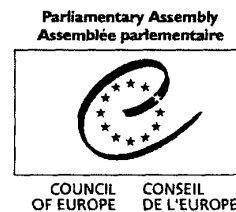


**Parliamentary Assembly**  
**Assemblée parlementaire**



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2006 ORDINARY SESSION

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(Second part)

**REPORT**

Ninth sitting

Monday 10 April 2006 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 p.m.*

### **1. Resumption of the 2006 Ordinary Session**

THE PRESIDENT. – The 2006 session of the Parliamentary Assembly of the Council of Europe, adjourned on 27 January 2006 at the end of the eight sitting, is now resumed.

### **2. Attendance register**

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.

Thirdly, I remind you to switch off mobile phones during sittings of the Assembly and during committee meetings.

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

THE PRESIDENT. – Last May, the Warsaw Summit reaffirmed the Council of Europe's central role on the issues of democracy, human rights and the rule of law.

The member states also agreed to clarify the relationship between the Council of Europe and the European Union.

Prime Minister Juncker of Luxembourg, one of Europe's most respected statesmen, was invited to prepare a political report. He has now completed his work and sent his report to the heads of state and government. He has also chosen our Assembly as the political platform for public presentation of his report. This will take place tomorrow, with the participation of the political leaderships of both the Council of Europe and the European Union.

The draft memorandum of understanding, prepared by the European Union, however, is a non-political paper. It is without real, concrete proposals and does not respond to the political requirements of the Assembly or the Warsaw Summit. This memorandum was discussed during the quadripartite meeting of the Council of Europe and the EU on 15 March.

Despite a specific request, the Assembly was not invited to this meeting. We cannot accept exclusion of the Assembly and the European Parliament from the final discussions.

We urge the Committee of Ministers to bring the Assembly on board when discussing and deciding on co-operation between the two organisations. We are adamant that no decisions should be taken until Mr Juncker's report has been taken fully into account.

The core business of the Council of Europe is human rights. I continue to urge the European Union to make much better use of our expertise and instruments. An agency that duplicated our activities would be entirely redundant.

In May, the Russian Federation will take over the chairmanship of the Committee of Ministers. This historic moment will be the first time Russia has chaired a democratic European organisation. Two weeks ago, I visited Moscow to meet the authorities and discuss their priorities. Russia is of the utmost political importance to the Council of Europe, just as the Council of Europe is to Russia.

Russia is a part of Europe through a strategic partnership, based on common values, mutual trust, close permanent contacts and confidence-building co-operation. This process needs time, and sometimes patience, but we have to work on it constantly. The Council of Europe is an excellent forum for ensuring that old rivalries will not be revived and that there will be no new dividing lines in Europe. We must always build for the future and never be obstructed by the past.

I shall now continue in French.

*(The speaker continued in French)*

He said that two recent examples had forcefully illustrated the importance of the values and principles of the Council of Europe. He was talking about Belarus and the Ukraine.

In the whole of Europe, Belarus was the only country that did not have the political will to respect the fundamental principles of the Council of Europe. Within the framework of the recent elections there, the people of Belarus had not been authorised freely to express their political will.

Since then, the authorities had unfortunately persisted in violating the most elementary political rights. Political opponents had been arrested after peaceful demonstrations; they had been arbitrarily imprisoned and, in a number of cases, ill treated. He firmly condemned this repression. The prisoners concerned should be immediately released without any conditions attached.

He was not, however, in favour of isolating Belarus. The core of the Council of Europe's strategy had to be to redouble the efforts to underline a democratic civil society in Belarus. The opening of an office of the Council of Europe in Minsk should be an element of that strategy.

The other example came from Ukraine. The Parliamentary Assembly had expressed its satisfaction in the democratic changes that had taken place in that country last year. None the less, the Assembly did not have a political preference. He believed that what should count was simply that the Council of Europe could find that the elections had been carried out in a fair and equitable manner.

He expressed happiness that the mission sent to observe the elections had concluded that the latest elections in Ukraine had indeed conformed to those principles. This was a clear sign that Ukraine had consolidated its progress towards democracy.

The activities of the Assembly, through monitoring and observation missions, had contributed substantially to the conduct of free and fair elections. Those standards of excellence should become the norm. The Assembly should remain vigilant and react quickly and efficaciously to political events.

The debate using the urgent procedure that the Assembly would have this week on prostitution and the trafficking of human beings in the context of the World Cup in football was an excellent example of such reaction.

The Assembly was drawing up a list of its priorities. Intercultural and inter-religious dialogue would have a prominent place on that list.

He expressed contentment that the Turkish and Spanish Prime Ministers, Mr Erdogan and Mr Zapatero, had accepted the invitation to participate in a June debate on the controversy triggered by some Danish cartoons. There would also be the opportunity for them to talk to the Assembly about their project on the alliance of civilisations which the Assembly supported unreservedly.

The part-session in June would also be marked by the final report of Mr Marty on the allegations about the existence of secret detention centres. That debate would also be enriched by the participation of Vice-President Frattini of the European Commission who was a strong supporter of the work of the Council of Europe.

The Assembly would evermore strive to discuss those important questions, a characteristic which placed it at the forefront of the European political debate.

It was only by showing imagination and courage that the Council of Europe, which represented the citizens of a wider Europe, could continue to meet their high expectations.

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

THE PRESIDENT. – The first order of the day is the examination of credentials of new members submitted in accordance with Rule 6. The names are in Document 10866. If no credentials are contested, the credentials will be ratified.

Are credentials contested?

*The credentials are ratified.*

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

THE PRESIDENT. – Our next business is to consider the changes proposed in the membership of committees. These are set out in Document Commissions (2006) 4.

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

*They are agreed to.*

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

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

In accordance with Rule 14, the chairperson of the national delegation of Georgia has proposed Mr Giorgi Bokeria. If there is no request for a vote, Mr Bokeria will be declared elected.

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

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

### **7. Requests for urgent procedure**

THE PRESIDENT. - Before we examine the draft order of business, the Assembly needs to consider the two requests for debate under urgent procedure which have been made in accordance with Rule 50 of the Rules of Procedure. They are: stop trafficking in women before the FIFA World Cup; and cheated presidential election of 19 March 2006 and the aftermath in Belarus.

We will make separate decisions on each proposal in a few moments when I shall also propose a small change to the title of the Belarus debate. But first I should inform the Assembly of the proposal of the Bureau on these two requests. The Bureau approved these requests at a meeting this morning and recommends to the Assembly that both be placed on the order of business for this part-session.

If the Assembly agrees with the Bureau's proposal, the Bureau proposes to hold a debate called "Stop trafficking in women before the FIFA World Cup", on the morning of Wednesday 12 April as indicated in the draft order of business. The Bureau proposes that the debate called "Cheated presidential election of 19 March 2006 and the aftermath in Belarus" should be held on the morning of Thursday 13 April, as indicated in the draft order of business.

The Assembly must now consider each request for urgent procedure in turn.

We shall now consider the request for an urgent debate called "Stop trafficking in women before the FIFA World Cup". The Bureau approved this request.

Does the Assembly agree with the proposal of the Bureau that a debate called "Stop trafficking in women before the FIFA World Cup" should be placed on the order of business?

The Bureau's proposal is accepted, and the request for urgent procedure is therefore approved. We propose to refer this proposal to the Committee on Equal Opportunities for Women and Men for report.

Is that agreed?

*That is agreed.*

We shall now consider the request for an urgent debate called "Cheated presidential election of 19 March 2006 and the aftermath in Belarus". The Bureau approved this request at its meeting this morning. I propose that the title should be amended to "Belarus in the aftermath of the presidential election of 19 March 2006".

Does the Assembly agree with the proposal of the Bureau that a debate called "Belarus in the aftermath of the presidential election of 19 March 2006" should be placed on the order of business?

The Bureau's proposal is accepted, and the request for urgent procedure is therefore approved.

Following the usual practice of the Assembly, which is to refer a question to only one committee for report (Rules 24.2 and 33.1), the Bureau has proposed that "Belarus in the aftermath of the presidential election of 19 March 2006" be referred to the Political Affairs Committee for report.

Is this agreed?

*This reference is agreed to.*

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

THE PRESIDENT. – The next order of the day is the adoption of the order of business for the second part of the 2006 ordinary session.

The draft order of business which is submitted for the Assembly's approval was brought up to date by the Bureau on 16 March and this morning. The updated draft order of business was issued earlier today.

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

Is the draft order of business agreed to?

*It is agreed to.*

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

THE PRESIDENT. – Because of the number of speakers wishing to participate in the debates during this part-session, the Bureau proposes that speaking time in the debates other than on Wednesday should be limited as follows: today – four minutes; on the debate on relations between the Council of Europe and the European Union due to take place tomorrow morning the chairpersons of the political groups and the Secretary General of the Council of Europe will each have four minutes. Contributions from other members on the speakers list will be limited to three minutes. For all other debates on Tuesday 11 April and on Thursday 13 April speaking time will be limited to four minutes.

Is that agreed to?

*It is agreed to.*

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

THE PRESIDENT. – The minutes of the meeting of the Standing Committee in Paris on 17 March have been distributed.

I invite the Assembly to take note of these minutes.

*The Assembly takes note of these minutes.*

### **11. Organisation of debates**

THE PRESIDENT. – This afternoon we have the debate on the progress report, followed by the debate on "The place of mother tongue in school education" and on "Poverty and the fight against corruption in the Council of Europe member states". We must finish by 7 p.m.

There is a total of 16 speakers on the debate on the progress report. There are 26 speakers and eight amendments on the debate on "The place of mother tongue in school education", and there are 20 speakers and no amendments on "Poverty and the fight against corruption in the Council of Europe member states".

We will have to interrupt the list of speakers in the debate on the progress report at about 4.25 p.m., so that the debate on "The place of mother tongue in school education" can begin at about 4.30 p.m. The list of speakers for that debate will need to be interrupted at about 5.40 p.m. to allow time for the replies and the votes so that the debate on "Poverty and the fight against corruption in the Council of Europe member states" can start at about 6 p.m. The list of speakers for that debate will then need to be interrupted at about 6.55 p.m. in order to leave sufficient time for the replies on behalf of the committees and the votes.

Are these arrangements agreed to?

*They are agreed.*

## **12. Progress report**

THE PRESIDENT. – The next item of business this afternoon is the presentation by Mr Ivanovski of the progress report of the Bureau and the Standing Committee, Document 10874. We will then consider the observation of the parliamentary elections in Ukraine contained in Document 10878. I remind members that the list of speakers for this debate will be interrupted at about 4.25 p.m.

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

Mr IVANOVSKI (*"The former Yugoslav Republic of Macedonia"*): First, I would like to take this opportunity to thank the French National Assembly for the kind invitation to hold the 17 March meeting of the Standing Committee in Paris. My special thanks go to the chairman of the French delegation, Mr Schreiner, for that hospitality.

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

At the 17 March meeting in Paris, the Standing Committee held a current affairs debate on the freedom of expression and respect for religious beliefs, with Mr Legendre as first speaker. This morning, the Bureau recommended that the subject be referred to the Committee on Culture, Science and Education for report. At the meeting of the Standing Committee, the President proposed to have a debate on this subject at our June part-session. In that context he wrote to Mr Zapatero, Prime Minister of Spain, and to Mr Erdogan, Prime Minister of Turkey, to invite them to address the Assembly on that occasion. They could also use it to promote the United Nations initiative on the "Alliance of Civilisations", which is co-sponsored by Spain and Turkey.

The Assembly's priorities for 2006 are a very important item in the report. This morning, the Bureau formally established the priorities on the basis of the proposals contained in part B of the Document AS/Bur (2006) 42, appended to the progress report. As you will see, the five main tasks in the action plan drawn up at the Council of Europe's third summit in Warsaw last year were used as the criteria for the priorities. It should be stressed that these should be seen only as guidelines for the work of committees and not in any way as limiting their scope for initiative.

I would like also to underline the importance of the ad hoc committee on the implementation of paragraph 5 of Resolution 1416 (2005) on the conflict over the Nagorno-Karabakh region dealt with by the Minsk conference of the Organisation for Security and Co-operation in Europe. At its meeting on 16 March, the Bureau agreed with the proposals contained in the report of the chairperson of the ad hoc committee. The first proposal is to renew the ad hoc committee for the present year and to give it a broader task of contributing to the peaceful process without interfering in the negotiations, to modify its mandate accordingly and to rename it the "ad hoc committee on the implementation of Resolution 1416 (2005)".

The second proposal is to organise an event with the participation of parliamentarians from Armenia and Azerbaijan, to involve in such an event representatives of both communities and possibly to visit the region in question. Thirdly, it is proposed to revise the composition of the ad hoc committee, in particular by reducing its size, in order to make it better adapted to its new mandate and activities.

The next item is the co-operation agreement with the Parliament of the Republic of Kazakhstan. On 27 January 2006, the Bureau heard a statement by Mr Sultanov, head of the Committee on Socio-Cultural Affairs of the Senate of the Parliament of the Republic of Kazakhstan. Mr Sultanov

presented the annual report, which is appended, on the progress achieved in promoting the principles of the co-operation agreement concluded with the Parliament of the Republic of Kazakhstan. On 16 March 2006, the Bureau held an exchange of views on the subject.

Another item in the progress report is the conference on Belarus, which was held in Prague on 22 and 23 February 2006. The conference was organised jointly by the Parliamentary Assembly of the Council of Europe and the Ministry of Foreign Affairs of the Czech Republic. It focused on three main issues: the situation in Belarus on the eve of the 2006 presidential election, the place of Belarus in the new Europe, and strategies for assisting democratisation. In their joint statement issued at the end of the conference the President and the Minister for Foreign Affairs encouraged Council of Europe member states to strengthen their support for the further development of democratic forces and civil society in Belarus, and to end the isolation of the Belarusian people.

I would also like to emphasise the conference on European parliamentarianism: history and the present (on the occasion of the centenary of the establishment of the Russian State Duma), to be held in St Petersburg on 28 April 2006. On 16 March, the Bureau took note of the draft programme of the conference, to be co-organised with the Parliamentary Assembly of the Commonwealth of Independent States. Two main themes will be addressed: international standards of democratic elections and the role of European parliamentarianism in counteracting new challenges and threats.

Last, but not least, I turn to the observation of elections. On 16 March 2006, the Bureau approved the report of the ad hoc committee which observed the elections to the Palestinian Legislative Council on 25 January 2006, and the Standing Committee held an exchange of views on it.

With regard to the elections in Ukraine on 26 March 2006, a pre-election mission to the country took place from 28 February to 2 March. The international election observation mission, which included members of the ad hoc committee of the Assembly, noted that the elections confirmed the breakthrough in the conduct of a democratic election process which we witnessed at the end of 2004. Overall, fundamental civil and political rights were respected. The observation mission concluded that this enabled voters to make informed choices between distinct alternatives and to freely and fairly express their will. Mrs Wohlwend, chairperson of the ad hoc committee, will speak about that in greater detail.

Finally, I turn to the partial re-run of the parliamentary elections in Azerbaijan on 13 May 2006. A pre-election mission composed of five members, one from each political group, will be carried out from 26 to 29 April 2006.

I have tried to be brief. Members will find all those things that I have not had time to mention in my report. I thank you for your attention.

THE PRESIDENT. – Thank you Mr Ivanovski. I call Mrs Wohlwend. She has four minutes.

Mrs WOHLWEND (*Lichtenstein*) thanked the President and her colleagues. As Mr Ivanovski had said, the election observers could afford to be happy with the elections in the Ukraine. The voters had been free to express their wishes without interference; they had confirmed that to her colleagues themselves. There were, however, some technical and infrastructure problems which would need to be overcome in the future.

She wished to thank her many colleagues in the field as well as the secretariat and the long-term observers. Her ad hoc team had gone to some lengths to co-operate with the international mission. There was one disagreement, which was the use of the wording “free and fair elections”. Her team had been co-operating with the Ukrainians not just on the elections but also in relation to the rule of law and democracy more generally. There was still much to be done before Ukraine matched the standards to be expected.

The report made a number of recommendations to the Ukrainian authorities in Kiev with a view to overcoming the technical difficulties they had encountered. There was a need for improvements in the infrastructure, and she recognised that that would not be easy. However, she hoped that her colleagues in Ukraine would seriously consider the recommendations made. Finally, she congratulated the winners of the Ukrainian elections.

THE PRESIDENT. – Thank you. I now welcome Mr Thomas Hammarberg.

Commissioner Hammarberg, it is a pleasure and an honour to welcome you today. The office of Commissioner for Human Rights is an institution that commands high respect.

This will be your first statement to the Assembly since your election last October. The Assembly was not faced with an easy choice, but I am sure that it will prove to have been a wise one. We hope – indeed, we fully expect – that you will be able to match the very high standards set by your esteemed predecessor, Mr Gil-Robles. Before you begin, therefore, I can willingly assure you of the full support, encouragement and co-operation of the Assembly. We all share the same principles and goals. I am sure that there will be many issues on which we will be able to work together to promote human rights in Europe. All of us now look forward very much to hearing more about how you intend to fulfil your mandate.

Commissioner, you have the floor.

Mr HAMMARBERG (*Council of Europe Commissioner for Human Rights*). – I thank you warmly for your words of support, Mr President, which I greatly appreciate.

Secretary General and all distinguished members of this important Assembly, you did indeed elect me, and here I am. I am happy to report to you that the transition from my predecessor, Alvaro Gil-Robles, was completed in the most constructive possible atmosphere. He had time to complete a number of reports: a mission report to France, follow-up reports to 11 other countries, an annual report and a final report. He also invited me to go with him to go with him his last mission to Russia – to Kazan, to attend an important seminar on tolerance involving representatives of the five monotheistic religions in our region. We also went to Grozny, where it was possible for us to inspect the Chernokozovo prison, to meet non-governmental representatives and to express our concerns to the local leaders. And we went to Moscow, where we met government representatives, representatives of non-governmental organisations, media representatives and His Holiness the Patriarch of the Russian Orthodox Church. I am indeed grateful to Alvaro Gil-Robles for his extraordinary generosity during the transition period.

Yes, you did elect me, and I should like to share with you my thoughts on the contribution that could now be made by the office of Commissioner. First, the Commissioner should focus on implementation. That now goes for all human rights work. The time has come for us to move from rhetoric to reform – genuine reforms. We have, of course, the agreed standards in the European Convention, the Social Charter and certain important treaties, including those that protect the rights of minorities. We have the rulings of the Court, and the analysis and recommendations of the European Committee for the Prevention of Torture and other Council of Europe monitoring bodies. We also have the reports and recommendations of this Assembly.

I believe that the Commissioner should build on those standards, factors, reports, rulings and recommendations. He should seek a dialogue with all governments, with the purpose of encouraging the necessary changes. We all know, however, that building a human rights society is not a quick fix. It requires political will, popular support and, of course, some resources. It requires legislation influenced by human rights principles, a competent, non-corrupt judiciary, a disciplined police force, a system allowing independent monitoring through an ombudsman or a human rights institution, and a political culture that is open to criticism and ready to take action for reform.

The building of a human rights society also requires free media which seek and publish critical information. It requires free space for non-governmental organisations, and it requires concerted efforts to bring about human rights education, with schools in which all pupils learn about their own rights and learn to respect those of others.

Some countries represented in the Assembly have sought to review all those aspects comprehensively, through a consultation process leading to the adoption of a national action plan for human rights by parliament. I should like to pursue that idea.

Secondly, the Commissioner should be as close as possible to local realities. He should relate directly to national authorities and, of course, to legislators. I look forward to working with you and your colleagues in your respective parliaments. Co-operation with ombudsmen and national institutions for human rights is key for the Commissioner, and that programme will continue. Non-governmental organisations and professional groups are important to all human rights work. They often provide essential facts, and a popular energy for genuine reform.



Thirdly, the Commissioner should seek to be impartial. He should avoid negative politicisation, and he should avoid ranking governments according to their perceived human rights records. We all know that the overall picture differs from country to country, but no one is perfect, and I intend to help all governments to improve. It is important for the Commissioner to be cautious with facts, and to scrutinise information from governments, NGOs and the media before he acts. He must be patient and listen carefully, and he should seek to give constructive advice. It is important, too, that, where necessary, he is ready to voice criticism. The purpose of the critique should be not to damage anyone's reputation but to help to define problems in order that they may be addressed. In other words, your Commissioner should be a voice of conscience in Europe.

Fourthly, the Commissioner should protect the independence of his office but at the same time seek co-operation with others acting to ensure human rights in Europe. He should take instructions from no one, but he should seek common cause with many. One partner is clearly this Assembly and its committees, especially those that focus on human rights.

I welcome your advice and hope to be able to present my recommendations to you. I intend to submit an annual report on my actions and on problems that have arisen, which I hope the Assembly will debate. I intend to seek close co-operation with other branches of the Council of Europe, including the Congress of Local and Regional Authorities and the treaty bodies.

It is vital that the Commissioner relate constructively to the Organisation for Security and Co-operation in Europe, the European Union and the United Nations. As long as there is rational co-ordination between those actors we shall have a greater impact.

You elected me, so it is proper that I report how far the office has come in planning priorities. We shall continue the missions programme. Fourteen member states remain to be visited. We shall complete the original plan of follow-up reports on all countries on which a mission report has been prepared. We shall continue to support national and regional ombudsmen and human rights institutions and organise meetings with and for them regularly. We intend to follow up meetings between representatives of different religions because we believe that dialogue is essential and should continue in some form.

We shall contribute actively to the Council of Europe's campaign for the prevention of violence against children and promote the rights of the child during missions and otherwise. We shall give high priority to supporting the Council of Europe's Action Plan, which was adopted by the Committee of Ministers, for the rights and equal opportunities of persons with disabilities, which is an important matter.

We shall continue to give priority to gender equity, rights of minorities and effective measures against racism, xenophobia, anti-Semitism and Islamophobia, and we shall act as a watchdog in ensuring that human rights are respected in the struggle against terrorism.

You elected me, and I would not be frank if I did not mention my concern about our office's limited resources. We have 15 staff, including temporary staff and secondments: compared with the size of our task and the expectations of us, that is not a shoestring budget but a barefoot one. Governments are, thankfully, more generous in supporting human rights programmes these days, but we hope that member states will review their allocations to international and regional structures, because programmes with great potential should be given higher priority and we in the Council of Europe deserve more. Thank you.

THE PRESIDENT. – Thank you for your excellent statement. We will give you our full support, because we share the same approach. Your office has great potential, but so too does this Assembly. Next Thursday, the Bureau will decide whether we want an annual statement on human rights in Europe, on which all national parliaments can focus. I hope that you, the Venice Commission and others will contribute to that report – the most important report in Europe on human rights, the rule of law and democracy.

We now come to the debate and I call first Mrs Cliveti, who will speak on behalf of the Socialist Group.

Mrs CLIVETI (*Romania*) said that the Council of Europe was the temple of human rights. In today's world there were a great many positive developments. Globalisation for instance helped us to get to know each other better and perhaps to understand each other better. However, such developments could also pose a challenge for human rights. For socialists, human rights were a central aim, because freedoms and rights were among the permanent principles of their doctrine.

She congratulated Mr Gil-Robles on his work, and was sure that his successor Mr Hammarberg would do all he could to keep the Council of Europe at the forefront of human rights efforts. She hoped that the rights of women and questions surrounding people trafficking would be among his concerns.

THE PRESIDENT. – Thank you. I call Mr Van den Brande.

Mr VAN DEN BRANDE. (*Belgium*) said that he would speak in the language which he and the President shared. He noted from the activity report that the President was making efforts to put flesh onto the bones of the Council's commitments.

(*The speaker continued in English*)

I congratulate you and appeal to the Secretariat of the Assembly, which provides technical assistance for the political management of the Assembly. However, it is important that you realise that you provide technical assistance to a political body. It is crucial that you do that.

I also congratulate our rapporteur, Mrs Wohlwend. In some ways, she and Mrs Severinsen can be described as "Miss Ukraine" because of their monitoring of the situation in that country. The outcome of the latest elections will contribute to a better democracy.

I will refer not only to the progress report, but to the situation in Belarus. We can never recognise regimes or people who do not share our common values. However, I support the move towards dialogue.

On behalf of the EPP/CD group, I also wish to address some remarks to Mr Hammarberg. I was really pleased by what he said in his statement. I also pay tribute to Mr Gil-Robles, and I am pleased that the transition took place with what has been described as such generosity.

We often think that we are part of an affluent society in which everything is evident. However, democracy is not evident in many countries, and human rights are not always in evidence. We therefore have to support you when you talk about moving from rhetoric to action and reform. At the same time, we must contribute to a culture of human rights. Producing an annual report on the state of human rights in Europe also contributes to assessing the state of democracy in Europe. This institution, which represents 800 million Europeans, must be a point of reference for the state of human rights and democracy.

Of course, we must be impartial. You must be impartial in front of the Committee of Ministers and represent an independent voice when describing your task and our aims. You will recall, Mr President, that we discussed whether we should have an annual debate in this plenary and to refer its conclusions to the Committee of Ministers. I make clear my view that we must produce a report at least once a year and debate it. You will have the co-operation of my group in achieving our common goal of making Europe a cathedral of values to be implemented in each member country.

THE PRESIDENT. – Thank you. I now call Mrs Severinsen who will speak on behalf of the Alliance of Liberals and Democrats for Europe.

Mrs SEVERINSEN (*Denmark*). – Since the last part-session, Europe has witnessed two very different elections in two neighbouring countries that shared the same fate fifteen years ago when they were both part of the Soviet Union. But then the similarity stops. We could not observe the election in Belarus because Belarus is not a member of this Assembly. The way that the elections developed proved that Belarus is not a democracy and that the people of Belarus were deprived of their right to elect a president. Members of the opposition were prosecuted and had no access to the media so that they could express their opinions. The elections were not free or fair and lots of fraud was reported by election observers from the Organization for Security and Co-operation in Europe.

We have rightly just decided that we should hold an urgent debate on Thursday on the sad situation in Belarus. We must do our utmost to help. Although it was not an orange revolution this time, I hope that it will be next time.

A week later attention switched from Belarus to Ukraine, which held its parliamentary elections. I am happy to congratulate the Ukrainian people who, in contrast to what happened in the neighbouring country, were able to hold an election that can be characterised as free and fair. There can be no doubt that the election result reflected the will of the people. In contrast to previous elections, there was plurality in the media and no misuse of administrative resources. In fact, the desire to conduct the election with the utmost correctness meant that things became unnecessarily complicated. I hope that lessons have been

learned for the next elections. The list of voters needs to be improved and people should have the right to spell their name in accordance with their own wishes. I observed the election in the Crimea where the "Ukrainisation" of all names presented problems. However, those problems were mainly overcome on the spot.

Incidents occurred in certain areas and they should be investigated. Too many elections were taking place on the same day, and this took a long time. Many polling stations were overcrowded and there were long queues. It was not easy to create an election committee at many of the polling stations as some had been installed only the day before. This also complicated counting, which took many days at some polling stations. I am full of admiration for those – mostly women – who carried out very difficult tasks and for the voters who turned up and waited patiently to mark their ballots. There were many very long ballot papers.

The Council of Europe has repeatedly called for the next election to be democratic. This has been the main obstacle to ending the monitoring that is now in its 10th year. The Liberal Group congratulate the Ukrainian delegation on its democratic achievements and we look forward to co-operating with the delegation in drawing up a road map that will lead to the end of the monitoring.

THE PRESIDENT. – Thank you. I now call Mr Margelov, who will speak on behalf of the European Democratic Group.

Mr MARGELOV (*Russian Federation*) said that it was a pleasure to note that the level of activity of the Bureau had not slowed down. It had focused on key issues for promoting democracy and fundamental issues of human rights.

The European Democratic Group welcomed the attention that the international community had given to the elections in Belarus and Ukraine. He noted the criticisms made by many international observers of the Belarusian elections. He was glad of the efforts made by everybody, including the President, to draw attention to the shortcomings there adding that it was high time to look at the situation in Belarus.

There were many parts to the European institutional architecture, but it was important to try to speak with one voice. Following the third summit, it was clear that steps were being taken in the right direction. Mr Juncker's statement in Paris was very important. The European Democratic Group commended the efforts of the Bureau in trying to find the right footing for the Assembly's involvement, for instance, on the question of relations between Israel and the Palestinians. He regretted the lack of a debate on this issue and the delay in getting involved.

It was important for the Council of Europe to continue to focus on dialogue between religions and cultures. The so-called cartoons in Denmark gave a clear indication of what the Organisation's priorities had to be at this time.

THE PRESIDENT. – I thank you. I call Mrs Hurskainen.

Mrs HURSKAINEN (*Finland*). – The report on the observation of the parliamentary elections in Ukraine makes positive reading. The elections were free and fair. I took part in the election observation in Ukraine and was deployed in the Krim region, where the experience was also positive. The elections and the polling stations were arranged fairly well. I believe that the experience gained from the last presidential election was of assistance.

The Ukrainians had the will to do things right and this emerged clearly in several polling stations. The aspiration to arrange democratic elections was reflected in the action that was taken. However, some practices left room for improvement.

The size of a single ballot paper, at nearly half a metre, caused problems, as did the fact that several elections were held simultaneously, increasing the size of ballot papers to several metres. The complexity of the ballot was the reason why the opening hours of polling stations in different regions had to be prolonged until the following morning. The counting of votes seemed to become tangled in several areas. For instance, in polling station 108 in the Simferopol area, the counting could start only after midnight.

Ukraine has taken a big step towards developing democracy. Its elections were fair and democratic and one can only wish Ukraine success, for it has chosen democracy.

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

Mr HAIBACH (*Germany*) said that if one aspect of the debate could be singled out it should be the status of the international forums. They should move away from just talk and ensure that their words were acted upon. The Council of Europe was now doing that, as could be seen from its agenda which included issues such as the trafficking of women and the placement of refugees. All those matters had been dealt with in countless treaties.

It was a question whether or not all the international forums were suitable places to take such issues forward. He was not convinced that the new Human Rights Commission would work, although he did not want to pre-empt a debate on that subject. He thought that existing international organisations should be strengthened in order to deal with human rights matters.

Everything should be translated into several languages. He would be asking his government to ensure the availability of relevant documents in German.

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

Mr IWIŃSKI (*Poland*). – I shall start by referring to the statement we have just heard from the new Commissioner for Human Rights of the Council of Europe. We are aware of the Commissioner's previous success at the United Nations and as chairman of the Olof Palme Foundation and hope that he will be successful. However, he will face two main challenges. The first, as our President said, is that he must match the high standards established by his predecessor, Alvaro Gil-Robles. The second is that as he defeated the excellent Polish candidate Mr Nowicki, the former ombudsman for Kosovo, by a narrow margin, he will have to prove that he deserved that result. Nevertheless I wish him all the best.

I agree with the main findings of the rapporteur and not only because of the similarity of our names – Mr Ivanovski and Mr Iwiński – but because of the substance. The report concentrated on several elements and I hope that our debate on Thursday on Belarus will fill the gap because we have to deal with this issue.

We have had a peculiar period of election campaigns. We had the presidential election in Belarus and the parliamentary elections in Ukraine. There were elections yesterday in Hungary and, yesterday and today, in Italy. Soon there will be elections in the Czech Republic and in Slovakia and later this year there will be elections in Austria and Sweden. We must maintain our standards, because we need not only to monitor the elections in new democracies but to keep an eye on what is going on in all democracies.

I wish to endorse the opinions of Mrs Wohlwend in the report on Ukraine. I went to Ukraine this year, to Kiev and Odessa. I share the view that the election was in line with the Council of Europe's standards on and commitment to democratic elections, particularly when we recall the past. I had the pleasure of heading our delegation when the presidential elections were rerun on 26 December 2004. Those elections were in line with the previous one. There were 45 committees of parties and coalitions, and we can imagine what that meant. Unfortunately it is a pity that the Constitutional Court did not operate when people were deprived for technical reasons of their ability to vote. Such a situation should be improved upon.

This is not our problem, but presidential elections cannot be organised at the same time as electoral changes. Pensioners in Ukraine had to face four or five ballot votes. As the French say, that is an *embarrasement de richesse*.

Finally, we are entering upon our final Assembly meeting in the Chinese year of the dog, which is generally considered to be a good one, so I hope that it will be very successful for our Organisation.

THE PRESIDENT. – Thank you, Mr Iwiński. I call Mr Hancock.

Mr WALTER (*United Kingdom*). – On a point of order. I raised a point of order twice during our last session about the siting of television cameras in the Assembly. You have just called Mr Hancock, and I cannot see Mr Hancock. This is a parliamentary assembly, not a television studio. May we have television cameras removed from the floor of the Chamber? They can be positioned at the back, allowing members to see each other when they are speaking.

THE PRESIDENT. – Thank you, Mr Walter. I shall ask the cameraman to take account of your remarks, but it is important that there should be reports on the discussions that take place on the floor of the Assembly.

I call Mr Hancock.

Mr HANCOCK (*United Kingdom*). – I should like to have followed Mr Van den Brande by addressing you in your native tongue, Mr President, but since I have just mastered the English language, it may be some time before I can do so. I am flattered that Mr Walter is so disappointed that he cannot see me. I shall try to wave to him to let him know that I am here and I am grateful for his concern.

From time to time, politicians are lucky enough to be in the right place at the right time. I was lucky enough to have the privilege of being in Ukraine during its elections. I personally thank the three quarters of a million people who made those elections a success. As Hanne Severinsen said, the overwhelming majority were young women who showed a real commitment to making the process work. Their commitment and dedication made a success of the situation. That was also down to the determination of Renate, Hanne and others who sent Ukraine the message that it had to do better.

As one who witnessed two of the three presidential elections, I felt that the last election was a breath of fresh air. So many lessons have been learnt so quickly, and a further positive message needs to go out to the people of Ukraine congratulating them on their ability to exercise their democratic rights in a peaceful, orderly and purposeful way. The whole nation should be congratulated.

I was somewhat disappointed by Mr Iwiński's predictable snipe at the Human Rights Commissioner. When I was boxing, I was told that no one comes second in a boxing match. It is the same when you go for a job. For people to beef about it afterwards is a bit sad. The Polish candidate was probably a very good candidate, but I hope that the Assembly feels it made the right decision. I thought that Mr Iwiński made an unnecessary slur.

The Commissioner made a telling point, did he not, when he talked about the barefoot budget. Perhaps if we are lucky in this year of the dog, the Assembly should buy some lottery tickets to see if we can fund the Human Rights Commissioner properly. When we hear what he has said and if we have read recent comments about our financial situation, it seems we will need a lottery win to ensure that we can continue as an organisation, flourishing and developing the things that we cherish.

When the Human Rights Commissioner says in his first report that his brief is dependent on whether sufficient funds are available, we have to raise questions about what he has said. He talked about local reality. What does that mean in human rights terms? Does it mean that when local conditions differ, human rights are different in different parts of Europe? I think not. There has to be a common approach, irrespective of local reality. Local conditions should be dismissed if we mean what we say when it comes to human rights.

How do we determine who is fit to pass judgment on others? The Commissioner was right to say that no country is beyond criticism, but we have to be big enough to take criticism and respond to it rather than hiding from it. I fear that some nations are making determined efforts to hide from the responsibilities that they adopted when they joined this Organisation. We can all find easy targets for criticism, but none of us is without blame and none of us should be so shameless as to be without shame.

THE PRESIDENT. – Thank you, Mr Hancock. I call Mr Mercan.

Mr MERCAN (*Turkey*). – I congratulate you, Mr President, and your office on the work that you have done since taking office, especially on this session's programme, which is inspiring and which touches on critical issues vis-à-vis the European Union and the Council of Europe.

I congratulate you, too, on bringing some prominent figures to our debate. That increases our responsibility by increasing the visibility of the Council of Europe in our home countries and by increasing the Council of Europe's resources to make it more effective. We all believe in the values of the Council of Europe.

I extend my congratulations, too, to Mr Hammarberg on his election as Human Rights Commissioner. I hope that his contribution to the promotion of human rights will be acknowledged not just within the Council of Europe, but universally. His career in the field gives promising signs for success. I have full confidence that he will perform his task with total integrity and transparency.

Although the human rights situation in most member countries has improved over the years, problems remain. We all face the challenge of struggling against terrorism. The Commissioner's determination in fighting against such problems without limiting human rights will shape the future of our societies.

I also take this opportunity to offer my appreciation of the efforts of your predecessor Mr Alvaro Gil-Robles, who promoted and enhanced the objectives and principles of this institution. I believe that during your tenure, Mr Hammarberg, you will raise the flag of human rights standards even higher. We will always be ready to extend our full support to you and to co-operate with your office.

On the recent election in Ukraine, I extend our congratulations to the people and government of that great country on holding free and fair elections last month. The outcome reflected the democratic majority of the Ukrainian people.

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

Mr KOSACHEV (*Russian Federation*) believed that the matter before the Assembly was extremely important because it showed the progress made by the Organisation since the last session. The Assembly had played a positive role in a modern Europe and its fate. This was exemplified in several ways, for example, its new list of priorities.

The priorities on which the Council wished to focus its attention were the new challenges and threats in the world, for example terrorism. However, it was necessary to avoid losing sight of the economic and cultural progress made to date.

The Assembly was now beginning to discuss the interaction between the Council of Europe and the European Union. Parliamentarians had to ensure that the work of the EU did not form a barrier to the work of the Council of Europe.

It was also necessary to pay attention to the question of funding, starting by looking at parliamentary control of the monitoring of the budget in order to ensure that it would be used properly to defend the interests of 800 million Europeans.

The Council of Europe was moving away from the monitoring of particular countries to the monitoring of issues. He considered this to be a better way of doing things.

The Assembly had heard a lot about the problems of Belarus, but those problems were not "black and white". Why did so many voters vote for Lukashenko? It was necessary to ask such questions honestly in order to find the correct approach to the problems in Belarus.

He thanked the President for recognising Russia's problems.

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

Mr WODARG (*Germany*) was delighted with the developments in Ukraine and with the work of the new Commissioner for Human Rights. But it was necessary to lobby member states to ensure an increase in the resources available to the Commissioner. If he had just 10% of the resources available to the Competition Commissioner in the European Union, then the values of the Council of Europe would not suffer so much.

The Commissioner for Human Rights was attempting to find all the flaws that others would not normally see – in other words, the weak spots in society. It was necessary to be careful that certain issues, such as the fight against terrorism, were not used to justify actions that were otherwise not justifiable.

He drew attention to the many injustices which remained in Europe, especially those things that went unseen. For example, there were criminals who were based in Europe but affected the lives of people in Asia and Africa. Europeans were responsible for these actions and could not turn a blind eye. The Assembly also had to get this message across to the public. The Assembly had experience of grappling with delicate political issues so needed to assert itself with self-confidence.

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

THE PRESIDENT (Translation). – Thank you. I must now interrupt the list of speakers. The speeches of members on the speakers list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the official report.

Mr Ivankovski, do you wish to reply on behalf of the Bureau and the Standing Committee? You have four minutes.

Mr IVANOVSKI (*"The former Yugoslav Republic of Macedonia"*). – I have no reply other than to thank all the speakers for their contributions. I also congratulate the members of the Bureau and the members of the Parliamentary Assembly on their activities. Without them, there would be no report by the Bureau.

THE PRESIDENT (Translation). – The debate is closed.

*The progress report of the Bureau and the Standing Committee is therefore approved (Document 10874).*

### **13. The place of mother tongue in school education**

THE PRESIDENT (Translation). – The next item of business this afternoon is the debate entitled "The place of mother tongue in school education", presented by Mr Legendre, on behalf of the Committee on Culture, Science and Education, Document 10837.

The list of speakers closed at 1 p.m. There are 26 names on the list, and eight amendments have been tabled.

I remind you that the Assembly has decided to limit speeches to four minutes. I also remind you that we have agreed, in order to allow time for the next debate, to interrupt the list of speakers at 5.40 p.m.

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

Mr LEGENDRE (*France*) said that Europe was a mosaic of languages. However, the borders of the languages did not always coincide with national borders. Many people had a different mother tongue from the national language of their country. There was a need to assert the legitimacy of children learning their mother tongue. However, one could not be a citizen of a state without also learning the official language.

He asked governments of member states to promote bilingualism and multilingualism. Every European citizen should be able to speak both their mother tongue and the official language of their state. This was particularly important to children. Bilingualism would enable citizens to involve themselves in society. But there was also a need to preserve cultural diversity.

The Assembly had to ensure that there was no political manipulation of that process. Languages should not be used to assert power. For example, Russia should no longer be specifically a language of power, it could also be used to unify the many citizens of Europe.

He again called upon member states to promote individual proficiency in learning the official language of the relevant country. That would show respect for cultures and also for the shared values of Europeans: understanding, respect and dialogue. All individuals should be able to opt for dialogue and peace.

THE PRESIDENT (Translation). – Thank you, Mr Legendre. I call Mr Fischer, who will speak on behalf of the European People's Party.

Mr FISCHER (*Germany*) thanked the President and also thanked Mr Legendre for producing a comprehensive report on such an important issue. The general thrust of the report sought to strengthen cultural heritage. The problems identified had to be addressed in every member state.

He considered that it was better for an individual to master one language well rather than to speak a number of languages badly. Speaking the official language of one's country was also important to ensure integration.

When one had mastered an official language, adding a second or third language would enrich one's cultural life.

He noted that in Strasbourg, Alsacien was very similar to German. It was therefore natural that German be taught as the first foreign language, just as it was natural that French be taught across the border. However, in Paris there was no regional language, so mother tongues were a question of languages brought by immigrant communities. It could not be the responsibility of the French state to ensure that Chinese people learned Chinese or that Turkish people learned Turkish.

In conclusion, he felt that the mother tongue should be taught as far as was logical and he was glad that his group's amendment had been accepted.

THE PRESIDENT (Translation). – Thank you. I call Mr Østergaard, who will speak on behalf of the Alliance of Liberals and Democrats for Europe.

Mr Østergaard (Denmark). – I thank Mr Legendre for producing a thorough report on an issue that has often caused controversy. He chose to take a factual, apolitical and scientific approach, which was wise and necessary given that the report deals with the future of some of Europe's children who do not always receive the attention they deserve.

The ALDE shares the premise of the report's recommendation: all children should be obliged to learn the official language of their country of residence and at the same time be encouraged to learn their mother tongue. That balanced approach is a strong signal to member states. Those who master their mother tongue significantly increase their chances of educational success, so investment in mother tongue education is neither symbolic nor a waste of money but leads directly to young Europeans' scholastic success.

The report rightly emphasises the fact that objectives can be different. Some people might wish to protect and ensure the rights of minority communities, some might wish to protect less widespread languages and some might wish to further the social integration of children from a foreign language background. Those are all admirable objectives, and the report shows that mother tongue education can help them all to be achieved. The models for each objective are different but they are all being developed by the education community and the results are documented. Mother tongue education works for each objective. It is therefore reasonable and recommendable that we call on the Committee of Ministers to promote mother tongue education for all children.

The number of recommendations that have already been approved shows the importance of the subject. Let us hope that the report and its recommendations are made known to those who do not recognise the facts. Mother tongue education is an effective tool, it is in the best interests of young Europeans and it should be promoted everywhere as such.

Mother tongue education can demonstrate our commitment to young Europeans who lead challenging lives. Some benchmarks of European education systems demonstrate the scale of the challenges that such children face. The time has come for the experts to take over and for other political issues to be put to one side. Our children's futures are at stake, so I hope that we will pass the draft recommendation and begin to make progress.

THE PRESIDENT (Translation). – Thank you. I call Mr Messerschmidt, who will speak on behalf of the European Democratic Group.

Mr MESSERSCHMIDT (Denmark). – I and the European Democratic Group are, of course, in favour of people being able to speak as many languages as possible. It was with great interest, therefore, that I read the report.

As in most other European countries, mother tongue education is being widely debated in Denmark. I believe that one of the problems with this debate is the mixing of two different, albeit related, issues – national minorities who originate from neighbouring countries or from countries with similar cultural heritages but speak different languages, and immigrants from further abroad who speak different languages and are from different cultures. Culture plays a pivotal role in integration.

It is wrong, therefore, to view mother tongue education as the sole solution for full integration and participation in society; other factors related to integration must also be considered. Unfortunately, the report does not comment on that fact, which I regard as a severe error in its analysis. For example, there



are Danish minorities in Germany and German minorities in Denmark, but the problems that those groups face in integrating cannot be compared with those of immigrants from the Middle East. Again, that factor is not considered in the report.

The report fails to offer any serious scientific or academic proof for the claim that mother tongue education helps to achieve integration. Page 9 gives the example of French-speaking children in Switzerland, but does anyone believe that their problems can be compared with those experienced by, for example, Egyptians living in Britain? Of course not – such a comparison would be outrageous, but unfortunately the report neglects the cultural differences. When the report on page 10 quotes an African specialist as well as experiences from Burkina Faso, I again have to admit that I find it very difficult to draw any general lessons from this.

In short, I simply say that there is no serious academic evidence that teaching in the mother language to people from an evidently different culture has any specific value. However, it is beyond doubt that such teaching is valuable if we are talking about minorities from culturally related groups. That distinction is not made clearly so I find it hard to accept that the report is of any new – or even useful – value whatsoever. Despite the rapporteur's good intentions, I conclude that, because this is such a political issue, it should remain the concern of nation states and should not be dealt with by this Council at all.

THE PRESIDENT (Translation). – Thank you. The next speaker is Mr de Puig on behalf of the Socialist Group.

Mr DE PUIG (*Spain*) congratulated Mr Legendre on his report and said that he had followed his activities for some time. Mr de Puig himself had acted as rapporteur on linguistic subjects in the past. There was a whole list of activities and reports to draw on, so in dealing with the mother tongue, the Assembly could simply apply existing principles.

It was widely accepted that children were best taught in their mother tongue. However, he disputed this and said that the experience of many in the Assembly showed that it was possible to speak many languages from an early age. It would be ridiculous to teach in the mother tongue to the exclusion of the host language and it would be stupid for an immigrant to neglect to learn the host language. Also it was sometimes impossible to apply the principle of learning in the mother tongue if there were no teachers and other resources for that language. If there were several official languages or traditional languages in a country, then such teaching was possible.

He drew attention to the Charter of Minority Languages which should be promoted in that connection

THE PRESIDENT (Translation). – Thank you. The next speaker is Mrs Westerlund Panke.

Mrs WESTERLUND PANKE (*Sweden*). – Europe has always been a continent with different languages, religions and cultures. Sometimes they mix peacefully, but all too often there have been attempts to form nations on the basis of just one language, one religion and one culture, mostly with terrible consequences. Today we can see an increasing number of cultures, religions and languages in most states of Europe. Through integration and immigration, we have a rich mixture of differences.

My speech will focus on the situation of immigrant children in European schools. In most countries, school is the place where different cultures meet each other. It is a most important task for every school to give every child the opportunity to take care of her or his talents. School must therefore support and affirm every child's language, because language is the exponent of culture.

Much research agrees on one point: if you have a complete mastery of your mother tongue, you will have a good chance of learning other languages. If you feel confident in your own culture, you will respect the culture of your neighbour. That is why we must give every child the chance to develop its mother tongue as well as the official language of the state in which he or she will grow up and become a citizen.

In Sweden, we are on our way to making that possible even though it is a long way. Without such confidence, we will never be able to form a society in which there is respect for human rights. Thank you for your attention.

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

Mr NACHBAR (*France*) congratulated Mr Legendre who he said had given an excellent picture of the situation in Europe and the place of language in terms both of culture and of equality. He himself came from Lorraine, which for years had been torn between France and Germany, so he knew the part that language played in young people's development and their role in civic life. He felt that the role of language in shaping identity was crucial. In the past language had been manipulated in a political way for evil purposes. However, today it was used to bring reconciliation, peace and harmony.

In 1992 he had met the then President of the Assembly who told him that in his lifetime he had had four obligatory mother tongues as a result of successive wars. Today bilingualism and multilingualism were beneficial for children and young people, for instance in the global jobs market. The use and teaching of multiple languages should be encouraged, especially for those in eastern Europe.

Countries had an opportunity to foster multilingualism in a world without borders. People should give the children of the 20th century the chance to come together through an understanding of each others' languages.

THE PRESIDENT (Translation). – Thank you. I call Mrs Akhundova.

Mrs AKHUNDOVA (*Azerbaijan*) said that, for all members of the delegation of Azerbaijan, this was an issue of prime importance. She supported the report, in particular because it was important in the South Caucasus where there was a wide variety of ethnic groups and different languages. She believed that children should have the right to learn in their mother tongue but also needed to be proficient in the official language of their country. But what was the mother tongue? It was the main language that a child spoke in its first contact with officialdom. It had nothing to do with ethnicity. Her own parents came from different ethnic backgrounds and spoke three different languages between them. Indeed, her own mother tongue was none of those languages – it was Russian. Like most Azeris, she was bilingual. One representative of Azerbaijan had worked in Strasbourg on this very issue. The general view was that Azerbaijan dealt well with the problems of multilingualism. After the collapse of the Soviet Union, it was noteworthy that no Russian schools closed down.

In Azerbaijan there were also Georgian, Hebrew and Azerbaijani schools. In Baku there were examples of the Saturday and Sunday schools recommended by the report. Several ethnic backgrounds had their own languages represented in schools even when the speakers of those languages were confined to a single village. However, she conceded that Azerbaijan could make some improvements. For example, they needed more textbooks in minority languages. Before any of this work could be attempted the country needed to re-establish its territory.

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

Mr Rafael HUSEYNOV (*Azerbaijan*). – First, I congratulate Mr Legendre on his interesting and important report. The value of any report is not measured by its capacity to answer questions but by the extent to which it gives an impetus to new ideas, questions and thoughts. The first and strongest means that brings together the mass of people and makes them into a nation is tongue.

In history, there have been "nations" without a state. However, they survived by preserving their tongue and thus continued to exist. Any nation losing its native tongue might disappear among other nations. Therefore, preservation and protection of the national tongue and the allocation of time and space within the educational system for its development is nothing less than the expression of high respect for human rights. This approach creates a firm foundation for mutual understanding, stability and civil development in society.

I would like to express my attitude to the issue within the framework of my country and my tongue, Azerbaijan and the Azerbaijani language. Azerbaijan is a multinational country, and includes numerous national minorities. The population of the Republic of Azerbaijan is 8 million but the number of expatriates is five times greater. Therefore, teaching the mother tongue at school is of interest from different standpoints.

In Azerbaijan there is a village in the mountains called Khinaliq, which has a peculiar tongue that does not belong to any other language group. These people have a good command of the Azerbaijani language and communicate with their families most of the time in the Azerbaijani language. However they have not forgotten their mother tongue.

The state takes care of the ethnic peculiarities of these people and their unique culture and language. An alphabet textbook in the Khinaliq language has been published for schools and literature has been published in the language also. A number of other ethnic minorities have the opportunity to publish textbooks in their mother tongues and to have them taught in school.

Naturally, there are similar examples in most European countries. However, the problem in those countries has been that school textbooks for ethnic minorities have not always been at the desired level. We need a shared methodology for writing such textbooks and we must interchange experience in the field.

In order to meet this need, the Council of Europe can take a useful step by organising a conference or round table on the problems of ethnic minority textbooks. The participation of parliamentarians from various countries can yield positive results.

However, there is another problem. There are people who live in a country for many years and bear its citizenship but do not learn the state language or know it well enough. In the end that creates inevitable obstacles for them in terms of their involvement in the public and political environment of the country and in terms of their personal lives.

In my opinion the key to the problem is complicated and can be found only by developing textbooks with contemporary methods of schooling. One of the discussion points for the conference or round table that I wish the Council of Europe to organise might be the development of a system to create conditions for schooling in the main language or languages of a country with the purpose of easing the process of acquisition of the language so that those learning it will perceive that it is not compulsory but that it is a necessity.

All those processes can be more successfully realised in the scientifically and politically healthy and well-established primary stage. Primarily, tongue is about dialogue and communication. If we stand for friendship and close relationships and against contradictions and conflicts among human beings and states, we must always have in our minds respect, attention and care for languages.

THE PRESIDENT. – Thank you, Mr Huseynov. I call Mr Schneider.

Mr SCHNEIDER (*France*) congratulated the rapporteur on an outstanding report in terms of both substance and form. In the past, the Assembly had concerned itself with matters of language. Colleagues had addressed the issue of the place of the mother tongue in school education. The rapporteur had set out some interesting thoughts. It had been concluded that it was natural, in cognitive, social and emotional terms, to ensure that children were familiar with the language in which they were to be educated. If their dominant language was not used in education, their chances of success were minimal. Bilingualism often gave rise to the negative associations of a hybrid identity and a loss of origin. In the late 19th century and early 20th century, individuals with more than one culture were deemed to be treacherous and unreliable. That attitude reverted back to the Tower of Babel. Today the situation had changed and diversity in language and culture was considered enriching. He wondered if the violence that broke out in France in 2005 was a result of a reductive policy of assimilation. He concluded that each person should speak both their mother tongue and the official language of their country. In France national minority languages were dealt with effectively on a regional basis. The Council of Europe should make it clear that multilingualism signified an openness to other cultures.

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

Baroness HOOPER (*United Kingdom*). – I congratulate the rapporteur on his thoughtful report, which has stimulated a most interesting debate. Anyone who was fortunate enough to visit the forum of cultures in Barcelona two years ago and who was able to visit and experience the pavilion on communications will remember that it underlined the number of minority languages that exist around the world. There are many thousands of mother tongues. The pavilion also effectively drew attention to the fact that in the global village in which we live many minority languages have already disappeared or are in danger of doing so. Our Committee on Culture, Science and Education had the privilege of attending meetings in the various pavilions at that forum.

The report and the issues that we are debating today have a relevance and an impact in the wider world well beyond the boundaries of Europe. Perhaps I may touch on the United Kingdom's experience. In London schools especially, many of them small schools, well over 100 different mother tongues may be spoken. As well as the political issues relating to cultural identity, equal rights and the other issues

mentioned in the report, there is a practical issue – and that, I am sorry to say, is the issue of cost. Even providing support staff, as opposed to teachers, in primary schools has enormous budgetary consequences and the dilemma, as always, is where to draw the line. Undoubtedly, introducing bilingual education for children speaking in excess of 300 languages throughout the country would have huge resource implications both for funding and for finding suitably qualified teachers.

Although English is not in danger of becoming a minority language, the United Kingdom has programmes for the specific promotion of Welsh, Gaelic and Irish as mother tongue languages in Wales, Scotland and Ireland. Those appear to be working well.

The purpose of today's debate is to look at the way forward. In coming from my country's starting point, I favour the approach described in the report as a weak model – that is to say, a transitional process towards learning the language of the member state in which an individual lives. I particularly support paragraph 4 of the recommendation, which states that it "would be desirable to encourage, as far as possible, young Europeans to learn their mother tongue...when this is not an official language of their country." The emphasis there is on the encouragement of the process. I also support paragraph 5, which states that "every young European has the duty to learn an official language of the country of which he or she is a citizen." I support very much the thrust in favour of bilingualism.

The Council of Europe is not only the appropriate forum in which to hold a debate of this sort, but it has an important ongoing role to play in raising awareness of the issue, in monitoring progress and in drawing attention to best practice.

THE PRESIDENT (Translation). – Thank you, Baroness Hooper. I call Mr Kucheida.

Mr KUCHEIDA (*France*) said that each fortnight a different language died out. That meant that each year 25 languages were lost to the world. By the end of the century, the number of languages spoken in the world would be halved if nothing was done. The reasons for this were varied. Some experts thought that, by 2100, English would be used for trade and science; Spanish would be spoken in South America; Chinese and Hindi would be spoken in Asia; Swahili would be spoken in Africa and Arabic would be the only remaining language. There was a solution to this death of languages. As the rapporteur had said, that consisted of encouraging bilingual and multilingual people in every country. The ability to speak several languages should be seen as a good thing. It helped children with their intellectual development and enabled them to perform better at school. When the mother tongue played a full part in the emotional and intellectual development of a child, it resulted in a well-rounded individual. Children who were bilingual found academic tasks more simple.

It was necessary to take into account the needs of children speaking minority languages. There were many thousands of children who could neither read nor write and were trying to do well in schools where the colonial language prevailed. Multilingualism would only occur if second languages were taught from the beginning of primary school, in other words, before the age of seven. This would help children to learn a second language naturally. After the age of seven, a second language could only be learned as a foreign language. Multilingualism in children was particularly important because children were best able to understand and respect differences in cultures.

THE PRESIDENT (Translation). – Thank you, Mr Kucheida. I call Mr Geveaux.

Mr GEVEAUX (*France*) said that the subject of languages was important and complex. The problems were applicable to both children and immigrants. The issue presupposed a need for bilingual education which had proved controversial in the past. The report looked at the issue from many angles, and had also looked at the experience of different countries. The rapporteur had been able to deal well with the issue and should be congratulated. France provided an example of the many diverse and complex problems involved. Mastering the French language was one of the main objects of French schooling; the idea was to ensure that the French language was used as a vehicle for integration. France did not recognise minority languages and minorities had been mistreated in schools in the past. That was one reason why France had not ratified the relevant convention as called for in the report. There was a need to help children acquire French, but other languages were also important. It was partly a matter of practicalities, as one could not teach in a dozen different minority languages. However, the Council of Europe should promote multilingualism, as should all countries. The aim was to promote cultural diversity.

THE PRESIDENT (Translation). – Thank you. I call Ms Saks.

Ms SAKS (*Estonia*). – I want to thank the rapporteur and emphasise the importance of the report. I have dealt with the problems of education in the mother tongue in my home country since becoming a member of the government and, during the last year, in the Council of Europe as a rapporteur on the Finno-Ugric people living in Russia.

Finno-Ugrians are among 176 minorities living in the Russian Federation. During the preparation of the report I have come to the conclusion that there is no future for the Finno-Ugric people without the development of schooling in their mother tongue. I shall give the Assembly some concrete examples of the situation. In the Mari El Republic, there are about 30 000 school children of Mari origin, of whom only 752 are schooled in their mother tongue. In the Republics of Mordovia and of Udmurtia the Mordovians and Udmurts can receive education in their mother tongue only during the first years of schooling, and even that is not possible for everyone. In the Komi Republic there is no possibility of Komis being schooled in their mother tongue. The Komi language is taught only as one subject, and the number of lessons per week is smaller than that for a foreign language. That is despite the fact that the Komi language is the second official language of the republic.

What are the consequences of this situation? Surveys show that the younger people are, the less likely they are to declare themselves native speakers of a Finno-Ugric language, while the better a person's qualifications and educational background, the less likely he or she is to identify with the native language and people. For example, in the Republic of Karelia, the Karelian language – which gave the region its name – is spoken by only 11% of native children under fourteen.

This is how languages, natives and cultures thousands of years old disappear. No wonder such a great loss is suffered by people who give up their past and their origins, although assimilation may appear to be a priority when it comes to making a career quickly. In my opinion, the problem lies in how states view questions of unity and identity in a multiplicity of cultures. The most effective way of realising the vision is through education.

Estonia, my homeland, has always been a multi-language state and, through the ages, that has been a way of life. Although there is only one state language in Estonia, we take it for granted that education is multilingual, and the state supports such education strongly. I believe that we have one of the best immersion school systems, and we shall be happy to share our experience with any who are interested.

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

Mr RANDEGGER (Switzerland) thanked the rapporteur for a very comprehensive and good report. Mr Legendre had shown how important it was to learn one's mother tongue, and had well understood minority language needs. The strength of the report was the scientific basis of its recommendations and the presentation of its models for teaching. The report looked at the many different aspects of language teaching. The success of school education depended on the teaching of children in their mother tongue. The language learned between the ages of four and five was the most important. If a country did not teach in a child's mother tongue at that early stage the child would not develop properly, and would not then master its own mother tongue. One could often find young people who were in the sorry state of being unemployed upon leaving school because they were unable to express themselves properly. The report did not make excessive demands, but did recognise the importance of bilingualism. It was also necessary that language teaching lasted at least until the age of 15. In Switzerland they had looked for some years at the question of teaching English as a third language. They had now reached a compromise of teaching different languages at different ages. It was up to the individual to decide what to learn, but educational policy had to do justice to the many different languages available.

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

Mr MIGNON (France) congratulated Mr Legendre on his excellent report. He thought it a pity that the work done had not been taken as seriously by other international organisations. He welcomed the place of the mother tongue in education as set out in the report. He agreed that the benefits for children of multi-lingualism were great. But perhaps one could look at a different pattern of teaching in order to better respect diversity. It was recognised that pupils preferred to learn English as a second language to learning the language of their neighbouring country. He hoped that the 90% of children learning English would also be encouraged to learn their neighbouring language. In 2003-2004 Italians began to learn English in primary school. That was an example of the greater and greater imposition of English as a second language, even in those east European states in which Russian had been the main second

language in the 1980s. He wondered how people could be encouraged to learn different languages when international organisations themselves were turning away from multilingualism.

THE PRESIDENT (Translation).— Thank you. I call Mr Cilevičs.

Mr CILEVIČS (*Latvia*).— I, too, congratulate Mr Legendre on taking up a complicated and sensitive issue.

I fully support the main aims of the report. The practices of European states are diverse, and no one universal recipe will be successful. The rapporteur offers some basic principles that can and should be applied. Neither complete exclusion of minority and regional languages nor denial of the need to ensure knowledge of official languages is the solution.

European societies are becoming increasingly diverse, and we should view cultural diversity as a basic value. Education must prepare young people for life in this multicultural environment. Education must become multilingual and multicultural and the report proposes appropriate means of achieving that goal.

I emphasise Mr Legendre's point about the need to depoliticise the issue. All my life I have lived in a multilingual environment. I speak Latvian and Russian daily; Russian is the mother tongue of my children, but they too speak Latvian daily, which I believe is an asset, not a burden.

I should like to make one political comment not about the substance of the report but about the co-ordination of the work done by different committees of the Assembly. The problem of minority languages is dealt with by the Committee on Culture, Science and Education and by the Committee on Legal Affairs and Human Rights. Sometimes we work independently and there is a danger of sending different messages, which would be highly counterproductive. That is why I have tabled a number of amendments aimed not at changing the thrust of the report, which I fully support, but at bringing together the report and its recommendations and the work done by other committees.

I fully support the idea that mother tongue education is precious to everyone, regardless of their official status. In that respect, strong legal measures are required as well as other measures such as the European Charter for Regional or Minority Languages and the framework convention. We need to take a holistic approach. The intention of my amendments is not to question but to complement the main ideas in the report.

Once again I congratulate Mr Legendre on his good report and I sincerely hope that European states will take its recommendations into account in elaborating on and implementing their policies on language education.

THE PRESIDENT (Translation).— Thank you. I must now interrupt the list of speakers. The speeches of members who are present but who have been unable to speak may be given to the Table Office for publication in the official report.

I call Mr Legendre to reply to the debate on behalf of the Committee on Culture, Science and Education.

Mr LEGENDRE (*France*) said that he was grateful for the Assembly's support, but it was necessary to find some clear answers to the issues. For instance, it was important to reconcile every young citizen with the language of the country they lived in. Often in learning that language, it was useful to start from one's own mother tongue. There was no contradiction between these two positions. However, practicalities must also be faced. He accepted Mr Fischer's amendment that teaching should only be done as far as possible in the mother tongue. However, he felt it was important that this should not let member states off the hook, because children needed both their mother tongue and the official language. Indeed, these two languages should not be set at odds, rather they went hand in hand. Some had stressed a distinction between minority or regional languages on the one hand and immigrant languages on the other. Often, however, it was important to refer back to the immigrant language when teaching the official language. The question should not be reduced to a debate about the status of regional languages. Teaching in the mother tongue was both a political issue and an issue of culture and human rights. It was no longer acceptable to impose a language on people. Such policies had been consigned to history.

THE PRESIDENT (Translation). — The debate is closed.

The Committee on Culture, Science and Education has presented a draft recommendation to which eight amendments have been tabled. They will be taken in the following order: 2, 3, 4, 1, 5, 6, 8 and 7.

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

We come to Amendment No. 2, tabled by Mr Boriss Cilevičs, Mrs Carina Ohlsson, Mr Bill Etherington, Mrs Majléne Westerlund Panke and Mr Ed van Thijn, which is, in the draft recommendation, paragraph 1, second sentence, replace the words "a national" with the following words:

"an ethnic".

I call Mr Cilevičs to support Amendment No. 2.

Mr CILEVIČS (*Latvia*). – I remind you of the recent heated debate on the concept of nation. To avoid ambiguity, I suggest we remove the reference to national identity.

THE PRESIDENT (Translation). – I understand that the Committee on Culture, Science and Education wishes to propose an oral sub-amendment to Amendment No. 2 that will replace the term "an ethnic" with "a cultural".

The oral sub-amendment is valid unless 10 or more members of the Assembly object to it. Do 10 or more members object to the oral sub-amendment being debated? That is not the case.

I call Mr Legendre to support the oral sub-amendment.

Mr LEGENDRE (*France*) said that the term "ethnic" was too narrow. Often it was a question of cultural groups and the oral sub-amendment was doing a service to Mr Cilevičs's amendment. (summary)

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

What is the opinion of the mover of the amendment?

Mr CILEVIČS (*Latvia*). – I fully agree that the oral sub-amendment is much better than the original text. I thank Mr Legendre.

THE PRESIDENT (Translation). – Thank you. I remind you that if the oral sub-amendment is adopted, Amendment No. 2 will fall.

The vote is open.

*The oral sub-amendment is adopted.*

We now come to Amendment No. 3, tabled by Mr Boriss Cilevičs, Mrs Carina Ohlsson, Mr Bill Etherington, Mrs Majléne Westerlund Panke, Mr Ed van Thijn, Mr Wolfgang Wodarg and Mrs Angelika Graf, which is, in the draft recommendation, at the end of paragraph 2, add the following sentence:

"Recommendation 1255 (1995) on the protection of the rights of national minorities, Recommendation 1285 (1996) on the protection of the rights of national minorities, Recommendation 1300 (1995) on the protection of the rights of minorities, Recommendation 1345 (1997) on the protection of national minorities, Recommendation 1492 (2001) on rights of national minorities, and Recommendation 1623 (2003) on rights of national minorities are also relevant."

I call Mr Cilevičs to support Amendment No. 3.

Mr CILEVIČS (*Latvia*). – As I said, more synergy and better co-operation on the work done by different committees would enhance the activities of the Parliamentary Assembly. I fully agree with the rapporteur that the problem of education cannot be reduced merely to minority linguistic rights. Nevertheless, I believe that it is reasonable to refer to the recommendations dealing with those rights.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) said that the committee was against the amendment.

THE PRESIDENT (Translation). – So the committee is against. The vote is open.

*Amendment No. 3 is rejected.*

We come now to Amendment No. 4, tabled by Mr Boriss Cilevičs, Mrs Carina Ohlsson, Mr Bill Etherington, Mrs Majléne Westerlund Panke, Mr Ed van Thijn, Mr Wolfgang Wodarg and Mrs Angelika Graf, which is, in the draft recommendation, paragraph 3, after the word “languages”, insert the following words:

“and the Framework Convention for the Protection of National Minorities”.

I call Mr Cilevičs to support Amendment No. 4.

Mr CILEVIČS (*Latvia*). – Again I stress the need to take into account not only the European charter but the Framework Convention for the Protection of National Minorities, which is a legally binding instrument. It is a little strange to mention documents from Unesco – which is a fully respected organisation but is not the Council of Europe – while ignoring instruments elaborated by our Organisation.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) said that the committee was against the amendment.

THE PRESIDENT (Translation). – Thank you. The vote is open.

*Amendment No. 4 is rejected.*

We come now to Amendment No. 1, tabled by Mr Axel Fischer, Mr Ingo Schmitt, Mr Johannes Pflug, Mr Detlef Dzembritski, Mrs Veronika Bellman, Mr Hubert Deittert and Mr Eduard Lintner, which is, in the draft recommendation, paragraph 12.3.3, replace the word “possible” with the words:

“appropriate and useful”.

I call Mr Fischer to support Amendment No. 1.

Mr FISCHER (*Germany*) said the this amendment related to paragraph 10.3.3 in the report and noted that the committee agreed in principle.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) said that the committee was in favour of the amendment.

THE PRESIDENT (Translation). – Thank you. The vote is open.

*Amendment No. 1 is adopted.*

We come now to Amendment No. 5, tabled by Mr Boriss Cilevičs, Mrs Carina Ohlsson, Mr Bill Etherington, Mrs Majléne Westerlund Panke and Mr Ed van Thijn, which is, in the draft recommendation, paragraph 12.3.4, replace the words “languages with parents and communities so that their commitment to a threatened” with the following words:

“, minority and regional languages with parents and communities so that their commitment to this”.

I call Mr Cilevičs to support Amendment No. 5.



Mr CILEVIČS (*Latvia*). – My problem with the original text is that it refers to “threatened” languages. Neither the report nor the memorandum defines what that means and, to the best of my knowledge, it is not legally defined. The use of the term might narrow substantially the application of the report. That is why I suggest we use the words in the European Charter for Regional or Minority Languages. It is a legal document that is referred to extensively in the report and the recommendation.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) said that the term “threatened languages” was well known and that the committee could not accept the amendment.

THE PRESIDENT (Translation). – Thank you. So the committee is against. The vote is open.

*Amendment No. 5 is rejected.*

THE PRESIDENT (Translation). – We come to Amendment No. 6, tabled by Mr Boriss Cilevičs, Mrs Carina Ohlsson, Mr Bill Etherington, Mrs Majléne Westerlund Panke, Mr Ed van Thijn, Mr Wolfgang Wodarg and Mrs Angelika Graf, which is, in the draft recommendation, after paragraph 12.3.4, add the following sub-paragraph:

“develop and implement policies for the use of languages in education, in open dialogue and permanent consultation with the concerned linguistic minority groups;”

I call Mr Cilevičs to support Amendment No. 6.

Mr CILEVIČS (*Latvia*). – The aim of the amendment is to reflect the idea of democracy. It is difficult for me to imagine that, on such a delicate issue, decisions will be imposed on a minority community, including parents and children, without any dialogue or consultation. The amendment might seem self-evident but, as the Council of Europe is an Organisation that deals with democracy and the rule of law, it is essential that these issues be mentioned explicitly.

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

Mr LEGENDRE (*France*) said that he was sorry to have to keep on rejecting Mr Cilevičs’ amendments, but if he would be prepared to drop the word “minority” from the amendment, it would be acceptable.

THE PRESIDENT. – said that the President had proposed an oral sub-amendment and asked the mover of the amendment whether he agreed with it.

Mr CILEVIČS (*Latvia*). – I agree.

THE PRESIDENT (Translation). – What is the opinion of the committee?

Mr LEGENDRE (*France*) said that the committee had not discussed the oral sub-amendment, but he was personally in favour of it.

THE PRESIDENT. – The chairman of the committee is in favour of the oral sub-amendment.

The vote is open.

*The oral sub-amendment is adopted.*

Does anyone wish to speak against Amendment No. 6, as amended?

That is not the case.

What is the opinion of the Committee?

Mr LEGENDRE (*France*) said that the committee had not considered the amended text, but he was in favour.

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

*Amendment No. 6, as amended, is adopted.*

We now come to Amendment No. 8, tabled by Mr Julio Padilla, Mrs Blanca Fernández-Capel, Mr Gabino Puche, Mr Pedro Agramunt and Mr Miguel Arias, which is, in the draft recommendation, after paragraph 12.3.4, add the following sub-paragraph:

"also protect the official language of the state, as a mother tongue, in regions where another official language already exists;"

I call Mr Padilla to support Amendment No. 8.

Mr PADILLA (*Spain*) said that, in moving the amendment, he wanted to make it clear that the numbering in the document was incorrect and that it should go instead to paragraph 12 (5). In countries where many languages were spoken, the language of the state may be the main language of many people and should be protected.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) was astonished at the suggestion that state languages needed protection. The committee was against the amendment.

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

*Amendment No. 8 is rejected.*

We now come to Amendment No. 7, tabled by Mr Boriss Cilevičs, Mrs Carina Ohlsson, Mr Bill Etherington, Mrs Majléne Westerlund Panke, Mr Ed van Thijn, Mr Wolfgang Wodarg and Mrs Angelika Graf, which is, in the draft recommendation, at the end of paragraph 12.4, add the following words:

"in particular, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities".

I call Mr Cilevičs to support Amendment No. 7.

Mr CILEVIČS (*Latvia*). – The recommendations that we adopt here must be as practical as possible. We are not doing an academic exercise. We want practical consequences and results. That is why I believe that we have to be as specific as possible. We speak about Council of Europe instruments but there are several hundred of them. I believe that it makes sense to mention the specific and most relevant instruments, the European Charter and the Framework Convention.

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

What is the opinion of the Committee?

Mr LEGENDRE (*France*) said that the committee was against the amendment.

THE PRESIDENT (Translation). – The committee is against. The vote is open.

*Amendment No. 7 is rejected.*

We will now proceed to vote on the draft recommendation contained in Document 10837, as amended. I remind colleagues that a two-thirds majority is required.

The vote is open.

*The draft recommendation in Document 10837, as amended, is adopted.*

*(Mr Gardetto, Vice-President of the Assembly, took the Chair in place of Mr Schreiner)*

**14. Poverty and the fight against corruption in the Council of Europe member states**

THE PRESIDENT (Translation). – The final item of business this afternoon is the debate on “Poverty and the fight against corruption in the Council of Europe member states” presented by Mr Cousin on behalf of the Social, Health and Family Affairs Committee (Document 10834 and Addendum).

The list of speakers closed at 1 p.m. Twenty names are on the list and no amendments have been tabled.

We have also agreed that speeches from the floor will be limited to four minutes.

I remind you that we have already agreed, in order to finish at 7 p.m., that we must interrupt the list of speakers for this debate at 6.55 p.m.

I call Mr Cousin, the rapporteur. He has eight minutes.

Mr COUSIN (*France*) said that the Council of Europe was engaged in the fight against poverty and corruption, which was a real challenge. It was not just an ethical issue but a practical one. The Assembly needed to find ways to combat material, cultural and statutory poverty.

Poverty could be described as the piling up of handicaps. Corruption, insofar as it made it worse, was a flagrant violation of human rights. Poverty could be defined in terms of income as related to gross domestic product. However, poverty was much more complex than this: education and health were factors, as were criminality, discrimination and limited access to social services. Corruption could be seen in terms of individuals attending to their own interests, in terms of the group, in terms of criminality, but also in the context of administrative corruption. The granting of state favours was one medium of corruption, for example in the tendering for public works. Corruption could also be seen in the lack of press freedom and in the corrupt administration of public finance. Some public figures had too much immunity from prosecution. The World Bank claimed that corruption was the biggest obstacle in the path of social and economic development. Poverty grew as a result of it. Social corruption undermined democracy.

Frequently in countries undergoing a transition to democracy, after markets were established and wealth was redistributed, many citizens had a lower standard of living than before. Gross domestic product could decline by 15% or more. Even when it went back up, many people were still poor because they no longer had the safety nets in public administration that they had had before. Romania had provided many good examples of how to combat corruption. Government services such as education and health needed protection against corruption, particularly in countries in transition. Decentralised authorities needed to be subject to reliable checks and balances otherwise the problems that were seen in the Baltic states would become widespread elsewhere.

Transparency was needed in all public administration. There needed to be clear rules for the tendering of public works. Public servants needed decent salaries and opportunities for promotion on merit. The courts needed to be transparent. Civil society also needed to be part of the process. Scrutiny was a way for democracy to defend itself.

THE PRESIDENT (Translation). – Thank you. I call Mr Demirchyan for the Alliance of Liberals and Democrats for Europe.

Mr DEMIRCHYAN (*Armenia*). – We very much appreciate the work carried out by the rapporteur.

It is obvious that corruption is a major obstacle to economic and social development and that there is a direct link between poverty and corruption. As the report notes, the effect of corruption is greater in poor countries. Anti-corruption measures and poverty reduction strategies therefore need to be linked to be effective in securing improvements in both areas. Corruption increases poverty and social polarisation. It violates public trust and corrodes social capital. It is a real threat to the development of a competitive market economy and undermines the confidence of investors.

Restraining the potential use and abuse of state power is a challenge for any country. As James Madison said, "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself." There is no doubt that the fight against corruption is most effective in democracies where institutions have elections, and the two principal mechanisms of restraining excessive state power, an independent judiciary and the separation of powers, function properly.

It is also difficult to over-estimate the role that an independent media can play in controlling government malfeasance and the abuse of power. Fighting corruption is a more complex task for countries facing the challenge of economic transformation. Studies have shown that despite the application of the main anti-corruption treaties, corruption is growing, in particular, in the countries of the former Soviet Union and in central and eastern Europe. Poverty levels in all those countries have increased over the past decade.

At the same time, transition countries where governments put the social fundamentals on their list of priorities, where an effort has been made to develop strong civil societies and reinforce political accountabilities, where there are strengthened mechanisms for monitoring and punishment, where effective anti-corruption measures have been implemented, and where privatisation has been managed carefully and transparently in a way that ensures competition, are already showing positive results in reducing poverty and fighting corruption.

In a range of countries with high levels of corruption and poverty, fundamental problems include the weak accountability of the executive to the legislature, the power and influence of the executive over the judiciary and weak enforcement of the law.

Finally, it is inappropriate to speak about the fight against corruption in countries where the legitimacy of those in power is in question, and where authorities place themselves beyond the constitutional framework and falsify elections. As a rule, such authorities try to reproduce themselves by all means; they serve the interests of a group of people and, in the meantime, are a hostage in their hands. In such countries, the promotion of democracy and, as a first important step, the establishment of legitimate authorities through democratic elections, are preconditions for further development.

It is obvious that only legitimate power supported by society is able to fight corruption. Nothing can consolidate a society better than confidence. Only an effective democratic state based on the rule of law can contribute powerfully to the reduction of poverty and provide social justice and economic opportunities.

We agree with the conclusions in the report and fully support the recommendations presented in the draft resolution.

THE PRESIDENT (Translation). – Thank you. I call Mr Wilshire on behalf of the European Democratic Group.

Mr WILSHIRE (*United Kingdom*). – The EDG supports the principles underpinning the report. Corruption is clearly a serious problem. Poverty plays a big part in that problem, and transparency and scrutiny are clearly absolutely essential. However, we would also like to add some words of caution for anybody involved in the debate who thinks that solving the problem of corruption is a simple matter.

First, beware of thinking that only some countries are corrupt. Paragraph 1 of the recommendation refers to certain European countries, presumably the poor ones. I have recently been in Albania on behalf of the Assembly. There, we have a government that admits that it has a problem. I returned to my own country and read that the police in London are investigating allegations that the Labour party and the British Government are selling honours. It is not only some countries: it is not only poor countries.

Secondly, beware of thinking that societies are corrupt. It is individual people who are corrupt. It is just that some societies make it easier for people to be corrupt than do other societies. Beware of thinking that some people are genetically corrupt. Individuals are not born corrupt; they become corrupted by other people and by the opportunities that other people give them.

Hunting down the corrupt is obviously something that people will do, but it is a useless activity unless they also tackle the causes and the causers of that corruption. Beware of thinking that there is a simple cure for corruption. Yes, poverty is a huge cause: if a man cannot feed his family, what is he going to do? But it is not only the poor who are corrupted; it happens everywhere, at all levels of society. Beware

of thinking that abolishing poverty will abolish corruption. You have to abolish the opportunities as well. If you do not, new people will replace those you got rid of.

Finally, we urge people to beware of the booby traps that await us all when we seek to tackle corruption. There is a danger in insisting on excessive transparency because it can lead to an invasion of privacy. Yes, even politicians, judges and high public officials have human rights. Beware of expecting too much, too quickly. If we apply too much pressure, there is a great temptation for the government that we are pressurising to take shortcuts and to abuse the rule of law. Beware, too, of being too puritanical. I do not know about everybody else but I do not want to live in an absurd society. Let me explain what I mean. Corruption is a subjective concept. It is incredibly difficult to define. In case anyone doubts me, I leave the Assembly with a question. We are all against bribery; we all accept that presents are a good thing. One bottle of whisky at Christmas is a present and 12 bottles of whisky at Christmas is a bribe, but what is six bottles – a present or a bribe?

THE PRESIDENT (Translation). – Thank you, Mr Wilshire. I call Mr Rakhansky.

Mr RAKHANSKY (*Ukraine*) thanked and congratulated the rapporteur for his excellent report. He had shown how corruption worked. It seemed paradoxical but the subject of the debate was closely related to Chernobyl. April 2006 had been the twentieth anniversary of that global disaster the consequences of which had affected the environment and the whole society of Ukraine. There were 2 million victims who still needed permanent welfare support. The consequences also included widespread fear of radiation pollution. With the draft resolution, it was possible to see how Ukraine could begin to cope with the consequences of the disaster. However, not enough attention was being paid to monitoring how international aid was being spent. Much of the aid had not even materialised. Chernobyl had been closed down but there was much material on the site which could still be used. It required another EUR 100 million and five years to put right the design faults in the project. There was both a technical problem and a problem with corruption in the international non-governmental organisation which was building the storage site. The building of an interim sarcophagus had been proposed but the Ukrainian authorities were very aware of the problem of interim solutions. This was just the International Atomic Energy Authority's way of putting the problem onto the shoulders of a future generation.

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

Mr BARTUMEU CASSANY (*Andorra*) said that corruption was a scourge which affected democracy and the rule of law. It was more and more obvious that public funds were being channelled into obscure places. There was a danger of the rule of law collapsing. European governments had to apply the Assembly's resolutions and transpose them into national legislation. It was 2006 and yet there had been little progression since the issue had last been discussed. A number of states had not signed the various conventions on corruption. National parliamentarians had to work harder to fight corruption.

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

Mr HAIBACH (*Germany*) thanked the rapporteur, who had shown what could be done to combat poverty and corruption. It was a very important issue which would always be there because the problem was as old as every institution. Corruption was not limited to a small circle of people: it affected many people through its indirect and direct economic repercussions. Corruption was not only caused by poverty, it caused poverty by impeding legitimate business and disadvantaging those on low incomes. The Council of Europe had tried in the past to deal with the issue. Those measures had been welcome but not enough had been achieved. It was necessary to ensure that the various conventions were ratified by all member states. Also relevant were other programmes, such as on good governance, which were important in combating corruption. That was only one way to approach this issue.

THE PRESIDENT (Translation). – Thank you. I call Mrs Durrieu.

Mrs DURRIEU (*France*) welcomed the report. She also welcomed the Moldovan representatives. She drew attention to Transnistria, the status of which was still to be resolved, despite it having a self-declared leader. Large amounts of money, weapons, alcohol and women were being trafficked, and there were also decaying nuclear weapons there. Nothing could be achieved without the support of Russia and it was sad that no Russians were present in the debate. Ukraine was trying to move towards normalisation of the situation, which was laudable. Ukraine and Moldova had persuaded the EU to set up a monitoring mission in March 2006. She had visited this team. They were checking the transit of goods by asking for documentation and for official stamps on those documents. However, the efforts of Moldova and Ukraine were not enough. There was a complete embargo on Transnistria and nobody could get in there.

Russia's role was quite dangerous and should be condemned. She also drew attention to the role of the Smirnoff family which had led to corruption at a high level.

THE PRESIDENT (Translation). – Thank you. I remind members that they have four minutes in which to speak and that they should stick to it. I call Mr Branger.

Mr BRANGER (*France*) said that the movement of the EU's border eastwards had created new problems between member states and non-member states in Eastern Europe and beyond. Poverty caused many problems but there was also corruption in the public and private sectors and even among NGOs. Corruption was part of everything to do with the rule of law: it undermined institutions, human rights and therefore stability. As a result it threatened the stability of the rest of Europe. For instance, nobody would invest in a country which did not have a stable rule of law and this led to poverty. The circulation of laundered money led to a vicious circle which undermined development. The most developed states in Europe should do what they could to help, including by financial means. He felt that a balance should be struck between aid and reform, and supported the report.

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

Mr RUSTAMYAN (*Armenia*) said that the connection between corruption and poverty was the most dangerous factor for any state. Corruption was as old as the world. It was necessary to address the freedom of the press and the judiciary, the lack of transparency in the public sector and the need to monitor politicians. Poverty went beyond economics and was also a matter of health and education. He stressed the direct link between poverty and corruption. His own Government had drawn up a strategy to combat corruption and poverty and for two years had been a member of GRECO. Fighting poverty and corruption were two sides of the same coin.

THE PRESIDENT (Translation). – Thank you. I call Ms Hajiyeva.

Ms HAJIYEVA (*Azerbaijan*). – I start by thanking the rapporteur, Mr Alain Cousin from my party group, for his efforts that have resulted in an excellently prepared, practical, useful and applicable report. I would also like to express my gratitude to the committee and the Bureau of the Assembly for permanently keeping the focus on the crucial problems of poverty and corruption. They seriously impact on the processes of democratisation and liberalisation in the economic sphere as well as within the whole spectrum of social life itself.

Corruption and poverty are organically interrelated. Both are characteristics of underdeveloped societies, although traces of them remain in leading democracies as well. As characteristics inherent in societies in transition, poverty and corruption are a serious obstacle to those societies' economic and social as well as political development.

Only two or three years ago, the percentage of poor people in my country was estimated at 49% of the population. Undoubtedly they were very bitter figures. What was the reason for such a high percentage of people in poverty? The first is that after the collapse of the Soviet Union and its planned economy, the building of new market relations resulted in problems. The second reason is the occupation of Azerbaijani land by Armenia. The continuing occupation means that 1 million people are still refugees or internally displaced. The continuing occupation means that 16% of the Azerbaijani budget is distributed to meet the needs of those refugees and IDPs.

However, I would like to point out with some satisfaction that the percentage of people living in poverty has sharply reduced to 29%. That is the result of the economic reforms in my country that must be accelerated. Azerbaijan now has the highest growth in GDP in the world; it is estimated at 21% per capita.

Combating corruption was and still is one of my country's commitments not only to the Council of Europe but to the nation. The national parliament has adopted a law on combating corruption and the state commission on combating corruption has started to work. The special department on combating corruption was created near the public prosecutor general, but adopting laws and establishing commissions and departments are not the only means of tackling such deep problems.

There are two basic mechanisms by which we can combat corruption – economic and judicial. By improving the social security of the people, states can better contribute to the struggle than by the application of compulsory measures or punishment.

We, as Europeans, must be deeply interested in reducing and liquidating poverty. Less poverty means less danger and more security in Europe. We all want to live in a more secure and less dangerous world.

Thank you for your attention.

THE PRESIDENT (Translation). – Thank you. I must now interrupt the list of speakers. Those speakers who have not been able to take part may take their speeches to the Table Office for publication in the official report.

I now call on the rapporteur to present the reply of the Social, Health and Family Affairs Committee. I call Mr Cousin.

Mr COUSIN (*France*) said that he was not pointing the finger at poor countries. He had met representatives of Transparency International and that had led to an interesting contribution to the report. He agreed that poverty and corruption were linked and that they were a big challenge. They were a challenge for young emerging democracies, because it took time to introduce and bed down the necessary rules and institutions. However, there was no room for complacency among established democracies. It was necessary to take this work forward with courage and humility.

THE PRESIDENT (Translation). – Does the chairperson of the committee wish to speak? I call Mr Glesener.

Mr GLESENER (*Luxembourg*) said that the absence of amendments spoke eloquently of the success of Mr Cousin's work.

THE PRESIDENT (Translation). – Thank you. That concludes the debate.

The Social, Health and Family Affairs Committee has presented a draft resolution to which no amendments have been tabled. We will therefore proceed directly to a vote on the draft resolution contained in Document 10834.

The vote is open.

*The draft resolution in Document 10834 is adopted.*

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

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

Are there any objections? That is not the case.

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

The sitting is closed.

*(The sitting was closed at 7 p.m.)*

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1. Resumption of the 2006 Ordinary Session
2. Attendance register
3. Opening statement by the President
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8. Adoption of the order of business
9. Time limits on speeches
10. Adoption of the minutes of the Standing Committee
11. Organisation of debates
12. Progress Report

Presentation by Mr Ivanovski of the Progress Report of the Bureau and the Standing Committee (Doc. 10874)

*Speakers:*

Mrs Wohlwend (Liechtenstein)  
 Mr Hammarberg (Council of Europe Commissioner for Human Rights)  
 Mrs Cliveti (Romania)  
 Mr Van den Brande (Belgium)  
 Mrs Severinsen (Denmark)  
 Mr Margelov (Russian Federation)  
 Mrs Hurskainen (Finland)  
 Mr Haibach (Germany)  
 Mr Iwiński (Poland)  
 Mr Hancock (United Kingdom)  
 Mr Mercan (Turkey)  
 Mr Kosachev (Russian Federation)  
 Mr Wodarg (Germany)

*Report adopted.*

13. The Place of Mother Tongue in School Education

Presentation by Mr Legendre, on behalf of the Committee on Culture, Science and Education, of report (Doc. 10837)

*Speakers:*

Mr Fischer (Germany)  
 Mr Østergaard (Denmark)  
 Mr Messerschmidt (Denmark)  
 Mr de Puig (Spain)  
 Mrs Westerland Panke (Sweden)  
 Mr Nachbar (France)  
 Miss Akhundova (Azerbaijan)  
 Mr Rafael Huseynov (Azerbaijan)  
 Mr Schneider (France)  
 Baroness Hooper (United Kingdom)  
 Mr Kucheida (France)



Mr Geveaux (France)  
Ms Saks (Estonia)  
Mr Randegger (Switzerland)  
Mr Mignon (France)  
Mr Cilevičs (Latvia)

*Oral sub-amendment adopted.*  
*Amendment No. 1 adopted.*  
*Amendment No. 6, as amended, adopted.*

*Draft recommendation contained in Doc. 10837, as amended, adopted.*

14. Poverty and the fight against corruption in the Council of Europe member states

Presentation by Mr Cousin, on behalf of the Social, Health and Family Affairs Committee, of report (Doc. 10834 and Addendum)

*Speakers:*

Mr Demirchyan (Armenia)  
Mr Wilshire (United Kingdom)  
Mr Rakhansky (Ukraine)  
Mr Bartumeu Cassany (Andorra)  
Mr Haibach (Germany)  
Mrs Durrieu (France)  
Mr Branger (France)  
Mr Rustamyan (Armenia)  
Ms Hajiyeva (Azerbaijan)  
Mr Glesener (Luxembourg)

*Draft resolution contained in Doc. 10834 adopted.*

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

