlands, which are already co-operating in land regrouping projects, and have recourse to their technical know-how and the financial support available;

9.1.3. inform farmers with a possible interest in land regrouping measures about the nature of and reasons for the measures and the benefits they can derive from them;

9.1.4. consider granting the necessary technical and financial resources or tax concessions to municipalities which wish to carry out land regrouping projects in agreement with the farmers concerned;

9.1.5. encourage the establishment of co-operatives for the production, processing and marketing of agricultural produce, particularly in regions where farms are small and especially in municipalities or regions where land regrouping has been carried out and has rationalised farms and boosted their productivity;

9.2. the European Conference of Ministers responsible for Regional Planning include in its work programme an activity on land regrouping policies so that recommendations can be drawn up and addressed to the countries concerned on the basis of existing experience and best practice;

9.3. the European Commission:

9.3.1. offer financial support for national land regrouping measures, in particular in the new member states of the European Union and the applicant countries;

9.3.2. establish to that end a specific instrument for providing technical and financial assistance for land regrouping projects in the above countries;

9.4. the local and regional authorities concerned by land regrouping measures also have recourse to international co-operation in seeking the technical and financial resources needed from counterparts which have already had experience in the area.

Provisional edition

Mechanisms to ensure women's participation in decision-making

Resolution 1489 (2006)¹

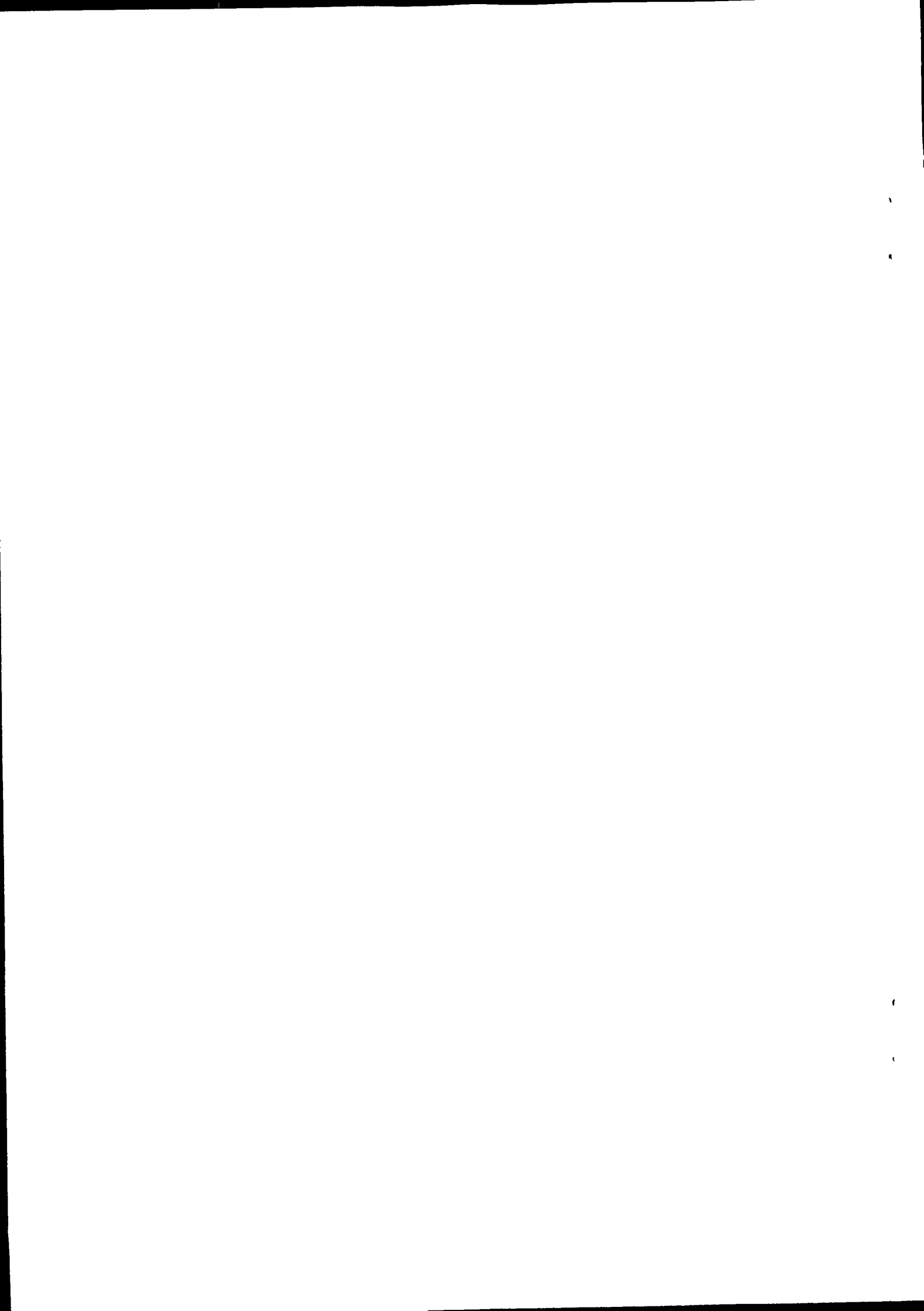
1. In spite of the progress being made in Europe in terms of improving equal opportunities and rights for women and men, the Parliamentary Assembly notes a persistently low level of participation by women in decision-making processes. Women remain under-represented in Europe in national and regional parliaments, municipal councils, governments and posts of responsibility in political parties, the civil service and industry.
2. The Assembly considers that balanced participation by women and men in decision-making is a precondition for improving the functioning of democracy and society, as are respect for women's rights, their financial autonomy and their education, in a context of shared responsibilities between women and men. Ongoing under-representation of women in political and economic decision-making reflects a basic democratic deficit in both the member states of the Council of Europe and the broader international context.
3. The adoption of legislation or action plans and the introduction of institutional mechanisms aimed at equal opportunities between women and men seldom result in any real increase in female participation at the highest national and international decision-making levels. Many European countries fail to prioritise gender equality and even where the prohibition of discrimination against women is enshrined in legislation it is not always implemented in practice. This means that legislation on equality or gender balance has only very seldom achieved the anticipated results.
4. Persisting stereotypes and traditions or discrimination in terms of access to the labour market or political life – and “career progression” within one's chosen profession - are so many obstacles to female participation in the decision-making process. Few member states have achieved the objective set out in Committee of Ministers' Recommendation Rec(2003)3 on balanced participation by women and men in political and public decision-making, namely that “the representation of either women or men in any decision-making body in political or public life should not fall below 40%”.
5. The Assembly is now convinced of the need to make up for lost time. In view of the under-representation of women in decision-making bodies, it is a matter of urgency to promote positive measures because those adopted hitherto to promote women's participation in decision-making have had but limited impact. The Council of Europe and its member states must therefore identify the requisite mechanisms and good practices to promote the implementation of Recommendation Rec(2003)3 and alert the European decision-making bodies and public to the need for female participation in decision-making.
6. The Assembly therefore invites Council of Europe member and observer states to:
 - 6.1. set the objective of achieving a gender balance in decision-making processes, with the initial target of a critical mass of at least 40% women in all governmental and parliamentary bodies;
 - 6.2. with this in mind, prioritise the implementation of Committee of Ministers' Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision-making which cannot be successfully put into practice without creating or reinforcing national and international mechanisms

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10743, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Cliveti).

for promoting balanced participation of women and men in the decision-making processes and making this a priority in all ministries by implementing gender mainstreaming;

- 6.3. ensure gender-balanced participation in international delegations;
 - 6.4. monitor and assess progress by regularly collecting, analysing and disseminating quantitative and qualitative data on women and men at all levels in the various public and private sector decision-making posts and making public the number of women and men employed at the various civil service levels on an annual basis;
 - 6.5. raise the awareness of the media on the issue of gender equality in order to prepare them for the role which they play in forming public opinion of the place of women in society and the impact of the media image of women on their level of participation in public and political life;
 - 6.6. associate non-governmental organisations with the implementation of these information campaigns;
 - 6.7. encourage access by women to decision-making in all spheres of public life by smashing the "glass ceiling";
 - 6.8. reinforce institutional mechanisms;
 - 6.9. revise the rules, procedures and, if necessary the electoral systems, in order to include the gender equality dimension with a view to achieving, by 2020, a minimum 40% representation of women in parliaments and other elected assemblies by urging early preparation of the "Charter for Electoral Equality" proposed by the Assembly in its Recommendation 1676 (2004) on women's participation in elections;
 - 6.10. give financial incentives to those political parties which achieve the aim of a minimum 40% representation of women in the party's decision-making bodies and amongst candidates elected;
 - 6.11. take account of the equality dimension when adopting national, regional and local budgets;
 - 6.12. ensure the appropriate implementation of existing legislation on gender mainstreaming strategy;
 - 6.13. adopt a framework law and a governmental programme on gender equality and introduce machinery to assess the implementation of the law and the programme and provide for their decentralised implementation;
 - 6.14. appoint a specialist on gender equality issues to any existing mediation bodies;
 - 6.15. ensure that public institutions set the reasonable objective of ensuring a proportional number of 40 % of women in top posts in order to remedy any imbalance in representation of women and men;
 - 6.16. promote participation by representatives of the civil society, particularly by those who show a keen interest in gender equality issues, in all political debate, thus creating a "bridge" for women between civil society and political life.
7. The Assembly invites all national and regional parliamentary assemblies to set up committees on equality between women and men.
8. The Assembly decides to ensure full implementation of the principle of balanced participation by women and men in decision-making processes in the Council of Europe and its organs and bodies and therefore decides:
- 8.1. to reaffirm its Resolutions 1366 (2004) and 1426 (2005) on candidates for the European Court of Human Rights, in which it decided not to take account of lists of candidates that do not include at least one candidate of each sex, except where the candidates belong to the sex under-represented in the Court, ie representing less than 40% of the total number of judges;
 - 8.2. to prepare a report, in consultation with those involved in the respective election procedures, on how the representation of both sexes can be realised for candidates to the European Committee for the Prevention of Torture, the posts of Human Rights Commissioner, Secretary General and Deputy Secretary General of the Council of Europe and Secretary General of the Assembly;

- 8.3. to continue implementing Resolution 1348 (2003) and reinforce it with binding provisions, amending the Assembly Rules of Procedure if necessary;
- 8.4. to encourage female parliamentarians to work together, above and beyond any national and political divisions, within the informal group of female Assembly members, in order to increase their representation in such posts of responsibility as committee, sub-committee and national delegation chairpersons and encourage them to put their names forward for rapporteurships and to add their names to lists of speakers;
- 8.5. to invite the Bureau to propose solutions to problems identified by the Committee on Equal Opportunities between Women and Men, notably the under-representation of women in the bureaux of political groups, national delegations and committees, and the shortage of female rapporteurs;
- 8.6. to encourage its political groups to take account of the gender equality principle in appointing the members of committee bureaux and speakers taking the floor on their behalf during debates;
- 8.7. to encourage the national delegations to appoint more female Vice-Presidents of the Assembly and Chairwomen of the national delegations themselves;
- 8.8. to encourage the committees to appoint more female rapporteurs.



Provisional edition

Interpretation of Article 15.a of the General Agreement on Privileges and Immunities of the Council of Europe

Resolution 1490 (2006)¹

1. The Parliamentary Assembly refers to its Resolution 1325 (2003) and Recommendation 1602 (2003) on immunities of members of the Assembly which underlined that immunities are granted in order to preserve the integrity of the Assembly and to safeguard the independence of its members in exercising their European office.
2. The Assembly recalls that the protection granted to Assembly members by Article 40 of the Statute of the Council of Europe ("London Treaty"), Articles 14 and 15 of the General Agreement on the Privileges and Immunities of the Council of Europe and Article 3 of the Additional Protocol is part of a specific system of European immunity which is independent from any national immunities an Assembly member may enjoy. The autonomous character of the Council of Europe immunity is justified by the fact that the Assembly and its members have, independently from parliaments of the member States, a specific mandate to fulfil, to carry out the parliamentary functions arising from the application of the London Treaty of 5 May 1949.
3. One feature of the Council of Europe's institutional system is that the immunities of Assembly members are valid during the entire parliamentary year of the Assembly. It has always interpreted the terms "during the sessions" in Article 15 of the General Agreement and "during a session" in Article 25.b. of the Statute as covering the parliamentary year.
4. The Assembly recalls that, since 1952, the provisions governing the immunities of members of the European Parliament (Protocol on the Privileges and Immunities of the European Communities of 1965 and prior texts) and of the Parliamentary Assembly of the Council of Europe are identical. However, it is to be noted that the European Parliament (EP) has, in a resolution of 23 June 2005, called upon the EU member states to review the 1965 Protocol in respect of the provisions relating to members of the EP and to take the statute for members of the EP, approved on 3 and 4 June 2003, as a model. The Assembly hopes that the EU Governments will endorse these proposals and that they will be adopted at the next EU Intergovernmental Conference. Once the new EU Protocol has entered into force, it would be useful that the Assembly ask for a revision and up-dating of the General Agreement on the Privileges and Immunities of the Council of Europe (1949) and its additional Protocol (1952), insofar as Assembly members are concerned.
5. On the basis of the existing 1965 provisions, the EP has developed a rich practice concerning the scope of these immunities. Recent immunity practice of the EP shows that national authorities have not correctly interpreted European immunities of members in important cases concerning members' participation in demonstrations and their free movement. Sometimes, even the national parliamentary immunity provisions are not properly applied to EP members when in their home countries. On 15 November 2005, the EP adopted a resolution on a possible infringement of the Protocol on the Privileges and Immunities of the European Communities by a Member State (P6_TA-(2005) 0426).
6. In its Resolution 1325 (2003), the Assembly agreed that the EP's practice should also form the basis for the interpretation of Article 15 of the General Agreement and, in particular, of its sub-paragraph a. concerning immunities of Assembly members on their national territory. Furthermore, in its Recommendation 1602 (2003), the Assembly invited the Committee of Ministers to take certain action with regard to the interpretation and application of Articles 14 and 15.a of the General Agreement.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10840, report of the Committee on Rules of Procedure and Immunities, rapporteur: Mr Jurgens).

7. However, the Committee of Ministers have not taken the proposed follow-up action on Recommendation 1602 (2003). As far as can be seen, the national courts which had to apply the immunity regime of the Parliamentary Assembly have not adhered to the Assembly's concept developed in Resolution 1325 (2003), but have given preference to a literal interpretation of Article 15.a. of the General Agreement, while not taking into account this provision in its entirety. In these circumstances, the Assembly has reviewed its position regarding Article 15.a.

8. It resolves to interpret Article 15.a. as follows: Whatever the national regime of immunity, Assembly Representatives or Substitutes shall be protected against prosecution and arrest in the exercise of their functions as Assembly members or when travelling on Assembly business, whether this is inside or outside of their national territory. If they are not active within this meaning or not travelling on Assembly business, the national regime shall apply within their country.

9. The Assembly also considers that it is appropriate for the relevant Assembly organs, when examining requests for the waiver of immunity and for the defence of immunity of its members, to bear in mind if the competent national authorities have respected the European Convention on Human Rights as interpreted by the European Court of Human Rights and other relevant Council of Europe legal instruments and texts which the respective countries have ratified or accepted. The Assembly should express its concern when Council of Europe norms have been obviously disregarded in respect of one of its members.

10. The Assembly recalls that in the reply to Recommendation 1602 (2003), the Committee of Ministers invited the member states, where national legislation permits, to acknowledge unilaterally as an official document the laissez-passer issued by the competent Council of Europe authorities.

11. Consequently the Assembly decides to:

11.1. add the following paragraph after paragraph 6 in Rule 64 of the Assembly's Rules of Procedure:

"a. When dealing with requests for the waiver of the Council of Europe immunity, or with requests to defend that immunity of an Assembly member, the competent Assembly organs shall interpret Article 15.a of the General Agreement on Privileges and Immunities of the Council of Europe as follows. Assembly representatives or Substitutes are immune from prosecution and arrest in the exercise of their functions as Assembly members or when travelling on Assembly business, whether this is inside or outside of their national territory. If they are not active within this meaning or not travelling on Assembly business, the national regime shall apply within their country.

b. The terms "in the exercise of their functions" include all official duties discharged by Assembly Representatives and Substitutes in the member states on the basis of a decision by a competent Assembly body and with the consent of the appropriate national authorities.

c. In case of doubt, the Bureau of the Assembly shall decide if Assembly members' activities took place in the exercise of their functions."

11.2. invite the Bureau of the Assembly to take measures aimed at:

- reinforcing the legal value of the laissez-passer issued by the competent Council of Europe authorities to members of the Parliamentary Assembly;
- making more member states acknowledge the laissez-passer as an official document;
- completing the information on the laissez-passer by adding the content of paragraph 11.1 above and its translation into the three working languages of the Assembly to it.

12. The Assembly decides that the new provision shall enter into force upon the adoption of this resolution.

Provisional edition

Inclusion in the Assembly's Rules of Procedure of a new rule on co-operation with the European Parliament

Resolution 1491 (2006)¹

1. The Assembly recalls that in the Warsaw Declaration of May 2005 the Heads of State and Government of the Council of Europe member States resolved to create a new framework for enhanced co-operation and interaction between the Council of Europe and the European Union in areas of common concern, in particular human rights, democracy and the rule of law.
2. In this connection it welcomes that in the last years the relations between the European Parliament (EP) and the Parliamentary Assembly have been strengthened and that several new means of co-operation were introduced.
3. The Assembly notes that, contrary to the EP, the Rules of Procedure of the Parliamentary Assembly do not contain a provision on its relations with the EP.
4. It considers that such a rule would be useful for several reasons. In addition to creating a symmetry between the practice of the EP and the Assembly, a new provision on co-operation with the EP would have a political and a symbolic character. It would in particular be an expression of the special relationship between the Council of Europe and the European Union. During fifty years (1952-2002) this relationship was governed by a specific legal instrument, the Protocol to the Paris Treaty instituting the European Coal and Steel Community.
5. Consequently, the Assembly decides to insert the following new rule in its Rules of Procedure after Rule 61:

"Co-operation with the European Parliament

1. *The Bureau of the Assembly shall, in agreement with the relevant organ of the European Parliament (Conference of Presidents), decide the arrangements for co-operation of both institutions.*
 2. *On the basis of these arrangements, the Assembly's bodies, particularly the committees, may co-operate with their counterparts of the European Parliament in fields of mutual interest."*
6. It also decides that the new Rule shall enter into force on its adoption by the Assembly.

¹ Text adopted by the Standing Committee acting on behalf of the Assembly on 17 March 2006 (see Doc.10784 rev., report of the Committee on Rules of Procedure and Immunities, rapporteur: Mr Cebeci).

