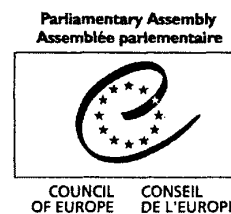


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REPORT

Thirty-first sitting

Thursday 6 October 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, took the Chair at 3.00 p.m.

THE PRESIDENT. – The sitting is open.

1. Minutes of proceedings

THE PRESIDENT. – The minutes of proceedings of the 29th sitting have been distributed. The minutes of proceedings of this morning's sitting have not yet been distributed. They will be adopted at a later sitting.

Are the distributed minutes agreed to?

The minutes are agreed to.

2. Voting cards and the register of attendance

THE PRESIDENT. – 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.

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.

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

3. Organisation of debates

THE PRESIDENT. – This afternoon, the business is very full, with debates on three reports for which there are a total of 30 speakers, and 20 amendments and one sub-amendment to consider.

We will have to interrupt the list of speakers in the resumed debate on the European neighbourhood policy at about 3.30 p.m., the list of speakers in the second debate on Europe and bird flu at about 5 p.m., and the list of speakers in the third debate on Libya at about 6.15 p.m. in order to leave sufficient time for the replies on behalf of the committees and the votes. The debate on bird flu will start at about 4 p.m. and that on Libya at about 5.15 p.m.

Are these arrangements agreed?

They are agreed.

4. The Council of Europe and the European neighbourhood policy of the European Union – resumed debate

THE PRESIDENT. – The first item of business this afternoon is the continuation of the debate on the Council of Europe and the European neighbourhood policy.

The next speaker on the list is Mr Kosachev. You have five minutes.

MR KOSASHEV (*Russian Federation*). – Thank you, Mr President. I thank the rapporteur for an excellent report, and I also thank the people who came up with the initiative of discussing this matter in our Assembly. Nevertheless, my feelings and emotions about this topic are divided. What we are discussing is formally called a neighbourhood policy, but all that that really means is that one group of European countries does something in relation to another group of countries, including some European countries.

Do we have any right, or any reason, to discuss that matter? Definitely yes. Do we have a chance to be heard, and listened to, by the European Union? For me, the answer to that question is not as definite; it is, "Maybe." We will not be heard or listened to if we continue to consider the EU as something big, strong and unavoidable for any European country, and as the only significant organisation in Europe, as if every country outside it dreams only of getting in.

Yesterday we had an interesting discussion in a meeting of the Political Affairs Committee. One of my colleagues, Mr Németh, said that sooner or later Moldova would be a member of the European Union. That may be true – but we never use the same wording about Norway or Switzerland, for example. We respect those countries' right to be outside the European Union, but as soon as we discuss Moldova or other such countries that are covered by the neighbourhood policy, we make that type of comment, which I consider wrong.

Another expression that reflects that approach, which to my mind is unbalanced and wrong, was used today by my good friend Mr Van den Brande. He said that Russia was bound to the European Union. Why? We are equal; the European Union is also bound to Russia to the same extent. The same goes for the Council of Europe. We in the Council of Europe are not "bound" to the European Union; we are ourselves. We may and should participate in any process, including the neighbourhood policy, but we should not ask for that. We should propose something that we believe in and are good at.

Sixteen countries are covered by the so-called neighbourhood policy. Five of them are members of our Organisation, one is a real European country but not a member of our Organisation, and the other 10 are not members of either our Organisation or the European Union. We should demand something from the European Union, not just do something for it, in that sense.

The Council of Europe has managed to create a united unified political space from Reykjavik to Vladivostok. That is one of the greatest achievements of our Organisation. However, the European Union has suddenly started to adopt some rather strange approaches, such as the disconnection clause in the case of our Convention on Combating Terrorism, which was approved in Warsaw at the summit. I do not find that approach proper. When we discuss the neighbourhood policy, as well as the other actions of the European Union, we should always insist on our own standards, propose them to the EU and demand that it adhere to them.

The European Union consists of 25 member states, which are well represented here in the Chamber. When we speak about somebody doing something in the European Union that we think is unbalanced or wrong, we should always remember that the same countries that are in the EU are represented here, and the people who represent them here should demand that their governments work with the European Union to take the action that we think is important for our Organisation.

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

Mr DORIĆ (*Croatia*). – Mr President, ladies and gentlemen, I shall divide my short presentation into two parts. First, I strongly support Mr Van den Brande's report. He has clearly pointed out that the establishment of the European Union agency for fundamental rights may result in duplication of actions by the EU and the Council of Europe. I agree with him that that duplication could result in a waste of energy and financial resources if the action is not co-ordinated.

However, I would like to add something to the rapporteur's list, and I hope that he will agree with me. I would add the loss of time. In 56 years of serious and very responsible work through three generations, the Council of Europe, under this very roof, has adopted 198 conventions and agreements, establishing social, cultural, educational, environmental and political standards of which we Europeans are very proud.

Therefore, I hope that the report being prepared by Mr Jean-Claude Juncker on the relationship between the EU and the Council of Europe will point out the absolute necessity of enhanced co-operation between the two organisations.

Secondly, as a member of the Sub-Committee on Local and Regional Democracy, I would like to inform the Parliamentary Assembly that the local and regional authorities that I have contacted during the past few weeks and months are glad that their role is mentioned in the context of the future of the European neighbourhood policy. They especially appreciate the cross-border co-operation programmes in the European neighbourhood and partnership instrument that will be in force from 2007.

I was asked by the representatives of the regional authorities that participated in the eighth European conference on border regions held in the Ukraine two weeks ago to underline the great achievements of two documents issued by the Council of Europe in the democratisation process in central and eastern Europe after the fall of the Berlin Wall. Those two documents are the European Charter of Local Self-Government and the European Outline Convention on Transfrontier Co-operation, also known as the Madrid convention. Their implementation resulted in the decentralisation of political powers. They brought the decision-making process closer to the citizens by enabling them to elect their representatives directly. The cross-border co-operation has ensured peace and stability at our borders, as well as enabling us to overcome border restrictions. Those achievements deserve special respect. That must be taken into account when planning the future ENP. Nobody has the right to bypass these achievements and embark on the projects from a different perspective or, even worse, to start them from the very beginning all over again. I am glad that the report follows that line of thinking and I congratulate Mr Van den Brande on it.

THE PRESIDENT. – Thank you, Mr Dorić. I call Mr Tkáč.

Mr TKÁČ (*Slovakia*) said that European law was based on the principles of democracy and human rights, concepts which underpinned the thinking of legislators in member states. He praised the Council of Europe for its welcome and beneficial influence on national legislation. International organisations had a responsibility to set standards and should be aware that their actions influenced global policy. The Council of Europe was based on fundamental principles of human rights and social and economic progress: its work was invaluable. He welcomed the discussions at the 3rd Summit of the Council of Europe held in Warsaw earlier that year, which had attempted to clarify the remits of international organisations which might otherwise be undertaking conflicting activities. He hoped that this work would be successful.

THE PRESIDENT. – Thank you, Mr Tkáč.

That concludes the list of speakers.

I call Mr Van den Brande, rapporteur, to reply. You have four minutes which may be shared with the rapporteurs of the committees for opinion.

Mr VAN DEN BRANDE (*Belgium*). – I am grateful to my 15 colleagues who contributed to the debate. I do not have time to respond in detail, but it is clear that everyone is committed to our Organisation, the Assembly and the ENP. Everyone agrees that we must go for the common values and implement them. However, I should inform Mr Kosachev that I said that the Russian Federation is bound “to” not “by” the Union. As Lord Tomlinson said, it takes two to tango.

There are several considerations to take into account. The ENP is a tailor-made approach to the varied circumstances in the 16 countries. It is not the case that we have close co-operation and involvement with the five member states and the Russian Federation, as they are members of our Organisation, and do nothing for the others. As the French say, “*À géométrie variable, ou je peux même dire géographie variable.*” That represents another approach to the 16 countries involved in the programme.

We must go for global commitments. We should not dwell on who is competent for this or that, because it is a question of shared responsibility. The union will have to be in favour of the unilateral approach for it to take place. It is not only the tango that can be danced on the floor, but the sarabande and the polka as well.

There are three essential considerations. The first is our common democratic values. The second is the need to become a knowledge-driven economy so that we create jobs. The third is the need to become a player on the international scene, for security and safety purposes. It is evident that the Council of Europe and the Assembly have an important role to play as co-partners. We need to have priorities. We also need to make our own concrete proposals to the Committee of Ministers. Intercultural dialogue is essential for us to make progress in all countries and as part of our contribution.

THE PRESIDENT. – Thank you. I call Mr Ateş, the Chairman of the Political Affairs Committee. You have two minutes.

Mr ATEŞ (*Turkey*). – I begin by thanking our three rapporteurs, the Committee on Economic Affairs and Development and the Monitoring Committee for their contributions. I also thank all the speakers for their contributions; such support is valuable, and I fully agree with the comments of Lord Tomlinson and Mr Kosachev. The Political Affairs Committee has embarked on a more in-depth reflection on the Council of Europe’s own external relations strategy and I hope to present you with our conclusions next spring. I know that this issue is as important as the European neighbourhood policy. External relations is a very important subject and we must look into it. Europe is a diverse continent of 47 states, but at the same time, Europeans, with the help of the Council of Europe and the EU, are ensuring that the dividing lines between those 47 nations are fading away.

THE PRESIDENT. – Thank you. The debate is closed.

The Political Affairs Committee has presented a draft recommendation to which 10 amendments have been tabled. They will be taken in the order in which they appear in the notice paper. I remind you that speeches on amendments are limited to one minute.

We come to Amendment No. 9, tabled by Mrs Liudmila Pirozhnikova, on behalf of the Committee on Economic Affairs and Development, which is, in the draft recommendation, after paragraph 3, insert the following paragraph:

"It is important to remember that eastern Europe is not an economic and institutional desert or void. The countries in the region maintain stable economic and commercial relations, sometimes in the framework of intergovernmental agreements and institutions, such as the Common Economic Space and the Euro-Asian Economic Union. A balanced strategy under the ENP should be based on constructive co-operation with these institutions, not on attempts to sow discord between them or to face the former Soviet countries with the dilemma of either belonging to independent structures or moving closer to the EU."

I call Mrs Pirozhnikova to support Amendment No. 9.

Mrs PIROZHNIKOVA (*Russian Federation*) said a balanced strategy was required to work effectively with existing intergovernmental institutions in central and eastern Europe.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 9 is adopted.

We come to Amendment No. 1, tabled by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which is, in the draft recommendation, replace paragraph 4 with the following paragraphs:

"The Council of Europe and the European Union have repeatedly declared that they share the same values and principles and pursue common aims with regard to democracy, the rule of law and human rights and fundamental freedoms. The Assembly recalls that the European Convention on Human Rights of the Council of Europe is the only legally binding instrument in Europe in the field of human rights protection for all 46 Council of Europe member states, including those which are members of the European Union.

The Assembly therefore believes that the ENP has to be based on co-operation between the EU and the Council of Europe (CoE), and that this implies that the ENP fully integrates the values and standards of the CoE and uses its expertise in its core areas of excellence. Lack of co-ordination would not only result in duplication of efforts. Worse, it would create the risk of sending incoherent political messages to the countries concerned and especially to those which have undertaken specific commitments as CoE members."

I call Mr Zingeris to support Amendment No. 1.

Mr ZINGERIS (*Lithuania*). – We fully agree with the ideas in the text, and we would like to express them even more strongly. We want to stress that the only principles and values that should bind all European states are those of the Council of Europe. Therefore, we cannot simply talk about a "contribution". Our values and principles should be at the heart of any policy in the field of human rights. The risk of duplication is serious, but there is an even greater risk of a lack of coherence in our defence of human rights.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 1 is adopted.

We come to Amendment No. 2, tabled by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which is, in the draft of recommendation, at the end of paragraph 9, add the following words: "the rule of law and ensuring respect for human rights".

I call Mr Zingeris to support Amendment No. 2.

Mr ZINGERIS (*Lithuania*). – The aim of this amendment is to show the full scope of the competence of our Organisation.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2 is adopted.

We come to Amendment No. 3, tabled by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which is, in the draft recommendation, after paragraph 9, insert the following paragraph:

“The Council of Europe has been monitoring the specific obligations and commitments of all CoE member countries covered by the ENP since their accession. The compliance of these countries with their obligations and commitments towards the Council of Europe should be a *sine qua non* precondition for any further European integration within the ENP.”

I call Mr Zingeris to support Amendment No. 3.

Mr ZINGERIS (*Lithuania*). – This amendment is self-explanatory. For instance, this week we adopted two very strong reports, on Moldova and Ukraine. They presented a full democratisation programme for the years to come. Nobody would take our European institutions seriously if those countries were suddenly offered closer European integration without their fulfilling the requirements.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We come to Amendment No. 4, tabled by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which is, in the draft recommendation, replace paragraph 13 with the following paragraph:

“If the commitment of the European leaders to ensure complementarity within European organisations is not to remain wishful thinking, the CoE and the EU have to reach a political agreement that the values and standards of the Council of Europe should be given full political recognition in the ENP Action Plans. Moreover, the expertise, monitoring procedures and assistance know-how of the CoE should be widely used in the implementation of the ENP in the form of an institutionalised partnership.”

I call Mr Zingeris to support Amendment No. 4.

Mr ZINGERIS (*Lithuania*). – This is another amendment that aims to make our current position stronger and to bring more complementarity. The values and standards of the Council of Europe have been given full political recognition in principle, and each European country is becoming a party to the European Convention on Human Rights. Now, the issue is those values and standards becoming a point of reference in the action plans. For this, we need political agreement from the leaders of our organisations. This partnership between our organisations should not be simply a matter of good will; it needs to be institutionalised.

THE PRESIDENT. – I understand that Mr Van den Brande wishes to propose an oral sub-amendment on behalf of the Political Affairs Committee, which reads as follows: “In Amendment No. 4, in the final line, leave out the words ‘in the form of an institutionalised partnership’.”

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6, in that it leads to conciliation and can be considered unless 10 or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated? That is not the case.

I call Mr Van den Brande to support the oral sub-amendment on behalf of the Political Affairs Committee. You have one minute.

Mr VAN DEN BRANDE (*Belgium*). – I begin by thanking my two co-rapporteurs, the Chairman of the Political Affairs Committee and all the staff. They worked wonderfully together.

The amendment refers to an “institutionalised partnership”, rather than to co-operation. That wording could present a problem. Only when there is a prior commitment to making a contribution and to working together do we need to speak of a formal “institutionalised partnership”. We want to avoid that wording, and I am convinced that my oral sub-amendment is in line with the views of the Monitoring Committee.

THE PRESIDENT. – Does anyone wish to speak against the oral sub-amendment? That is not the case.

What is the opinion of the mover of the original amendment, Mr Zingeris? You have one minute.

Mr ZINGERIS (*Lithuania*). – I think that the oral sub-amendment is reasonable. The two amendments do not contradict each other, and the wording of the oral sub-amendment is more precise.

THE PRESIDENT. – The Political Affairs Committee is obviously in favour.

The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against the amendment, as amended? That is not the case.

The vote is open.

Amendment No. 4, as amended, is adopted.

THE PRESIDENT. – We come to Amendment No. 5, tabled by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which is, in draft recommendation, paragraph 14.1, replace the words “make proposals to the relevant authorities of the EU on concrete co-operation with a view to institutionalising the Council of Europe’s contribution to the ENP and give it appropriate political recognition, and in particular” with the following words: “urge the relevant authorities of the EU to: reach a political agreement with the CoE on making its values, standards and legally binding mechanisms in the field of democracy, rule of law and human rights a point of reference in the ENP Action Plans, and institutionalise partnership in this field.”

I call Mr Zingeris to support the amendment.

Mr ZINGERIS (*Lithuania*). – As with the last amendment, the aim is to clarify and strengthen the text.

THE PRESIDENT. – I understand that Mr Van den Brande wishes to propose an oral sub-amendment on behalf of the Political Affairs Committee, which reads as follows: “in Amendment No. 5, replace the last two paragraphs with the words ‘establish concrete co-operation with a view to institutionalising the Council of Europe’s contribution to the ENP and give it appropriate political recognition’.”

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6 in that it leads to conciliation and can be considered unless 10 or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated?

That is not the case.

I call Mr Van den Brande to support the oral sub-amendment on behalf of the Political Affairs Committee.

Mr VAN DEN BRANDE (*Belgium*). – The Monitoring Committee and Mr Zingeris rightly intended to strengthen the wording, and to make this not just a belief but a wish. My committee and I agree that the text should be made stronger, and should not be limited to gentle proposals.

THE PRESIDENT. – What is the opinion of the mover of the original amendment?

Mr ZINGERIS (*Lithuania*). – We think that the oral sub-amendment is in line with what we are saying.

THE PRESIDENT. – The Political Affairs Committee is obviously in favour.

The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against the amendment, as amended?

That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 5, as amended, is adopted.

We come to Amendment No. 6, tabled by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which is, in the draft recommendation, after paragraph 14.1.1, insert the following sub-paragraph: “for the countries covered by the ENP which are members of the CoE, make compliance with CoE commitments and obligations a pre-condition for any further European integration;”.

I call Mr Zingeris to support the amendment.

Mr ZINGERIS (*Lithuania*). – I have nothing to say that I have not said about earlier amendments.

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

That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 6 is adopted.

We come to Amendment No. 7, tabled by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which is, in the draft recommendation, paragraph 14.1.2, delete the words “as added value”.

I call Mr Zingeris to support the amendment.

Mr ZINGERIS (*Lithuania*). – “Added value” minimises the Council's importance. We have long-established expertise, which should be at the heart of any new policy relating to democracy and human rights.

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

Mr VAN DEN BRANDE (*Belgium*). – The Monitoring Committee may have thought that, but for us the point is essential. Our report and recommendation expresses our wish to be an equal partner, and our contribution must not be seen as a problem for the EU, but the EU must take account of our expertise.

We oppose the amendment, and I am sure that, as a wise man, Mr Zingeris will follow the humble advice of your servant.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – Against.

THE PRESIDENT. – The vote is open.

Amendment No. 7 is rejected.

We come to Amendment No. 8, tabled by Mr Emanuelis Zingeris, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), which is, in the draft recommendation, paragraph 15.2, replace the words "associate the Council of Europe with" with the following words: "assign to the Council of Europe".

I call Mr Zingeris to support the amendment.

Mr ZINGERIS (*Lithuania*). – Why not ask the Council of Europe to carry out assistance and monitoring of democratisation? The five European countries covered by the ENP have been doing it for years.

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

That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 8 is adopted.

We come to Amendment No. 10, tabled by Mrs Liudmila Pirozhnikova, on behalf of the Committee on Economic Affairs and Development, which is, in the draft recommendation, after paragraph 20.6, add the following paragraphs:

"The Assembly insists that the ENP should not be allowed to create new political and economic dividing lines in Europe, but should rather foster more open trade and investment in the EU's relations both with its ENP partners and with Council of Europe member states outside the EU-ENP area, especially in central, south-eastern and eastern Europe. The ENP should be made increasingly to resemble the EU's current European Economic Area agreement with a number of west European countries, and thereby permit ENP partners to share more fully in the EU's Internal Market.

The Assembly resolves to work closely with institutions for which it serves as a parliamentary forum – such as the Organisation for Economic Co-operation and Development (OECD), the European Bank for Reconstruction and Development (EBRD), the World Trade Organisation (WTO), the World Bank and the International Monetary Fund (IMF) – in order to ensure maximum effect of the ENP and an optimal use of the considerable funds to be dispersed."

I call Mrs Pirozhnikova to support the amendment.

Mrs PIROZHNIKOVA (*Russian Federation*) said that the amendment emphasised the need for the Council of Europe to co-operate with the OECD, the World Bank and the IMF.

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

I call Mr Van den Brande.

Mr VAN DEN BRANDE (*Belgium*). – When we discussed the issue in the Political Affairs Committee this morning, we were not against what has been drafted. However, the first paragraph of Amendment No. 10 repeats what appears elsewhere in the draft recommendation. The second paragraph rightly refers to the organisations that can contribute to the successful implementation of the ENP. However, the committee was against the first paragraph in the amendment, because the issue is dealt with elsewhere. What appears in the first paragraph of the amendment is positive, but I do not think it appropriate to insert it in this part of the draft recommendation. I am willing to accept the second paragraph.

THE PRESIDENT. – Does that mean that you wish to table an oral sub-amendment to delete the first paragraph of Amendment No. 10?

I now call Mr Ateş.

Mr ATEŞ (*Turkey*). – Yes, we could do that. The first paragraph in the amendment is already mentioned in the regular agenda of the Assembly, and the second paragraph can be accepted.

THE PRESIDENT. – Under Rule 34.c, the President can propose that complicated amendments be voted on and considered in part unless the chairman of the committee objects.

We therefore come to an oral sub-amendment to Amendment No. 10, which would delete the first paragraph.

I call Mr Van den Brande to support the oral sub-amendment.

Mr VAN DEN BRANDE (*Belgium*). – I am against the first paragraph of Amendment No.10 for the reasons that I have already given. It is best to reject it.

THE PRESIDENT. – Does anyone wish to speak against the oral sub-amendment, which would delete the first paragraph? That is not the case.

The vote is open.

The oral sub-amendment is adopted.

We now come to the vote on the second paragraph in Amendment No. 10.

I call Mr Ateş.

Mr ATEŞ (*Turkey*). – I have to make it clear that the committee was against the whole of Amendment No. 10, but we have now taken the amendment in two parts. The first paragraph was opposed by the committee and the rapporteur and the second paragraph is supported by the rapporteur, even though the committee opposed paragraph two.

THE PRESIDENT. – We have not used a new rule; I have used an existing rule, so that we can vote on the second paragraph.

The vote is open.

Amendment No. 10, as amended, is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10696, as amended.

I remind you that a two-thirds majority is required for the adoption of a recommendation.

The vote is open.

The draft recommendation in Document 10696, as amended, is adopted.

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

5. Europe and bird flu – preventive health measures (debate under urgent procedure)

THE PRESIDENT. – The next item of business this afternoon is the debate under urgent procedure on Europe and bird flu – preventive health measures presented by Mr Jacquat on behalf of the Social, Health and Family Affairs Committee, Document 10707, with an opinion presented by Mr Lobkowicz on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, Document 10713.

The list of speakers closed at 12 noon today. Ten names are on the list, and six amendments have been tabled.

I remind you that we have already agreed that we shall interrupt the list of speakers at 5 p.m. to allow time for the replies and votes.

I call Mr Jacquat, rapporteur. He has eight minutes.

Mr JACQUAT (*France*) noted that World Health Organization experts had warned some time previously that bird flu could lead to a major epidemic. Their appeal had been repeated at the Millennium Review Summit in September 2005. The experts had found an increase in the number of cases of bird flu

on poultry farms and felt that mutation could lead to direct human-to-human transmission. Humans were not capable of resisting the virus. Those countries affected had been very slow to react: they had not wanted to take the necessary veterinary measures. The virus had become increasingly virulent since 1995; over 50% of those infected died. There was an urgent need for an early warning system, especially in the countries most at risk. Farming and agriculture were often very important to those economies, and farmers were not always willing to report an outbreak. Most countries had focused on intervention plans, but had not built up sufficient stocks of anti-viral medicines. Governments needed to take every possible step to fight the virus. The World Health Organization had recommended specific measures, especially relating to quarantine and the destruction of infected birds.

THE PRESIDENT. – Thank you. I call Mr Lobkowicz to present the opinion of the Committee on the Environment, Agriculture and Local and Regional Affairs. You have three minutes, Mr Lobkowicz.

Mr LOBKOWICZ (*Czech Republic*) noted that the pandemic of 1919 had begun with a form of bird flu. Action was required to deal with this disease: if the world was not prepared it would be too late. Preparation would cost a great deal of money, however, and financial resources had to be made available. There was also a need to inform farmers, peasants, and all those involved in the poultry industry of the importance of these measures.

THE PRESIDENT. – Thank you. We now come to the debate. As I have already said, there are 10 names on the list. I call first Mr Platvoet, on behalf of the Group of the Unified European Left. You have five minutes.

Mr PLATVOET (*Netherlands*). – On behalf of the Group of the Unified European Left I thank both rapporteurs for their quick work and their presentation of this important matter. Bird flu is a hot issue, so to speak. The United Nations appointed a special co-ordinator, David Nabarro, who said that depending on the measures that were taken the number of victims will be between 5 million and 150 million people. That was a spectacular statement. However, the scientific background is, as a serious Dutch newspaper wrote, soft.

That does not mean that nothing should be done. There are some good proposals in the draft recommendation. The fact that people have died in Asia because of the disease is a sign that should be taken seriously. We must consider some other aspects as well. In the Netherlands, 85 million chickens are held in the small boxes of the agro-industry. These large concentrations lead to rapid contamination that is easily spread. That was proved a few years ago in the Netherlands. If we want to lower the risk of spreading this flu, we must radically improve the living conditions of livestock.

There is more to consider. What contributes to the spread of this flu? All the attention seems to be focused on the migration of birds from Asia. However, according to Dutch specialists, it is clear that the flu is spread also by the transport of animals and the transport of animal products as well as by visitors from the regions where the flu exists. The transport of animals over long distances, which can be criticised from other perspectives as well, should be limited and controlled.

There is more to be said. The interests of the agro-business, the way in which livestock is held and manipulated so that animals grow quickly and the way that non-natural food is produced all lead to livestock being in a weak condition to withstand and overcome these types of diseases.

The panic that the threat of bird flu has caused in the Netherlands has led to the wrong measures being taken. Instead of the vaccination of free range chicken, the Dutch Government ordered that these meadow chickens should be put in stables and boxes. That means that after six weeks, according to European Union laws, the eggs of these chickens cannot be sold as organic eggs. It is the farmers who work along the lines of sustainable development and animal welfare, as well as their animals, who are the victims of that policy.

To fight bird flu, it may be necessary to vaccinate poultry. It is certainly necessary to limit the transport of animals, and the movements of visitors and tourists from the regions affected should be controlled. To prevent the outbreak of new diseases, we also need to analyse and criticise the way in which agri-business and the food industry work – but I am aware, Mr President, that that would require another report.

THE PRESIDENT. – Thank you, Mr Platvoet. I call Mr Gubert to speak on behalf of the Group of the European People's Party.

Mr GUBERT (*Italy*) said there was growing concern that adequate measures to protect the population from a pandemic of avian flu would not be taken. This, along with other modern challenges

such as global warming, was undermining public confidence in the potential for science to have a beneficial impact on problems currently affecting the human race. He welcomed the report and supported the contingency plans set out therein. A number of issues still remained to be discussed. Firstly, how would the international authorities raise the alarm in the event of an outbreak? He was concerned that an ill-informed public in Italy might cause the collapse of the poultry market by over-reacting to reports of an outbreak. Secondly, private companies might benefit from lucrative contracts to supply a vaccine. The cost of vaccine should be limited to enable all countries to buy adequate supplies. Finally, modern farming methods would increase the spread of bird flu. Battery farming treated animals as objects and caused disease to spread more quickly.

THE PRESIDENT. – Thank you. I call Mr Marquet to speak on behalf of the Alliance of Liberals and Democrats for Europe.

Mr MARQUET (*Monaco*) expressed his delight at being able to speak in the debate, and he congratulated the rapporteur on the quality of the report. The last few weeks had seen alarming reports of bird flu across Europe and Asia. Certain countries had begun to stockpile vaccines and face masks. Last week, President Bush had announced that affected areas in the United States could be quarantined by the army. France was also reacting to the alarm. There should be more concern for countries that lacked the financial resources to prepare for the onset of the disease. If bird flu spread to humans, it could kill between 5 million and 50 million people. European nations needed to establish a solidarity fund to compensate farmers for the slaughter of their animals. There was also a need for a publicity campaign to avoid panic spreading. He supported the report and its recommendations.

THE PRESIDENT. – Thank you. I call Mr Greenway to speak on behalf of the European Democratic Group.

Mr GREENWAY (*United Kingdom*). – Mr President, I warmly welcome the decision to ask the Assembly to debate this subject. It is a great pleasure for me to speak on behalf of the EDG on this, my first visit to the Council of Europe. This issue is one on which the Assembly can make a real difference for all the peoples of Europe, especially for the many citizens of countries in eastern Europe that are not members of the European Union.

The United Kingdom Government is using its presidency of the European Union to raise this as an issue in the Union, but we also need to use the voice of this Assembly to express a much wider concern. If, as seems likely, bird flu spreads westwards from countries in Asia and the Far East, it is the people of the countries in central and eastern Europe who are most at risk – and it is those same countries that may be the least prepared, and may not have the resources and facilities to combat the disease that might be available in the more affluent countries of western Europe. We hear reports that bird flu is circulating in Russia and Kazakhstan. We should help those people now, as it is in our interests to do so.

The rapporteur referred to the United Nations summit in New York three weeks ago, which called for international mobilisation against bird flu. The World Organisation for Animal Health laid out clearly in its recommendations the steps that need to be taken to combat bird flu and to protect human health. We should give unequivocal support to the recommendation, which calls on the Council of Ministers and member states to ensure that all those recommendations are strictly applied. Nothing less will do.

For more than 18 years, I have represented in the House of Commons a large agricultural constituency in northern England. Over the years, we have experienced outbreaks of animal diseases in pigs, cattle and poultry. Some were more serious than others, and some also affected human health. One of the most important lessons that we learned from that experience was the need to encourage farmers to report the presence of disease in their flocks. The recommendation draws attention to that. The problem is that reporting leads to the inevitable slaughter of all their birds or livestock. Farmers must have complete and absolute confidence that they will be compensated fully. Without that, they will not report disease and it will spread. That problem is likely to emerge in poor countries and it will affect their economies.

The provision of resources for compensation is crucial. That might seem expensive for governments in the wider world in the short term, but the long-term costs of inaction are much greater. Fundamentally, we cannot take chances with human health. The latest statistics from the World Health Organization, published only last week, confirm that of the 116 known cases of human bird flu in the Far East, 60 people have died. Views may differ on the extent to which bird flu might spread across our continent. We should remember, however, that people were once sceptical about the AIDS virus.

No one should doubt that if bird flu or a pandemic of influenza presents itself in any country represented in this Assembly the risk to human life is formidable and potentially catastrophic. The report yesterday from the United States Centers for Disease Control stated that the strain of virus that caused

the 1918 epidemic, which killed 50 million people, may be the same strain that is behind bird flu. In those days, we did not have international air travel as we have now, but the disease is thought to have spread through the travel routes that were available.

We must urgently improve the state of preparedness in all our countries. We should endorse unanimously the recommendation and urge on our governments the importance of concerted international action and co-operation to protect all our people against this disease. As the Secretary General of the Organisation for Economic Co-operation and Development, Donald Johnston, reminded us yesterday, risk management is critical if we are to protect our economies and the economic well-being of our societies. There is no greater threat to the continent of Europe at the moment than the potential of this pandemic. I hope that the debate will encourage our governments and the Council of Ministers to take all the action appropriate.

THE PRESIDENT. – Thank you, Mr Greenway. I call Ms Jäger.

Ms JÄGER (*Germany*) said that the Parliamentary Assembly of the Council of Europe followed the United Nations and the European Union in discussing this important issue. The number of species for the virus was increasing. Not only was the virus present in chickens, it had spread to ducks, birds, tigers and leopards. These large cats contracted bird flu from eating diseased meat. Up to this point, human infection had been contracted from diseased animals. There was no evidence that the virus could yet pass from human to human. The virus would need to mutate to enable the pandemic anticipated.

The Assembly was right to be concerned as the virus had been detected in pigs in China and Indonesia. Pigs could act as a vessel for the cross-mutation of the virus, being able to contract both human and avian flu. Birds and pigs that were kept together in captivity should be seen as a real threat. She noted that the vaccine needed to protect humans from the envisaged form of the virus could not be produced until the virus had successfully jumped species. Countries should stockpile anti-virals to enable their health systems to wait for the vaccine to be developed. She concluded that this was her last speech at the Assembly as she had stood down from the German Bundestag. She thanked the Assembly for the work they had achieved together.

THE PRESIDENT. – Thank you. We all wish you good luck, of course, in your future political career. We have enjoyed working with you. I call Mr Masseret.

Mr MASSERET (*France*) said that although the risk of bird flu seemed theoretical, it was important to recognise that human-to-human transmission might eventually take place. This could result in millions of deaths, disrupt world trade and close down transport systems. Experts agreed action was necessary and the French Government was taking matters seriously. The first results from research trials were encouraging, but the virus was mutating. Despite the efforts of the WHO and the World Organisation for Animal Health, mass vaccination on farms had not taken place.

Practical assistance must be provided to the countries affected. Human infection needed to be detected and treated. Infected birds needed to be slaughtered throughout Europe. Knowledge needed to be shared with non-European countries. They would need medical help in the event of a pandemic.

The potential effect on migratory birds was particularly worrying. It would be necessary to help human beings in the first instance. Protective measures would have to take priority over regulations about hunting. He strongly supported Amendment No. 2: priority must be given to patients. Faced with a worldwide threat to health, unity was necessary in the Assembly.

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

Mr DUPRAZ (*Switzerland*) noted that the outbreak of Spanish flu in the early 20th century seemed to have its origins in poultry farming. He recalled the recent outbreaks of BSE, foot and mouth disease and classical swine fever, from which lessons needed to be learned. The means to inspect agricultural production in Southeast Asia did not exist. It was difficult to inspect small farms in remote, rural locations. Therefore, an information campaign and control measures were necessary.

Hygienic poultry production was necessary in all countries. Global trade in poultry meat increased risk. Every country needed effective controls. The situation showed the importance of security of local food supply and national self-sufficiency; adequate local production reduced the risk. Precautionary measures must be increased to the maximum since human health was at risk. He encouraged member states to implement precautionary measures.

(*Mrs Severinsen, Vice-President of the Assembly took the Chair in place of Mr Kosachev.*)

THE PRESIDENT. – Thank you. I call Ms Laloy.

Ms LALOY (*Belgium*) said that surveillance measures must be stepped up and vaccine supplies prepared to combat the bird flu threat. The Belgian Government had already taken measures to increase monitoring and stockpile vaccines and masks. Belgium supported an international approach to the issue: co-operation with international organisations and neighbouring countries would produce better results. The European policy should be more ambitious. For example, vaccine stocks could be shared, although this pre-supposed that there were identical vaccine standards across the continent. Only European preventive measures could help humankind.

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

Mr DORIĆ (*Croatia*). – My speech may be rather different from those of most of the earlier speakers. As I work in this field, I think I have the right to say a few things that are a little different.

I want to emphasise the importance of the appeal from the World Health Organisation for international mobilisation against bird flu. I am glad that it is on today's agenda. I should also point out, however, that this is not a new virus. Like the human flu virus, the bird flu virus has existed on this planet of ours for thousands, indeed millions, of years. Like all other organisms and micro-organisms, though, it can change in time. The process of mutation constitutes a minor change that does not usually lead to major alterations in the characteristics of the virus, but, as Ms Jäger said, there is also the much more important possibility of a recombination of the human virus with an animal virus. A huge part of the genome of the recombinant will then change, and that will result in new characteristics. In the event of a recombination of a human and an animal virus, the human element usually allows transfer from man to man, while the animal component confers new pathogenic characteristics. That is the most dangerous part of today's story.

Scientists believe that the human influenza virus can recombine with similar viruses such as horse and swine viruses. The bird virus is only part of the big puzzle.

Given our knowledge of those mechanisms, we must inform governments and citizens throughout Europe of the following facts. Flu is a disease spread primarily by droplets and secretions from the respiratory system. The strong decrease in consumption of poultry products in some European countries – Mr Gubert told us yesterday that consumption had fallen by some 40% in Italy – is not justified in view of the mechanisms by which the disease is spread. It is clear that paramedical, or parascientific, information is being spread for other purposes, and we must stop such disinformation.

The quarantining of poultry that has been in contact with potentially infected birds is an appropriate preventive measure, and I support the proposals in the report. The destruction of infected birds is an efficient way of stopping the spread of infection, and again I support the proposals in the report. They involve only domestic birds, of course. Obviously we cannot destroy all wild birds: that is a nonsensical suggestion that we should not even begin to consider.

Masks are useful in preventing accidental infection – I stress the word “accidental” – of humans working with infected birds, although, as I have said, the virus is currently still species-specific. The isolation of chicken is a useful way of preventing the transfer of disease from infected wild birds. About 20 minutes ago, we were given a good example from the Netherlands. There have been complaints about that method, but it is efficient.

The word “veterinary” has been missing from most of our discussions, but medical and veterinary surveillance is absolutely necessary. If the virus and its new strains and variants are tracked, vaccination strategies can be planned, but that cannot be done in advance. There have been 60 deaths, most of them in Asia. That is a terrible number, but if we vaccinated all humans in Asia there would be thousands of deaths from post-vaccination complications. Careful account should be taken of that.

Finally, solidarity funds should be established if the destruction of poultry is selected as a measure to prevent the spread of the disease.

Other measures are scientifically questionable, especially those involving vaccines and medicines. Wild infected birds cannot be treated in either way. Domestic animals could be, but it is a cost-benefit story. In some European countries it might be possible to vaccinate, but in 98% of countries it would not.

I support the report, but we should make our political decisions in co-ordination with professional and scientific institutions.

THE PRESIDENT. – Thank you.

As the next speaker, Mr Hancock, is not present, that concludes the list of speakers.

I call Mr Jacquat, the rapporteur, to reply. He has four minutes, which may be shared with the rapporteur of the committee,

Mr JACQUAT (*France*) said that he would like to congratulate all those who had spoken. Contributors had unanimously endorsed the view that countries had to be kept informed of the dangers of bird flu, particularly those arising from a combination with ordinary flu which would risk causing fatalities on a large-scale. The Assembly had to think in terms of preventative measures, not just precautionary ones. He insisted that richer countries had to give financial assistance to poorer nations, particularly those dependent on agriculture. Farmers had to be compensated for the destruction of their poultry stocks, or else they would avoid culls. Tact, plus a level-headed approach to the problem, was required. Colleagues had also emphasised the importance of vaccines and anti-virals, particularly to protect health professionals and those working with animals.

THE PRESIDENT. – Thank you. Does the Chairperson of the Committee, Mr Glesener, wish to speak? He has two minutes.

Mr GLESENER (*Luxembourg*) thanked the rapporteur for his excellent report, and the contributors to the debate. He also thanked the Bureau of the Assembly for enabling the debate to happen that afternoon. The threat of a pandemic had never been as great. Particularly worrying was the idea that the virus might mutate and pass directly from human to human. Therefore it was imperative to look at preventative measures. The problem called for solidarity between countries and a sharing of resources.

THE PRESIDENT. – Thank you. The debate is closed.

The Social, Health and Family Affairs Committee has presented a draft recommendation to which six amendments have been tabled. They will be taken in the order in which they appear in the notice paper.

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

We come to Amendment No. 6, tabled by Mr Jaroslav Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, which is, in the draft recommendation, after paragraph 12.3.1, insert the following paragraph: "take action to provide consumers with transparent information on the real dangers linked to eating the poultry available on their domestic markets;"

I call Mr Lobkowicz to support Amendment No. 6.

Mr LOBKOWICZ (*Czech Republic*) said that it was necessary that consumers should be correctly informed of the dangers of bird flu in order that they did not over-react and unnecessarily boycott products.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 6 is adopted.

We come now to Amendment 3, tabled by Mr Jaroslav Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, which is, in the draft recommendation, after paragraph 12.3.2, insert the following sub-paragraph: "allocate additional financial resources rapidly to the prevention and combating of bird flu, in order to prevent the outbreak of a human pandemic;"

I call Mr Lobkowicz to support Amendment No. 3.

Mr LOBKOWICZ (*Czech Republic*) said that states should allocate the necessary financial measures to allow appropriate preventative measures to be taken.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We come now to Amendment 4, tabled by Mr Jaroslav Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, which is, in the draft recommendation, after paragraph 12.3.2, insert the following sub-paragraph: “as a matter of great urgency, start public awareness campaigns to inform farmers and breeders of the risks and of the strategies for combating this scourge;”

I call Mr Lobkowicz to support Amendment No. 4.

Mr LOBKOWICZ (*Czech Republic*) said that producers should be kept properly informed of bird flu issues through public awareness campaigns.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 4 is adopted.

We come to Amendment No. 5, tabled by Mr Jaroslav Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, which is, in the draft recommendation, at the end of paragraph 12.3.4, add the following words: “, including research into possible health additives to commercial foodstuff;”

I call Mr Lobkowicz, on behalf of the Committee on the Environment, Agriculture and Local and Regional Affairs, to support Amendment No. 5.

Mr LOBKOWICZ (*Czech Republic*) said that all foodstuffs should be carefully checked because the trade in food was a global one, and it was not always possible to be certain of the origin of a particular item.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 5 is adopted.

We come to Amendment No. 1, tabled by Mr Wolfgang Wodarg, Mrs Marlene Rupprecht, Mrs Vérena Wohlleben, Mr Petr Lachnit, Mrs Jelena Hoffmann, Mrs Anna Curdová, Mr Zoltán Szabó, Mr József Kozma, Mr Andreas Gross, Mr Ed Van Thijn, Mr Eamon Gilmore, Mr Vojtech Tkáč, Ms Grażyna Ciemiński, Mrs Rodica Mihaela Stănoiu, Mr Dumitru Diacov, Mr Jean Huss, Mr Leonid Slutsky and Mrs Biruté Vėsaitė, which is, in the draft recommendation, after paragraph 12.3.8, add the following sub-paragraph: “ensure that any relevant virus material is made available without delay to all appropriate institutes and laboratories concerned in order to ensure the fast and sufficient production of vaccines.”

I call Mr Jonas to support Amendment No. 1.

Mr JONAS (*Germany*) said that Mr Wodarg was not present and that he wished to speak on his behalf. The results of research should not stop at laboratory doors, but should be made available to all.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 1 is adopted.

We come to Amendment No. 2, tabled by Mr Wolfgang Wodarg, Mr Rainer Steenblock, Mrs Marlene Rupprecht, Ms Renate Jäger, Mrs Verena Wohleben, Mrs Jelena Hoffmann, Mrs Anna Čurdová, Mr Zoltán Szabó, Mr Vojtech Tkáč, Mr József Kozma, Mr Abdülkadir Ateş, Mr Andreas Gross, Mr Ed Van Thijn, Mr Petr Lachnit, Mr Eamon Gilmore, Mr Leonid Slutsky, Ms Grażyna Ciemniak, Mrs Rodica Mihaela Stănoiu, Mr Dumitru Diacov, Mr Jean Huss, which is, in the draft recommendation, after paragraph 12.3.8, add the following sub-paragraph: “ensure that a sufficient production and distribution of vaccines is not hindered by patent law.”

I call Mr Jonas to support Amendment No. 2.

Mr JONAS (*Germany*) said that the provisions of patent law had to be changed in order to prevent profits being made from the crisis.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2 is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10707, as amended. I remind members that a two-thirds majority is required for the adoption of a recommendation.

The vote is open.

The draft recommendation in Document 10707, as amended, is adopted

(Mr Bindig, Vice-President of the Assembly, took the Chair in place of Mrs Severinsen.)

6. Serious human rights violations in Libya – inhuman treatment of Bulgarian medical staff

THE PRESIDENT. – The final item of business this afternoon is the debate on serious human rights violations in Libya – inhuman treatment of Bulgarian medical staff presented by Mr Lloyd on behalf of the Committee on Legal Affairs and Human Rights, Document 10677.

The list of speakers closed at 12 noon today. Fifteen names are on the list and four amendments and one sub-amendment have been tabled.

I remind members that we have already agreed that in order to finish by 6.30 p.m. we shall interrupt the list of speakers at about 6.15 p.m. to allow time for the reply and the vote.

I call Mr Lloyd, the rapporteur. You have eight minutes.

Mr LLOYD (*United Kingdom*). – This is an important debate that concerns the inhuman treatment of five Bulgarian nurses. However, it brings many other people into what is a major and significant human tragedy.

Who among us could feel anything but enormous sympathy for the families of the 426 children involved, 51 of whom are now dead, who were infected by HIV through what at best was medical negligence? Who could blame the parents, from the first case being diagnosed in June 1998, followed by a further 50 children being diagnosed by November of that year, for demanding to know what happened? Most of us would understand that and would be demanding that those responsible should be brought to some form of reckoning or accountability.

Sadly, rather than seeking those who were responsible for medical negligence, the search was on for scapegoats. The Bulgarian nursing staff and the Palestinian doctor involved were the scapegoats. Parents were told repeatedly that their loved children had not only been infected by HIV but had been wilfully, deliberately and criminally infected by foreign medical staff. Who would blame the parents for insisting that justice should be done? That was the climate in which the scapegoating of the six people took place.

After the infection broke out in Benghazi in January 1999, the arrest took place of the Palestinian doctor, Dr Ashraf al-Hajuj. He subsequently confessed during interrogation, which almost certainly included torture. In February 1999, 23 Bulgarian personnel were arrested. Eventually, of those 23, six were charged with the most serious crimes that specifically involved the deliberate infection of the children with HIV. Their interrogation took place and certainly, again, torture was involved – electric shock treatment, beatings, rapes and sexual abuse. One of the nurses attempted suicide during this period.

The first trial of the Bulgarian nurses and the doctor took place in June 2001. The two nurses who had issued confessions under torture retracted them. They made it clear that they had confessed only because of torture. In May 2002, the Criminal Prosecution Office charged members of the Libyan security forces with extracting confessions under torture. The new trial of the nurses and the doctor took place in July 2003 at the Benghazi criminal court.

At that trial, two internationally renowned specialists on HIV, Professor Luc Montagnier and Professor Vittorio Colizzi – Professor Colizzi was the co-discoverer of the HIV virus – submitted their own results, which clearly showed that the infection had broken out in 1997, more than a year before the Bulgarians went to work in Libya.

In May 2004 death sentences on the Palestinian doctor and the five Bulgarian nurses were handed down. The nine Libyans who had been charged were set free at that stage, with no criminal stain on their record. It is also worth mentioning the position of Dr Georgiev, himself a Bulgarian doctor, but also the husband of one of the nurses. He returned to Bulgaria on his wife's arrest, but was subsequently charged with lesser offences, including currency conversion. He served a four-year prison sentence, but although he has now been released, he is still not allowed to leave Libya, so he is being held as a kind of hostage while the trial of his wife and her colleagues takes place.

In July 2004, the appeal to the Supreme Court led to a suspension of judgment, but we understand that that will now be handed down in a few short weeks, on 15 November. In the meantime, the 10 Libyans charged with the crime of obtaining confessions under torture – eight members of the security forces and two medical personnel – were freed in June this year for want of evidence, although one of the members of the security forces had admitted taking part in torture and another had explained that he had seen torture used to extract confessions.

The report comes from the Committee on Legal Affairs and Human Rights, and the list of breaches of normal legal process is enormous. Torture is outwith any acceptable canon of acceptable interrogation techniques, and people have been held incommunicado in prison for a very long time, and had their right to a fair trial violated, with no adequate access to lawyers, including the time when the confessions were being given.

There are also various procedural irregularities, such as the discovery of blood plasma which it was claimed had been analysed one March, although the police themselves said that they had not found it until April of the same year. That level of incompetence would be almost comical if its consequences were not so tragic, and it makes the whole process so unsound. That blood plasma was used as telling evidence against one of the nurses, but medical experts have declared that no analysis of it is possible, although it has been suggested that it could have been used to infect those poor children.

Despite all that, the Libyan authorities take the position both in private and in public – it has been repeated to me – that their courts are independent and efficient, and have acted in an acceptable manner. We must draw the conclusion that they have not done so, and the consequent conclusion that the nurses and the Palestinian doctor are innocent. We must say clearly here today that we join the other organisations, such as the European Union, as well as the various national governments, including successive Bulgarian Governments, that have demanded their release.

It is clear to me that the trial is an outrage. The nurses and the doctor must be the focus of enormous international attention, because their plight is so disgraceful. Our appeal today must be made to the Libyan authorities. Libya seemed to be moving closer to the international community, and its authorities should recognise the fact that its best interests would be served by freeing the nurses and the doctor and ensuring that justice is seen to be done – not by charging those six people but by looking for

the people who were really responsible for the infection, and ensuring that those responsible for the torture of the doctor and the nurses are brought to a proper trial.

THE PRESIDENT. – Thank you, Mr Lloyd. I call Mr Iwiński to speak on behalf of the Socialist Group.

Mr IWIŃSKI (*Poland*). – Mr President, dear colleagues, on behalf of the Socialist Group I congratulate Tony Lloyd on his excellent report. We entirely support its contents, as well as its conclusions, including the draft recommendation. As a person who speaks Arabic and has visited Libya several times, may I say that formally, we should be using the name Jamahiriya, because that is the official name of the country?

There is a great tradition of Bulgarian medical staff working in the countries of the Maghreb and the rest of northern Africa. Thousands of Polish physicians and nurses, too, worked for decades in that area of Africa, often collaborating with Bulgarian medical staff. Indeed, one of the main hospitals in Benghazi was run for many years entirely by Polish specialists, starting with its director. I had better be modest about the Polish medical staff, so I shall simply say that the reputation of the Bulgarian medical staff used to be good everywhere, and very solid.

Tony Lloyd has presented the facts precisely, and developed the work done by Mr Mátyás Eörsi, who visited Libya in March last year. They both turned out to be bold men. I know from my own experience that in Libya, as in most Arab countries, it is very difficult to meet three government ministers, let alone such important ministers, in only three days, as Tony Lloyd did. He did everything possible to clarify the situation.

It is clear that we should denounce the conviction of the five Bulgarian nurses and the Palestinian doctor, which are based on confessions extracted by violence, and are in contradiction with expert opinions, which refute the personal responsibility of the accused. AIDS is a tragedy, and there are no precise data about the extent of the contamination that it has caused. The figure of 25 000 000 is usually cited, and the single biggest number of people in one country is the 5 000 000 affected in South Africa.

Although AIDS is a tragedy, one cannot blame innocent people. Based on many pieces of evidence, it is clear that both the nurses and the doctor should be regarded as completely innocent.

The issue has international repercussions. There has been a positive breakthrough in the relations between the United States and Jamahiriya and the European Union and Jamahiriya. There is a common conviction that we need to combat terrorism, which relates to the dialogue of civilisation.

We should support the efforts taken by the European Commission recently and keep an eye on what is going on. The final verdict will be given by the Libyan supreme court in a month. Let us be prepared to act after 15 November.

THE PRESIDENT (Translation). – Thank you, Mr Iwiński. I call Mrs Wohlwend on behalf of the Group of the European People's Party.

Mrs WOHLWEND (*Liechtenstein*) thanked the rapporteur on behalf of the EPP for producing an excellent report. She was aware of how strongly Mr Lloyd felt about this very sad situation. She asked what could be done to protect the Bulgarian nurses if they were sentenced to death, especially as Libya had no obligations to the Council of Europe. She was saddened that the Bulgarian nurses had gone to work in Libya in good faith. They went as an act of charity and now they suffered degrading treatment and torture and had been in jail for six years. The Libyan Government should realise that the death of these nurses would not make the infected children healthy again. The Bulgarian nurses deserved help; they deserved their freedom and their lives. She would support an amendment later in the debate which would seek to enable a small delegation of Assembly members to be present at the trial of the women.

THE PRESIDENT. – Thank you, Mrs Wohlwend. I call Mr Eörsi on behalf of the Alliance of Liberals and Democrats for Europe.

Mr EÖRSI (*Hungary*). – Libya is claiming a ransom of €10 million per child from Bulgaria. I hope that members do not think me cynical. It is the Libyan state that is cynical when it victimises and abuses the five innocent medical nurses and the doctor. It is seeking a return on the compensation that it paid to the victims of Lockerbie. The sum includes the interest on its capital investment. Libya had to pay a huge price for Lockerbie, and it is difficult for me to understand why it is creating another scandal. Its actions might be a short-term solution, but in the long run they will never be forgotten. Perhaps they are in line with the Islamic law on blood money.

For central Europeans, especially our parents, what is happening in Libya is familiar. Everything is based on false "facts", a false trial and a false verdict – the good old totalitarian process. The case is based on confessions. We know that they make good evidence. We know how those confessions were achieved. Tony Lloyd spoke about that. The nurses were raped in the jail, not by other prisoners, but by the guards. The Palestinian doctor had electricity fed into his penis. Of course they all confessed, and those are the confessions on which the trial is based. It is horrible. It has nothing to do with law. It is clearly a political trial.

Why has it happened? Is it to cover up the poor medical and hygienic standards in the Benghazi hospital? Is it to cover up the medical mistakes that were made under a totalitarian regime? As always, Libya accuses foreigners, and we should remember what Gaddafi said about the CIA and Mossad. Is it to cover up the lies and accusations raised by the Libyan media? I do not have the answers to those questions. To tell the truth, I do not want to understand the answers because they will reflect the logic of a totalitarian regime. I do not know why Libya has acted in this way.

It has been said that Libya is coming closer to our European structures, and we all welcome that. In May 2004, Gaddafi visited Brussels. He was permitted to set up his tent at a chateau, and with his bloodstained hand he shook hands with our wonderful European leaders. One by one, European leaders are visiting Libya as they fish for the oil business. I have no idea whether any of them raised the plight of the Bulgarians.

The Secretary General of this Organisation addressed 40 ministers of our member states to ask for their assistance for the children, who are also victims. No more than eight countries responded, and their answers were very weak. Europeans always speak about solidarity, and that example illustrates the beautiful European solidarity. Some help was offered, but it was far from enough.

Europeans should put Libya under pressure and place conditions on it as it comes closer to European structures, but we need solutions that show real solidarity. We must work together to help the children who are suffering. That would be genuine European solidarity. We must help the Bulgarians to get out of this horrible situation.

THE PRESIDENT. – Thank you. I call Mrs Němcová on behalf of the European Democratic Group.

Mrs NĚMCOVÁ (*Czech Republic*). – First, let me thank the rapporteur, Mr Lloyd, for his effort and energy and for the time that he devoted to this complicated issue. We all know the situation, which is certainly difficult. On the one hand, there is the disastrous infection of more than 400 Libyan children; on the other, there is the great misfortune of the Bulgarian nurses and the Palestinian doctor who are allegedly responsible for this tragedy.

None of us is indifferent to the illness of these children and their potential deaths. Each of us can imagine the despair of their parents. However, this misfortune cannot be solved by punishing the innocent. I am of course referring to the nurses and the doctor, who have already been waiting in Libyan prisons for six years for the final judgment. Medical experts claim that the HIV infection in the paediatric clinic in Benghazi began 12 to 18 months before the Bulgarian medical staff came to Libya. None the less, the nurses were arrested and they confessed, after having been tortured and raped. Their fundamental human rights have been violated.

In recent years, various negotiations have taken place at all manner of levels, but with no result so far. As members of the Council of Europe, we have to try to help. On behalf of the EDG, I welcome this report and support its outcome, and I hope that the explicit attitude that we have adopted can change the desperate situation of the nurses and the doctor.

I conclude by again thanking the rapporteur, along with the others dealing with this case, for their efforts.

THE PRESIDENT. – The next speaker is Mr Platvoet on behalf of the Group of the Unified European Left.

Mr PLATVOET (*Netherlands*). – It does not seem proper to congratulate Mr Lloyd on his report, given that this is such a sad subject, but I of course want to express my thanks on behalf of the UEL for his detailed and convincing report. The facts contained in the report cannot be denied or ignored. It is not necessary to repeat here the various irregularities, the brutal offending of human rights, the torture and the foolish conspiracy theories that together make this case so shameful for the Libyan authorities.

Of course, Libya has a bad record. We all remember the Lockerbie tragedy and the bombing of a Berlin discotheque. The Libyan leader, Gadaffi, after huge international pressure, admitted being responsible for – it is better to say guilty of – those acts of terror. Nowadays, Gadaffi is becoming increasingly acceptable to the European Union, the United States and Prime Ministers Blair and Berlusconi. However, I do not want to discuss the background to this change, which deserves to be criticised, within the framework of this debate.

The question is: what are the best steps to take to end this tragedy? Following the adoption of the recommendation, I propose that the Council of Europe try to convince the Libyan authorities at the highest level to do what the draft recommendation calls for. That means that the President of the Parliamentary Assembly, Mr van der Linden, and the President of the Committee of Ministers should take this excellent report to Libya and stand up for the fundamental rights on which the Council of Europe is built.

THE PRESIDENT. – Thank you. Mr Henry is not present, so I call Mr Kirilov Mr KIRILOV (*Bulgaria*). – I will try to be brief as I want to leave enough time for colleagues to speak, including members of the Bulgarian delegation. Today, all Bulgarian citizens will be following this debate. That is not an overstatement – all the Bulgarian media are following it, because our nation is deeply disturbed and frustrated by the terrible fate of the Bulgarian nurses in Libya. This is already a national cause in Bulgaria, and it has nothing to do with political affiliation. We will of course hear criticism from certain of our colleagues of some of the actions being taken – indeed, we have heard such criticism already – but the excellent report by Tony Lloyd is a deeply moving show of European solidarity. It is a resolute way of dealing with drastic human rights violations in Libya. In fact, such violations should not be allowed anywhere. We are speaking here about European citizens, but we should not allow such things to happen to any citizen anywhere in the world. The suffering of these women is simply unbearable. On behalf of our citizens and colleagues, I want to express our deep gratitude for your support.

When I introduced the motion for the resolution more than a year ago, I never thought that we would have this debate at such an appropriate time – one month before the Supreme Court will have to decide whether the death sentence imposed on the Bulgarian nurses will stand. It is high time that the Libyan authorities understood the content of this document. There can be no integration, given the bad human rights record demonstrated by this case. I am sure that once this debate has finished and the document is adopted, more and more European countries will move towards the consolidated position that we are establishing today.

It is clear that terrible torture has taken place, but the human tragedy affecting the relatives of those concerned – we in Bulgaria have watched the deeply moving scenes of sons and daughters who have not seen their parents for such a long time that, in the meantime, they have grown up – is terrible. We must understand that although much needs to be done, the most helpful thing to do is to adopt a consolidated position. I am sure that this issue will also be dealt with in the European Parliament, but today our Assembly is taking the lead, and I am sure that a great deal of action will follow.

It is appropriate that this issue has underlined not just the question of Libya's integration and the Barcelona process. Of course, there is also the question of developing economic relations, and we can understand the interest in such relations. But – there is one "but" – although there should be business, it should not be business as usual. If we are not sufficiently insistent on this issue, we will enter into the cynical territory to which many journalists and commentators have referred. They said that when certain governments smell oil and gas, they tend to forget about human rights. This Assembly really needs to deal with that issue.

Let me again thank all who are present and say how dedicated they have been, especially the rapporteur but also Mr Eörsi, who took the initiative. Our people will really appreciate what we are doing today. It is certainly worth while.

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

Mr LOUTFI (*Bulgaria*) said that the eyes of Bulgaria were on Strasbourg today. He congratulated Mr Lloyd on his report. It had been prepared under difficult conditions, and yet offered a detailed and impartial exposé of two scandals: that of the children who had been infected and that of the medical staff who had so far undergone a six-year ordeal.

The report raised questions about the quality of evidence against the medical staff, described confessions obtained under torture with no lawyer present, and covered the dubious interpretation of data from the plasma bank. It depicted the unlawful arrest of the staff, their 10 months without contact with lawyers, and the fact that they had been denied consular access. The nurses had not been informed of

the reasons for their arrest; it was as if they had been kidnapped. One of them had not even worked in the hospital.

The report suggested a way to improve conditions for the Libyan children. It was the duty of the Assembly and appropriate member states to contribute to the EU action plan on HIV/AIDS infection in Benghazi. The Assembly's work should dovetail with that of the EU, the United States and international organisations.

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

Mr KOSACHEV (*Russian Federation*). – I have been dealing with this problem for years, in various capacities. From the outset, I have had no doubt that the case is clear-cut and that all that can be done should be done to bring about the release of the nurses. However, I have doubts about whether the approach that we are discussing is the most efficient. I fear that documents of this kind may not help our task. The Libyan Supreme Court will meet on 15 November, and in countries such as Libya such documents always give rise to the opposite reaction to what is desired. If pressure is exerted on, say, Russia, or any other Council of Europe member state, sooner or later the desired outcome will result, but North Korea, for instance, reacted negatively to pressure relating to nuclear weapons, and Iran is behaving in a similar way in similar circumstances.

Although everything in the document is true and worthy of support, I fear that if we adopt such a radical document at this time we shall do so for our own benefit. We want to be able to go to bed feeling that we have done all that we could possibly do. My worry is that we may make things worse rather than better for the people who are in such an incredibly bad predicament.

We have had some bilateral contacts with Libyan politicians at the request of our Bulgarian friends. We sense that the situation is not hopeless. There may be methods other than the public methods, such as bilateral talks and consultations and improving by all possible means relations between Tripoli and Sofia. Such action may be a better way of helping the people concerned. We shall see. I hope that we do not make a mistake, and I hope that our position will contribute to a solution. My anxiety remains, however. I think that, at the least, we should not limit ourselves to the action that has been proposed. I suggest that our Bulgarian friends continue to work bilaterally with Libya.

I call on everyone in this Chamber to do their utmost to help our Bulgarian friends by any means possible. I assure you that Russia has done, and is doing, everything that it can to do to assist.

I wish everyone good luck so that we can achieve our main goal of helping these people by getting them out of prison and guaranteeing their human rights.

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

Mr Ivan IVANOV (*Bulgaria*) congratulated the rapporteur on his excellent report, which was a detailed study of all the available documents and of information gathered from Mr Lloyd's trip to Libya. This was one of the most dramatic opportunities for the Council of Europe to demonstrate its commitment to human rights. The nurses were manifestly innocent. The infection of the children was due to poor medical practices and unhygienic conditions. The children's plight was a heart-rending tragedy, which required a humanitarian response. The European Commission had agreed an action plan in 2004 to help the affected Libyan children, but the appeal to member states for financial assistance had not been fully implemented because this was not viewed as a priority for the European Council. The execution of six innocent people would not remove the obvious responsibility of the Libyan authorities: it would simply add another tragedy to the first. These people were today's victims: tomorrow's victims could be of any nationality. Respect for human rights knew no boundaries.

THE PRESIDENT. – Thank you. The next speaker is Mrs Stănoiu

Mrs STĂNOIU (*Romania*) argued that the subject was an extremely complex one. The Assembly was talking about a country that had for a long time been isolated on the international stage, but that was now trying to engage with the international community. The Assembly had to assert itself as an Organisation respectful of human rights and the rule of law. There were two tragedies in this case: that of the infected children, and that of the nurses and doctor involved. Libya had called for the independence of its judiciary to be respected. She agreed with the concept, but did not think it applicable in this case. A trial which had begun under common law had been concluded by a special court operating under extraordinary security procedures. In this case, the assertion of the principle of the independence of the judiciary was a sinister farce. It was vital that the Assembly itself asserted principles which would lead to a fair trial for the accused.

THE PRESIDENT. – Thank you. The next speaker is Mrs Stantcheva.

Mrs STANTCHEVA (*Bulgaria*). – I thank the rapporteurs, Mr Mátyás Eörsi and Mr Tony Lloyd, for their great initiative in visiting Libya and meeting the authorities there, the victims and their families. I also thank the rapporteurs for their excellent work on this issue.

While expressing their deep personal sympathy at the tragedy of the infected Libyan children and their families, the Bulgarian authorities and public remain convinced of the innocence of the Bulgarian medical staff. That has been proved by all the facts gathered on the case and by the independent reports of well-known experts. The court in Benghazi obviously did not take into account the evidence nor the convincing arguments and proof established by the defence team.

The issue of the Bulgarian medical staff in Libya is extremely complicated. First, there are the legal aspects – the trial of these people – and the humanitarian aspects, including the suffering of the infected children and their families.

As for the first aspect, the court's decision is unacceptable in terms of Bulgarian public opinion, the government and the whole of democratic society. It should be emphasised that there has been continuous violation of the human rights of the nurses during their interrogation. That has been demonstrated by the attitude towards them since their detention. We must continue to take this position.

Secondly, the Bulgarian Government has consistently refused all Libya's demands for the payment of compensation to the Libyan victims, on the ground that it would be an admission of the nurses' guilt and, moreover, of the Bulgarian state authorities' responsibility. None the less, it has decided to take humanitarian action in the hope that opening a dialogue with the families, as it is invited to do by the Libyan authorities, would help break the deadlock. Accordingly, it has been decided to set up a non-governmental organisation dealing with humanitarian assistance to help bring relief to the contaminated children to the greatest extent possible, particularly in the medical sense.

We believe that the Council of Europe could play a role in co-ordinating Europe's medical assistance to Libya. The Bulgarian side is confident that world public opinion, governments of friendly countries and the international community will continue with their support of the just cause of the accused, and that if the supreme court confirms the death sentences they will make a stand for the lives of these innocent people and for their early release.

We strongly believe – indeed, we are convinced – that the Assembly will express its deepest concern about human rights violations in this particular case and will appeal to the Libyan authorities to release the Bulgarian medical workers and the Palestinian doctor.

I thank you in advance, colleagues, for your support.

THE PRESIDENT. – Thank you. I call Mr Jonas, who is a member of the Socialist Group.

Mr JONAS (*Germany*) said that the case was a sad chapter in the history of human rights. He wanted to express his great respect for Mr Lloyd's opinion. The infection of the children was a terrible tragedy and the Council of Europe should help them. However, the violation of the rule of law in this case was also terrible. It was difficult to find an equivalent case. The signals being sent to the international community would prevent development workers from going to countries of this kind since they might also find themselves subject to arbitrary decision making.

At the international level, there was tremendous solidarity for the victims. He welcomed the efforts of the international community, but noted that these had not yet been successful. After 15 November, it was possible that the Libyan President would pardon the accused, but he did not expect this to happen. Even so, the Assembly's aim was not to achieve a pardon. It had to denounce the violation of human rights and the rule of law. He called upon the international community to defend its basic tenets and to show Libya that it was not ready to accept the Libyan approach of conviction followed by pardon.

THE PRESIDENT. – Thank you. The next speaker is Mr Arabadjiev

Mr ARABADJIEV (*Bulgaria*). – First, I congratulate our rapporteur on his ability to produce a comprehensive report, notwithstanding lack of time and limited access to information.

There are two major parts of the document. First, it should be regarded as a strong act of solidarity with the Bulgarian nurses and the Palestinian doctor detained in Libya. It denounces their conviction, which is based on confessions extracted by violence and is in contradiction with expert opinion that refutes any personal responsibility on the part of the accused. The report comes at a time when,

unfortunately, the situation is not improving. Indeed, it is even deteriorating. We expect the supreme court to deliver its judgment on 15 November.

The report is timely and important for those who are detained. It is also an important document for the Council of Europe and its Parliamentary Assembly. It provides an opportunity for asserting that the Assembly, as the parliamentary branch of the Organisation, has a commitment, a mission and expertise in the area of human rights. It is probably a mere coincidence, but only this morning the Assembly was discussing the Council of Europe's role in, and contribution to, the European neighbourhood policy and the EU.

The report and the recommendation that we are discussing both touch upon issues and problems that derive from, and are directly related to, the Council of Europe's areas of activities and responsibilities. There are some key elements in the recommendation, which states that the Bulgarian nurses and the Palestinian doctor should be regarded as completely innocent. It calls on the Libyan authorities to adhere to the universally recognised fundamental value of protecting human rights, and in particular to act swiftly to abolish capital punishment. It calls on member states of the Council of Europe to make settlement of the fate of the Bulgarian nurses and the Palestinian doctor a condition of their bilateral relations with Libya.

The amendments that I, together with other members of the Assembly, have tabled are not meant to imply that the Bulgarian public and authorities are indifferent to the fate of the contaminated children and the situation of their families, or to the international efforts to guarantee humanitarian assistance. As is correctly noted in the report, the Bulgarian authorities have been actively engaged in seeking a diplomatic solution by maintaining an active dialogue with Libya.

This very day, one can read in the Bulgarian electronic media that the newly established non-governmental organisation may even at this moment be having a meeting with the Libyan ambassador to Sofia, and planning a visit to Libya to meet representatives of the parents association. That NGO was set up with the primary objective of assisting the children and their families and engaging in related humanitarian activities. However, demands for the payment of compensation to the victims are unacceptable, because that would compromise the judicial system; moreover, it could be regarded as an admission of the nurses' guilt and the Bulgarian state's responsibility.

As has been noted already, promoting respect and protection for fundamental rights occupies a central role in the Council of Europe's activities, and a policy of conditionality, together with the measures set out in the resolution, will be an important indication of our determination and political will to give substance to this declaration. That is why I call on members of the Assembly to support the draft recommendation.

THE PRESIDENT. – Thank you, Mr Arabadjiev. The next and last speaker in the debate will be Mr Pozzo di Borgo.

Mr POZZO di BORGIO (*France*) expressed his great sympathy to all those infected with the HIV virus. His sympathy lay particularly with the infected Libyan children. Most people understood the anguish of the Libyan parents and why they had sought to bring the people who had damaged their children to justice. However, the Libyan authorities should not have rushed to judgment on the basis of public opinion. The penal code made it clear that there could be no responsibility when there was no intent to do harm. Torture had been used to elicit the confessions that were keeping the Bulgarian nurses in prison. Meanwhile, those who had confessed to raping the nurses had been found innocent in a Libyan court.

If the Council of Europe did not speak up for human rights, who would? The French Government had provided medication and treatment regimes for hundreds of the affected children. The fact that the Libyan authorities had not kept the children on the treatment regimes was an act of criminal irresponsibility. Libya was a rich oil-producing nation, which should have been able to deal with the situation. Instead it had taken hostages and demanded a ransom. He recognised how powerless the Assembly was to act.

THE PRESIDENT. – Thank you. That concludes the debate. I now call Mr Lloyd to reply to the debate. You have four minutes.

Mr LLOYD (*United Kingdom*). – I begin with thanks to a number of people. Some thanks to people who were very helpful in drawing up the report are already written into it, but I would also like to place on record my thanks to Mátyás Eörsi, who visited Libya some time ago, and paved the way for this report. I also thank Mrs Clamer of the Legal Affairs and Human Rights Secretariat. She was instrumental in ensuring that the report was of that excellent quality on which people who have spoken in the debate have commented. It is to her credit that it is so accurate and analytically excellent.

The debate has been interesting, and there is a lot of consensus in what we have heard today; there is both a sense of pain and a sense of solidarity. In particular, one aspect of the debate, which was raised by Mr Kosachev, deserves a proper response. I thought long and hard about what the consequences of various types of report would be. What we are involved in here is not just an emotional spasm. This is about people's lives – and, possibly, their deaths. If by writing the wrong kind of report we push people more quickly towards their death, what are we doing?

It is a weighty consideration.

These people have been held in captivity in difficult circumstances for many years. There were many occasions on which quiet diplomacy might have worked, but now we must be robust. Libya is moving back to the international community. My country was a victim of the Lockerbie bombing. I saw that event move towards a resolution when I was part of the British Government and thought that Libya was moving away from its past. We hope that it continues to want to do that.

The debate is about solidarity with the Bulgarian nurses, the Palestinian doctor and their families. We should be open, however, and say that it is also about solidarity with the Libyan children. Who can take issue with the plight of those children who are affected by this killing disease? Friends of mine have died from HIV-AIDS. To see a loved one die in such a cruel way is not easy. Our sympathy must go out to those children and their families. That is not a trite remark. As an Assembly that is based on human values, we must extend those human values to the Libyan families.

We have no quarrel with the Libyan people. We want a Libya that is closer to Europe. Frankly, if we are to move towards human solidarity, the opportunity to do that lies with the Libyan Supreme Court in a few weeks' time. If that does not happen, the responsibility lies with the Libyan leadership to take steps to ensure that Libya recognises its place in the international community. It should place its position firmly in line with that human solidarity by letting the tragedy come to the best possible end, by releasing those who are wrongly accused of these non-crimes.

THE PRESIDENT. – Thank you, Mr Lloyd. I call Mr Jaskiernia to speak on behalf of the committee. You have two minutes.

Mr JASKIERNIA (*Poland*). – I thank Mr Tony Lloyd for his important report and for the co-operation of Valerie Clamer in writing it.

I have two comments to make. First, on support for the report, we have all agreed that the text is balanced and important. Secondly, Mr Konstantin Kosachev's observation was directed at our committee, but even he said that the document is accurate. He only doubted whether we should complicate the situation. We can put that another way. What if we say nothing? Why should we not act? Why be silent when, as Mr Pozzo di Borgo said, the case is so unjust? As Mr Kirilov suggested, we need to show European solidarity. Our intention is not to criticise Libya or its Supreme Court, or to influence the judicial proceedings, but to have a fair trial. We are determined to achieve justice.

Of course we feel sorry for the children, and our sympathy goes out to their families. However we should also feel sympathy for the Bulgarian nurses and the Palestinian doctor. We must do everything to achieve justice. We hope that events on 15 November will rectify things. However, we will not stop then. If necessary, the Committee on Legal Affairs and Human Rights will continue its efforts to send a delegation, because the case is important.

THE PRESIDENT. – The Committee on Legal Affairs and Human Rights has presented a draft recommendation to which four amendments have been tabled. They will be taken in the order 3, 1, 2, 4 and Sub-amendment No. 1. If Amendment No. 1 is rejected, Amendment No. 2 falls.

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

We come to Amendment No. 3, tabled by Mr Jerzy Jaskiernia, Mr Tony Lloyd, Mr Jean-Charles Gardetto, Mr Christos Pourgourides and Mr Dick Marty, which is, in the draft recommendation, after paragraph 11.1.2, insert the following sub-paragraph:

“secure full respect for the rights of the defence and, to this end, take scrupulous care to ensure that the duly appointed international lawyers are able to provide their clients with effective assistance, guarantee them regular access to their clients, access to the files and ensure that visas are issued to them in good time;”

I call Mr Jaskiernia to support Amendment No. 3.

Mr JASKIERNIA (*Poland*). – The amendment deals with the rights of the defence team. We want to ensure that the duly appointed international lawyers provide their clients with effective assistance. They need to be guaranteed regular access to them and access to their files. The visas issued to them must be in good order. We care about the judicial procedure, but it is also right to care about the defence team and to ensure that the defence is mounted properly.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee? As Mr Jaskiernia has moved the amendment, I think you should give the committee's opinion, Mr Lloyd.

Mr LLOYD (*United Kingdom*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We come to Amendment No. 1, tabled by Mr Alexander Arabadjiev, Mrs Darinka Stantcheva, Mr Lachezar Ivanov, Mr Ivan Ivanov and Mrs Aneliya Atanasova, which is in the draft recommendation, paragraph 11.3, delete the words "and the victims' families" and the words "in this regard".

I call Mr Arabadjiev to support Amendment No. 1. If this amendment is rejected, Amendment No. 2 falls.

Mr ARABADJIEV (*Bulgaria*). – Amendments Nos. 1 and 2 are inextricably connected. They distinguish between what is expected in relation to the state and the public expect, with a view to establishing a dialogue with the Libyan authorities and the relatives of the infected children.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr JASKIERNIA (*Poland*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 1 is adopted.

We come to Amendment No. 2, tabled by Mr Alexander Arabadjiev, Mrs Darinka Stantcheva, Mr Lachezar Ivanov, Mr Ivan Ivanov and Mrs Aneliya Atanasova, which is in the draft recommendation, at the end of paragraph 11.3, insert the following words: "with the victims' families".

I call Mr Arabadjiev to support Amendment No. 2.

Mr ARABADJIEV (*Bulgaria*). – As I said, Amendments Nos. 1 and 2 are connected and carry the same message. The separation between the two is merely technical.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr JASKIERNIA (*Poland*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2 is adopted.

We come to Amendment No. 4, tabled by Mr Jerzy Jaskiernia, Mr Tony Lloyd, Mr Jean-Charles Gardetto, Mr Christos Pourgourides and Mr Dick Marty, which is, in the draft recommendation, after paragraph 11.3, add the following paragraph:

"In consideration of the decision to be taken by the Libyan Supreme Court on 15 November 2005, in particular, the Assembly considers it useful that its Committee on Legal Affairs and Human Rights continues to follow the development of this issue and report to the Assembly in due time when necessary."

I call Mr Jaskiernia to support Amendment No. 4. I invite you also to speak on the sub-amendment that you tabled on behalf of the Committee on Legal Affairs and Human Rights, which is, after the words "in particular, the Assembly", insert the following words:

"asks the Presidency of the Assembly to ensure that a Parliamentary Assembly delegation is sent to Libya to meet with the Libyan Head of State and to follow the court proceedings. It".

Mr JASKIERNIA (*Poland*). – The amendment and sub-amendment have the same goal – to provide follow-up after the decision on 15 November. The Libyan Supreme Court decision will be important and different scenarios could occur. For that reason, we should not stop our activities and should ask the committee to continue to follow developments so that it can report to the Assembly. We also want to send a delegation to meet the Libyan authorities. The Council of Europe must be serious about this. We need to reassure our Bulgarian colleagues, the Bulgarian state and the European public that we will follow the case closely and, if necessary, take the appropriate steps to resolve the situation.

THE PRESIDENT. – Does anyone wish to speak against the sub-amendment?

Mr DREYFUS-SCHMIDT (*France*) said he had understood he would be speaking to support the amendment and was consequently speaking in favour at this point. The amendment called for a high-level delegation from the Assembly and Committee of Ministers to be despatched to Libya immediately, rather than soon, to meet the Libyan President. He emphasised that he was not speaking against the sub-amendment.

THE PRESIDENT. – That was not a speech against the sub-amendment, as you pointed out. It was a speech in favour of it, and the committee is obviously also in favour of it.

The vote is open.

The sub-amendment is adopted.

Does anyone wish to speak against the amendment, as amended? That is not the case.

The vote is open.

Amendment No. 4, as amended, is adopted.

We will now proceed to vote on the whole draft recommendation contained in Document 10677, as amended. I remind you that a two-thirds majority is required for the adoption of a recommendation

The vote is open.

The draft recommendation in Document 10677, as amended, is unanimously adopted.

7. Date, time and orders of the day of the next sitting.

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

Are there any objections? That is not the case.

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

I remind members of the Joint Committee that it will meet now in Room 5. They should make their way there promptly.

The sitting is closed.

(The sitting was closed at 6.25 p.m.)

CONTENTS

1. Minutes of proceedings
2. Voting cards and the register of attendance
3. Organisation of debates
4. The Council of Europe and the neighbourhood policy of the European Union – resumed debate

Speakers:

Mr Kosashev (Russian Federation)
Mr Dorić (Croatia)
Mr Tkáč (Slovakia)

Replies:

Mr Van den Brande (Belgium)
Mr Ateş (Turkey)

Amendments Nos. 9, 1, 2, 3, 4 and 5 as amended, 6, 8 and 10 as amended, adopted
Draft recommendation, as amended, adopted

5. Europe and bird flu – preventive health measures

Presentation by Mr Jacquat of the report of the Social, Health and Family Affairs Committee
Presentation by Mr Lobkowicz of the opinion of the Committee on the Environment, Agriculture and Local and Regional Affairs

Speakers:

Mr Platvoet (Netherlands)
Mr Gubert (Italy)
Mr Marquet (Monaco)
Mr Greenway (United Kingdom)
Ms Jäger (Germany)
Mr Masseret (France)
Mr Dupraz (Switzerland)
Mrs Laloy (Belgium)
Mr Dorić (Croatia)

Replies:

Mr Jacquat (France)
Mr Glesener (Luxembourg)

Amendments Nos. 6, 3, 4, 5, 1 and 2 adopted
Draft recommendation, as amended, adopted

6. Serious human rights violations in Libya – inhuman treatment of Bulgarian medical staff

Presentation by Mr Lloyd of the report of the Committee on Legal Affairs and Human Rights, Doc. 10677

Speakers:

Mr Iwiński (Poland)
Mrs Wohlwend (Liechtenstein)
Mr Eörsi (Hungary)
Mrs Němcová (Czech Republic)
Mr Platvoet (Netherlands)

Mr Kirilov (Bulgaria)
Mr Loutfi (Bulgaria)
Mr Kosachev (Russian Federation)
Mr Ivan Ivanov (Bulgaria)
Mrs Stănoiu (Romania)
Mrs Stantcheva (Bulgaria)
Mr Jonas (Germany)
Mr Arabadjiev (Bulgaria)
Mr Pozzo di Borgo (France)

Replies:

Mr Lloyd (United Kingdom)
Mr Jaskiernia (Poland)

Amendments Nos. 1, 2, 3, and 4 as amended, adopted

Draft recommendation, as amended, adopted

7. Date, time and orders of the day of the next sitting

