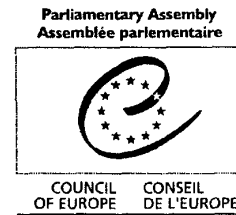


# Parliamentary Assembly Assemblée parlementaire



**AS (2005) PV 27**  
Provisional edition

## **2005 ORDINARY SESSION**

(Fourth Part)

TWENTY-SEVENTH SITTING

Tuesday 4 October 2005 at 3 p.m.

### **MINUTES OF PROCEEDINGS**

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

#### **1. ATTENDANCE REGISTER**

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

#### **2. ELECTION OF THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS**

The result of voting in the election of the Council of Europe Commissioner for Human Rights was declared as follows:

Number voting:	237
Blank or spoilt ballot papers:	5
Valid votes cast:	232
Absolute majority:	117

Mr Hammarberg	78
Mr Nowicki	89
Mr Verwilghen	65

The President announced that no candidate had received an absolute majority of votes cast. A second ballot, in which a relative majority only would be required, would be held on Wednesday 5 October between 10 a.m. and 1 p.m.

#### **3. ELECTION OF THE SECRETARY GENERAL OF THE PARLIAMENTARY ASSEMBLY**

The result of voting in the election of the Secretary General of the Parliamentary Assembly was declared as follows:

Number voting:	236
Blank or spoilt ballot papers:	16
Valid votes cast:	220
Absolute majority:	111

Mr Sorinas Balfegó	220
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The President declared Mr Sorinas Balfegó elected Secretary General of the Parliamentary Assembly for a term of office starting on 1 February 2006, and congratulated him on his election.

#### **4. EXAMINATION OF CREDENTIALS**

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

The credentials contained in Doc. 10682 addendum were ratified.

#### **5. CHANGES IN MEMBERSHIP OF COMMITTEES**

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

#### **6. ORGANISATION OF DEBATES**

On the proposal of the President, the Assembly agreed that the list of speakers in the debate on *Education and Religion* would be interrupted at 5.00 p.m. and that in the debate on the *Functioning of democratic institutions in Moldova* at 6.45 p.m.

#### **7. ADDRESS BY MR EKMELEDDIN IHSANOGLU, SECRETARY GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE**

The President welcomed Mr Ihsanoglu, Secretary General of the Organization of the Islamic Conference.

Mr Ihsanoglu addressed the Assembly and answered questions from MM Mercan, Walter, Mrs Durrieu, Mr Branger, Baroness Hooper.

The President, on behalf of the Assembly, thanked Mr Ihsanoglu.

#### **8. EDUCATION AND RELIGION**

The Report of the Committee on Culture, Science and Education on Education and religion (Doc. 10673) was presented by Mr Schneider, Rapporteur.

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

The debate was opened.

*Speakers:* Baroness Hooper, MM Exner, Coşkunoglu, Wielowieyski, Eörsi, Mrs Durrieu, Mr Schreiner, Mrs Westerlund Panke, MM Özal, Gedei, Gubert.

The Speakers' list was interrupted at 4.55 p.m. The text of remaining speeches would be printed with the official report.

Mr Schneider, Rapporteur of the Committee on Culture, Science and Education and Mr Legendre, Chairman of the Committee, replied to the debate.

The debate was closed.

Mr Exner moved to refer the report on Education and religion (Doc. 10673) back to the Committee on Culture, Science and Education.

*Speakers:* MM Exner, Schneider.

The motion was not agreed to.

The Assembly considered the draft recommendation contained in Doc. 10673.

The President announced that the amendments would be considered in the following order: Nos. 1 & 14, 15, 2, 16, 3, 5, 4, 17, 6, 7, 8 & 18, 19, 20, 13, 9, 10 & 21, 11, 12.

An amendment (No. 1) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mrs Patrizia Paoletti Tangheroni, Mr Renzo Gubert, Mr Zsolt Németh, in the draft recommendation, paragraph 1, replace the words "that each person's religion, including the option of having no religion, is a strictly personal matter", with the following words:

"that the choice of religion, including the option of having no religion, is a personal matter".

An identical amendment (No. 14) was proposed by Mr Marcel Glesener, Mr Norbert Hauptert, Mrs Patrizia Paoletti Tangheroni, Mr Claudio Azzolini, Mrs Marie-Louise Bemelmans-Videc, Mr Giuseppe Mulas, in the draft recommendation, paragraph 1, replace the words "that each person's religion, including the option of having no religion, is a strictly personal matter" with the following words:

"that the choice of religion, including the option of having no religion, is a personal matter".

*Speakers:* MM Wielowieyski, Lindblad, Legendre.

The amendments were not agreed to.

Another amendment (No. 15) was proposed by Mr Marcel Glesener, Mr Norbert Hauptert, Mr Renzo Gubert, Mr Claudio Azzolini, Mr Giuseppe Mulas, in the draft recommendation, delete paragraph 2.

*Speakers:* MM Glesener, Legendre.

The amendment was not agreed to.

Another amendment (No. 2) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, at the beginning of paragraph 2, replace the words "In its Recommendation 1396 (1999) on religion and democracy, the Assembly asserted" with the following words:

"In the European context, religions have substantially contributed to the development of the continent's identity and of the conception of the human being and their rights. Nevertheless, in its Recommendation 1396 (1999) on religion and democracy, the Assembly asserted".

*Speakers:* MM Glesener, Lindblad.

The amendment was not agreed to.

Another amendment (No. 16) had been tabled by Mr Marcel Glesener, Mr Norbert Hauptert, Mrs Marie-Louise Bemelmans-Videc, Mr Renzo Gubert, Mr Claudio Azzolini, Mr Giuseppe Mulas, in the draft recommendation, at the beginning of paragraph 2, insert the following sentence:

"In the European context, religions have substantially contributed to the development of the continent's identity and to the conception of the human being and their rights."

*Speaker:* Mr Glesener.

The amendment was withdrawn.

Another amendment (No. 3) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, at the beginning of paragraph 3, replace the word "Knowledge" with the following words:

"The family has a paramount role in the upbringing of children, including in the choice of a religious upbringing. However, knowledge".

*Speakers:* MM Wielowieyski, Legendre.

The amendment was agreed to.

Another amendment (No. 5) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, paragraph 5, after the words "kept apart" insert the following words:

"and in particular not exploit each other".

*Speakers:* MM Wielowieyski, Legendre.

The amendment was not agreed to.

Another amendment (No. 4) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, paragraph 5, after the words "valid partners" add the following words:

"in efforts for the common good".

*Speakers:* MM Wielowieyski, Legendre.

The amendment was agreed to.

Another amendment (No.17) was proposed by Mr Marcel Glesener, Mr Renzo Gubert, Mr Fiorello Provera, Mr Giuseppe Mulas, Mrs Patrizia Paoletti Tangheroni, Mr Claudio Azzolini, in the draft recommendation, at the end of paragraph 5, add the following words:

"that may in turn lead as far as terrorism".

*Speakers:* MM Glesener, Schneider, Legendre.

The amendment was not agreed to.

Another amendment (No. 6) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, paragraph 6, after the words "freedom of conscience and religious expression", insert the following words:

"and education".

*Speakers:* MM Wieloweyski, Legendre.

The amendment was not agreed to.

Another amendment (No. 7) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Jean-Guy Branger, Mr Tomasz Markowski, in the draft recommendation, paragraph 7, after the words "tolerant behaviour", insert the following words:

", founded on respect for the dignity of each human being".

*Speakers:* MM Wielowieyski, Legendre.

The amendment was agreed to.

Another amendment (No. 8) was proposed By Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mrs Patrizia Paoletti Tangheroni, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, paragraph 8, replace the second and third sentences with the following sentence:

"It must therefore be fostered on grounds of its cultural and spiritual value, even in countries where a certain religious faith is followed by a large majority."

An identical amendment (No. 18) was proposed by Mr Marcel Glesener, Mrs Blanca Fernández-Capel, Mrs Patrizia Paoletti Tangheroni, Mr Claudio Azzolini, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Giuseppe Mulas, in the draft recommendation, paragraph 8, replace the second and third sentences with the following sentence:

"It must, therefore, be fostered on grounds of its cultural and spiritual value, even in countries where a certain religious faith is followed by a large majority."

*Speakers:* MM Wielowieyski, Legendre.

The amendments were not agreed to.

Another amendment (No. 19) was proposed by Mr Marcel Glesener, Mrs Blanca Fernández-Capel, Mrs Patrizia Paoletti Tangheroni, Mr Claudio Azzolini, Mr Renzo Gubert, Mr Giuseppe Mulas, in the draft recommendation, delete paragraph 9.

*Speakers:* MM Glesener, Schneider, Legendre.

The amendment was not agreed to.

Another amendment (No. 20) was proposed by Mr Marcel Glesener, Mrs Patrizia Paoletti Tangheroni, Mr Claudio Azzolini, Mr Renzo Gubert, Mrs Blanca Fernández-Capel, Mr Giuseppe Mulas, in the draft recommendation, paragraph 9, delete the words "and in denominational schools".

*Speakers:* MM Glesener, Legendre.

The amendment was not agreed to.

Another amendment (No. 13) was proposed by Mr Jean-Guy Branger, Mr Francis Grignon, Mr Gilbert Meyer, Mr Yves Pozzo Di Borgo, Mr Jean-Pierre Kucheida, Mr Jean-Charles Gardetto, Mr François Loncle, Mrs Gülsün Bilgehan, Mr Michel Dreyfus-Schmidt, Mrs Mimount Bousakla, Mr Jean-Pol Henry, Mrs Rodica Mihaela Stănoiu, Mrs Fatma Pehlivan, Mrs Lydie Err, Mrs Josette Durrieu, Mr Rudy Salles, in the draft recommendation, at the end of paragraph 9, add the following sentence:

"These provisions have been judged by the European Court of Human Rights, unanimously, in the Şahin judgment of 29 June 2004, as complying with the European Convention on Human Rights and in particular with article 9 since, being established by a text with legal value, they are necessary to preserve equality, including gender equality, and prevent pressure potentially affecting the rights and freedoms of every pupil or student and disruption within school or university establishments."

*Speaker:* Mrs Durrieu.

An oral sub-amendment was proposed by Mr Schneider, in line 1 leave out the words "by the European Court of Human Rights, in the Şahin judgment of 29 June 2004" and also all the words after "Human Rights" in line 2 until the end.

The President declared that the oral sub-amendment met the criteria of Rule 34.6.

*Speakers:* MM Schneider, Durrieu.

The oral sub-amendment was agreed to.

*Speakers:* MM Gubert, Legendre.

The amendment, as amended, was agreed to.

Another amendment (No. 9) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, at the beginning of paragraph 10, insert the following words:

"In Europe, there are teachers and institutes researching and working on comparative religious education. This teaching and research work fully qualifies as part of the Bologna process."

*Speakers:* MM Wielowieyski, Schneider.

The amendment was withdrawn.

Another amendment (No. 10) was proposed by Mr Andrzej Wielowieyski, Mr Jean-Guy Branger, Mrs Patrizia Paoletti Tangheroni, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, at the end of paragraph 10, add the following words:

", which could benefit from the experience of a number of institutes and faculties in the different member countries that have long been researching and teaching the subject of comparative religion".

An identical amendment (No. 21) was proposed by Mr Marcel Glesener, Mrs Patrizia Paoletti Tangheroni, Mr Claudio Azzolini, Mr Renzo Gubert, Mrs Blanca Fernández-Capel, Mr Giuseppe Mulas, in the draft recommendation, at the end of paragraph 10, add the following words:

" , which could benefit from the experience of a number of institutes and faculties in the different member countries that have long been researching and teaching the subject of comparative religion."

*Speakers:* MM Wielowieyski, Legendre.

The amendments were agreed to.

Another amendment (No. 11) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, paragraph 14.6, after the word "syllabuses", add the following words:

"and methodologies".

*Speakers:* MM Wielowieyski, Schneider, Legendre.

The amendment was not agreed to.

Another amendment (No. 12) was proposed by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger, Mr Tomasz Markowski, in the draft recommendation, at the end of paragraph 14.6, add the following words:

"These syllabuses and methodologies must be devised with the assistance of the representatives of religious faiths, which would include their participation within the European teacher training institute for the comparative study of religions."

*Speaker:* Mr Wielowieyski.

An oral sub-amendment was moved by Mr Schneider, to modify the text so as to read "In devising these programmes, the Council of Europe will consult all partners concerned, including representatives of religious faiths."

The President declared that the oral sub-amendment met the criteria of Rule 34.6.

*Speakers:* MM Schneider, Wielowieyski.

The oral sub-amendment was agreed to.

*Speaker:* Mr Legendre.

The amendment, as amended, was agreed to.

The Assembly agreed the draft recommendation, as amended, contained in Doc. 10673 (*Recommendation 1720 (2005)*).

## **9. FUNCTIONING OF DEMOCRATIC INSTITUTIONS IN MOLDOVA**

The Report of the Committee on Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) on Functioning<sup>3</sup> of democratic institutions in Moldova (Doc. 10671) was presented by Mrs Durrieu and Mr Kvakkestad, Co-Rapporteurs.

The debate was opened.

*Speaker:* Mr Konečná.

*Mr Schreiner, a Vice-President of the Assembly, took the Chair in place of Mr Gardetto.*

*Speakers:* MM Németh, Kocharyan, Jirsa.

*Mr Iwiński, a Vice-President of the Assembly, took the Chair in place of Mr Schreiner.*

*Speakers:* Mr Slutsky, Mrs Postoico, Mr Vareikis, Mrs Nakashidzé, MM Cubreacov, Kolesnikov, Tekelioğlu, Čekuolis, Alatalu.

The Speakers' list was interrupted at 6.45 p.m. The text of remaining speeches would be printed with the official report.

Mrs Durrieu and Mr Kvakkestad, Co-Rapporteurs of the Committee on Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) and Mr Frunda, Chairperson of the Committee, replied to the debate.

The debate was closed.

The Assembly considered the draft resolution contained in Doc. 10671.

The President announced that the amendments would be considered in the following order: Nos. 1, 2, 5.

An amendment (No. 1) was proposed by Mrs Josette Durrieu, Mrs Maria Postoico, Mr Doros Christodoulides, Ms Kateřina Konečná, Mr Vlad Cubreacov, Mr André Kvakkestad, in the draft resolution, paragraph 10, after the words "involving Moldova, the Transnistrian region, Russia, Ukraine and the OSCE", insert the following words:

", and soon, the European Union and the United States as observers".

*Speakers:* Mrs Durrieu, Mr Frunda.

The amendment was agreed to.

Another amendment (No. 2) was proposed by Mrs Maria Postoico, Mr Doros Christodoulides, Ms Kateřina Konečná, Mr Vlad Cubreacov, Mrs Josette Durrieu, Mr Ilie Ilaşcu, Mrs Liana Kanelli, Mr André Kvakkestad, Mr Dumitru Diacov, in the draft resolution, replace paragraph 12.4.2. with the following sub-paragraph:

"to guarantee that the elections for the office of mayor of Chisinau, scheduled for 27 November 2005, are organised in conformity with Council of Europe standards;"

*Speakers:* MM Cubreacov, Frunda.

The amendment was agreed to.

Another amendment (No. 5) was proposed by Mr Ilie Ilaşcu, Mrs Naira Shakhtakhtinskaya, Mrs Rodica Mihaela Stănoiu, Mr Varujan Vosganian, Mr Vlad Cubreacov, Mrs Angela Leahu, Mrs Maria Postoico, in the draft resolution, after paragraph 13.3, insert the following sub-paragraph:

"continue to make efforts in order to obtain the release of the political prisoners Andrei Ivantoc and Tudor Petrov Popa, illegally imprisoned in Tiraspol, according to the final decision of the European Court of Human Rights of the 7th of July 2004 and the previous resolutions DH (2005) 42 of 22 April 2005 and DH (2005) 84F of the Committee of Ministers."

*Speakers:* MM Ilaşcu, Frunda.

The amendment was agreed to.

The Assembly agreed the draft resolution contained in Doc. 10671, as amended (*Resolution 1465 (2005)*).

The Assembly considered the draft recommendation contained in Doc. 10671.

The President announced that the amendments would be considered in the following order: Nos. 3, 4.

