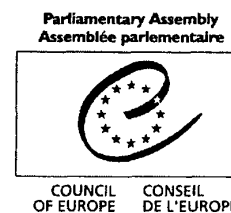


Parliamentary Assembly
Assemblée parlementaire



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(Second part)

REPORT

Twelfth sitting

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ADDENDUM 1

Parliamentary Questions for Oral Answer

The following questions were not reached and have therefore been answered in written form (questions and replies not delivered and therefore unavailable to the Assembly during the debate)

"Question No. 5 :

Ms PASHAYEVA (Azerbaijan),

Noting that Assembly Resolution 1416 (2005) states that Armenia, a Council of Europe member state, still occupies "considerable parts of the territory of Azerbaijan", another Council of Europe member state;

Considering that the Armenian government still continues to ignore the issues raised in the resolution;

Considering that around one million Azerbaijanis have been displaced from their homes for over a decade and are deprived of their right to return home,

To ask the Chairperson of the Committee of Ministers,

How should the Council of Europe and the Parliamentary Assembly deal with this issue, on the basis of implementing Resolution 1416."

"Question No. 10 :

Mr HUSEYNOV (Azerbaijan),

Considering that in the 57 years history of the Council of Europe, it is unique that one member state has occupied the territories of another one;

Considering that in Resolution 1416 adopted by the Parliamentary Assembly on 25 January 2005, the Republic of Armenia was declared to be an aggressor state carrying out an ethnic cleansing policy against Azerbaijanis, and the regime existing in Nagorno-Karabakh was described a separatist one;

Considering that Armenia refrains from liberating the occupied territories and violates the rights of one million Azerbaijani refugees and IDPs to return to their homeland by ignoring the norms of international law and especially the efforts of the Council of Europe;

Considering that Armenia uses the occupied and uncontrolled territories for illegal arms and drug trafficking, drug cultivation, building terrorist camps, burning nuclear waste and other illegal activities,

To ask the Chairperson of the Committee of Ministers,

How he intended to contribute to the solution of this difficult problem, which is extremely dangerous to the stability of, and development in, the South Caucasus and the whole of Europe."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

As the honourable parliamentarians know, the Heads of State and Government expressed concerns at the Third Summit in Warsaw with regard to unresolved conflicts. The Committee of Ministers accordingly follows the Nagorno-Karabakh conflict with particular attention. Its views on this matter have remained the same since Armenia and Azerbaijan joined the Council of Europe. Reconciliation and dialogue are the only way forward. It is essential that both parties respect their commitment to reach a peaceful solution to the conflict.

Public representatives in the two countries, including parliamentarians, have a specific duty in this respect. Using the language of hatred cannot bring to bear any positive outcome.

It is not the role of the Council of Europe, and of the Committee of Ministers in particular, to intervene in the negotiations on the settlement of the conflict. This is the responsibility of the OSCE Minsk Group. However, our Organisation can help to reach a solution by promoting co-operation

between the two countries in its particular spheres of competence. May I recall the reply which the Committee of Ministers adopted in September last year to Recommendation 1690, which mentions a number of relevant initiatives.

I sincerely hope that after the numerous meetings between the Ministers of Foreign Affairs of the two countries in the context of the Prague Process, and the high-level meetings which took place between the two Presidents in Warsaw and Kazan in 2005, and more recently, in Rambouillet, the year 2006 will lead to a negotiated solution to the Nagorno-Karabakh conflict.

"Question No. 6 :

Mr IVANOV (Bulgaria),

Noting that, in his communication at the Parliamentary Assembly's 1st part-session in 2006, he welcomed the adoption of Resolution 1481 on the need for international condemnation of crimes of totalitarian communist regimes,

To ask the Chairperson of the Committee of Ministers,

Whether he intends proposing that the Committee of Ministers debate the most important points of the draft recommendation, in the same document, which, although not adopted, was supported by the majority of members who voted."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

As Mr Ivanov rightly points out, and as I just repeated at the end of my communication, I attach particular importance to the question of the condemnation of communism as a totalitarian regime which suppressed basic rights and freedoms and led to the tragic death of millions of people in Europe and elsewhere. The international conference which Romania intends to organise before the end of the year on the crimes of communism should set in motion a wide public debate and a thorough analysis of this important matter. We expect the conference to take place at the memorial of Sighetul Marmatiei where so many political figures lost their lives. As some of you may know, this memorial was established with the support of the Council of Europe.

As regards the Council of Europe, a written question has already been addressed by a member of this Assembly to the Committee of Ministers on the same issue. This written question will be examined at the end of April. You will understand that I cannot prejudge at this stage the content and outcome of that examination.

That said, I personally hope that a substantial discussion will take place. We must bear in mind the memory of all those who suffered from oppression by communist regimes and other totalitarian systems and Europe must face its past and avoid repeating the same mistakes and suffering the same tragedies.

"Question No. 7 :

Mr SCHREINER (France),

Considering that the Council of Europe's budgetary prospects for 2007 are particularly bleak and that, given the refusal of the Committee of Ministers to grant additional appropriations to the European Court of Human Rights (ECHR) (in particular to enable it to implement the 2006-2008 three-year programme for enhancing its resources and to set up a fifth section), the renewed increase in the operating cost of the Court will mean a 5% reduction in the funds allocated to the Council of Europe's main administrative entities;

Noting that this development obviously affects the Parliamentary Assembly and that following many years of zero growth, we are now therefore faced with cuts in appropriations which will have serious implications for the operation of an institution that has already made major efforts in terms of operational savings,

To ask the Chairperson of the Committee of Ministers,

What measures he intends taking so that the various Council of Europe bodies have adequate resources to enable them to perform their tasks properly, in particular against the background of the continuing increase in the operating cost of the European Court of Human Rights."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

Zero real growth has been an objective of many member states when fixing the ceiling of the Council of Europe's budgets for a number of years. But the budget of the Organisation has effectively increased in that period at a higher pace as member states have provided significant extra resources to meet the needs of the Court, without transferring resources ear-marked for the other priorities of this Organisation.

The year 2006 marked a first exception in this trend, when extra resources for the Court were found within the ceiling of zero real growth. This was made possible by deciding to spread the implementation of the Action Plan over a longer period of time.

As regards the 2007 budget, the Committee of Ministers will be faced with— in the words of the Secretary General — unprecedented additional requirements, including extra resources for the Court. Debate on the Secretary General's proposals for 2007 will begin in earnest later this month, in the light of the exchange of views within the Joint Committee this evening.

At this preliminary stage, I am grateful to the Secretary General for his initiative and commitment to find not only efficiency gains throughout the Secretariat to make for a leaner and more efficient Organisation according to its objectives, but also for continuing the difficult exercise of prioritising activities in relation to the policy decisions taken in Warsaw.

I am also grateful to the Secretary General for the impetus given to more far reaching reform efforts in the framework of the implementation of Chapter V of the Action Plan to make this Organisation more efficient and transparent. The Committee of Ministers has already participated in this process by reforming its own working methods; in budgetary terms these measures have already led to significant efficiency gains within its own Secretariat. I understand that, in his proposals for 2007, the Secretary General has included some efficiency gains found by the Assembly. I encourage the Assembly to continue this reflection.

Finally, the recommendation of the Secretary General with respect to 2007 deals with the additional resources for the Court outside of zero real growth. This will be the starting point for discussions, and the Romanian Chairmanship will endeavour to work with member states and the Secretary General to arrive at the best possible outcome for this Organisation.

"Question No. 8 :

Mr VRETTOS (Greece),

Considering that the Action Plan of the Council of Europe, adopted at the Third Summit of Heads of State and Government in Warsaw, provides for the reform of the European Court of Human Rights, in order that the Court may overcome the crisis it is currently facing on account of its considerable workload;

Noting that, under the Portuguese Presidency, a "Group of Wise Persons" was set up in order to examine the issues involved and propose a remedy for the situation,

To ask the Chairperson of the Committee of Ministers,

What has the Romanian Chairmanship of the Committee of Ministers done in order to maintain the momentum for reform, and how much progress has been made since you assumed the chairmanship of this body last November."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

The implementation of the Action Plan is a collective obligation laid upon the Committee of Ministers by the Heads of State and Government. I salute the leadership of the Portuguese chair in the process of setting up the Wise Persons' Group, but I underline the collective responsibility of the Committee for that process and all other measures in the Action Plan. The Romanian chair has carried out its mandate with that in mind.

The Action Plan refers to an ensemble of measures adopted at the 114th Session of the Committee of Ministers in May 2004. Accordingly, much importance has naturally been placed on the universal ratification of Protocol No. 14 – and I take this opportunity to invite the parliamentarians of those states which have not yet ratified the protocol to use all means in their power to ensure that this is done. Since we assumed the Chair in November 2005 there have been 17 ratifications, but there are still 12 in the pipeline.

Work has also concentrated on reviewing the implementation of the necessary commitments at national level: checking that new laws are compatible with the Convention, provision of effective domestic remedies, effective integration of the Convention standards in university education and professional training, etc., as well as measures to improve the effectiveness of execution of the Court's judgments.

We shall receive reports on these matters, together with the interim report of the Wise Persons, at our 116th Session next month. We shall then give instructions for the continuation of this essential activity.

"Question No. 11 :

Mr DZEMBRITZKI (Germany),

Noting that negotiations have started on how to pave the way for resolving the final status of Kosovo, considering that it is of the utmost importance to guarantee the highest standards possible for all citizens, in particular those belonging to minorities,

To ask the Chairperson of the Committee of Ministers,

What is the status of negotiations between the Council of Europe and NATO to facilitate human rights monitoring of the situation in Kosovo by Council of Europe bodies."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

The Committee of Ministers has constantly stated its wish to extend to Kosovo, as broadly as possible, the application of substantial law and of the human rights supervisory machinery developed by the Council of Europe. This remains its priority as negotiations on the future status of Kosovo begin. It is more necessary than ever to ensure the highest standards of protection.

To achieve this aim, the Committee of Ministers is seeking ad hoc arrangements which take account of the very special situation of Kosovo.

The members of the Parliamentary Assembly will remember that the Committee of Ministers authorised the Secretary General to sign an agreement with UNMIK on 30 June 2004 to ensure that the standards of the Framework Convention for the Protection of National Minorities are complied with in Kosovo. This agreement is working well and the Committee of Ministers has begun its examination of the first opinion of the Advisory Committee of the Framework Convention.

As regards the Convention for the Prevention of Torture, the Committee of Ministers had decided that an agreement of the same type should be signed with UNMIK and an arrangement "of a similar binding nature" be worked out with NATO to enable the Committee for the Prevention of Torture (CPT) to visit all places in Kosovo where persons may be deprived of their liberty by a public authority. It has not been possible to implement this agreement with UNMIK because the

complementary arrangement with NATO for visits to places of detention under the authority of KFOR has still not been agreed to.

That being said, efforts to work out a solution have been stepped up over the past six months, particularly thanks to the intervention of our Secretary General and of the Parliamentary Assembly. Informal consultations are frequently held between Brussels and Strasbourg. We hope NATO will soon send us a satisfactory proposal which will enable the CPT to do its work on an admittedly ad hoc basis, which will not, however, weaken that independent committee's position and powers.

"Question No. 12 :

Mrs DÄUBLER-GMELIN (Germany),

Considering that, when the 14th Additional Protocol was signed at the Warsaw Summit last year it was expected that the reforms of the European Court of Human Rights would take effect within two years;

Noting that, by today, not even all member states have signed the protocol,

To ask the Chairperson of the Committee of Ministers,

How he assesses the present state of ratification and what are the prospects for this situation changing under the next chair of the Committee of Ministers so that the protocol can be implemented in time."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

In my reply to Mr Vrettos, I said that there are still a dozen states which have not yet ratified Protocol No. 14. As the questioner mentions, all states have not yet signed. But I can inform the Assembly that the authorities of the one state in question have assured the Committee that the preparations for signature are under way and that the subsequent ratification will not require much time. As for the 12 missing ratifications, it is clear that some states have had their ratification process interrupted by general elections and have had to start again from zero.

This said, however valid the reasons for delay, I agree with the questioner that we have gone beyond the deadline our governments agreed to. We owe it to the future effectiveness of human rights protection in Europe to ensure that this protocol is ratified without further delay. In this context, I renew the call I made to my colleagues in the governments of member states at the beginning of my Presidency.

"Question No. 13 :

Mr IWIŃSKI (Poland),

To ask the Chairperson of the Committee of Ministers,

What steps have been taken during the Romanian presidency of the Council of Europe, and what steps are planned to be taken, in order to develop democracy and to guarantee the observation of human rights in Belarus."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

The situation in Belarus is an issue that I already addressed during the last Session of your Assembly. On that occasion, I had the opportunity to meet the candidate of the united opposition, Mr Alexander Milinkevich. I welcome the fact that, since then, your Assembly has taken the initiative to organise a conference on this matter in Prague, in co-operation with the Ministry of Foreign Affairs of the Czech Republic.

The continuous deterioration of the human rights situation in Belarus is for me a very serious matter of concern. I have just said so in my oral communication, and I clearly underlined it in two recent statements made in my capacity as chair of the Committee of Ministers. I deeply regret that the Belarusian authorities did not seize the opportunity of the presidential elections on 19 March to change their attitude. I also regret they have shown no willingness since then to draw closer to the community of democratic European states.

It is our duty to support democratic forces in Belarus. Work is under way within the Committee of Ministers to consider in which areas and according to which modalities such support could be granted in the most efficient way, bearing in mind the difficult political environment in Belarus. I firmly hope that this work will allow the Council of Europe to launch an operational programme of activities for Belarus as soon as possible. Romania will continue, until the end of its term of office and afterwards, to support such a programme. I hope that all member states, committed as they are to the values of human rights and democracy, will do the same.

Two days ago, I submitted to the General Affairs council of the European Union an assessment of the situation in Belarus on behalf of Romania as Chair of the Committee of Ministers of the Council of Europe. The Austrian EU presidency has welcomed our input.

"Question No. 15 :

Mr TEKELIOĞLU (Turkey),

Considering that tens of thousands of members of the Turkish minority in Greece were stripped of their Greek citizenship in accordance with former Article 19 of the Greek Law of Citizenship dated 1955;

Noting that this article was abolished in 1998 but not with retrospective effect;

Noting that the article stipulates that "a person of non-Greek ethnic origin leaving Greece without the intention of returning may be declared as having lost Greek nationality";

Considering that, despite repeated calls from ECRI and the Human Rights Commissioner, no concrete action has been taken by Greek authorities to restore the citizenship of those who were affected by the said article, which had applied only to non-ethnic Greeks,

To ask the Chairperson of the Committee of Ministers,

What action are you planning to take with a view to ensuring that Greece fully complies with Council of Europe norms and practices."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

The situation the honourable parliamentarian refers to is reflected in particular in the third report of the European Commission against Racism and Intolerance. In that report, published on 8 June 2004, ECRI noted with concern that there had been no redress for the serious consequences that arose from the deprivation of citizenship on the basis of the former Article 19 of the Greek Citizenship Code. It also recalled that the repeal of Article 19 did not have retroactive effect.

According to ECRI's report, of the large number of persons concerned, only those resident in Greece can recover their citizenship through regular naturalisation. ECRI stressed the need to "ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, whether resident in Greece or abroad, whether stateless or holding another nationality".

The Council of Europe Commissioner for Human Rights has issued a follow-up report on the Hellenic Republic containing an assessment of the progress made in implementing his recommendations. The report is dated 29 March 2006. In it, the Commissioner refers to information in a letter of 1 December 2005 from the Greek Minister of the Interior, according to which 46124 members of the Muslim minority had lost their Greek citizenship as a result of Article 19 of the Greek

law on citizenship of 1955. Most of the above persons had acquired a foreign citizenship and lived abroad.

In his letter, the Minister promised that Greek citizenship would be restored upon simple application to the persons who had been living in Greece with no citizenship having lost it due to Article 19. According to the Greek authorities "approximately 66 persons" were concerned. The Commissioner expressed his appreciation of this new development.

As Chairman of the Committee of Ministers, I can only welcome this information. I hope that Greece will thoroughly examine ECRI's recommendations in this respect and take all the necessary measures to implement them.

"Question No. 16 :

Mrs MENDONÇA (Portugal),

Considering that the Council of Europe is the home of human rights, where consolidation of democracies lies at the very heart of its activities;

Given that, in January 2007, Romania will become part of the European Union,

To ask the Chairperson of the Committee of Ministers,

What message he would like to pass on to EU candidate countries and what major changes in his country, relating to the responsibilities of the Council of Europe, he would particularly like to highlight."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

The European Union cannot be conceived without the concept of enlargement which has been and is the engine of EU prosperity. A limited EU consisting of a petty alliance of some countries only is not conducive to European construction in the full sense of the word. But there is a difference between acknowledging this fact and an immediate and continuous implementation of the enlargement principle. We first have to deal with the issue of vertical enlargement, deepen co-operation, and put in place better functioning structures before proceeding with the enlargement process. This being said, it is quite clear that countries that have been given a European prospective should not be forsaken or left behind.

"Question No. 17 :

Mr GROSS (Switzerland),

To ask the Chairman of the Committee of Ministers,

How the Council of Europe can act in unison with the European Union in order to take appropriate action against the political class in Belarus, which seriously exploited the recent presidential elections, without penalising the population which has already suffered enough."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

The question of the attitude to adopt vis-à-vis Belarus is clearly an area where there is a convergence of views with the European Union. During the last quadripartite meeting between the Council of Europe and the European Union held in Strasbourg on 15 March, both parties reaffirmed their determination to continue supporting civil society in Belarus for the advancement of democracy and agreed to examine ways of reinforcing each other's activities for this purpose.

I personally believe that we must take a firm stand and make it clear that the repression against those who disagree with Mr Lukashenko is unacceptable. Beyond that, we must recognise that the means at the disposal of the Council of Europe are limited. The Organisation has no power to impose any sanctions against the Belarusian authorities.

At the same time, we should do whatever possible to alleviate the suffering of the Belarusian population and provide it with all possible support. At the request of the Committee of Ministers, the Secretariat has prepared a set of possible assistance activities with respect to Belarus. These proposals include assistance to civil society and independent media, facilitating contacts at the level of local authorities, awareness-raising about the Council of Europe standards and promoting a democratic political culture in Belarus. The Parliamentary Assembly will be kept informed about developments and of opportunities for its members to take part in any events.

Belarusian NGOs are clearly among the actors who can contribute to fostering this democratic political culture. Particular consideration is therefore paid to involving them in various activities. Two weeks ago, a group of Belarusian NGOs took an active part in a regional Congress which was held in Warsaw, and made very significant proposals for further co-operation. This week, several of these NGOs are present in Strasbourg to discuss the follow-up to the Warsaw Congress with the Liaison Committee of INGOs with participatory status.

I can assure Mr Gross that Romania will continue its endeavours to help such initiatives and to promote other measures in support of the Belarusian population in its fight for freedom and democracy. Naturally, continued co-operation with the European Union in this field is essential and will be pursued.

"Question No. 19 :

Mr VAN DER BRANDE (Belgium),

Noting that the Parliamentary Assembly remains convinced of the underlying principles of the Council – a commitment to the rule of law, democracy and respect for human rights;

Observing with dismay the recent Presidential elections held in Belarus and the ensuing events on the streets of Minsk;

Regretting profoundly that the Belarus authorities did not see fit to invite either the Parliamentary Assembly or the European Parliament to observe its elections and indeed threatened colleagues in the European Parliament that, should they attempt to enter Belarus on diplomatic passports, they would be arrested at the point of entry;

Believing, despite our dismay at recent events, that the Assembly should not close all doors to dialogue, which the EPP/CD group fear would lead to an isolation of the forces for democratic change within Belarus;

In this context, welcoming the proposal of the President of the Parliamentary Assembly to establish a Council of Europe representation office in Minsk,

To ask the Chairperson of the Committee of Ministers,

Would the Committee of Ministers look favourably on such a proposal."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

Like Mr Van den BRANDE, I deplore that the Parliamentary Assembly of the Council of Europe was not allowed to observe the presidential elections in Belarus. I underlined this in a statement I issued two days before the elections.

I also believe that we need to continue to support democratic forces in Belarus. We must find ways of disseminating the Council of Europe standards and principles of freedom and democracy among the Belarusian population, taking into account the initiatives taken by other international bodies such as the European Union, the OSCE or the United Nations.

However, establishing a Council of Europe representation office in Minsk would require negotiations and discussions with the present authorities. Is this appropriate? Could we imagine establishing such an office while hundreds of people in Belarus are in prison, or prosecuted for seeking to defend basic principles of democracy? Before negotiations take place, I believe that the strengthening of relations between Belarus and our Organisation requires Mr Lukashenko to take concrete and significant measures to abide by democratic principles.

"Question No. 20 :

Mr ALATALU (Estonia),

Noting that Romania is a multinational country and that it is on the eve of joining the European Union,

To ask the Chairperson of the Committee of Ministers,

What are his views on the latest developments with guaranteeing the rights of minorities Romania."

Reply by Mr Ungureanu, on behalf of the Committee of Ministers:

I would like to stress that article 1 of the Romanian constitution does not define Romania as a multi-national country. Romania is a multi-ethnic and multicultural society in which the rights of persons belonging to national minorities are protected by the Constitution.

The Framework Convention for the Protection of National Minorities entered into force in respect of Romania on 1 February 1998. Following the submission of our first State Report, the Advisory Committee adopted its opinion on 6 April 2001. Shortly afterwards, the Committee of Ministers adopted Resolution ResCMN(2002)5 welcoming Romania's "commendable efforts to support national minorities", but drawing particular attention to real problems concerning Roma, with regard to "acts of discrimination in a wide range of societal settings and wide socio-economic differences".

Following this Resolution, my government has taken a series of initiatives to protect Roma rights. A major token of Romania's commitment to improving the situation of Roma is the hosting of the meeting of the Group of Specialists on Roma, Gypsies and Travellers in Bucharest on 2-3 May 2006 to which I referred in my speech just now and we look forward to the important draft recommendation which will emerge from it. The draft law on minorities is presently under close scrutiny in the Romanian parliament and the vote is going to take place very soon, before the end of the present parliamentary session which ends in June.