

Parliamentary Assembly
Assemblée parlementaire

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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

AACR11

AS (2006) CR 11
Provisional edition

2006 ORDINARY SESSION

(Second part)

REPORT

Eleventh sitting

Tuesday 11 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 Azzolini, Vice-President of the Assembly, took the Chair at 3.05 p.m.

1. Opening of the sitting

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

2. Minutes of proceedings

THE PRESIDENT (Translation). – The minutes of proceedings of the ninth sitting have been distributed.

Are these minutes agreed to?

The minutes are agreed to.

The minutes of proceedings of the 10th sitting have not yet been distributed. They will be adopted at a later sitting.

3. Election of a judge to the European Court of Human Rights

THE PRESIDENT (Translation). – I would like to announce the result of the ballot for the election of a judge to the European Court of Human Rights in respect of Liechtenstein.

Number of members voting: 161

Blank or spoiled ballot papers: 3

Votes cast: 158

Absolute majority required: 80

The votes cast were as follows:

Philipp Mittelberger: 31

Mark Villiger: 98

Ursula Wachter: 29

Mark Villiger obtained an absolute majority of votes cast, so I declare him elected a member of the European Court of Human Rights for a term of office starting on 31 August 2006 and ending on 31 August 2012.

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

THE PRESIDENT. – I am sorry that I am late but the meeting with the President of the European Commission took longer than expected because of a press conference.

4. Organisation of debates

THE PRESIDENT. – This afternoon we have three debates. I remind you that the Assembly agreed on Monday that speeches in today's debates should be limited to four minutes. We must finish by 7.30 p.m.

The first debate is on the situation in the Middle East. There are 29 speakers on the list and three amendments have been tabled. There are 13 speakers and eight amendments for the debate on the "Social reintegration of prisoners", and there are 11 speakers and three amendments for the debate on the "Human rights of members of the armed forces".

We will have to interrupt the list of speakers in the debate on the situation in the Middle East at about 4.55 p.m. so that the debate on the "Social reintegration of prisoners" can begin at about 5.10 p.m. The list of speakers for that debate will need to be interrupted at about 6.05 p.m. so that the debate on the "Human rights of members of the armed forces" can start at about 6.30 p.m. The list of speakers for that

debate will then need to be interrupted at about 7.15 p.m. in order to leave sufficient time for replies on behalf of the committee and the votes.

Are these arrangements agreed?

They are agreed.

5. Situation in the Middle East

THE PRESIDENT. – The first item of business this afternoon is the debate on the report on the situation in the Middle East presented by Mr Margelov on behalf of the Political Affairs Committee, Document 10882, with an oral opinion presented by Mr Marty on behalf of the Committee on Legal Affairs and Human Rights.

The list of speakers closed at 12 noon today. Twenty-nine names are on the list.

I call Mr Margelov. He has eight minutes.

Mr MARGELOV (*Russian Federation*). – Let me get to the gist of the topic and not pave the way to it. We should be careful in our estimation of the government changes in Israel and Palestine, whether we like them or not. Otherwise we will not get beyond the extremity of these governments' declarations. No doubt we must listen to the parties' opinions but we should verify our own point of view for the sake of the necessary rapprochement. In other words, the Parliamentary Assembly should act watchfully following its traditions and work patiently in a gradual process.

Israel is forming its government and the Palestinian Government is starting its work, so the Assembly is considering the Middle East agenda at a good time as a situation beneficial to negotiations without mediation is unlikely to develop. The fate of the peace settlement in the Middle East is again at stake. On the very day of the Knesset elections, Palestine fired a warning missile.

Sporadic disturbances, with the active participation of Palestinian militants, occur in the Gaza Strip. Periodically the Israeli Administration has to close checkpoints, even to food supplies. The aggravation of the humanitarian situation in the Gaza Strip intensifies military and political tension there. In a terrorist attack, several Israeli people and a suicide bomber were killed.

The world community contends unanimously that the will of the Palestinian people who elected their governing body democratically should be respected. As an observer at the elections on 25 January, I can testify, along with my colleagues, that the elections were open and fair. The drawbacks that were noted could not influence the final result.

The outcome of the election was predictable and the world community should have been prepared for it; it should not have demonstrated the perplexity shown in a number of cases. What is done is done. Ignoring the victory of Hamas and refusing to recognise the new government would not promote the process towards a Middle East settlement.

The Council of Europe cannot pose as an alien observer. In this case, non-interference equals an encouragement of the aggravation of the situation. The rhetoric of Hamas representatives and of Israeli leaders is still full of the slogans of the elections. The toughness of their mutual demands is strengthened by the fact that they are not made personally at the negotiating table. But negotiations cannot be held until the new Government of Palestine recognises Israel and Israel discontinues the policy of unilateral action.

The head of the Palestinian Government calls on Israel to recognise the right of Palestinians to set up an independent state with its capital in Jerusalem. The head of the Palestinian Authority Mahmoud Abbas continues to call for the resumption of talks with Israel. But Israel refuses to meet with those who do not recognise its right to exist. It is noteworthy that in the rhetoric of the standoff the term "the road map" is not used, but "the road map" plan is still in force.

While respecting the choice of the Palestinian people, the Assembly is of the opinion that terrorism is incompatible with the political process. Those who seek peace do not wear shahid belts. The Assembly hopes that Hamas will follow the example of its predecessors, the PLO and Fatah, who demonstrated the political will and covered the distance from a military standoff to the Oslo agreement.

The continuation of violence results in the threat of the isolation of the Hamas Government from the world community and of deepening contradictions in the Arab world. Hamas representatives were not in the Authority delegation and did not get a special invitation to take part in the Arab summit in Khartoum, Sudan. Experts say that proves that the Arab states are not satisfied with the Palestinian Government. The summit participants were unanimous in their respect for the will of the Palestinian people, but Hamas, the winner of the election, was not mentioned in the final document.

The Assembly hopes that Hamas's leaders and the Palestinian parliamentarians are aware of the complexity of their regional and international surroundings.

On its side, Israel should not insist on unilateral actions. In particular it should revise its position concerning the security wall, or defensive fence as it is also known. Israel should take into account the decision of the International Court. The Assembly considers it unacceptable to carry out reprisals outside of a court of law. The situation demands the resumption of contact and talks between the parties, as well as those with international mediators and the Quartet.

The situation in the region is so tense that all of those conditions can be carried out only with the participation of the world community and its institutions, including the Council of Europe.

The Parliamentary Assembly of the Council of Europe is ready to host the Tripartite Forum, including the parliamentarians of the Assembly, Israel and Palestine under the auspices of the Sub-Committee on the Middle East. Interparliamentary diplomacy will be supported by the systematic invitation of members of the Palestinian Legislative Council to the Parliamentary Assembly sessions and their involvement in the work of the Assembly's committees. In this context the Assembly asks the Bureau to consider the possibility of establishing a co-operation agreement between the Palestinian Legislative Council and the Assembly. Again and again, we must remind ourselves that the Palestinian Legislative Council consists not only of Hamas representatives but of different political parties, different religions and different groups.

The new electoral situation in the Middle East demands not only theoretical but practical measures. We tried to take such a practical measure during this part-session by inviting Israeli and Palestinian delegations to the meeting of our Sub-Committee on the Middle East on Monday night. Unfortunately, the Palestinian delegation was not able to come to Strasbourg, and as we learned from the letter that we received from them, that was because of logistical problems over granting visas to some of its members.

We are welcoming a small but influential Israeli delegation from the Knesset; it is a pleasure to work with you although we regret that we could not have a fruitful meeting of the sub-committee because of the absence of the Palestinian delegation.

The discussion of the report in the Political Affairs Committee was intensive and tough. A lot of concern was expressed about the current situation in the Middle East. I hope that after we adopt the resolution and recommendations they will be not a full stop but merely a comma in our work and that we keep going.

THE PRESIDENT. – Thank you. The next speaker is Mr Severin to present the opinion of the Committee on Legal Affairs and Human Rights. You have three minutes.

Mr SEVERIN (*Romania*). – On behalf of the Committee on Legal Affairs and Human Rights I say from the beginning that we support the report and the recommendation made by Mr Margelov. I wish to make just four brief remarks.

First, the result of any free and fair democratic election should be recognised and respected. Therefore, we cannot question the result of the Palestinian election. We do not do so in other cases.

Secondly, the elections are producing results, not only at the level at which they were organised but within the international order. The winner of the election has the right to administer the community that elected it and, to that end, to advance its own ideological vision and political programme. However, it also has a duty to respect the undertakings of its predecessors and to respect the international order. No election provides legitimacy for denial of another state's right to exist or for using terrorist threats or means.

Thirdly, democracy is not limited to free and fair elections. Nor is it limited to laws and institutions. Democracy is a way of thinking and living that includes the rule of law, respect for human rights, respect for neighbours' rights, self-restraint, respect for diversity, tolerance, transparency, openness and accountability. It is highly preferable that all those features should be in place before free and fair elections. The exercise of the right freely to elect leaders might lead to anarchy, despotism and the rule of might over right if the ingredients of democracy are not there *ex ante*. This is even more true when one considers the prospects for the recognition of a future independent state. We should make it clear that there is no way towards such recognition if democratic security is not guaranteed.

Finally, the Council of Europe's speciality is democracy, the rule of law and human rights. We should read the resolution proposed by Mr Margelov in that light. It is not for us to offer political solutions for conflict resolution. Our task is to create an appropriate framework for political solutions by assisting Palestinian society and its elected leaders in their efforts towards the building of a democratic nation. It is much easier to build a political authority than to build a democratic nation. For that reason, our support should be increased and not denied.

THE PRESIDENT. – Thank you. I call Mr Kox on behalf of the Group of the Unified European Left.

Mr KOX (*Netherlands*). – On behalf of the Group of the Unified European Left, I first congratulate Mr Margelov on his well-balanced report. Let me also congratulate both the Israelis and the Palestinians on their free and fair elections. As a member of the *ad hoc* committee chaired by Lord Russell-Johnston, I was, along with Mikhail Margelov, able to observe the Palestinian parliamentary elections in January. We were able to see that they were free and fair and met our standards, even given the extraordinary circumstances of an election being held under foreign military occupation by a neighbouring state. In Israel, the elections took place under the shadow of the illness of Ariel Sharon, who, we have heard just today, has been declared permanently incapacitated to serve as Israel's Prime Minister. We wish him strength.

It would have been great so soon after those elections to receive delegations from both parliaments here in the Chamber. Unfortunately, the Palestinian delegation was refused visas. Earlier today, I asked Mr Barroso to explain that refusal, and his answer did not satisfy me. My group sees the refusal as a clear violation of the Assembly's right to invite whoever it wants to meet us so that we can do our job. I ask the President of the Assembly to take all measures necessary to ensure that such EU intervention in our business will never happen again. My group strongly disapproves the EU's decision to cut relations with the new Government of Palestine, including a cut in financial support. That sends a very bad signal to all the Palestinians who participated in the elections. By doing that, the EU disrespects the result of a free and fair election, and I urge our colleagues in national parliaments to oppose this EU power play. It will lead to isolation and confrontation and will lead us away from peace.

Peace in the Middle East can result only from peace talks between the Palestinians and Israelis. The need for peace in the Middle East, however, is in the interests of the whole world community. That means that we should do our utmost to facilitate the process. As Mr Margelov states, the restart of the political process will require difficult decisions from both governments. Making peace is extremely difficult: so be it.

The current situation is unacceptable. There must be peace. The question is not if but how we start a peace process.

We seem to have lost some light but it will not affect the tone of my contribution, if people are still listening.

To restart the peace process the Government of Israel will have to accept the consequences of international resolutions and verdicts. It has to end its military operations and extra-judicial executions without delay, as Mr Margelov has stated. Israel must accept that it does not have the right unilaterally to draw the borders of two nations.

The Palestinian Government must accept Israel's right to exist and to have clear and secure borders. It must also accept that the use of violence is counterproductive and that terrorist acts are unacceptable to the world's community.

Our group fully accepts Mr Margelov's proposal regarding the establishment of a tripartite forum involving this Assembly and the Israeli and Palestinian Parliaments. We urge the Assembly to do its utmost to get that process started as soon as possible, and we hope that both parliaments will be

represented at our June part-session, and not just the Israeli Parliament. Then, the Assembly can take its part in facilitating the restart of the peace process.

THE PRESIDENT. – Thank you. I ask whether it is possible to give us full light. Mr Kox has been able to speak in this romantic atmosphere.

I can inform the Assembly that I have already asked what happened over the visas. I shall discuss that matter later and possibly in the Bureau.

The next speaker is Mrs Durrieu on behalf of the Socialist Group.

Mrs DURRIEU (*France*) said that the elections in Palestine had gone extremely well despite the absence of normal conditions. Europeans could not affirm democratic principles and then change the rules just because they did not like the result. Most extremists had always participated in the democratic process and many were represented in parliaments throughout the world. Hamas had got as far as government. Some of these groups were armed, some were not. Hamas was armed. The first of these points was good for democracy, but not the second. Once in power, fundamentalists had to lay down their arms. Hamas was a resistance movement, not a terrorist movement and parliamentarians should defend the right of Hamas to resist. However, Hamas had to lay down its arms and announce a truce until peace was achieved. Both Palestine and Israel had to recognise each other and return to the road map. If they *did not*, the conflict would destroy the Middle East. The European Union and the international community had to help in this process. Instead, the European Union had made the brutal choice of cutting off resources to the Palestinian Government. She asked whether anyone had assessed the repercussions of this decision, or looked instead for the opportunities that might have been available.

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

Mrs PAPANMITRIOU (*Greece*). – Mr President, with your strong statement our Assembly has openly recognised not only the result but the conduct of the Palestinian election. Further, we all committed ourselves to help with the remaining steps to be taken towards establishing the necessary effective institutions that will consolidate democracy. They will also ultimately create the political channel for achieving a long-overdue bilateral agreement, working towards a two-state solution, peace in the region and development and prosperity for the martyrs' territories.

The international community, cautiously optimistic in the beginning, desired and expected the changes in mentality and behaviour necessary to resume peace talks. However, many statements by Hamas Government members harm if not destroy all prospects of such talks. The United States and the European Union make alarming threats and are unwilling to participate in a dialogue in which the election winners underline their pride in maintaining their terrorist identity.

In those circumstances the role of the Council of Europe can prove unique and effective. Accepting the electoral choice of the Palestinians, as we had to do and have done, is part of our duty to analyse and highlight another reading of the results: the Palestinian people voted for change. They voted against what they had, against their leaders, against corruption and against dead-end policies and strategies. We have to remember that and we have to make the Palestinians understand it.

I am convinced that the majority of the Palestinian people want peace. They have to understand that "peace" is achievable as an alternative to their past experience with Fatah and to the practices used up to now by the new players, Hamas. It is our duty to make our stand very clear: we want to extend all possible help to the Palestinians in full solidarity, but we are irrevocably firm in setting the following preconditions. The leaders of Hamas have to denounce yesterday's principles and practices. They must recognise Israel and its right to exist within its borders, condemn violence and terrorist action and accept previous agreements and obligations. That is a must for opening the way to co-operation with the Council of Europe.

We must also call on Israel, in the wake of its highly commendable decision to withdraw from the Gaza Strip, to continue in the same direction, demonstrating good will and good faith, and seeking a political solution to the issue rather than a military one. The Council of Europe and its Parliamentary Assembly have extensively to use their long-established bonds with the Knesset to assist the creative parliamentary dimension of conflict resolution. In that regard, and once our preconditions are met, we must make available to the Palestinian people and their new parliamentary representatives the expertise and advantages of our great school of democracy.

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

Mr MOONEY (*Ireland*). – I, too, commend the rapporteurs on their reports. Let me make it clear from the outset that my group unambiguously and unequivocally oppose the Hamas position on the elimination of Israel. We equally and strongly support the right of Israel to live within secure, internationally agreed borders. It is fundamental to the concept of democracy that respect for the rule of law is paramount. Equally, my group respect the right of the Palestinian people to elect the government of their choice in a free and fair election. Therein lies the dilemma for the international community: should it withdraw financial support from a democratically elected government and plunge an already desperate people into more deprivation and misery, while at the same time sending the strongest possible message to Hamas?

The parallels between my country's troubled history and relations with its nearest neighbour over centuries of conflict are almost mirrored in the history of relations between the state of Israel and the Palestinians. In 1969, violence erupted on the streets of Belfast, and for the next thirty years the Irish Republican Army carried on a war of attrition against the British Government in Northern Ireland. The peoples of Northern Ireland, and many in the United Kingdom and in my own part of the island and beyond, suffered grievously from a series of indiscriminate bombings and shootings as the IRA, supported by its political wing, Sinn Fein, engaged in a war to remove the British presence from Northern Ireland and establish a united Ireland at gunpoint.

During the end stages of that war, however, attempts by Sinn Fein to engage in dialogue with the British and Irish Governments on a political agenda were rebuffed while it refused to denounce violence as a means of achieving its political objectives. Its strategy was to advance its cause "with the armalite in one hand and the ballot box in the other". It seems that Hamas believes it can adopt the same strategy.

During that period Sinn Fein campaigned as a legitimate political party, as Hamas is doing, and – this mirrors the Hamas strategy described in the report – it engaged in social projects, gaining electoral support especially in economically deprived areas of Northern Ireland. Despite its political mandate, both governments refused to engage in a dialogue with Sinn Fein at official level until and unless it renounced its military campaign.

It is to the credit of the current leadership of Sinn Fein, and the vision of Nobel peace prize winners John Hume of the nationalist Social Democratic and Labour Party and the unionist political leader David Trimble, that the Good Friday agreement, the benchmark for the future evolution of the peace process in Ireland, was born. Are there men and women of vision and courage in Hamas and the Israeli leadership who can see beyond the parapets of their entrenched positions and guide their people to a better future, in which they will be free from violence, free from suicide attacks, and free to prosper and allow each other to live in peace with respect for each other's opinions? That is the challenge facing both sets of leaders. The question is, who will jump first?

My group respects the democratic credentials of the Hamas-led government, but Hamas must in turn respect the democratically elected government of Israel. It must abandon its stated aim to eliminate Israel, renounce violence and accept the road map for peace. Israel, too, must avoid taking unilateral action to secure its borders, such as extending the security wall beyond the pre-1967 borders and extending its settlements on Palestinian lands. In other words, I appeal to Israel to stop its land grab and learn the lessons of Irish history. A legacy of resettlement dating from 400 years ago, when Ireland was colonised by non-native settlers, continues to resonate today.

Yesterday's decision by the EU to suspend both direct financial aid and Commission personnel from the Palestinian Authority was inevitable, and sent a powerful message to the Hamas leadership that it is not enough to receive a mandate from the people: what is important is how the mandate is used. If the international community had taken similar action against Hitler and the Nazi-dominated government in Berlin in 1933, the horrors of the next twelve years might have been avoided. Appeasement never works. It did not work then, and it will not work now. However, my group expresses serious concern about any reduction in humanitarian aid to the Palestinian people, especially for the purposes of health and education.

I appeal to the Israeli Government to be humane in its response to the current situation, and not to block access to finance and material for humanitarian purposes, especially health and education. The world knows only too well the effect of humanitarian disasters in Africa. Let us not be responsible for visiting such disaster unnecessarily on the Palestinian people. No one wants a Mogadishu on the Jordan.

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

Mr GEVEAUX (*France*) said that the situation had evolved in the Middle East recently, but it was still not perfect. The elections in Israel and the Palestinian Authority indicated movement. The victory of Kadima, however brief, showed a new taste for secularism and moderation among the Israeli electorate. Mr Olmert had not excluded the possibility of dialogue with Mr Abbas, and the victory of Hamas would not affect this. However, the problem today was indeed Hamas. It had gained a substantial majority following elections that were recognised as having been well organised. The attitude of Hamas was not acceptable. He wondered if it could change its position radically overnight. He supported a strong stand in respect of Hamas, but it was important not to forget the Palestinian people. He supported the balanced position set out in the report and anything that would keep negotiations moving forward.

THE PRESIDENT. – Thank you. I call Lord Tomlinson to speak on behalf of the Socialist Group.

Lord TOMLINSON (*United Kingdom*). – In my country we have a saying that a camel is a horse designed by a committee. Sometimes a resolution drafted by a committee suffers from similar defects, particularly when it is drafted during a series of meetings attended by people in different formats. Parts of this resolution do not contain the most elegant prose, but the meaning is clear and balanced. I support it – all of it – and I congratulate our rapporteur.

Although I support the whole resolution, I shall concentrate on Hamas in my speech. Let me say to Mr Kox in particular that while Hamas may well have been legitimately elected – I certainly believe that it was – the election of a Hamas government fundamentally changes the international community's relationship with the Palestinian Authority. It is a total *non sequitur* for him to say that because the election was legitimate, the relationships of the international community must stay exactly the same because otherwise they would be seen as a slap in the face for the Palestinian Authority.

I consider it perfectly proper, when there is a new government that is clearly changing the international community's relationship with the Palestinian Authority, to say that the future financing of the Palestinian Authority must be linked to benchmarks for reform. If Hamas wishes to be welcomed by the international community – and I sincerely hope that it is – the speed and warmth of the welcome is clearly in its own hands. It will depend on the speed at which it, a sovereign government, determines to change some of its attitudes.

Balanced as the resolution is, there can be no misunderstanding. Despite slight nuances in the wording and slight changes in the way in which the resolution has been written, paragraphs 5, 7, 9, 10 and 12 all present a clear perspective that must be observed before we engage in meaningful negotiation with a Hamas-led government in the Palestinian Authority. It has been mentioned so many times. It is the renunciation of violence, the recognition of the right of the state of Israel to exist within secure internationally defined borders and the necessity to renounce violence without delay. It is the need to disarm, to renounce engagement in armed group activities, and to condemn terrorist activities. All those actions have been demanded time and again.

At paragraphs 10 and 12, it is asserted that we must ensure that those are preconditions for relations with the Palestinian Authority. However, that should in no way detract from the fact that, by the time that paragraphs 14, 15 and 16 were drafted, the committee had become totally bored with saying that those are preconditions, although the clear understanding in the committee in adopting the report was that, for those things to take place, and in particular for the forum that is mentioned to be created, those same preconditions apply.

I congratulate Mr Margelov. If there had been a few more days in which to draft the text, this would have been a more elegant report. However, the politics of the report is clear and I support it.

THE PRESIDENT. – Thank you, Lord Tomlinson. I call Mr Masi.

Mr MASI (*San Marino*) said that peace in the Middle East was not just the desire of locals, but was a requirement for everyone, as the situation there had led to bloodshed which had affected the whole world. The region needed development and peace: democracy and dialogue were the preconditions for this. If the international community withdrew financial support, the conditions for the Palestinian people would become intolerable and that would lead to instability. He was not happy with the election victory of Hamas, but the election represented a legitimate democratic choice. It was important to accept the election result, because self-determination of peoples was a watchword for the Assembly. However, the

Assembly should call on Hamas to recognise Israel and its existence within secure borders, and Hamas must reject violence. On the other hand, Israel was continuing to build a barrier which had been condemned by the International Court of Justice and the United Nations Security Council. It was carrying out a policy of targeted killings which the Assembly had condemned, and it was not respecting United Nations resolutions on settlements. So there were difficulties on both sides and it was necessary to bring them back to the table. In order to achieve peace, there must be security, and for security all parties must enter negotiations and formally recognise one another. However, these features should be the outcome of dialogue, not its preconditions.

THE PRESIDENT. – Thank you, Mr Masi. I call Mr Mota Amaral.

Mr MOTA AMARAL (*Portugal*) said that the situation in the Middle East had been on the agenda for many years and he felt that it would be for many to come. It had an impact not only on peace in the region, but on peace in the world. The Council of Europe had defended human rights, and he pointed out that terrorism was a major obstacle for human rights. The Sub-Committee on the Middle East had drawn up the report prudently. He was in favour of retaining the sub-committee regardless of some criticisms that had been made. Sometimes the international community put forward biased positions, but the sub-committee had avoided this. Terrorism must be rejected, because it could affect everyone indiscriminately and was a crime against humanity. At the same time three generations of Palestinians had been suffering and it was time to solve their problems. He supported the call in the draft resolution for Palestinians to have their own state.

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

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

Mr TOROSYAN (*Armenia*) noted that the debate was complex and sensitive. Mr Margelov had done well despite the inherent difficulties and had produced a balanced report. The Council of Europe had sent representatives to Palestine to observe the election there. They concluded that it was free and fair. However, the situation in the Middle East was tense and action was needed. The Council of Europe needed to formulate its stance. The results of any democratic elections should be recognised. None the less, elections were not an end in themselves and normal conditions needed to be created in order for democracy to flourish. It was the duty of the international community to create the necessary conditions for dialogue between Israel and Palestine. The Council of Europe had to shoulder some of that responsibility. The idea of a trilateral forum was a good one but it would be difficult to achieve. All initiatives to promote a return to peace and prosperity in the region should be undertaken.

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

Mr VRETTOS (*Greece*). – Europe must take a very careful approach to managing the Hamas Government without hurting the long-term interests of Israelis and Palestinians. Halting financial aid will have an impact on Hamas, but also on the Palestinians, who seem to be being punished because they decided to bring Hamas to power.

The World Bank estimates that, without tax revenue and the support of donors, unemployment would climb to nearly 50% and three out of four Palestinians would fall below the poverty line. Israel has already withheld \$55 million a month in customs, which is a large component of revenue, and EU foreign ministers have added to the pressure by the temporary halt in direct aid to the government. That aid is used, among other things, to pay civil servants, including security personnel.

We should concentrate not on what Hamas is saying but on what it is doing as the legitimately elected Palestinian Authority. For example, if its government can sustain a ceasefire and restore law and order in Gaza, it will have achieved more than Fatah. Recognition of Israel's right to exist is surely necessary, but that can come at the end of the negotiations. We should recall that Egypt and Jordan provided such recognition only at the end of their negotiations.

If we assume that Hamas is making efforts to keep the situation calm – that requires a response by the other side – the EU should institute a trial period without cutting financial aid. At the end of that period, the Palestinian Authority's performance would be assessed against its intentions on several issues: the acceptance of United Nations resolutions, respect for past agreements, demobilisation of militia men, and establishing contact with Israelis to promote mutual security and so on. That means that future EU assistance to the Hamas Government would depend on results. This would have nothing to do

with endorsing Hamas's ideology. Instead, it is a practical approach to ascertaining whether Hamas is prepared to transform itself.

This morning, I heard Mr Barroso expressing the views of EU foreign ministers. He said that he respected the outcome of the Palestinian election but that he did not trust the Palestinian Government to manage EU aid properly and to use it for peace and not for terrorism. If Israel continues to fix its borders unilaterally and if Hamas continues its intransigence, that will send the wrong signal.

I have a feeling that, once again, we are contributing more to unrest in the region than to the peace process that we are committed to protecting.

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

Mr GEGHAMYAN (*Armenia*). – The victory of Hamas has a special meaning because the Palestinian people preferred a national and religious party with its idea of solidarity, equality and care for the neighbour and because they turned away from the materialist liberal paradigm. Kadima's less-than-convincing victory shows the commitment of the Israeli people to the implementation of the road map with its idea of "security for territory".

In his victory speech, Ehud Olmert announced that he would like to appeal to the head of the Palestinian Authority, Mahmoud Abbas, and said, "We are ready to abandon our dream of possessing a united and indivisible Israel. I call on the Palestinians to abandon part of their wish and myths for the sake of living in peace with Israel". The political leader of Hamas, Khaled Mashaal, emphasised that Hamas would never abandon its principles and would not yield to persuasion to come to a reconciliation with Israel without the fulfilment of a basic condition: the liberation of all Palestinian territories, including Jerusalem, and the return of Palestinian refugees to their homeland. The issue of Jerusalem is very complicated and it is no accident that the Lord needed to send three different prophets to different places.

How can we cut the Gordian knot of the Palestinian-Israeli conflict that has brooded for decades? Let us recall the events of ten years ago. A crazy Jordanian soldier killed seven Israeli schoolgirls. Unlike other leaders in the Middle East, the King of Jordan did not seek to make excuses. He went to Israel, met the parents of the murdered children and went on his knees to pray with them. He repented on behalf of his country and expressed condolences. That gesture was tremendously important, because he displayed care and respect for human life, irrespective of whether it was Arab or Israeli life. That was only one act, but in it we can see a key to the solution of the problems hanging over the Middle East.

In 1998, at the signing ceremony of the Wye River memorandum between Palestine and Israel, a direct descendent of the Prophet Mohammed, King Hussein of Jordan, made a statement without a prepared text on the need to put an end to the culture of death and destruction and to find a place in a world that "we and our peoples deserve. A worthy place for the descendents of Abraham's children – the united Palestinians and Israelis".

These words are especially topical today for all of us. The current Azeri leadership could listen to the advice of the Prophet's descendant and abandon the dangerously militant rhetoric and the unleashing of violence. The Parliamentary Assembly of the Council of Europe could contribute to the acceleration of the international and legal recognition of Nagorno-Karabakh, which has been, de facto, democratically self-determined for more than sixty years and is independent. Only this can prevent the South Caucasus region from turning into a new Palestine.

(The speaker continued in Armenian)

In ancient Rome they had said that the empire had to be destroyed. This was a good analogy for the situation in Nagorno-Karabakh.

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

Mr KUCHEIDA (*France*) said that 2006 had not been the most auspicious beginning for a new phase in the Middle East. Two major problems had emerged. Since the elections in Palestine, which observers had confirmed were democratic, Hamas had been in power. That meant that the flame of enmity was burning again between Israel and Palestine. Israel was suffocating the Palestinian authority, which was now on the edge of bankruptcy. By making the Palestinian people hungry once again Israel risked turning them into savage beasts. Hamas needed to recognise the legitimacy of Israel. It was possible for radical organisations to change – for example, in Northern Ireland previously radical groups

were now engaged in the political process. He hoped that Hamas would renounce violence immediately. At the same time Israel needed to give Palestinians the means to subsist. Some elements were needed in order to secure enduring peace for everyone. These included equality; respect for the law; the abandonment of armed conflict; recognition of the road map; the correction of errors made in the building of the Israeli wall; the right of return of refugees; and the fair sharing of resources. He hoped that the Council of Europe and everyone else involved would use their reason and wisdom to prevent further degeneration in the region.

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

Mr SALLES (*France*) observed that many elections had taken place in the Middle East. The Council of Europe had sent observers to one election, in which Hamas had won an absolute majority. He did not believe that it was appropriate to contest the process, which had been deemed to have been free and fair. Nonetheless, the result needed closer examination. The first past the post system used in the elections had favoured a united Hamas party rather than the divided Fatah party. In fact, Hamas only had the support of 43% of the population in Palestine whereas Fatah had the support of 51%. Thus the majority of the Palestinian people did not support the ruling party. In addition, those who voted for Hamas did not vote for a terrorist organisation, but against the party to which Mr Arafat had belonged.

On 28 March, it had been the turn of Israel to go to the polls. Despite the absence of Ariel Sharon, his party had a strong lead and was now in a position to form a coalition government. The new prime minister had undertaken to further withdraw from Israeli settlements in a move that signalled that Israel was ready to move towards peace.

Iran had also recently had elections in which a religious fundamentalist party had triumphed. However, that election was neither free nor fair so the result could not be trusted. Europe needed to be proactive in bringing pressure to bear on Iran in order to prevent it from continuing with its uranium enrichment programme which clearly had a military aim.

It was impossible to enter into dialogue with a body that refused to recognise Israel and would not renounce violence. The Palestinian people had been taken hostage. The international community needed to form a united front and act responsibly. The Council of Europe was of course the place in which human rights were most respected. He called on the Assembly not to invite any members of Hamas, which he considered to be a terrorist organisation, to speak until Hamas recognised Israel and the Oslo agreement.

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

Mr FOSS (*Norway*). – Dear colleagues, my country, Norway, has the position of chairing the group of donor countries. The victory of Hamas poses new challenges for the donor community, particularly over how to channel assistance now that the new government is in place. There is broad agreement among donors, including the Quartet, that they do not wish to halt support for the Palestinian people. We must look at the facts and be realistic in order to prevent the Palestinian Administration from collapsing. Were that to happen, there would be long-term consequences not only for the Palestinians and Israel but for the whole region.

The situation calls for a common donor approach towards the Palestinian Administration. Like others, we fully support the principles agreed by the Quartet in our relationship with the Palestinian Administration. As has been said, the Palestinian people voted for change. The results of the elections are recognised and accepted internationally but for Hamas, entering government will mean meeting the requirements of the international community such as the principle of non-violence, recognition of Israel and acceptance of previous agreements and obligations including the road map. That has been said in the debate and is clearly stated in the draft resolution.

We also expect Israel to respect existing agreements including United Nations resolutions and decisions. We expect it to renounce the use of violence. Israel should transfer the revenues it has collected on behalf of the Palestinian Administration. They are Palestinian funds, and they constitute up to two thirds of Palestinian revenues.

THE PRESIDENT. – Thank you, Mr Foss. I call Mrs Vermot-Mangold.

Mrs VERMOT-MANGOLD (*Switzerland*) said that during the elections she had travelled to many different regions of Palestine as an observer. She had seen Israeli checkpoints, manned by young Israelis, everywhere. Those young people had power on a daily basis over anyone crossing the checkpoint. The

Israelis showed a lot of contempt for the Palestinians which earned them disrespect in return. This was not good for either Israelis or Palestinians. Farmers could no longer access their fields directly, and Palestinians faced many other daily problems. Hamas had won a democratic election; now they were being called a terrorist organisation. That morning Mr Barroso had said that the European Union would have liked to have helped the ordinary people of Palestine, but could not fund terrorists. However, no proper dialogue had taken place. Palestinians would become more radical in the future and this situation would help nobody. It was necessary to hold a dialogue with Hamas. The European Union could not accept a manifesto that promoted violence, but she wondered if the European Union had really helped Arafat. The answer was "no". The European Union could, however, have been more critical.

She asked who really were the terrorists and who was violating basic human rights. Those on both sides were using violence to defend their rights and the Assembly should condemn that. The ordinary people in Gaza were the ones that would lose out. They were basically living in a prison with no prospects other than to act as suicide bombers. She regretted that but recognised that such a situation was being systematically created in Gaza. She said that the chain of violence had to be broken by entering into dialogue with Hamas.

THE PRESIDENT. – Thank you. I call Baroness Hooper.

Baroness HOOPER (*United Kingdom*). – I regret that I was not able to be part of the team that observed the elections in Palestine in January. I was selected and would have been interested to take part had the date not changed. I very much welcome paragraph 2 of the draft resolution which must reassure all of us in underlining the commitment of the Palestinian people to the democratic process, which was evident to the observers of the election.

Like many colleagues who have spoken today, I believe that the report, on which I congratulate the rapporteur for its clarity, carries a clear and unequivocal message. I welcome that; it represents a European viewpoint and one based on the democratic traditions and standpoints of the member countries of the Council of Europe.

Paragraph 5 carries a message that I believe bears repeating again and again. It is that "it is a matter of priority that Hamas, the winner of the parliamentary elections, renounces violence, disarms and recognises Israel's right to exist." I also welcome paragraph 14, which refers to the role of the Council of Europe in "facilitating contacts between members of the Palestinian Legislative Council and the Knesset at parliamentary level." That is a proper as well as an important and realistic way in which we in the Council of Europe can help.

The European Union foreign ministers in their statements of 30 January and 10 April have supported that line. I believe that other international organisations such as the Inter-Parliamentary Union can also help to encourage contact at parliamentary level. I can only hope that that will encourage regional bodies in the Middle East, such as the Arab League and even the Muslim Council, whose distinguished Secretary General addressed our Assembly at its last session. They should take steps to reinforce all attempts to bring the new Government of Palestine and the new Israeli Prime Minister to develop a dialogue.

Finally, in the spirit of paragraph 11.6 of the draft resolution, which encourages the leaders of Hamas to "recognise the rights of the Palestinian people to live freely and safely in their own independent state with international recognised borders", I very much hope that the international community will continue to provide humanitarian aid and to build on health and educational exchanges and initiatives in order to create a peaceful future for the Middle East.

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

Mr HÖRSTER (*Germany*) said that the Council of Europe had tirelessly looked at other countries and called upon them to enforce democratic elections. Palestine had done so. The international observers had stated that they were so correct that some Council of Europe countries should follow their example. There were those who thought that the elections had been discredited because Hamas had won. He noted that in some Council of Europe countries it was possible to have an absolute majority in Parliament with less than 40% of the vote; so the "discredited" argument should be left aside.

Prior to the elections, Hamas had had great influence in Palestine. Following the elections, Hamas had come out into the light and now had to show that they were capable of organising competent government throughout Palestine, including the provision of local government, health and education.

Nobody, especially Israel, could be expected to hold a formal dialogue with Hamas, given that Hamas was calling for the elimination of the Israeli state. But informal contacts had in fact been established. The Assembly had to avoid demonisation of Hamas and work out how to deal with the new Palestinian Government. Mr Margelov had presented his case in a balanced way, but the report had overlooked a number of points. He asked why Europeans did not speak about the Ayalon-Nusseibeh plan which was four years old and had proposed territorial integrity for both Israel and Palestine. He also asked why the report made no mention of the Geneva Accord, even though it was a positive example of civilian commitment to resolving conflicts.

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

Mr FOMENKO (*Russian Federation*). – Trilateral dialogue is a good idea, but, as we have seen, good ideas can be stopped by such simple technical obstacles as not issuing visas for some members of the Palestinian delegation. This raises an important question for us. It is not a question of recognition by Hamas of the state of Israel. The Palestinian Council has already recognised the existence of the state of Israel and we do not need that recognition repeated by any incoming government. The fact that 52% of French people are in favour of the death sentence does not mean that we need new legislation to repeat the ban on the death penalty.

We need not talk too much about the past activities of Hamas leaders. Russian Prime Minister Primakov last week reminded us that two famous and respectable Prime Ministers of Israel, Mr Begin and Mr Shamir, used to be terrorists wanted by the British Government, but that did not stop the international community holding peace talks with them. The important question for us as a parliamentary assembly concerns our independence and freedom to encourage a dialogue about different parts of the Middle East conflict. The essential thing is to find a place in Europe where the Council of Europe Parliamentary Assembly can play host to partners seeking not war but peace.

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

Mr EITAN (*Observer from Israel*). – I want to stress in the name of the Israeli Knesset delegation our appreciation for the thorough and extensive work of the rapporteur, Mr Mikhail Margelov. Naturally, we disagree with some points, but we believe that the report and the draft resolution represent sincere efforts to support the peace process in the Middle East.

The winner of the elections for the Palestinian Authority was Hamas. The nature of Hamas can be seen in its charter and in its covenant, which says “Allah is its target. The prophet is its model, the Koran its constitution. Jihad is its path and death for the sake of Allah is the loftiest of its wishes.” Was democracy a victor in the elections? Do you believe that the people who are committed to these words will advance democracy anywhere?

Given the commitment made by the new Palestinian leadership to die in the name of Allah to achieve political goals, it would be naïve and possibly even dangerous to praise Palestinian democracy, and to expect – as is declared in paragraph 2 of the draft resolution – that the result of the elections is “an important step forward in the creation of democratic institutions in the Palestinian territories”. The report and the draft resolution ignore the fact that Hamas, as quoted, considers itself to be a wing of the worldwide organisation of the Muslim Brotherhood. That organisation is a nightmare to moderate Arab countries in our region, which do their utmost to prevent its expansion and influence. Moreover, the victory of Hamas may, in the long run, have a negative effect on the relationship between Muslims and non-Muslims in Europe.

Paragraph 11.2 calls on Israel to “halt military operations” against terrorist organisations. I do not believe that any member of the Assembly means to deprive Israel of its natural right to self-defence. What should we do? Should we wait until the terrorist comes to our schools and our buses and commits suicide by blowing himself up? Are we not allowed to kill terrorists when they are preparing for such action? They declared war upon us.

Finally, let me state very clearly that no official representative of the Knesset will take part in any Tripartite Forum for as long as a Hamas member participates. I can assure the Assembly with the same conviction that once Hamas has accepted the principles of the sanctity of human life, democracy, non-violence, peace and tolerance, we shall be glad to sit at the negotiating table and contribute as much as we can to the success of the peace process for which we and the Palestinians yearn so much.

THE PRESIDENT. – Thank you. I call Mr Özal to speak on behalf of the European People’s Party.

Mr ÖZAL (*Turkey*). – I warmly congratulate our colleague Mr Margelov on his constructive and balanced report.

The establishment of a lasting and comprehensive peace in the Middle East, as well as the evolution of its geography into a stable and prosperous region, is the shared desire and goal of the international community. Today we observe once again that the Middle East peace process has lapsed into a period of uncertainty. Nevertheless, we should retain our optimism. There is no reason not to believe that both parties will gradually move towards a more pragmatic stance after the completion of their government formation processes. On the other hand, we should bear in mind the fact that the redefinition of the relationship and the establishment of a *modus vivendi* between the parties will obviously take time.

The results of the Palestinian Legislative Council elections cannot be interpreted as a rejection of the peace process, or as an approval of violence as a means of achieving political ends. Having translated its widespread popularity among Palestinians into a landslide victory in the elections, Hamas should renounce violence. It should also accept Israel's right to exist within secure and recognised borders side by side with a future Palestinian state, and endorse all previous agreements in the peace process, including the road map.

On the other hand, during this transition period we, the members of the international community, should refrain from adopting an uncompromising stance against Hamas. We should remember that the international community showed no objection to Hamas standing in the elections, and we should respect the democratic decision of a people. We should bear in mind that any hasty measure, such as the suspension of international assistance for Palestinians or ignoring the existence of Hamas, might complicate the situation further. We should also bear in mind that a prolonging of the conflict will hurt the people of the region, especially the impoverished Palestinian population.

Turkey, with its strong ties to the region, has always been a strong supporter of the Middle East peace process. It was because of that consideration that the Turkish Government did not turn down Hamas's request to visit Turkey. In February, a Hamas delegation visited Ankara. The Hamas leadership was strongly advised to meet the requirements of the Quartet: to renounce violence, to recognise Israel's right to exist, and to commit itself to previous agreements adopted during the peace process.

I believe that in the meantime – just like Hamas – Israel must not only stop extrajudicial killings, but stop killing innocent civilians including many women and children, such as the 8-year-old girl killed yesterday during shelling of refugee camps. That is no way in which to establish peace and advance democracy. Israel must also comply fully with the pertinent United Nations resolutions, and remember its previous commitments in the road map that it accepted on 25 May 2003.

Apart from those current political issues, the need to address the economic and social problems of the Palestinians remains a priority. Any effort to revitalise the peace process urgently requires the alleviation of the serious economic and social problems of the Palestinians. That will also help to keep alive their hopes for a viable statehood, and it should be adopted as a moral and humanitarian duty by the international community. In that understanding, the international community should give concrete support to the Palestinian side in the framing of a structured plan of action.

I am convinced that, as the main human rights body of the European continent, the Council of Europe could and should contribute to the promotion of democracy, human rights and the rule of law in the Middle East. Unless prejudices are eradicated from people's minds, there is no point in talking about dialogue. I sincerely believe that the Council of Europe should increase its role in the promotion of democratic values, with particular emphasis on intercultural and inter-religious dialogue in the whole region, and that the Political Affairs Committee should continue to follow the matter up.

THE PRESIDENT. – Thank you. I call Mrs Aburto.

Mrs ABURTO (*Spain*) said that the process of bringing the two sides together in the Middle East was long and difficult, but it had to be pursued. She came from a country that knew what terrorism meant. It had suffered internal terrorism for forty years, and three years previously it suffered from international terrorism. Israel was entitled to take action to tackle terrorism, but it could not do this in defiance of human rights. She had observed the elections in the Palestinian territories and could confirm that they had been fair. However, there must be an expectation of peace from both parties. The relationship between the west and the Islamic world should also be looked at, in particular its impact on the Mediterranean countries.

THE PRESIDENT. – Thank you, Mrs Aburto. I call Mr Rigoni.

Mr RIGONI (*Italy*) endorsed the report. He said that all the protagonists in the Middle Eastern problems must recognise the role of the Council of Europe. Without a constructive attitude from the Israelis the peace process would run aground. On the other hand, Palestinian terrorism had been used by Israel to justify reprisals, and it had also damaged the reputation of the Palestinian cause. The Israeli barrier also had a negative impact. The draft resolution recognised the pragmatic attitude of the Palestinian National Authority, which was not allowing itself to be provoked by Israel. The report stated that Hamas was going through the same process that the Palestinian Liberation Organisation and Fatah had already been through. It also saw the victory of Kadima as a sign of hope. The Quartet would have an important part to play and should stress a balanced and firm approach. Both parties must accept full mutual recognition, renunciation of violence and mediation. The Council of Europe had experience of using dialogue as a basis for co-existence, which could overcome the mentality of "friend or enemy". He also welcomed the idea of a tripartite forum.

THE PRESIDENT. – Thank you, Mr Rigoni. I call Mr Zingeris.

Mr ZINGERIS (*Lithuania*). – I join colleagues in congratulating Mr Margelov on his involvement and on the job he has done. We have before us a report on an incredible issue that involves countries in the European neighbourhood, and we should learn two lessons from history about elections. The elections in Palestine were free and fair. The question is, how should we deal with elections that were free and fair when we have to deal with Hamas – a party that before the elections adopted a charter calling for the extinction – the elimination – of a neighbouring nation?

So, when the elections were free and fair, what should be done when the party that won those elections declares its targets and does not want to change? How do we deal with those facts and such a history? We should remember that Adolf Hitler was elected. When the German army invaded Lithuania, my mother was arrested and put into a German camp. All my family were killed in gas chambers in concentration camps in Germany by the elected Government of the Third Reich.

How should we react to the Iranian Government when the President denies the Holocaust, for example? That is forbidden under German law, but he continues to do it. How do we deal with the link between the Iranian Government and Hamas people? With such an incredibly negative heritage, should we invite them to our table to talk or, before we do so, should we ask them at least to change some points in their charter and to change their attitudes before they come to talk to us? Should we ask them to change education in middle schools, where hatred is No. 1 and a new generation is being indoctrinated not with tolerance and the ideas of this Assembly, but with ideas of hatred and revenge? How should we deal with that?

We should not undermine the efforts of the Quartet, and before we sit at the table with people who have been fairly elected we should ask them to change at least the first priorities in their party's activities and the constitution of their party. I think that is the minimum.

THE PRESIDENT. – Thank you, Mr Zingeris. I must now interrupt the list of speakers. I sincerely believed and wished that every member of the Palestinian Legislative Council believed in the core values of the Council of Europe, which are democracy, human rights and the rule of law. That includes the right to exist and to be present here to participate in the debate. Unfortunately, that is not the case.

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.

I call Mr Margelov to reply. You have four minutes, which may be shared with the rapporteur of the committee for opinion.

Mr MARGELOV (*Russian Federation*). – I shall try to be brief. Rapporteurs are normally congratulated on their work, and I thank you for those congratulations. However, let us be honest. We cannot do much without the assistance of our staff. Let us all congratulate Mrs Agnieszka of the Political Affairs Committee. She did an enormous amount to help the rapporteur draft the report.

The first question that comes to me after the debate is how we should move forward. What do we have to do after we vote on the resolution and draft recommendation? We have to sustain the unique character of this Assembly, which is a mechanism for those who wish to speak to each other and for those politicians who want dialogue when governments cannot find a proper way of communicating with each other. This Assembly is the place where Azerbaijanis speak to Armenians and Russians talk to Georgians.

Even different Chechen groups were able to talk to each other at the round table organised by the Council of Europe.

If we are to sustain the talking mechanism for Israelis and Palestinians, we must remain such a unique Assembly. That is why we must look forward when we discuss the resolution and draft recommendation, and vote on them and the amendments.

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

Mr SEVERIN (*Romania*). – I do not need to add anything to what Mr Margelov said. He expressed my views.

THE PRESIDENT. – Thank you. I call Mr Ateş, the Chairperson of the Political Affairs Committee.

Mr ATEŞ (*Turkey*). – I thank the rapporteur for an excellent report and the Secretariat for its excellent work.

I want to make one thing clear. This Assembly has passed two resolutions. Resolution 1245 was passed in 2001 and Resolution 1420 was passed in 2005. Both resolutions asked the Political Affairs Committee to organise a Tripartite Forum to which we had to invite two people from the Knesset and two people from the Palestinian legislative council. We did not have the right to choose who should come.

We were very successful in organising the Tripartite Forum, but this time there have been difficulties and the Palestinian Legislative Council was not able to send any representatives or they were prevented from coming. It is not clear what happened and we are trying to investigate the real reason why the Palestinians could not come. However I hope that the forum will meet successfully in the near future in this Chamber.

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

The Political Affairs Committee has presented a draft resolution to which three amendments have been tabled. They will be taken in the following order: Nos. 2,1,3.

I have also received notice of six oral amendments from Mr Salles. An oral amendment may not be put to the Assembly unless it meets the criteria in Rule 34.6. In my opinion, these oral amendments do not meet those criteria and I cannot put them to the Assembly.

We come to Amendment No. 2, tabled by Mr Emanuelis Zingeris, Mr Tadeusz Iwiński, Mr Zbigniew Rau, Mrs Janina Fetlińska, Mr Tadeusz Wita, Mr Krzysztof Bosak, Mr Miroslav Beneš and Mr Tomáš Jirsa, which is, in the draft resolution, after paragraph 2, insert the following paragraph:

“However, the Assembly notes that democracy does not end with elections. Democracy has never been merely a procedural process such as holding elections, but represents a complex of substantive values that include basic principles promoted by the Council of Europe such as peace, tolerance, the sanctity of human life, the negation of violence as a political tool, and respect for the rule of law.”

I call Mr Zingeris to support Amendment No. 2.

Mr ZINGERIS (*Lithuania*). – This proposal is from colleagues in the Social Democratic and Conservative parties in the Assembly. It refers not only to elections, but to the quality of democracy.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment? I call Mr Kox.

Mr KOX (*Netherlands*). – Although I totally agree with the text of the amendment, I will vote against it. It refers only to paragraph 2 on the Palestinian elections, but would not add anything to paragraph 6 on the Israeli elections. If we are talking about universal values, both countries should be treated equally so that we avoid an imbalance. I advise you to vote against the amendment because it would create such an imbalance.

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

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2 is adopted.

We come now to Amendment No. 1, tabled by Mr Ignacio Cosidó, Mr Miguel Barceló Pérez, Mr Adolfo Fernández Aguilar, Mr Gabino Puche, Mr Miguel Arias and Mr Joan Albert Farré Santuré, which is, in the draft resolution, replace paragraph 15 with the following paragraph:

“None the less, the Assembly maintains that the application of Assembly Resolution 1245 (2001) should be conditional on fulfilment of the actions set out in paragraph 10 of the present resolution.”

I call Mr Cosidó to support Amendment No. 1.

Mr COSIDÓ (*Spain*) said that, in the light of the afternoon’s discussion, he was sure that everyone would agree that politics could not be compatible with terrorism. Any dialogue between the Council of Europe and the Palestinian Authority had to be based on the renunciation of violence. The Council of Europe was a forum only for those who believed in freedom.

THE PRESIDENT. – Thank you. Does anyone wish to speak against the amendment? I call Mr Kox.

Mr KOX (*Netherlands*). – My point is similar to the one that I made on the previous amendment. I totally agree on the need to renounce violence, but all parties must do so. We invited members of the Palestinian Parliament and, as the Chairman of the Political Affairs Committee said, we did not decide who we would invite.

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

Mr ATEŞ (*Turkey*). – Against.

THE PRESIDENT. – The vote is open.

Amendment No. 1 is rejected.

We come to Amendment No. 3, tabled by Mrs María Rosario Fátima Aburto, Mr Joan Puig Cerdó, Mr Lluís Maria de Puig, Mrs Meritxell Batet and Mr Ramón Jáuregui, which is, in the draft resolution, after paragraph 16, add the following paragraph:

“The Assembly believes that the Committee of Ministers should reaffirm its commitment to the establishment of negotiations of the peace process with all possible diplomatic and political efforts.”

I call Mrs Aburto to support Amendment No. 3.

Mrs ABURTO (*Spain*) said that in her view the Council of Europe in particular should seek to resolve this problem.

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

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We will now proceed to vote on the draft resolution contained in Document 10882, as amended.

The vote is open.

The draft resolution in Document 10882, as amended, is adopted.

6. Social reintegration of prisoners

THE PRESIDENT. – The next item of business this afternoon is the debate on the report on the “Social reintegration of prisoners” presented by Mr Gülçiçek on behalf of the Social, Health and Family Affairs Committee Document 10838, with an oral opinion presented by Mr Hunault on behalf of the Committee on Legal Affairs and Human Rights.

The list of speakers closed at 12 noon today. Thirteen names are on the list and eight amendments have been tabled.

I remind members that the Assembly agreed yesterday that speaking time in today’s debates is limited to four minutes. I remind you that we have already agreed that in order to finish by 6.35 p.m., we shall interrupt the list of speakers at about 6.10 p.m. to allow time for the reply and vote.

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

Mr GÜLÇİÇEK (*Turkey*) said that the social reintegration of prisoners and the question of how to deal with recidivists had been the subject of broad discussions in Europe. Firstly he wanted the Assembly to consider whether prison had anything to do with the social reintegration of prisoners. If people were in prison for a long time, de-socialisation occurred because it was harder for prisoners to retain their ties with the outside world. Reports showed that the situation in most cases was that a prison record was a drawback when it came to reintegrating into society. Prisoners often found themselves ill-equipped for society. The lack of understanding on the part of those affected; the lack of specialisation of prison officers and the lack of government spending meant that the reintegration was not often successful. Successful reintegration into society needed to be gradual and long drawn out and needed the input of medical and social services. In order to rectify matters, it would be necessary to address what happened in custody, and then what happened afterwards.

During detention, the situation for most prisoners deteriorated because they had no information from outside, no education and no work. In France, for example, 6% of released prisoners re-offended within a year; and 60% returned to prison within six years. It was important that all societies respected the right of prisoners to education, information and work. In particular, prisoners needed to be able to earn some money in order to accumulate savings to use upon their release. It should become general practice that prisons allowed conjugal visits and prisoner leave to help ensure the gradual re-introduction of offenders into society.

Tagging – which had been developed in the 1960s and applied in the United States, Canada and the United Kingdom – eased conditions in prison by keeping the population down. In addition, society saw a decrease in re-offending rates. Prisoners needed to be returned home more quickly subject to stringent supervision.

It was even more important that prisoners were helped after their release. Most of them felt some trepidation before their release. Governments needed to provide the necessary support. In most European countries that did not happen. Support for ex-offenders should include helping them to find jobs.

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

Mr HUNAUT (*France*) welcomed the report and congratulated the rapporteur on both its topicality and high quality. Prison was designed for punishment and to keep society safe, but these necessities did not justify inhumane conditions. He argued that prisons broke both prisoners and their families. Prison policy should strive towards the genuine rehabilitation of prisoners. There was a need to defend human rights in all circumstances, including in places of detention. The Council of Europe had to provide binding legal standards on prisons. He welcomed the fact that the recommendations of the Council of Europe’s 2004 report had been followed. The current report followed up on that earlier report and put forward the view that reintegration of prisoners was an essential principle. He welcomed the ideas of the rapporteur. Work and training in prisons was essential to the human dignity of prisoners, and the only way to combat recidivism and to avoid the desocialisation of prisoners.

THE PRESIDENT. – Thank you. I call Mr Wach on behalf of the Group of the European People’s Party.

Mr WACH (*Poland*). – Today, we are discussing a very important issue that concerns millions of people in all states in Europe, namely prisoners and their close families. But, if we take into account society in our countries, with all its mutual connections and relations, this subject concerns us all.

Humane treatment and conditions of detention that enable personal progress and improve chances of convicts for social reintegration, instead of generating hate and further demoralisation, are vital for our societies.

Generally speaking, the report deals with these problems properly, and the draft recommendation is correct, although somewhat too concise. It deserves to be adopted, and, what is equally important, it should be widely and successfully implemented by governments and the proper prison authorities. But this discussion gives us the opportunity to make some remarks and stress some very important problems.

The first point is about lesser penalisation of crimes. I speak against the loud cries that can be heard in many countries of Europe that more severe penalisation and longer sentences are needed because more and more cruel crimes are being committed. This view is generally based not on knowledge or study of statistics but on an impression obtained from the media. They present the most violent crimes, out of proportion to what happens in reality. People should realise that a higher level of detection of crimes and a shorter period from the offences being committed to conviction are a more important deterrent for potential offenders than are long sentences.

The second point I would like to present is to do with the development of alternative forms of penalty. There is no use in keeping non-violent offenders and some categories of white-collar offenders in jail for months or even years, leading to worse living conditions for other prisoners, who should really be isolated from society. States and proper authorities should share information about practical ways of implementing alternative means of penalisation and should look outside Europe to see what others do in this field.

I stress the role of education in places of detention. It is present in the draft recommendation but, in my opinion, not in a sufficient manner. Paragraph 12.1.7 mentions enabling prisoners "to follow vocational courses". I am convinced that governments and prison authorities should take the steps necessary to provide access to various educational levels for convicts, so that they can achieve high school education level, or even tertiary education level under some conditions.

Visiting some prisons in my country, I have seen that the school room offers an oasis in a world of closed, barred and locked space. The few classes with hanging maps, diagrams and other school facilities are a reminder of freedom and give hope of rejoining society.

All these matters require properly trained prison staff receiving satisfactory salaries. This is a problem, especially if society has a hostile attitude to prisoners in general. Therefore, we repeatedly have to urge member states on and to monitor the situation constantly. These remarks come from a man who is not a lawyer but a citizen engaged in education and who has had the opportunity to visit detention centres as a parliamentarian.

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

Mr MARQUET (*Monaco*). – thanked the rapporteur for the serious and all-encompassing work he had done on such a difficult subject. The report was an attempt to calmly deal with complex and controversial issues. Prisons were not just designed for punishment, but were also meant to rehabilitate. However, a great number of European prisons did not achieve this objective. Prisoners could not be left to their fates just languishing in their cells. Prisoners had to spend a reasonable part of the day outside their cells occupied in activities that would motivate them. The situation was even worse for minorities and women. He was concerned that the member states of the Council of Europe did not respect their commitments on the treatment of prisoners. A sound penitentiary policy was at the very heart of civilised society. Gratitude was expressed to those who had enabled both he and his colleagues to visit a women's prison.

(Mr Preda, Vice-President of the Assembly, took the Chair in place of Mr Mercan.)

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

Mr MALINS (*United Kingdom*).— I congratulate the rapporteur on a report that I think is thorough and thoughtful. Prison has two purposes: first, to punish and detain the prisoner, but second and equally important to prepare the prisoner to re-enter society as a better person, better equipped to lead a good life. It is in relation to that second important aspect that nearly all countries fail.

I must tell you of some appalling facts about UK prison life. We have the highest imprisonment rate in western Europe; 80 000 prisoners in total at a cost of €60 000 per prisoner per year. That is twice the price of the most expensive school in the UK. Two thirds of our prisons suffer from severe overcrowding. There are nearly 5 000 women in prison in the UK, two thirds of whom are mothers. It is estimated that 17 000 children see their mothers imprisoned every year. About 70% of male and female prisoners have been diagnosed with two or more mental disorders. They are not treated properly in prison; nor are the many drug addicts who are also there. Up to 80% of our prisoners are functionally illiterate. Huge numbers enter and leave prison unable to read or write.

Those are dreadful facts, and the result of course is that re-offending rates are high. Some 60% of all prisoners in the UK are convicted of another crime within two years of release. The figure is worse, 72%, for prisoners aged 18 to 20. It is a shameful situation that we cannot tolerate, but I am an optimist. I believe that we can change things if we work hard enough.

I want to make four key points. First, there is a need for education and training. Do you know that in our best-known young offenders prison, near London, youngsters spend only 10 hours a week undergoing education, and in some youth prisons the figure is as low as six hours a week? Surely to goodness 25 hours a week of education and training is the absolute minimum needed.

Secondly, we must develop an industrial style of prison work. This operates in some prisons in Germany and Sweden, but in only one UK prison, Coldingley in Surrey, where real work experience is provided. We should introduce that much more widely. Thirdly, there is much evidence that involvement in sport, including team sport, is especially helpful in diverting young men from crime, yet there is virtually no sport in UK prisons.

Finally, long-term prisoners have special needs on release, so we need more resettlement prisons. We have one in Kent. Long-term prisoners nearing the end of their sentence go to that prison to work and earn a proper income, and they can save that money. I know that one prisoner left there with €40 000 saved. So prisoners leave there with money and a proper job and, usually, a home to go to. No wonder re-offending rates for people from that prison are so low.

I believe that there is much to be done and that Council of Europe countries should exchange examples of best practice. Surely we all believe that an effective and humane prison policy everywhere is not only right in principle but essential, not least because in the long run we will all thereby save society a great deal of money.

THE PRESIDENT.— Thank you. Mr Loncle is not here, so I call Mr Bougas.

Mr BOUGAS (*Greece*).— Penal law requires that a prison sentence must be perceived by those who have committed a crime as a *malum*, a painful punishment for an action of which society intensely disapproves. It does not require though that deprivation of freedom should render prisoners incapable of rejoining the community as law-abiding people. On the contrary, the efficiency of a penal and penitentiary system can and must be evaluated on the criterion of its suitability for encouraging the social reintegration of prisoners.

Only in that way can a prison sentence be accepted and justified as a measure of achieving general and specific crime prevention; otherwise it could degenerate into an inhuman mechanism that incorporates prisoners in the prison subculture, aggravates their tendency to commit criminal offences and reduces or even eliminates their chance to make a new start. Most studies indicate that finding a job with a wage that they can live on is the main problem that ex-prisoners face on release. Poor education and a lack of professional skills restrict their access to suitable job opportunities, exactly in the same way as they impelled them to commit crime.

It is therefore encouraging that, among other things, the recommendation draws attention to the duty of each Council of Europe member state to take sufficient measures to provide prisoners with the education and vocational training that they have been deprived of all their lives. The introduction of such programmes into the everyday life of prisoners can provide them with professional skills adequate for obtaining a job, as long as certain requirements are fulfilled. Such training should be adjusted according to

market needs. For example, in some Greek prisons there are training programmes that award their participants a motor mechanic's certificate because it has been found that ex-prisoners are quite likely to find a job in a garage.

Furthermore, ex-prisoners should be encouraged to start a small enterprise. In that way they can avoid being rejected by employers because of their criminal past. In Greece, where there are high numbers of self-employed people, ex-prisoners are entitled to a subsidy of €16 000 to open their own shop.

It is generally accepted that the state has an obligation to take positive measures to ensure that prisoners will not re-offend. Our society has to meet that responsibility, set aside its prejudice and give prisoners a second chance.

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

Mrs HURSKAINEN (*Finland*).– As the report notes, the reintegration of prisoners presupposes that detention is organised in such a way as to facilitate a return to normal living conditions. The improvement of the social reintegration of prisoners is prescribed by law in Finland. According to research by the Criminal Sanctions Agency in 2003, 65% of prisoners will not return to prison, but 1% or 2% of prisoners do not manage to reintegrate into the normal life of society. That group presents a huge challenge.

As well as the co-operation of the social, medical and juridical services, the multidimensional process of reintegration requires other factors to be taken into account to ease the process of returning to society. Families play a key role in facilitating a return to normal living in society. That was one of the findings of research by the Criminal Sanctions Agency during the year before last. The research also found that a prisoner's relatives should be seen as a significant resource for social reintegration. Family work in prisons should be organised more systematically throughout the term of imprisonment, and should be based on an individual plan and more intensive network co-operation on the part of those involved.

As the report says, the cutting of detainees from their families should be avoided. Contact with their families is extremely important to the social reintegration of prisoners, and it is also one of their fundamental rights. Close personal relationships are important to many processes. The family ties of prisoners should be given all possible support, not just during but after the term of imprisonment.

THE PRESIDENT. – Thank you. I call Mrs Bilgehan.

Mrs BILGEHAN (*Turkey*) said that respect for human dignity was indispensable for a democratic state. The Court of Human Rights had stated that prison conditions must not undermine dignity, nor lead a person to feel degraded. In the past, Commission reports had stated that overcrowding, lack of proper bedding, poor heating, the absence of leisure pursuits and absence of contact with the outside world were all relevant to questions of degradation and inhumanity. The civil rights of released prisoners must be upheld, and the state must help them to resume a normal life. There must be no discrimination, and the report quite rightly suggested guidelines on this matter as well as addressing improvements inside prisons. The Turkish authorities had undertaken a root and branch reform of their prisons in recent times, introducing gyms and exercise yards. The European Court had stated that Turkey's Type F prisons were now of a high standard. It was regretted, however, that large numbers of prisoners still reoffended in Turkey within five years of release and progress in that area was looked forward to. She thanked the rapporteur for addressing the position of women and young offenders.

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

Mr GREBENNIKOV (*Russian Federation*) said that reform was necessary otherwise high levels of recidivism would occur, which was costly and disadvantageous to the state. The Assembly should not just set out principles on that matter, but should give practical guidance to states on how to reintegrate offenders into society in a constructive way. He refused to accept that some individuals could never be reintroduced to society. No matter how difficult their circumstances, prisoners still deserved help. This would cover training and finding a job. An offender had the right to expect that society would do what was needed to stop him returning to crime.

THE PRESIDENT– Thank you. I call Mr Fedorov.

Mr FEDOROV (*Russian Federation*) said that one should consider not only those serving sentences in prison, but also those who were working with them. Prison guards and others working to rehabilitate offenders had a tough job. He was impressed that the report drew attention specifically to the position of children in detention and of women. There was a saying in Russian that a long journey starts with small steps. In the context of reintegration of prisoners, it meant that young offenders must be helped to learn a profession and become fully active members of society in order to stop them falling into a life of crime. Conditions in Russia had improved in recent years, with over 450 observers making more than 1 000 visits to remand and detention facilities. The most important thing was to preserve the dignity of the individual, to teach them respect for the law and to help them return to a normal life. He pointed to a scheme in Russia, following which over 80% of released offenders obtained jobs and 76% obtained housing. Finally, he drew attention to the great potential for work among the prison population.

THE PRESIDENT (Translation) .– 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.

I call Mr Gülçiçek, to reply. You have four minutes which may be shared with the rapporteur of the Committee for opinion.

Mr GÜLÇİÇEK (*Turkey*) thanked the contributors to the debate and he also thanked the Secretariat and the Social Affairs Committee for their help with the report. He hoped that the report would help to improve conditions within prison and advance social reintegration, thereby reducing rates of recidivism.

THE PRESIDENT (Translation) .– Thank you. I call Mr Hunault, Rapporteur of the Committee of Legal Affairs and Human Rights.

Mr HUNAUT (*France*) thanked the speakers in the debate. He said that calls for greater strictness in sentencing were often heard. For instance, when capital punishment was abolished, there were frequent calls for longer sentences, but that created problems of overcrowding and excess demands on resources. He hoped that the call for social reintegration would lead states to devote adequate resources to the matter. He endorsed the comments of Mr Fedorov on the role of those working in prisons.

THE PRESIDENT.– Does Mr Glesener, Chairperson of the Social, Health and Family Affairs Committee, wish to speak?

Mr GLESENER (*Luxembourg*) said that reintegration was a key part of a democratic society. This was fundamental to the report. A draft report had been presented to plenary in January and it had been amended since then. He thanked Mr Gülçiçek and Mr Hunault.

THE PRESIDENT (Translation). – Thank you.

The debate is closed.

The Social, Health and Family Affairs Committee has presented a draft recommendation to which eight amendments have been tabled. They will be taken in the order in which they appear in the notice paper: 1 to 4, 8, 5, 7 and 6.

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

We come to Amendment No. 1, tabled by Mr Humfrey Malins, Mr Nigel Evans, Mr David Wilshire, Mr John Greenway and Mr Robert Walter, which is, in the draft recommendation, paragraph 3, replace the word "most" with the following word:

"all".

I call Mr Malins to support Amendment No. 1.

Mr MALINS (*United Kingdom*). – This is a minor amendment. Paragraph 3 of the draft recommendation says that many former prisoners reoffend in "most" Council of Europe member states. I think that happens in all member states and that is why I have tabled this minor amendment.

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 GLESENER (*Luxembourg*) (Translation). – In favour.

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

Amendment No. 1 is adopted.

We come to Amendment No. 2, tabled by Mr Humfrey Malins, Mr Nigel Evans, Mr David Wilshire, Mr John Greenway and Mr Robert Walter, which is, in the draft recommendation, paragraph 3, replace the word “five” with the following word:

“two”.

I call Mr Malins to support Amendment No. 2.

Mr MALINS (*United Kingdom*). – This is a minor amendment about which I do not feel strongly. However, statistics in the UK generally indicate that reoffending occurs within two years and I truly believe that many former prisoners across Europe reoffend within two years. That picture is starker and bleaker than the one set out in the report, and I believe that it reflects the truth. I therefore hope that the rapporteur will agree to the amendment.

THE PRESIDENT. – Thank you. Does anyone want to speak against the amendment?

I call Mr Gülçiçek.

Mr GÜLÇİÇEK (*Turkey*) said that state figures indicated that five years was better than two years, which was too short.

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

Mr GLESENER (*Luxembourg*) (Translation). – Against.

THE PRESIDENT (Translation). – I understand that Mr Malins wishes to withdraw the amendment.

Amendment No. 2 is withdrawn.

We come to Amendment No. 3, tabled by Mr Humfrey Malins, Mr Nigel Evans, Mr David Wilshire, Mr John Greenway and Mr Robert Walter, which is, in the draft recommendation, paragraph 4, after the word “including”, insert the following words:

“failure by prison authorities to provide positive help to prisoners at the end of their sentences with work and housing.”.

I call Mr Malins to support Amendment No. 3.

Mr MALINS (*United Kingdom*). – The fourth draft recommendation says that there are many causes for reoffending. I believe that a critical cause is the failure of prison authorities to provide help to prisoners at the end of their sentences with work and housing. Work and housing are critical to reoffending rates and I hope that the committee sees fit to accepting the amendment, which adds strength to the recommendation dealing with the causes of reoffending.

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

I call Mr Marquet.

Mr MARQUET (*France*) said he did not believe it was the role of the prison authorities to find prisoners somewhere to live on release.

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

Mr GLESENER (*Luxembourg*) (Translation). – Against.

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

Amendment No. 3 is adopted.

I understand that the Social, Health and Family Affairs Committee wishes to propose an oral amendment that would replace Amendment No. 4 and that the oral amendment is acceptable to Mr Malins, the mover of Amendment No. 4. If the oral amendment is accepted, Amendment No. 4 will fall.

The oral amendment is, in paragraph 7, after the word “Assembly” insert

“noting the high level of illiteracy amongst prisoners”.

I consider that the oral amendment meets the criteria of Rule 34.6 and will be considered unless 10 or more members of the Assembly object.

Do 10 or more members object to the oral amendment being debated?

That is not the case.

I call Mr Gülçiçek to move the oral amendment.

Mr GÜLÇİÇEK (*Turkey*). – I accept it.

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

That is not the case.

The vote is open.

The oral amendment is adopted.

We come now to Amendment No. 8, tabled by Mr Humfrey Malins, Mr Nigel Evans, Mr David Wilshire, Mr John Greenway and Mr Robert Walter, which is in the draft recommendation, at the end of paragraph 7, add the following words:

“for up to 25 hours per week”.

I call Mr Malins to support Amendment No.8.

Mr MALINS (*United Kingdom*). – Paragraph 7 says that “education is a fundamental human right and that prison authorities should provide appropriate measures of education for prisoners”. As I said earlier, little education is provided, particularly to young offenders and, in many youth prisons in England, only six hours of education is provided each week. That is outrageously low. I therefore hope that the committee feels it appropriate for us to say that we have a figure of up to 25 hours a week in mind. That would be much more in line with normal schooling, although it is less than takes place in most normal schools.

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

I call Mr Hunault.

Mr HUNAUT (*France*) understood the concerns that prisoners needed an education but he felt that, as prison authorities would feel bound by the report, increasing the specified period to 25 hours might decrease the realistic prospects for implementation.

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

Mr GLESENER (*Luxembourg*) (Translation). – In favour.

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

Amendment No. 8 is adopted.

We come to Amendment No. 5, tabled by Mr Humfrey Malins, Mr Nigel Evans, Mr David Wilshire, Mr John Greenway and Mr Robert Walter, which is, in the draft recommendation, at the end of paragraph 7, add the following words:

“Further, recognising that sport, particularly team sport, can help divert young people from crime, the Assembly believes that sporting activities should be more widely available in all prisons.”

I call Mr Malins to support Amendment No. 5.

Mr MALINS (*United Kingdom*). – I seek merely to insert the recognition that sport can help to divert young people from crime. In view of the absence, particularly in the United Kingdom, of facilities for sports, and team sports in particular, I hope that the committee will feel it appropriate to say that sporting activities should be more widely available in all our prisons.

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

Mr LINDBLAD (*Sweden*). – I have probably spent more time in prisons than anyone else here, as I worked a prison dentist for almost 20 years, two days a week. I have seen it all. We know about steroid use in gymnasiums with prisoners getting big muscles. We could be creating monsters. We have this problem in Sweden, following the abuse of drugs during training. It is naïve to talk in this way. Team sports are okay, but other things should not be done.

This is a good and kind report. However, it is a little naïve. If we take a group of, say, 80 prisoners and do everything with half of them and nothing with the other half, we will find that just as many have died or quit their criminal activity in one group as in the other. On the other hand, we should not give up on individuals as this is the humanitarian thing to do.

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

Mr GLESENER (*Luxembourg*) (Translation). – In favour.

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

Amendment No. 5 is adopted.

We come to Amendment No. 7, tabled by Mr Humfrey Malins, Mr Nigel Evans, Mr David Wilshire, Mr John Greenway and Mr Robert Walter, which is, in the draft recommendation, paragraph 12.1.7, replace the word “enable” with the following word:

“encourage”.

I call Mr Malins to support Amendment No. 7.

Mr MALINS (*United Kingdom*). – The amendment concerns paragraph 12.1.7, which talks about taking the necessary steps “to enable prisoners to follow vocational training courses”. In my judgment, because of the importance of vocational training courses, I would like to remove the word “enable” and insert the word “encourage”.

THE PRESIDENT (Translation). – I understand that the Social, Health and Family Affairs Committee wishes to propose an oral sub-amendment to Amendment No. 7: before “encourage” to insert “enable and”. This would mean that paragraph 12.1.7 of the draft recommendation would read, “take the necessary steps to enable and encourage prisoners to follow vocational training courses;”.

In my opinion, the oral sub-amendment meets the criteria of rule 34.6 and can be considered unless 10 or more members of the Assembly object.

Do 10 or more members object to the oral sub-amendment being debated?

That is not the case.

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

Mr GÜLÇİÇEK (*Turkey*). – It is accepted.

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

Does the mover of the amendment agree?

Mr MALINS (*United Kingdom*). – Yes, sir.

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

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 7 as amended? That is not the case.

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – In favour.

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

Amendment No. 7, as amended, is adopted.

We come to Amendment No. 6 tabled by Mr Humfrey Malins, Mr Nigel Evans, Mr David Wilshire, Mr John Greenway and Mr Robert Walter, which is, in the draft recommendation, after paragraph 12.3.2, add the following sub-paragraph:

“the particular needs of long-term prisoners.”

I call Mr Malins to support Amendment No. 6.

Mr MALINS (*United Kingdom*). – Briefly, the amendment concerns paragraph 12.3.2. Specific consideration is given to certain groups, including women and minors in prison. I am seeking that such consideration be given to the needs of long-term prisoners, who I believe are a separate category deserving of special attention, not least because when such attention is paid to them, the results can sometimes pay dividends.

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

What is the opinion of the committee?

Mr GLESENER (*Luxembourg*) (Translation). – In favour.

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

Amendment No. 6 is adopted.

We will now proceed to vote on the draft recommendation contained in Document 10838, as amended.

The draft recommendation in Document 10838, as amended, is adopted.

(Mr Gardetto, Vice-President of the Assembly, took the Chair in place of Mr Preda.)

7. Human rights of members of the armed forces

THE PRESIDENT (*Translation*). – The final item of business this afternoon is the debate on the report on the human rights of members of the armed forces, presented by Mr Alexander Arabadjiev on behalf of the Committee on Legal Affairs and Human Rights (Document 10861).

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

I remind members that the Assembly agreed yesterday that speaking time in today's debates is limited to four minutes.

I remind you that we have already agreed that in order to finish by 7.30 p.m., we shall interrupt the list of speakers at about 7.15 p.m. to allow time for the reply and the vote.

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

Mr ARABADJIEV (*Bulgaria*). – The report and recommendation originated in a motion of 2004, the authors of which noted that the Committee of Ministers had, over a six-year period, taken no appropriate practical follow-up action to Assembly Recommendation 1380 of 1998 on the human rights of conscripts. It should be noted that the Assembly has consistently shown an interest in the issue. In 1998, it adopted Resolution 1166 and Recommendation 1380 on the human rights of conscripts. In respect of certain specific points, it has also looked at professional servicemen's right of association and, of course, the right of conscientious objection as a fundamental component of the right to freedom of thought, conscience and religion.

In its reply to the Assembly with respect to recommendation 1380, the Committee of Ministers adopted a minimalist approach. While acknowledging that member states "have a responsibility for ensuring the effective protection of the human rights of persons undergoing compulsory military service, a group potentially in need of particular attention", it declared itself "confident that the ECHR and the case-law of its control machinery already provide guidelines concerning the protection of the human rights of conscripts". This unsatisfactory reply and the apparent lack of progress in the area obviously prompted the motion that led to the present report and this discussion.

It must be noted, with regret, that the situation of members of the armed forces in some member states is far from satisfactory vis-à-vis the rights that they enjoy under the European Convention on Human Rights and the case law of the Court of Human Rights. Despite repeated requests on the part of the Assembly, many restrictions on the exercise of their rights by members of the armed forces in a number of member states exceed what is acceptable under the specific exigencies of military duties and the terms of the convention.

In 2004, the Committee on Legal Affairs and Human Rights decided to extend the scope of the report to cover the situation of all types of personnel in the armed forces, whatever their status. The reason for widening the scope of our discussion lies in the tendency towards ending conscription in several countries and the professionalisation of the armed forces, which has as its corollary an increased use of contract-based service. Widening the scope of the report also allowed us to address concerns about the presence of young people under the age of 18 in the armed forces of certain European countries and about the situation of women in the armed forces.

The committee held a hearing attended by the Council of Europe's then Commissioner for Human Rights and representatives of the most active non-governmental organisations in the field. The contributions made by participants at that hearing provided the information, ideas, suggestions and concepts that are being discussed now and that provide the basis for the proposed recommendation.

There is one further very important consideration with respect to the facts and findings on which the report was based. It should be heavily emphasised that no single fact mentioned in the report is the product of bias. On the other hand, the report is limited to quoting a few examples, giving a succinct description of the situation of servicemen in some member states, not claiming to provide a full picture. It would be quite wrong to believe that some practices – initiation ordeals, bullying and ill-treatment – are confined to the armed forces of particular countries alone. The purpose of our approach is to make it clear how urgent and important it is to produce a statement of principle on this subject.

In light of the contributions and discussions that occurred in the context of the preparation of this report and the draft recommendation, it may be concluded that the formulation of clear guidelines for the implementation of the rights set out in the ECHR with particular relevance to the armed forces is called for and is necessary. That is one of the main objectives of the draft recommendation, which asks member states to adopt, where necessary, requisite urgent measures to put an end to scandalous situations and practices in the armed forces and to end the conspiracy of silence that ensures impunity for such acts.

The essential part of the report and of the draft recommendation is of course the suggestion that we should draw up draft guidelines designed to guarantee respect for human rights by and within the armed forces, drawing on the European Convention on Human Rights, the case law of the European Court and the previous recommendations of Council of Europe bodies and institutions. It is proposed that the guidelines should include at least the rights set out in the draft and that it should be emphasised that all members must enjoy certain inalienable fundamental freedoms and rights absolutely and without restriction.

Those rights include: the right to life; the right to protection against torture and inhuman or degrading treatment or punishment; the prohibition of slavery servitude, employment and tasks incompatible with their assignment to the national defence service and forced and compulsory labour; the very important right to legal protection in the event of violation of rights; the right to freedom and safety; the right to fair trial by independent tribunal; the prohibition of discrimination; the right to freedom of thought, conscience and religion; the right to full enjoyment of civic and voting rights; the right to respect for property; and the right to marry and found a family.

A second group of freedoms and rights that must be enjoyed by members of the armed forces, but which may be subject to certain restrictions strictly justified by the needs and specificities of military life, discipline and training include: the right to freedom of expression; the right to freedom of assembly and association, including the right to form trade unions and to belong to political parties; and the right to respect for private and family life, the home and correspondence.

Lastly, members of the armed forces must also enjoy certain economic and social rights, which are set out in the draft recommendation.

I believe that the report presented to the Assembly and the draft recommendation submitted for adoption are well balanced and reflect the concerns that have brought about the previous and present involvement of the Assembly. I believe that it is well accepted by those involved in the promotion of human rights including other international organisations, and that it will receive the support of the Assembly.

THE PRESIDENT (*Translation*). – Thank you. The next speaker is Mr Höfer.

Mr HÖFER (*Germany*). – welcomed the report on behalf of the Socialist Group and noted that the rapporteur had well described the main challenges relating to people in military uniform. It was one of Germany's principles to ensure the human rights of its armed forces. The armed forces could not be denied rights which were given to others. Whilst it was often said that the committee should attempt to effect change, it needed to be borne in mind that member states of the Council of Europe had many different constitutional rules. The rules on the armed forces should be standardised whether those forces were voluntary or conscripted. It was also important to make clear that member states should not simply have disciplinary procedures for their armed forces, but that the laws should be respected and applied. If the report were accepted, it was requested that the committee should support a study of the legal situation in each member state. It would then be possible to compare which rights had been guaranteed in each country, and which were missing. The Council of Europe was not yet in a position to determine that. As part of this study, it would be necessary to distinguish between peacetime and wartime rights. Rights could be contravened by using war as an excuse. It all depended on how the member states determined what constituted fundamental rights.

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

Mr COSIDÓ (*Spain*) supported the report. The report was apt because it discussed relevant previous reports, and because it had come at a time of a state of change in many armed forces. Even some armed forces themselves had questioned whether traditional limitations should still be applied. Limitations on human rights had to be of an exceptional nature and specifically provided for by law. There were two rights which the rapporteur had recognised could be limited. The first was the political orientation of members of the armed forces. Where there was a monopoly of force, it was necessary to have neutrality. There was also a recognised limitation on the right to form trade unions, though he preferred to

speak of professional associations. He recognised that there could be some justified limitations in that area, for example, the right to strike and to bargain collectively because of the need for discipline in the armed forces. He noted that harassment was present in the armed forces of many countries and that it was difficult to compare customary and permitted practices with those exceptional practices which the system would itself correct.

He concluded that those systems based on voluntary recruitment were better than those based on conscription. He welcomed the fact that the majority of the member states of the Council of Europe had professional voluntary armed services.

THE PRESIDENT (Translation).— Thank you. I call Mr Hancock on behalf of the Alliance of Liberals and

Democrats for Europe.

Mr HANCOCK (*United Kingdom*).— I congratulate the rapporteur on the report. I am not sure that I am altogether happy with the theme of it because I think that it misses two important points about how the armed forces operate. The first is the chain of command. It always staggers me that when there are incidents of bullying, sexual harassment or mistreatment of recruits the chain of command seems to be unaware of it. It does not matter how many times these things happen: the chain of command seems to be oblivious to what was going on; it cannot understand why nobody reported it; and it does not have a remedy for the problem. In any armed forces there is a problem of the buck being passed. Nobody wants to accept responsibility when such issues are raised.

The second issue not mentioned in the report is the compelling case for all governments who recruit young men and women into the armed forces, and perhaps to go to war on their behalf, to have a duty of care to those young persons and their families. When a 17-year-old is recruited in the United Kingdom armed forces, his parents have to sign to say that he can join. Somebody from the military signs on behalf of the United Kingdom Government to say, "We will protect and look after this precious thing of yours, your son or daughter, and ensure that they are trained properly to do what they have to do. We will protect them as best we can from the dangers that we put them in. We will protect them from the abuses that have happened time and again."

Many cases relating to the British armed forces are mentioned in the report, some of them, I may say, not very accurately. As a member of the Defence Select Committee in the United Kingdom I spent 18 months working on a report on the issues relating to the deaths of young soldiers, men and women, in the British armed forces. We found that there was a failure at all levels to recognise a duty of care. Those in the chain of command are not properly trained. The officer corps does not recruit the best people to train recruits, so in most instances those conducting the training are not the best qualified soldiers but those whom units can dispense with. They could go off to train new recruits. In many instances, fighting men and women were not being trained by the best available; they were being trained by those who were the most disposable in many units that were training recruits. It was found to be manifestly wrong that training was insufficient.

The biggest problem was the recruits themselves. The report talks of the switch from a conscripted to a professional force. One of the first things that should be done in a professional force is to ensure that the right people are being recruited. A recruiting officer, or other military staff, must make certain that the recruits know what they will have to do and what will be expected of them, and that they will have at least a good chance of surviving the rigours of military training. That is not to say that there are high risks attached to the training of staff, but if it is in the hands of the wrong people and the recruits are the wrong people to be recruited, unfortunately – as the report suggests – no amount of work will change the situation by one iota.

British parliamentarians wanted – but the government did not want – an armed forces ombudsman, free-standing, at arm's length and thus removed from the military, to whom the military could refer cases or could refer themselves. I hope that we will adopt such a system at some stage.

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

Mr MIRZAZADA (*Azerbaijan*) said that the rights of soldiers must not be ignored. The Assembly had looked at this issue before, but he wondered how many of its recommendations had been adopted, for there were still shortcomings. He accepted that the armed forces needed a certain structure, but

soldiers were still human beings and they had rights. Problems included the fact that many members of the armed forces did not know their rights. In some states women could not join the armed forces. Sometimes new recruits were placed under the control of experienced troops of similar rank. He supported the idea that human rights should be set out clearly for members of the armed forces, so long as this did not undermine the necessary structures. He thought that the ombudsman was a good idea and that any complaints made should be fully investigated.

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

Mrs AKHUNDOVA (*Azerbaijan*) said that she was sad that the Assembly was devoting less than one hour to this debate and that so few members were present. The armed forces of Azerbaijan had changed greatly in recent years, and they now enjoyed greater public respect. As in any organisation undergoing a process of change there were some tensions, but these did not pose an overwhelming problem. The report said that 5 000 troops had died of malnutrition and bullying, but that was based on unconfirmed comments from non-governmental organisations. The Azerbaijani army was posted in a state of undeclared war along the border and 5 000 had been killed by Armenian snipers. The armed forces were investigating bullying and pardons were rare for that offence.

The number of professional soldiers was being increased. The target was to make 30% of the armed forces fully professional. There were now more civilians and women in the armed forces and their level of education was rising. Over 25% of the armed forces now had post-secondary education. She warned against the suggestion in the report that the armed forces should have freedom of opinion and that they should be able to become members of political parties. The army should be free of politics.

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

Mrs NAGHDALYAN (*Armenia*) said that the debate related to young people who were fulfilling their military duty to their homeland as well as to older members of the armed forces. Standards of human rights must be guaranteed for soldiers everywhere. The report was right to talk of training, the right to justice, and the right to a fair trial. She accepted most of the comments in the report. However, she was sad that the statistics in the report stopped at 2003. As a result changes introduced by the Government in Armenia were neglected. Since 2004 Armenians had been able to choose alternatives to military service. They could now become conscientious objectors, and there was no limitation on their voting rights. Given all that progress it was particularly barbaric that an Armenian soldier was axed to death in 2004 while on a training exercise. The Azerbaijani authorities had declared the murderer a hero and the ombudsman there had made comments in his report which showed racism and xenophobia.

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

Mr FEDOROV (*Russian Federation*) said that effective human rights protections must be introduced in the armed forces. He agreed that the functioning of an army required the use of orders and that not everything could be transferred from civilian society to the armed forces. However, all citizens should have their rights respected and this included those in the armed forces.

The report mentioned initiation ordeals and Russia was looking seriously at those. The Minister of Defence had said at a recent conference that the armed forces should be as open as possible with the public on that issue. There had been some positive results. Last year there was a 17% reduction in initiation ordeals and a 12% reduction in the number of deaths resulting from them. He noted that the report made no mention of the role of the church in the armed forces, whereas he believed that chaplains could have a civilising influence. It was well-known that the human rights movement in the armed forces contained too many mothers and he called for greater involvement of fathers, who could promote human rights for men.

The PRESIDENT (Translation). – Thank you. I call Mr Grebennikov.

Mr GREBENNIKOV (*Russian Federation*) welcomed the report. Russia was mentioned a great deal, but that was quite fair. His country had a terrible legacy in this area. As Mr Federov had said, the Russian authorities were doing a lot to improve matters. Military service was soon to be cut from two years to one, and the aim was to go over to a fully professional army. He wondered why initiation ordeals still prevailed, and suggested that soldiers might need to be educated about what to expect. It was often a matter of personal attitude. He had been through such rituals himself and had survived, but perhaps some recruits were not prepared for what would happen. In conclusion he supported the recommendation but felt that practical assistance might be needed in helping states to make progress.

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

Mrs PASHAYEVA (*Azerbaijan*). – I thank Mr Arabadjiev for his report. He spoke about other armies but I would like to speak about the army in Azerbaijan.

I wish to give the example of the results of a poll carried out this March by the organisation “Ray”, which specialises in polling and co-operating with authoritative international organisations. In response to the question, “Most of all, whom do you trust?”, 40% of the respondents said the President of Azerbaijan, but then they named the national armed forces.

Perhaps one of the biggest achievements of our armed forces is the successful co-operation with Nato in the “Partnership for Peace” programme, the basis for which was laid down on 4 May 1994. In 2006, the participation of 600 representatives of Azerbaijan in 178 Nato-led measures is planned. Since 1996, the training of future officers in the higher military educational institutions of Azerbaijan has been carried out in programmes arranged in accordance with Nato standards. Further examples could be given.

It is impossible to forget that the Azerbaijani army is in a state of undeclared war with Armenia, which has occupied 20% of Azerbaijani lands. We must also take into account the fact that 70% of the armed forces are in entrenches in extreme and difficult conditions on the line of contact.

Other armies have problems, but the budget of the Azerbaijan armed forces grows. In 2005 it was \$300 million, but in 2006 it was doubled to \$600 million. That has removed many problems and allows the authorities in the armed forces to create normal conditions for those passing through military service, and in the first place are the rank and file.

(The speaker continued in Russian)

Azerbaijan had nearly one million refugees because of the occupation of Nagorno-Karabakh. That was ethnic cleansing.

THE PRESIDENT (Translation). – Thank you. That concludes the list of speakers.

I call Mr Arabadjiev, the rapporteur, to reply. He has four minutes.

Mr ARABADJIEV (*Bulgaria*). – I want to thank all colleagues for their contributions to the debate. If I had the opportunity to repeat my work on the report, it would have been a better one. It is not the purpose of the report and the draft recommendation to enter into disputes about facts and figures. As I said earlier, the objective was to send a clear and strong signal and to produce a statement of principle. The final version of the recommendation will not name countries, but it will name the practices that are totally unacceptable and often even scandalous.

If the recommendation is adopted, we should then try to create a situation in which it will not be necessary in two or three years to discuss the problem again, having done nothing in the meantime.

The report and draft recommendation is based on the assumption that members of the armed forces are part of a hierarchy governed by the principle of compliance with orders and characterised by the conflict between individual freedom and specific military requirements. That assumption recognises that there are limits to the rights that members of the armed forces can enjoy, but those limits should not exceed what is strictly necessary under the exigencies of military duty and military service.

Some details may be controversial, given different national experience, but the purpose of these documents is to reflect developments. As some speakers have said, the documents should be endorsed.

Other specific issues have been raised. The text of the draft recommendation seeks to address most of those issues, including the duty of care, the chain of command and the need to establish military ombudsmen to receive complaints that, in a normal situation, would be impossible to make because of what the draft recommendation describes as a conspiracy of silence.

I thank all the speakers. They have contributed to the discussion and the final outcome of the debate.

THE PRESIDENT (Translation). – Thank you.

Does the chairperson of the committee, Mr Marty, wish to speak? You have two minutes.

Mr MARTY (*Switzerland*) said that the committee fully supported the report and had nothing to add. He thought that the rapporteur had done a good job. Conscripts were the bottom of the pecking order. The report was very timely.

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

The Committee on Legal Affairs and Human Rights has presented a draft recommendation to which three amendments have been tabled. They will be taken in the following order: 1, 2, 3.

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

We come to Amendment No. 1, tabled by Mr Gerd Höfer, Mr Rainer Steenblock, Mr Joachim Hörster, Mr Ingo Schmitt and Mr Wolfgang Wodarg, which is, in the draft recommendation, paragraph 7, delete the words “, in particular former Soviet countries”.

I call Mr Höfer to support Amendment No. 1.

Mr HÖFER (*Germany*) said that in the draft, there was no mention of any country. It would be discriminatory if one country was mentioned without specific information being given. He wanted to ensure that the report was neutral.

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

What is the opinion of the committee?

Mr MARTY (*Switzerland*) (Translation). – In favour.

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

Amendment No. 1 is adopted.

We come to Amendment No. 2, tabled by Mr Gerd Höfer, Mr Rainer Steenblock, Mr Joachim Hörster, Mr Ingo Schmitt, Mr Johannes Pflug and Mr Wolfgang Wodarg, which is, in the draft recommendation, at the end of paragraph 10.1.4, add the following words:

“, as well as the right to appeal”.

I call Mr Höfer to support Amendment No. 2.

Mr HÖFER (*Germany*) said that everybody talked about citizens in uniform. If someone was condemned when on active service, they should have the right to appeal.

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

What is the opinion of the committee?

Mr MARTY (*Switzerland*) (Translation). – In favour.

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

Amendment No. 2 is adopted.

We come to Amendment No. 3, tabled by Mr Gerd Höfer, Mr Rainer Steenblock, Mr Joachim Hörster, Mr Ingo Schmitt, Mr Johannes Pflug, and Mr Wolfgang Wodarg, which is, in the draft recommendation, at the end of paragraph 10.1.7, add the following words:

“– both active and passive”.

I call Mr Höfer to support Amendment No. 3.

Mr HÖFER (*Germany*) said that in the text it said that those on service had the right to full employment and civil and voting rights. He wanted to extend that provision to allow people on service to stand for election as well as vote.

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

Mr ARABADJIEV (*Bulgaria*). – On the point concerning the political involvement of the armed forces, the formulation in the draft reflects what we believe is acceptable and I am therefore against the amendment.

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

Mr MARTY (*Switzerland*) (Translation). – Against.

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

Amendment No. 3 is rejected.

We will now proceed to vote on the draft recommendation contained in Document 10861, as amended.

The vote is open.

The draft recommendation in Document 10861, as amended, is adopted.

8. 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 yesterday.

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 7.15 p.m.)

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1. Opening of the sitting
2. Minutes of proceedings
3. Election of a judge to the European Court of Human Rights
4. Organisation of debates
5. Situation in the Middle East

Presentation by Mr Margelov, on behalf of the Political Affairs Committee, of report (Doc. 10882)

Presentation by Mr Severin, on behalf of the Committee on Legal Affairs and Human Rights, of an oral Opinion.

Speakers:

Mr Kox (Netherlands)
 Mrs Durrieu (France)
 Mrs Papadimitriou (Greece)
 Mr Mooney (Ireland)
 Mr Geveaux (France)
 Lord Tomlinson (United Kingdom)
 Mr Masi (San Marino)
 Mr Mota Amaral (Portugal)
 Mr Torosyan (Armenia)
 Mr Vrettos (Greece)
 Mr Geghamyan (Armenia)
 Mr Kucheida (France)
 Mr Salles (France)
 Mr Foss (Norway)
 Mrs Vermot-Mangold (Switzerland)
 Baroness Hooper (United Kingdom)
 Mr Hörster (Germany)
 Mr Fomenko (Russian Federation)
 Mr Eitan (Observer from Israel)
 Mr Özal (Turkey)
 Mrs Aburto (Spain)
 Mr Rigoni (Italy)
 Mr Zingeris (Lithuania)
 Mr Ateş (Turkey)

Amendments Nos. 2 and 3 adopted.

Draft resolution contained in Document 10882, as amended, adopted.

6. Social reintegration of prisoners

Presentation by Mr Gülçiçek (Turkey), on behalf of the Social, Health and Family Affairs Committee, of report (Doc. 10838)

Presentation by Mr Hunault (France), on behalf of the Committee on Legal Affairs and Human Rights, of oral Opinion

Speakers:

Mr Wach (Poland)
 Mr Marquet (Monaco)
 Mr Malins (United Kingdom)
 Mr Bougas (Greece)
 Mrs Hurskainen (Finland)
 Mrs Bilgehan (Turkey)
 Mr Grebennikov (Russian Federation)

Mr Fedorov (Russian Federation)
Mr Glesener (Luxembourg)

*Amendments Nos. 1 to 3, oral amendment, 8, 5, 7 (as amended), and 6 adopted.
Draft recommendation contained in Document 10838, as amended, adopted.*

7. Human rights of members of the armed forces

Presentation by Mr Arabadjiev, on behalf of the Committee on Legal Affairs and Human Rights, of report (Doc. 10861)

Speakers:

Mr Höfer (Germany)
Mr Cosidó (Spain)
Mr Hancock (United Kingdom)
Mr Mirzazada (Azerbaijan)
Mrs Akhundova (Azerbaijan)
Mrs Naghdalyan (Armenia)
Mr Fedorov (Russian Federation)
Mr Grebennikov (Russian Federation)
Mrs Pashayeva (Azerbaijan)
Mr Marty (Switzerland)

*Amendments Nos. 1 and 2 adopted.
Draft recommendation contained in Document 10861, as amended, adopted.*

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

