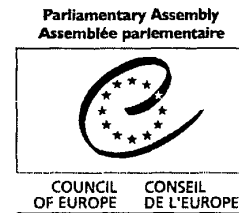


Parliamentary Assembly Assemblée parlementaire



AS (2005) PV 25
Provisional edition

2005 ORDINARY SESSION

(Fourth Part)

TWENTY-FIFTH SITTING

Monday 3 October 2005 at 3 p.m.

MINUTES OF PROCEEDINGS

Mr van der Linden, President of the Assembly, took the Chair at 3.05 p.m.

1. RESUMPTION OF THE SESSION

The President declared the fourth part of the 2005 Ordinary Session resumed.

2. ATTENDANCE REGISTER

The names of the Representatives, Substitutes and Observers who signed the attendance register are given in the Appendix.

3. ADDRESS BY THE PRESIDENT TO THE ASSEMBLY

The President addressed the Assembly.

4. EXAMINATION OF CREDENTIALS

The President presented the report on the examination of the credentials of Representatives and Substitutes (Doc. 10682).

The credentials contained in Doc. 10682 were ratified.

5. ELECTION OF A VICE-PRESIDENT OF THE ASSEMBLY

The President announced that he had received the nomination of Mrs Maria Postoico, on behalf of Moldova, for election as Vice-President of the Assembly.

There being no objection, Mrs Postoico was duly elected, in accordance with Rule 14.4.

6. CHANGES IN MEMBERSHIP OF COMMITTEES

The Assembly ratified the changes in the membership of committees as set out in document Commissions (2005) 8.

7. WRITTEN DECLARATION

The President announced that, in accordance with Rule 53 of the Rules of Procedure, a written declaration (No. 369) on Absolute anti-torture protection undermined by the proposed counter-terrorism measures in the UK (Doc. 10695) had been printed, signed by 22 Members of the Assembly.

Representatives or Substitutes who wished to add their signatures to this declaration could do so in the Table Office. If any names were added, the declaration would be distributed again two weeks after the end of the part-session with all the accumulated signatures.

8. REQUESTS FOR URGENT PROCEDURE DEBATES

There had been a request from the Committee of Ministers for an urgent debate, in accordance with Rule 50 of the Rules of Procedure, on the draft Framework Convention of the Council of Europe on the value of cultural heritage for society.

The President informed the Assembly of the recommendation of the Bureau at its meeting that morning that the request for urgent procedure should be agreed to.

Speakers: Mr Wodarg, Mrs de Melo, Mr Jařab.

The adoption of urgent procedure was not agreed to.

There had been another request for an urgent debate, in accordance with Rule 50 of the Rules of Procedure, on Europe and bird flu – preventive health measures.

The President informed the Assembly of the recommendation of the Bureau at its meeting that morning that the request for urgent procedure should be agreed to.

The Assembly agreed to the request; and that the matter be referred to the Social, Health and Family Affairs Committee for report, and to the Committee on the Environment, Agriculture and Local and Regional Affairs for opinion (*Reference No. 3137*).

9. ADOPTION OF THE ORDER OF BUSINESS FOR THE FOURTH PART OF THE 2005 ORDINARY SESSION

The President, on behalf of the Bureau, proposed the adoption of the draft order of business for the part-session, as drawn up by the Bureau on 1 September and that morning; with the omission of the proposed urgent debate on the draft Framework Convention of the Council of Europe on the value of cultural heritage for society.

The draft order of business, as amended, was agreed to.

10. ADOPTION OF THE MINUTES OF THE LAST MEETING OF THE STANDING COMMITTEE (1 SEPTEMBER 2005, MONACO)

The minutes were adopted.

11. PROGRESS REPORT OF THE BUREAU AND THE STANDING COMMITTEE

The Progress Report of the Bureau of the Assembly and the Standing Committee (Doc. 10687) was presented by Mr Kosachev.

The debate was opened.

Speakers: MM Van den Brande, Eörsi, Margelov, Pourgourides, Kosachev.

Mr Kosachev, Rapporteur of the Bureau of the Assembly and the Standing Committee, replied to the debate.

The debate was closed.

The Assembly approved the Progress Report of the Bureau of the Assembly and the Standing Committee (Doc. 10687).

12. STATEMENT BY MR MARIAN LUPU, SPEAKER OF THE PARLIAMENT OF MOLDOVA

The President welcomed, on behalf of the Assembly, Mr Marian Lupu, Speaker of the Parliament of Moldova.

Mr Lupu addressed the Assembly.

The President thanked Mr Lupu.

13. CO-DEVELOPMENT POLICY AS A POSITIVE MEASURE TO REGULATE MIGRATORY FLOWS

The Report of the Committee on Migration, Refugees and Population on Co-development policy as a positive measure to regulate migratory flows (Doc. 10654) was presented by Mr Salles, Rapporteur.

Mr Gardetto, a Vice-President of the Assembly, took the Chair in place of Mr van der Linden.

The debate was opened.

Speakers: Mrs Err, Mr Mendes Bota, Mrs Oskina, MM Platvoet, Mirzazada, Gubert, Özal, Kucheida.

Mr Salles, Rapporteur of the Committee on Migration, Refugees and Population and Mr Çavuşoğlu, Chairperson of the Committee, replied to the debate.

The debate was closed.

Mrs Err moved that the report on Co-development policy as a positive measure to regulate migratory flows (Doc. 10654) be referred back to the Committee on Migration, Refugees and Population.

Speakers: Mrs Err, Mrs Oskina, Mr Çavuşoğlu.

The motion was not agreed to.

The Assembly agreed the draft resolution contained in Doc. 10654 (*Resolution 1462 (2005)*).

The Assembly agreed the draft recommendation contained in Doc. 10654 (*Recommendation 1718 (2005)*).

14. ENFORCED DISAPPEARANCES

The Report of the Committee on Legal Affairs and Human Rights on Enforced disappearances (Doc. 10679) was presented by Mr Pourgourides, Rapporteur.

The debate was opened.

Speakers: Mrs Papadimitriou, Mr Ertborn.

Mr Pullicino Orlando, a Vice-President of the Assembly, took the Chair in place of Mr Gardetto.

Speakers: Mr Kvakkestad, Mrs Kanelli, Mr Bindig, Ms Hajiyeva, Mr Nami, Mrs Pericleous Papadopoulos, Mr Cebeci.

Mr Pourgourides, Rapporteur of the Committee on Legal Affairs and Human Rights and Mrs Bemelmans-Vidéc, on behalf of the Committee, replied to the debate.

The debate was closed.

The Assembly considered the draft resolution contained in Doc. 10679.

The President announced that the amendments to the draft resolution would be considered in numbered order.

An amendment (No. 1) was proposed by Mr Christos Pourgourides, Mrs Elsa Papadimitriou, Mr Michael Spindelegger, Mr Murat Mercan, Mr Zsolt Németh, Mr Márton Braun, in the draft resolution, paragraph 9, replace the words "at its 4th session in January/February 2005 and urges it to agree on a" with the following words:

"at its 5th session in September 2005 leading it to the adoption, on 22 September 2005, of a".

Speakers: Mr Pourgourides, Mrs Bemelmans-Videc.

The amendment was agreed to.

An amendment (No. 2) was proposed by Mr Christos Pourgourides, Mrs Elsa Papadimitriou, Mr Michael Spindelegger, Mr Murat Mercan, Mr Zsolt Németh, Mr Márton Braun, in the draft resolution, paragraph 10, after the word "points", insert the following words:

", most of which are reflected in the draft convention adopted by the UN intersessional working party on 22 September 2005,".

Speakers: Mr Pourgourides, Mrs Bemelmans-Videc.

The amendment was agreed to.

An amendment (No. 3) was proposed by Mr Christos Pourgourides, Mrs Elsa Papadimitriou, Mr Michael Spindelegger, Mr Murat Mercan, Mr Zsolt Németh, Mr Márton Braun, in the draft resolution, replace paragraph 11 with the following paragraph:

"The Assembly urges all member states of the Council of Europe to support the adoption of the draft binding instrument, as agreed by the inter-sessional working party in the UN Commission on Human Rights and in the General Assembly.

In case the compromise reflected in draft binding instrument is re-opened in the process of its adoption, the member states of the Council of Europe are urged to pursue further improvements of this text, in particular:

to streamline the procedure for on-site visits by the future Committee on Enforced Disappearances in Article 32 of the draft convention;

to extend the application of the future convention over time, beyond that foreseen by the current Article 35, to include cases in which the disappearance occurred before the entry into force of the Convention and the whereabouts of the disappeared person have not been clarified until after its entry into force;

to improve measures against impunity, in particular by the exclusion of perpetrators of enforced disappearances from any amnesty or similar measures referred to above, and

to lay down a rule following which perpetrators of enforced disappearances shall only be tried in courts of general jurisdiction and not in military courts.

In case the draft instrument is adopted unchanged, the member states of the Council of Europe are urged to sign and ratify it without delay, and to make declarations aimed at maximising the protective effect of the instrument, in particular:

to waive the need for prior agreement to an on-site visit of the Committee on Enforced Disappearances foreseen in Article 32;

to recognise the competence of the Committee on Enforced Disappearances to receive and consider communications on behalf of individuals claiming to be victims of a violation of the Convention, as foreseen in Article 31; and

to interpret Article 35 in such a way as to allow the Convention to cover also cases in which the disappearance occurred before entry into force of the Convention and the whereabouts of the disappeared person have not been clarified until after its entry into force."

Speakers: Mr Pourgourides, Mrs Bemelmans-Videc.

The amendment was agreed to.

The Assembly agreed the draft resolution contained in Doc. 10679, as amended (*Resolution 1463 (2005)*).

The Assembly agreed the draft recommendation contained in Doc. 10679 (*Recommendation 1719 (2005)*).

15. DATE, TIME AND ORDERS OF THE DAY OF THE NEXT SITTING

The next sitting was fixed for Tuesday 4 October at 10 a.m. with the following orders of the day:

1a. Election of the Council of Europe Commissioner for Human Rights
(Doc. 10661) (*from 10 am to 1 pm*)

1b. Election of the Secretary-General of the Parliamentary Assembly
(Doc. 10656) (*from 10 am to 1 pm*)

2. Women and Religion in Europe

- Presentation by Mrs ZAPFL-HELBLING of the Report of the Committee on Equal Opportunities for Women and Men (Doc. 10670).
- Statement by Ms Asma JAHANGIR, United Nations Special Rapporteur on Freedom of Religion or Belief.
- Debate and vote on the draft resolution contained in Doc. 10670.

3. Address by Mr Miguel Angel MORATINOS, Minister for Foreign Affairs and Co-operation of Spain

- Questions

The sitting was closed at 6.05 p.m.

APPENDIX I

Representatives or Substitutes who signed the Attendance Register in accordance with Rule 11.2 of the Rules of Procedure. The names of Substitutes who replaced absent Representatives are printed in small letters. The names of those who were absent or apologetised for absence are followed by an asterisk.

AÇIKGÖZ, Ruhi
 ADAM, Ulrich/Letzgus, Peter
 AGRAMUNT, Pedro
 AHLQVIST, Birgitta
 ALIBEYLI, Gulamhuseyn
 ALITI, Rafis*
 ANDRÉ, René*
 ANTTILA, Sirkka-Liisa
 ARIAS, Miguel/Fernández Aguilar, Adolfo
 ARNAUT, José Luis
 ARRIGO, Robert/D'Amato, Helen
 ARZILLI, Giuseppe
 ATEŞ, Abdülkadir
 AZZOLINI, Claudio
 BADRÉ, Denis/Pozzo di Borgo, Yves
 BANAC, Ivo/Dorić, Miljenko
 BARGHOLTZ, Helena/ Ertsborn, Jan
 BARTUMEU CASSANY, Jaume
 BATET, Meritxell
 BECERRIL, Soledad
 BEMELMANS-VIDEC, Marie-Louise
 BENEŠ, Miroslav
 BERCEANU, Radu-Mircea*
 BERDZENISHVILI, Levan*
 BERISHA, Sali*
 BĚRZINŠ, Andris*
 BIANCO, Gerardo*
 BİLGEHAN, Gülsün
 BINDIG, Rudolf
 BLANKENBORG, Haakon*
 BOKERIA, Giorgi*
 Van den BRANDE, Luc
 BRAUN, Márton*
 BREEN, Patrick
 BRESTENSKÁ, Beáta
 BROSBØL, Kirsten*
 BURLISON,
 ÇAVUŞOĞLU, Mevlüt
 CEBECİ, Erol Aslan
 ČEKUOLIS, Jonas
 CHIKHRADZE, Pikria*
 CHOPE, Christopher
 CHRISTMAS-MØLLER, Pia*
 CHRISTODOULIDES, Doros/Pericleous
 Papadopoulos, Antigoni
 CIEMNIAK, Grażyna
 CILEVIČS, Boriss*
 CIRCENE, Ingrida
 CLIVETI, Minodora*
 COLLAVINI, Manlio/Paoletti Tangheroni, Patrizia
 COLOMBIER, Georges*
 COŞKUNOĞLU, Osman
 CSAKY, András*
 CUBREACOV, Vlad
 CZINEGE, Imre*
 DAVERN, Noel/Ormonde, Ann
 DEBONO GRECH, Joseph*
 DEDJA, Taulant*
 DEES, Dirk
 DEITERT, Hubert
 DEVÍNSKY, Ferdinand
 DIACOV, Dumitru
 DJUPEDAL, Øystein*
 DONABAUER, Karl
 DROMBERG, Kaarina
 DRZEŹLA, Bernard
 DURRIEU, Josette
 ELO, Mikko
 ENGESET, Martin/Høie, Bent
 EÖRSI, Mátyás
 ERR, Lydie
 ETHERINGTON, Bill
 EVIN, Claude*
 EXNER, Václav
 EYMER, Anke*
 FARKAS, Iván
 FARRÉ SANTURÉ, Joan Albert
 FEDOROV, Valeriy/Umakhanov, Ilyas
 FENECHIU, Relu*
 FERNÁNDEZ SORIANO, María Emelina/
 Aburto, María Rosario Fátima
 FILIPIOVÁ, Daniela/Gajdůšková, Alena
 FLYNN, Paul
 FREIHERR von und zu GUTTENBERG, Karl
 Theodor*
 FRÍÐLEIFSDÓTTIR, Sív
 FRUNDA, György
 GABURRO, Giuseppe
 GARDETTO, Jean-Charles/Spiliotis-Saquet,
 Christophe
 GASÓLIBA, Carles/Txueka, Iñaki
 GEDEI, József*
 GILMORE, Eamon
 GLÁVAN, Stefan*
 GLESENER, Marcel
 GOERENS, Charles*
 GOLDBERG, Pierre/Hunault, Michel
 GORIS, Stef
 GRACHEV, Vladimir*
 GREBENNIKOV, Valery
 GRIGNON, Francis
 GROSS, Andreas
 GRZYB, Andrzej
 GÜLÇİÇEK, Ali Rıza*
 GUSENBAUER, Alfred/Muttonen, Christine
 HADŽIAHMETOVIĆ, Azra
 HAGBERG, Michael
 HAJIYEVA, Gultakin
 HANCOCK, Michael
 HENRY, Jean-Pol*
 HERKEL, Andres
 HIMMER, Harald*
 HLADIY, Mykhailo
 HÖFER, Gerd
 HÖGMARK, Anders G.
 HOĽOVATY, Serhiy

HOOPER, Gloria*
 HÖRSTER, Joachim
 HURSKAINEN, Sinikka
 HUSEYNOV, Ali/Mirzazada, Aydin
 IANNUZZI, Raffaele*
 ILAŞCU, Ilie
 İNCEKARA, Halide/Çerçi, Mehmet
 IVANOV, Ivan
 IVANOV, Sergei/Alatalu, Toomas
 IVANOVSKI, Igor
 IWIŃSKI, Tadeusz
 JACYNA-ONYSZKIEWICZ, Zbigniew*
 JÄGER, Renate*
 JAHIĆ, Elmir/Avdić, Sead
 JAŘAB, Josef
 JASKIERNIA, Jerzy*
 JÁUREGUI, Ramón
 JUNG, Armand*
 JURGENS, Erik/Platvoet, Leo
 KAIKKONEN, Antti
 KALANOVIĆ, Verica/Jovašević, Ljubiša
 KALEZIĆ, Ivan
 KARAPETYAN, Karen*
 KARPOV, Oleksandr
 KATSELLI, Eleonora
 KAZAKOV, Alexandre Ivanovich
 KIRILOV, Evgeni
 KLYMPUSH, Orest
 KNIGHT OF COLLINGTREE, Jill
 KOCHARYAN, Shavarsh
 KOÇI, Petro*
 KOSACHEV, Konstantin
 KOSTENKO, Yuriy*
 KOSTYNUK, Bohdan
 KOVALEV, Nikolay/Oskina, Vera
 KOVALEV, Yuri
 KRSTEVSKI, Zoran/Zernovski, Andrej
 KUCHEIDA, Jean-Pierre
 KUCLER-DOLINAR, Mojca/Kovačič, Dimitrij
 KVAKKESTAD, André
 LACHNIT, Petr
 LALOY, Marie-José*
 LAMBERT, Geert
 LANDRAIN, Édouard/Grosskost, Arlette
 LAVTIŽAR-BEBLER, Darja
 LEGENDRE, Jacques/Branger, Jean-Guy
 LEPPER, Andrzej/Grzesik, Andrzej
 LEUTHEUSSER-SCHNARRENBURGER, Sabine*
 van der LINDEN, René
 LINTNER, Eduard*
 LLOYD, Tony
 LOBKOWICZ, Jaroslav
 LOUTFI, Younal*
 LUCYGA, Christine
 MALGIERI, Gennaro*
 MALINS, Humfrey*
 MANZELLA, Andrea*
 MARGELOV, Mikhail
 MARQUET, Bernard/Fautrier, Catherine
 MARTY, Dick
 MASI, Tito*
 MASSERET, Jean-Pierre*
 MATUŠIĆ, Frano*
 McCAFFERTY, Chris
 MEALE, Alan
 MEIMARAKIS, Evagelos/Bougas, Ioannis
 MELANDRI, Giovanna*
 MELČÁK, Miloš/Čurdová, Anna
 MELNIKOV, Ivan/Fomenko, Alexander
 MENDES BOTA, José
 MERCAN, Murat
 MESSEßSCHMIDT, Morten
 MIĆUNOVIĆ, Dragoljub*
 MIGNON, Jean-Claude
 MIHKELSON, Marko
 MIKHAILOVA, Nadezhda
 MIKUTIENÉ, Dangutė*
 MILIĆEVIĆ, Ljiljana
 MILOJEVIĆ, Goran*
 MIMICA, Neven
 MOKRY, Vladimir
 MONFILS, Philippe*
 MOTA AMARAL, João Bosco
 MULAS, Giuseppe
 NACHBAR, Philippe*
 NAKASHIDŽÉ, Nino*
 NARO, Giuseppe/Gubert, Renzo
 NAROCHNITSKAYA, Natalia*
 NEGELE, Gebhard
 NÉMETH, Zsolt*
 NIJS, A.D.S.M.*
 NIKOLIĆ, Tomislav*
 NIKOLOPOULOS, Nikolaos/Kanelli, Liana
 OCCHETTO, Achille
 O'HARA, Edward
 OHLSSON, Carina/Einarsson, Mats
 ÖHMAN, Conny
 de OLIVEIRA MARTINS, Guilherme/de Melo, Maria Manuela
 OLIYNYK, Boris
 ØSTERGAARD, Morten/Lund, Rune
 ÖZAL, İbrahim
 PADILLÀ, Julio*
 PALECKIS, Algirdas/Jakavonis, Gediminas
 PANGALOS, Theodoros*
 PAPADIMITRIOU, Elsa
 PEKHTIN, Vladimir/Pirozhnikova, Liudmila
 PÉTURSDÓTTIR, Sólvéig*
 PODGÓRSKI, Bogdan
 POL, Marek
 POSTOICO, Maria
 POTRATA, Majda/Presečnik, Jakob
 POURGOURIDES, Christos
 PREDÁ, Cezar Florin*
 PROVERA, Fiorello
 PUCHE, Gabino
 de PUIG, Lluís Maria*
 PULLICINO ORLANDO, Jeffrey
 PUPOVÁČ, Milorad*
 PYSARENKO, Anatolij*
 QUESADA, Adoración*
 RAGUŽ, Martin/Filipović, Ilija
 RAKHANSKY, Anatolij*
 RANIERI, Umberto/Giovanelli, Fausto
 REIMANN, Maximilian*
 REYMANN, Marc
 RIESTER, Walter*

RIGONI, Andrea
RIVOLTA, Dario*
RIZZI, Enrico*
ROCHEBLOINE, François/Salles, Rudy
ROSEIRA, Maria de Belém/Mendonça, Ana
Catarina
ROTH, Michael*
RUSSELL-JOHNSTON, Russel
RUŠTAMYAN, Armen
RUŽIĆ, Branko*
RYBAK, Volodymyr
RZYMELKA, Jan
ŠAMI, Zoran
SCHIEDER, Peter
SCHMIED, Walter
SCHNEIDER, André
SCHREINER, Bernard
SERNA, Juana/Cortajarena, Elvira
SEVERIN, Adrian*
SEVERINSEN, Hanne
SEYIDOV, Samad*
SHAKHTAKHTINSKAYA, Naira*
SHARANDIN, Yuri/Eltsov, Victor
SIEBERT, Bernd*
SKARBØVIK, Elsa*
SKARPHÉDINSSON, Össur*
SLUTSKY, Leonid
SMITH, Geraldine*
SPINDELEGGER, Michael
STĂNOIU, Rodica Mihaela
STANTCHEVA, Darinka
STATI, Sergiu*
STEENBLOCK, Rainer*
SUDARENKOV, Valeriy/Korobeynikov, Anatoliy
SYMONENKO, Petro*
SZABÓ, Zoltán*
SZCZYGŁO, Aleksander*
TEKELIOĞLU, Mehmet
TEPŞHI, Qazim*
TEVDORADZE, Elene
TIMMERMANS, Frans*
TKÁČ, Vojtech
TOMLINSON, John
TOROSYAN, Tigran
TRITZ, Marianne*
URBÁNI, Milan
VAKILOV, Vagif*
VAREIKIS, Egidijus
VARVITSIOTIS, Miltiadis
VERA JARDIM, José*
VERMOT-MANGOLD, Ruth-Gaby*
VIS, Rudi
VOSGANIAN, Varujan*
VRETTOS, Konstantinos*
WALTER, Robert
WIELOWIEYSKI, Andrzej
WILLE, Paul
WILSHIRE, David
van WINSEN, Bart
WODARG, Wolfgang
WOHLLEBEN, Verena*
WOHLWEND, Renate/Frommelt, Doris
WRIGHT, G.V.*
WURM, Gisela

YOTOVA, Iliana/Arabadjiev, Alexander
ZACCHERA, Marco*
ZAPFL-HELBLING, Rosmarie
ZAVGAYEV, Akhmar/Smirnova, Svetlana
ZHEVAGO, Kostyantyn*
ZHIRINOVSKY, Vladimir/Chernyshenko, Igor
ZIUGANOV, Guennady/Kolesnikov, Victor
ŽIŽIĆ, Zoran
de ZULUETA, Tana
ŽUŽUL, Miomir*
Vacant seat CY/*
Vacant seat MOL/*
Vacant seat PL/*
Vacant seat TR/ Ilicali, Mustafa

ALSO PRESENT

Representatives and Substitutes not authorised to vote:

AGER, Hans
BRADFORD, Paul
GADZINOWSKI, Piotr
KOX, Tiny
McHUGH, Paddy
WILLOTT, Jenny

Special Guests

Observers

CELAYA, Lino
CAMACHO, Cesar
GARZA, Laura Alicia
GONZALEZ, Adriana
MARGAÍN BERLANGA, Fernando
MEDINA, Carlos
MILNE, Lorna
SÁNCHEZ CARREÑO, Sadot

Others

ÖZDİL, Nami (According to Resolution 1376 (2004) of the Parliamentary Assembly)
ÖZGÜRDÜN, Hüseyin (According to Resolution 1376 (2004) of the Parliamentary Assembly)