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REPORT

Twenty-seventh sitting

Tuesday 4 October 2005 at 3 p.m.

In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are summarised.
3. Speeches in German and Italian are reproduced in full in a separate document.
4. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

The contents page for this sitting is given at the end of the verbatim report.

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

THE PRESIDENT. – The sitting is open.

1. Minutes of proceedings

THE PRESIDENT. – First, I thank the Symphonic Orchestra Young People for a wonderful concert. I thank also the people of the region of Murcia for a magnificent statue.

(The speaker continued in French)

Et vraiment magnifique statue juste devant le bâtiment. Je recommande à tout le monde de noter exactement la signification de ce monument, surtout les hommes qui sont sans image et les femmes qui ont leur image.

(The speaker continued in English)

The statue of the child and the mother is wonderful to see. I am a family man and I was very much touched by the statue, thanks to the region of Murcia.

The minutes of proceedings of the 25th and 26th sittings have not yet been distributed. They will be adopted at a later sitting.

2. Voting cards and the register of attendance

THE PRESIDENT. – I remind all members, including any non-voting Substitutes and observers, to sign the attendance lists outside the doors of the Chamber at the beginning of every sitting.

May I also remind all Representatives and designated Substitutes to ensure that they have placed their voting cards in the slot so as to ensure that the electronic system will work properly.

I emphasise to everyone present the importance of switching off mobile phones during sittings of the Assembly and during committee meetings.

3. Results of elections of Council of Europe Commissioner for Human Rights and Secretary General of the Parliamentary Assembly

THE PRESIDENT. – I have to announce the results of the ballots in respect of the elections of the Council of Europe Commissioner for Human Rights and Secretary General of the Parliamentary Assembly.

For the Commissioner for Human Rights:

Numbers of members voting: 237

Blank or spoiled ballot papers: 5

Votes cast: 232

Absolute majority required: 113

The votes cast were as follows:

Mr Thomas Hammarberg: 78

Mr Marek Antoni Nowicki: 89

Mr Marc Verwilghen: 65

No candidate having obtained an absolute majority of the votes cast, a second ballot will be held.

The second ballot, in which only a relative majority will be required, will take place on the same conditions as the first ballot, tomorrow morning, 5 October, between 10 a.m. and 1 p.m.

Now I come to the result of the elections for the Secretary General of the Parliamentary Assembly. The result is as follows:

Numbers of members voting: 236

Blank or spoiled ballot papers: 16

Votes cast: 220

Absolute majority required: 111

The votes cast were as follows:

Mr Mateo Sorinas Balfegó: 220

Accordingly, I declare Mr Sorinas Balfegó, having obtained an absolute majority of votes cast, elected the Secretary General of the Parliamentary Assembly, for a term starting on 1 February 2006.

I congratulate the new Secretary General, who will start on 1 February next year. In my opinion, it is a sign of confidence. We have high expectations and I wish Mr Sorinas Balfegó all success. I am sure that we shall work together in a good, constructive and positive way. I thank the members for their confidence. We can be sure that we have a new Secretary General with long experience in the Assembly.

4. Examination of credentials

THE PRESIDENT. – The first order of the day is the examination of credentials of new members submitted in accordance with Rule 6, in respect of the Icelandic delegation. The names are in Document 10682 addendum. If no credentials are contested, the credentials will be ratified.

Are any credentials contested? That is not the case.

The credentials are ratified. I welcome our new colleagues.

5. Changes in the membership of committees

THE PRESIDENT. – Our next business is to consider the changes proposed in the membership of committees. These are set out in Document Commissions (2005) 8 addendum.

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

6. Organisation of debates

THE PRESIDENT. – This afternoon the business is very full, with an address from the Secretary General of the Organisation of the Islamic Conference, followed by debates on two reports for which there is a total of 38 speakers and 26 amendments to consider.

We will have to interrupt questions to Mr Ihsanoglu at about 4 p.m., the list of speakers in the first debate, on education and religion, at 5 p.m. and that in the second debate, on Moldova, at 6.45 p.m. in order to leave sufficient time for the replies and the votes. The debate on Moldova will begin at about 5.30 p.m.

Are these arrangements agreed? They are agreed.

I remind members that the Assembly agreed this morning that speaking times in debates would be four minutes and on amendments, 30 seconds.

7. Address by Mr Ekmeleddin Ihsanoglu, Secretary General of the Organisation of the Islamic Conference

THE PRESIDENT. – We now have the honour of hearing an address by Mr Ekmeleddin Ihsanoglu, Secretary General of the Organisation of the Islamic Conference. After his address, the Secretary General has kindly agreed to take questions from the floor.

It is a great honour and privilege for me to introduce to colleagues the Secretary General of the Organisation of the Islamic Conference, Professor Ekmeleddin Ihsanoglu, who took up office in June 2004. With its 57 member states covering a large geographical region over four continents, the OIC is the second largest international organisation after the United Nations. Professor Ihsanoglu is the first Secretary General of the OIC, which was founded in 1969, to be elected by secret ballot rather than by consensus. He is well known not only as a diplomat and a seasoned politician at the helm of a major

organisation, but as an accomplished academic with a deep insight into the history of science, culture and scholarship in the Islamic world, and a champion of cultural development. He is here today; that is very special, and it happens at a very particular time.

The war against terror has united all those to whom human rights and ideas of democracy are clear. In that connection, it is gratifying to note that in his inaugural speech at Jeddah on 28 December 2004, Professor Ihsanoglu called, *inter alia*, for the OIC's participation in a global strategy of co-operation against terrorism, together with the United Nations and other concerned institutions.

A dialogue of civilisation is our response to those who would prefer to see a clash of civilisations. The Council of Europe, the oldest international organisation on this continent, is a community of values that unites nations of various beliefs and confessions. We want to interact and co-operate with all those who share our values and ideas. Professor Ihsanoglu's call for the multiplication of efforts to reaffirm the position of the Muslim world in the field of human rights and international law underlines his attachment to these values. Mr Secretary General, we are sure that our dialogue today will deepen our understanding of each other, and I hope that it will also be the start of a fruitful co-operation. You have the floor.

Mr IHSANOGLU (*Secretary General of the Organisation of the Islamic Conference*). – Mr President, Mr Secretary General of the Council of Europe, honourable parliamentarians, distinguished ladies and gentleman, it is an honour and privilege for me to address the Parliamentary Assembly of the Council of Europe on behalf of the Organisation of the Islamic Conference.

I would like to express my sincere gratitude and appreciation to President René van der Linden for extending to me an invitation to address the distinguished parliamentarians on the theme of education and religion. I am also glad to congratulate both the outgoing and the newly elected Secretary General, and I hope that in future we shall conduct our co-operation in the best possible way.

This occasion also gives me an opportunity to address issues intrinsically linked to the theme. The beginning of intercultural and inter-religious dialogue in this august Chamber will go a long way to promote understanding between cultures and religions. I fully support your commendable endeavours and encourage other forums in Europe to follow the example of the Council by institutionalising debate on the most pressing issue of our time.

I have the distinct honour to represent the only Muslim intergovernmental organisation: it has members in Asia, Africa, Europe and Latin America composed of 57 states and many non-Muslim observers, including the Russian Federation, recently admitted last June, during the 32nd session of the Islamic Conference of Foreign Ministers, which was held in Sana'a' Yemen. The OIC is the world's second largest intergovernmental organisation, next to the United Nations, representing a population of 1.3 billion people – almost one fifth of the globe.

Our organisation was created to advocate the political manifestation of the Muslim countries, but its foundation is on the shared cultural, spiritual and common heritage of the Muslim community. That shared heritage is based on knowledge that was inculcated through Islamic values derived from sources both revealed and secular, which conforms to the model of human excellence based on dignity, respect for life, liberty and equitable and moral standards for Muslims and non-Muslims alike. The universality of the Islamic faith has been an accepted fact recognised by successive generations of scholars both by its proponents and opponents right in the heart of Europe over the centuries, and no one could deny that the Islamic beliefs and values have any other source than knowledge, education and religious tolerance.

The intercultural and inter-religious dialogue has been erected on the edifice of tolerance among human beings, and Islamic values provided that framework for a tolerant society 14 centuries back, in the shape of the Covenant of Madinah and the last sermon of the Prophet Muhammad. Inter-religious co-existence is not a new phenomenon in the Muslim countries but was as important an issue at the dawn of Islam as it is today. Muslim society right from its birth decided to march with the core values of respect for human dignity, regardless of colour, creed, faith, social status or ethnic origin. I like to recall that the flourishing Andalusian culture under Muslim rule in Spain and the Balkans' cultural heritage under the Ottoman patronage were among the most successful examples of peaceful co-existence between the three religions, and produced brilliant models for human values.

The followers of Islam over the past 14 centuries developed a radiant civilisation that stood for international values of human rights, justice, tolerance, compassion and peaceful co-existence with other civilisations and faiths. The holy Koran informs humanity in chapter 2, verse 136, the following: "Say" – this is addressed to Muslims – "We believe in God and that which is revealed unto us, and that which was revealed unto Abraham and Ismail and Isaac and Jacob and the Tribes and that which Moses and Jews received, and that which the prophets received from their lord. We make no distinctions between them,

and unto Him we have surrendered". That is the basis of Islam's outlook on other religions, in particular the monotheistic religions.

It is true that in the early phases of western awareness of Islam, it was perceived as a mystery and a menace, but on a political and practical level, it imposed relationships of a diverse nature – co-existence, trade, crusades, contacts and discoveries. There was also a genuine attempt to understand Islam and its impact on the Christian world.

Islam witnessed the co-existence of Muslims, Christians and Jews. That interaction led to people sharing their knowledge of philosophy and science. I refer in particular to the transfer of Hellenistic knowledge to the Muslim world and the rise of science, philosophy and arts in Islam, which were transferred to Europe and had their effect on successive generations there. The profound contribution by Muslims was widely acknowledged, and it clearly demonstrated the common routes and sources of our universal civilisation.

Muslims have also benefited from the West and they gratefully acknowledge the benefits derived from western thought and progress. There are, however, aggrieved Muslims. Their grievances are not against the material and technological progress of western civilisation, but have arisen out of political and historical injustices, which manifested themselves in imperialism and colonialism. Even those grievances would have disappeared long ago had we been able to create an accommodation between our two civilisations, based on common heritage, and had we worked more closely together.

The most important step required by our modern civilisation is to shun prejudices based on past grievances. We should stop looking at reality through our old prisms. Islam values knowledge and deliberation in all human actions and there has to be a rational and intellectual justification for one's conduct. On that basis, one can safely argue that the path of moderation is the best course for an individual and that any individual who refutes that by becoming an extremist goes against the spirit of Islamic values. Extremism has never been a popular doctrine among the Muslim masses and despite the potential of modern terrorists to harm a large number of people, support for them is limited. A narrow interpretation of any edict of Islam that is taken out of context cannot be attributed to a Muslim consensus. No political or religious doctrine or thesis has ever gained acceptance when it has not been consensual. It is the Muslim consensus that extremism runs contrary to the intellectual fibre of Islam.

The events that unfolded over the past five decades in the Middle East conflict have led to the demonisation of everything that is linked to Islam. The drop scene was 9/11. Although that received the condemnation of Muslims, it was nevertheless directly attributed not to the individuals responsible but to Islam. While commenting on Muslims and Islam in the media, the majority in the West never paused for one second to ask whether an act of individuals was sufficient reason to condemn one fifth of humanity or whether a parliament or political movement endorsed the erratic and gross criminal behaviour of a few individuals. Obviously, no one has ever produced such evidence. In the context of the role of that media, an honest review would inform us that the burning issues of the time, in which Muslims have been the victim, have never been seriously addressed. We have unsettled political disputes, unjustly drawn borders and illegal occupation of territories. The unjust treatment of the Palestinians, their continued misery and the lack of recognition of their fundamental rights need to be mentioned. Those overarching injustices cause the turmoil that should be rectified through the use of justice.

I remind the Assembly once again that Muslim populations have suffered from deprivation, occupation, ethnic cleansing and massacres. All of those have taken place in our age of enlightenment. Conversely, that sad experience generated a pervasive sense of disappointment among the Muslim nations. In recent years, the illegitimate war in Iraq gave one further jolt to the faith of Muslims in the efficacy of international order.

However, I am not here to complain about historical events. I speak of the past only because it is essential to understand the present and to contemplate the future. Confronting the past helps us to understand why we are here and how we can chart a new course for the future, if that is our common wish. We cannot overlook the sad reality of the mounting wave of intolerance between Islam and the West.

The annual activity report of the European Commission against Racism and Intolerance, published in June 2005, defines Islamophobia as one of the main trends that requires attention and action. ECRI draws the conclusion that "Islamophobia continues to manifest itself in different guises. Muslim communities are the target of negative attitudes, and sometimes violence and harassment. They suffer multiple forms of discrimination, including sometimes from certain public institutions. ECRI is worried about the current climate of hostility against persons who are or are believed to be Muslim." Those incidents became more frequent after the events of 11 September and were compounded by the

gruesome attacks in Istanbul, Madrid, Cairo, Karachi, London and only this week with the repetition of the killings in Bali.

At the same time, since 11 September, Muslims throughout the world are becoming increasingly victimised because of collective guilt and dishonour. They have been stigmatised as terrorists. A new wave of racism against Muslims arose in the aftermath of 9/11, based on religious grounds. The term "Islamic terrorism" has gained popular usage in the international media, as well as in official discourse.

The picture I have painted may seem gloomy and bleak, but unfortunately it is real. The Muslim world finds itself besieged by all sorts of accusations, and they are often based on misrepresentations that fuel erroneous perceptions. In short, we are confronted with a major contemporary challenge. Together, we should not allow the relationship between two great monotheistic religions and civilisations to be defined in mutually antagonistic terms. This is our common challenge and the main message that I want to convey. For our part, we are ready to work with you to avoid sliding down such a path, with disastrous consequences for global peace, stability and co-operation.

We have solid reasons to work together, to deal with one another, and to flourish together. The first reason is the geographical proximity of Islam and the West – we are close neighbours. Nobody can change the geography, as they say, so we should try to make the best of it. Islam teaches good neighbourly relations. Neighbours are almost considered to be legal inheritors in Islamic law. Neighbourliness should mean friendship, compassion, co-operation and solidarity.

The second factor is common values. When we rectify the negative images of Islam depicted through the onslaught of Islamophobia – old and new – we realise that Islam has, since its inception, sought to bring out the best in human nature. Islam laid down the foundation of human rights and dignity, and asserted the supremacy of the values of justice and equality among all beings. There is no inherent conflict between Islam and modernity, and Muslims are no less committed to pluralism and to respecting the right of people to cherish their diversity. Islam has been teaching for centuries principles that later became the principles of international human rights law.

The third factor is a common spiritual reference. Islam, as part of the entire history of monotheistic religions, is a continuity of Judeo-Christian traditions and culture.

With all these elements of rapprochement, the Islamic world and the West are destined to co-exist and to prosper together. That is a strong basis on which we can build a better future. For that, we need an open and critical dialogue to take place between us that should include intellectuals and representatives of civil society. Together, we need to address the root causes of the misunderstandings and conflicts, to assess them and then come up with a realistic approach that might lead to a convergence of views, and thus try to build an historic reconciliation pact. This would be an immense achievement from which all humanity would stand to benefit.

To pave the road leading to the goal of an historic reconciliation pact, we propose the following steps: giving the official recognition to Islam that is given to other mainstream religions in European states, which would infuse confidence and inter-faith harmony; revising educational syllabuses at all levels on both sides, particularly in key disciplines such as history, philosophy, and social and human sciences, with the aim of presenting a balanced view of other cultures and civilisations; establishing genuine intercultural dialogue at local, national, regional and international levels and in all media, including news, feature stories, fiction and even cartoons; promoting tolerance and encouraging debate within the intelligentsia and media about their responsibility to avoid perpetuating prejudices; developing campaigns to foster and disseminate respect for culture, religious pluralism and cultural diversity; ensuring freedom of religious practices without prejudice to secular laws; addressing the root causes of terrorism, including political conflicts; exerting an effort to engender a positive sense of belonging and responsible citizenship among Muslim youth, and giving them more incentives to participate in mainstream public life; and strengthening existing legislation, adopted by EU council directives, on hate crimes and discriminatory and unequal treatment.

These are doubtless gigantic steps. At least some of them can be jointly undertaken through structured co-operation between the Council of Europe and the Organisation of the Islamic Conference. The OIC is ready to explore the ways and means of establishing such structural co-operation. In proposing an ongoing dialogue with the Council of Europe, we are cognisant of the very valuable work carried out by your Organisation for more than five decades in fostering human rights, good governance, cultural co-operation, history teaching, social cohesion, and good practices in local government, among other activities.

As we live in an interdependent world, and in the age of globalisation and cultural diversity, it is incumbent on European and Muslim states to open a new chapter of friendly co-operation based on a new vision of tolerance, friendship and peaceful co-existence. We should transcend the misunderstandings of the past, and even of the present, to usher in a new epoch of historic reconciliation, concord and harmony.

For centuries, Muslims, Christians and Jews lived together in harmony and peace in the lands of Islam, giving the world an example of fraternity among faiths. Now, the geography, the values and the common spiritual references – alongside the aspiration of Muslim people to complete their delayed process of modernisation, and their desire for a peaceful and prosperous life – are there to bring us together again. So let us work together to respond to this challenge.

I thank you for listening.

THE PRESIDENT. – Thank you very much, Mr Ihsanoglu, for your interesting contribution to this afternoon's debate, and especially for your appeals for the peaceful co-existence of religions and for tolerance and respect.

Members of the Assembly have expressed a wish to put questions to you. I remind them that questions must be limited to 30 seconds and no more. Colleagues should be asking questions and not making speeches. The first question is by Mr Mercan.

Mr MERCAN (*Turkey*). – Apparently, there is prejudice against Muslims and Islam in western society, and vice versa. Do you have a plan of action to neutralise the misunderstandings and to reduce the prejudices that exist against Islam, particularly in the West? What measures do you suggest that OIC member states should take to support you in this process?

THE PRESIDENT. – Thank you. I give the floor to Mr Ihsanoglu.

Mr IHSANOGLU. – Thank you, distinguished speaker, for that pertinent question. Some of the issues that I raised at the end of my speech covered that question, and I need not repeat them as the text will be available. But I appreciate the opportunity that this gives me to say a little more on this subject.

The OIC countries, of which there are quite a few, need to make concerted efforts. Turkey, Albania, Bosnia and Azerbaijan are members of the Council of Europe, and of course, Russia became an observer member. These countries are also members of the OIC, so they are members of both institutions. Some of the ideas that have arisen could be better developed, and there should be more ideas from your own side. Perhaps the co-operation that we are going to forge between the two secretariats will help to work matters out, but the main issues are fighting terrorism, Islamophobia and intolerance, rectifying the image and getting rid of prejudice. Those are some of the salient points on which we should concentrate, and after we define the goals and mechanisms together – the *modus operandi* – the next task is to implement the relevant measures.

THE PRESIDENT. – Thank you, Mr Ihsanoglu. I discovered that you did not get the information on the Council of Europe's resolution on the Middle East, and so on. We will be aware of that point for the future. I call Mr Walter.

Mr WALTER (*United Kingdom*). – I thank the Secretary General for his fascinating address. Does he believe that the historic opening of negotiations for entry of his motherland into the European Union will set a standard and establish a beacon relating to human rights and democracy in the Islamic world which will be followed by other states in his conference?

THE PRESIDENT. – Thank you. I give the floor to Mr Ihsanoglu.

Mr IHSANOGLU. – I do believe that, and I believe that the decision to begin negotiations was an historic decision by Europe and Turkey. I feel privileged to be here, and to learn at first hand what people are thinking. This morning I had an interesting, a wonderful and a constructive meeting with the enlarged group of ambassadors.

I think that what you have said, sir, is true. I do not like to think what the reaction would have been if, God forbid, things had gone the other way. It was a very wise decision by Europe and Turkey.

Let me be frank about how people think in the Muslim world, at the grass roots. I am thinking of people who have different lifestyles and different levels of prosperity according to the countries to which they belong. In my view, a peasant from the Middle East, Asia, Africa or Latin America, be he Muslim, Christian or Buddhist – that simple man – is, in terms of his human aspiration, no different from the man in your constituency, wherever it may be. All human beings aspire to the same targets. They want to lead

good lives, to secure a good education for their children and to enjoy good health care. On Fridays, they may or may not go to the mosque; on Saturdays, they may or may not go to the synagogue – and so on.

What creates the problem is not the people themselves. It is not the people at the grass roots. We all know that, whether we are politicians, scholars or diplomats. The ideologies and projects leading to extremism and violence from which we all suffer are not the result of the feeling of those whose sole aim is to lead good human lives. Globalisation should mean addressing the issues in a new spirit, and ridding ourselves of centuries of bad habits and prejudices. It should mean caring more about human values, human nature and human common denominators. It should not just mean human rights in the political sense; it should mean humanity in general, and all nations belonging to one human family.

In that context, I believe that yesterday's decision will open a new avenue for good will on both sides.

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

Mrs DURRIEU (*France*) cited the Islamic Conference's 2004 final declaration which called on member states to take appropriate measures in relation to women at national and local level, in accordance with Sharia Law. What restrictions did Mr Ihsanoglu believe should be imposed on women in the name of Sharia Law?

THE PRESIDENT (Translation). – Thank you. I give the floor to Mr Ihsanoglu.

Mr IHSANOGLU. – I thank Mrs Durrieu for her important question. She quoted me. I may have said not "restrictions of" but "framework of". I think that that is a bit clearer: it is a reference that we must respect in our organisation.

The position of women in Islam is a hot subject. I know that it is important to you; it is also important to us. If you will allow me, Mr President, I will answer the question by making a slight detour. I know that the issue is important here and, indeed, everywhere. It does not concern just my own wife.

The position of women in Islam is controversial, for one big reason. What the religion of Islam says about the position of women is highly advanced in comparison with what is said by other religions. Any comparison between what Islam, as a religion, has given women in terms of rights and what other religions have done makes it clear that Islam's position is very progressive. The canons and jurisprudence books make that clear.

Let me make a second point. In many countries, many deeds are still perpetrated against women in the name of Islam which have no root in Islam. Some owe themselves to local culture; some, indeed, are pre-Islamic customs. There are differences between societies: nomadic, tribal, agrarian, urban and industrial. There we have the whole spectrum of the Muslim world. There are societies that are still nomadic, and societies with a tribal structure. People in such societies retain traditions dating from the fourteenth century.

Then there are the advanced societies. In some countries, women in Islam have as much equality as they have in European institutions. In Turkey, women's rights were far in advance of those in many European countries in the 1930s, 1940s and 1950s. I have been in Europe throughout my political career, and I have observed the difference between countries in this respect. There is not one position; there are many different positions.

We must, of course, bear in mind that religion in Muslim society – Islam – has more prominence than its counterpart in this part of the world. We cannot expect everything to happen in a single day, because of the different phases involved in development and maturity. Many of the countries involved have not known something called an industrial revolution. Those who have experienced the industrial revolution are now proceeding to a new age, the post-industrial revolution era.

I have spoken of the delayed modernisation of many Muslim countries. When that modernisation eventually takes place, many of the issues will be addressed and much will change. The process has gone forward and many countries, including my country, take an advanced position. We had a lady prime minister, and she may have been here to address you. Pakistan once had a lady prime minister, and many ministers in different countries are women. That is not everything, but please keep in mind the difference between what religion teaches and what is presented in its name.

I cite an example from the history of Islam. Since the time of the Prophet, women have taken an active part in social and public life. That is well known in Islamic jurisprudence and history, but some

countries say that that is wrong. As in Christianity and Judaism, there are different ways in Islam of dealing with the issue of women. The current trend is the correct one, but we must be patient and respect the sensitivities of others. With that point in mind, I am sure that these problems will be solved to a great extent.

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

Mr BRANGER (*France*) noted that the final declaration had also said that the Islamic Conference would refrain from using the universality of human rights to ask member states to overturn elements of Sharia Law such as stoning. Had the time come for the Conference to work with the Council of Europe and within the Convention?

THE PRESIDENT (Translation). – Thank you. I give the floor to Mr Ihsanoglu.

Mr IHSANOGLU. – Stoning in Islam has its history, and I will attempt to clarify the issue by providing detailed information. First, I must tell you that there is no dogma on this point. There are no texts on stoning in the Holy Koran. There is nothing on it in the Holy Koran; there is no injunction.

At the time of the Prophet, who was the first legislator, head of state and the founder of the religion and the community, only two cases of stoning took place, and they took place when he was in Medina and not in Mecca. He went from Mecca to Medina where there was a big community of Jews. They came to him and told him that a woman had committed adultery and that they wanted to punish her. He was the head of the community – both Muslims and Jews – so he asked, “What is your law?” They brought him the Old Testament and the Islamic version. They said that the law said “Stoning” and he said, “Okay. This is your law. Go ahead.”

Later, something similar happened among the Muslims. A woman came and said, “Oh, Prophet of God. I have committed adultery.” He asked her whether she was sure and not mistaken. She said, “No, I have committed it, but I am pregnant.” He told her to give birth to her child and that they would then see. The woman returned to him later. He told her to think things over, but he said that there was no injunction. He said that the rule in Islamic law is that if there is no provision for a certain act, what happens in Christianity and Judaism should be followed, because Islam considers itself to be a continuation of those religions. He therefore said that the punishment should be stoning, because that was the tradition he had found in Medina among the Jews.

A second case occurred involving a Muslim woman, and the Prophet did not like the sanction being sought. The Prophet later had a revelation that said, “Don’t do that.” Another punishment was found.

There are different schools of thought in Islamic jurisprudence. One school takes the two incidents as a measure, but with one condition. According to this school, there should be four witnesses who should have seen the act of adultery. That is impossible. For stoning to take place, the four witnesses must have seen the act of intercourse. That will be possible only if four “clever and intelligent” people make a film, and such a film would not be acceptable in the countries concerned.

The other school of thought does not accept that view, so why has the question been asked? Unfortunately, in some countries some people who belong to the narrow-minded school of thought came to power and said that it was Islam. It is not. I do not know how many times stoning has taken place since the 14th century. It happened twice during the time of the Prophet because of pre-Islamic traditions, and then the practice was stopped.

The sad thing is that some Muslims want to present Islam in one way and other people widely perceive it in that way. Many scholars do not accept that stoning is part of Islam and they say that it is against the rule and spirit of Islam. I am sure that, in a short time, some of the countries that started the practice a few decades ago will stop it, because it is a wrong interpretation of Islam. I am sure that the rest will follow; it is a matter of time.

I am an historian of the Ottoman empire and I do not recall this practice ever taking place in its whole history.

THE PRESIDENT. – Thank you. I now call on Mr Gedei to ask the final question.

Mr GEDEI (*Hungary*). – My question has been answered so I withdraw it.

THE PRESIDENT. – In that case, I call Baroness Hooper.

Baroness HOOPER (*United Kingdom*). – I ask the Secretary General for his views on the role of Islamic cultural heritage, including religious heritage, and the extent to which better education and better understanding and respect for the symbolic value of buildings, and places of worship in particular, can be used to bring people together rather than causing the confrontation that we have seen in so many places.

THE PRESIDENT. – Thank you, I give the floor to Mr Ihsanoglu.

Mr IHSANOGLU. – I thank Baroness Hooper for her report and for her question, which is dear to my heart. I have worked for cultural heritage for more than two decades.

In my short address, I referred to Andalusian examples as well as Ottoman examples, particularly in the Balkans, where there is evidence of ethnic groups, religions, churches and denominations living together peacefully. There are the Jews, whom the Ottomans carried with their fleet from different parts of the world, where they were persecuted. They saved them and they settled in Izmir, Istanbul, Sarajevo and Salonika in the 16th century.

In many places in Istanbul, and in Jerusalem before the Ottomans, in an area of 1 square kilometre or 2 square kilometres there is a church next to a synagogue that is next to a mosque. In Istanbul, my office is near to one of these places. I pass these monuments every day. As I have said, they are next to one another, and they are centuries old.

In Sarajevo, the first church was built under the Ottomans. The synagogue was built under the Ottomans when the Jews were accommodated after they had fled from other parts of Europe. This is the tradition in Islam. We do not want to force change or to demolish buildings. We want to keep what is in place. There are hundreds of examples where money from state budgets – in the days that I am talking about the states were headed by a sultan who was a caliph – was provided. Synagogues and churches were helped financially or built by public money.

What happens today is nothing to do with tradition or with Islam. What is happening is politically motivated for different reasons, and as a result we are all suffering. That is why we must invite our people to go back to the real essence of tolerance and peaceful co-existence, which our religion has taught our civilisations. It has inculcated that approach for centuries. We must invite the world community, particularly the European community, to address the political roots of the various movements to try to contribute efficiently to the solution of the political problems that have been created in the past 50 years or even the past century, where Europe has responsibility in the first instance. Once that is done in an open, candid and honest way, we will all live in a better world.

There is no religion, no culture and no human value that teaches us to kill one another or to demolish one another's monuments.

THE PRESIDENT. – We must now conclude the questions to Mr Ihsanoglu. On behalf of the Assembly, I thank you, Mr Ihsanoglu, for your address and especially for your answers to questions. I hope sincerely that this is the start of co-operation between our Assembly and the Islamic world.

8. Education and religion

THE PRESIDENT. – The next item of business is the debate on Education and Religion, presented by Mr Schneider on behalf of the Committee on Culture, Science and Education, Document 10673.

The list of speakers closed at 12 noon today. Eighteen names are on the list and 21 amendments have been tabled.

I remind members that we will need to interrupt the debate at about 5 p.m. to allow time for the replies and votes and that speaking times in the debate are four minutes.

I call Mr Schneider, the rapporteur, to present his report. He has eight minutes. As I have said, in the debate speakers will have four minutes.

Mr SCHNEIDER (*France*) said that tensions had been running high ever since 11 September 2001 because the western world had been shocked by the actions of fanatics. Therefore, the committee wanted to propose a response to fanaticism, which was based on ignorance: education. Islam, Christianity and Judaism had common roots in Abraham and had a lot to learn from each other. Recent actions had made the issue even more urgent.

The education system was being stretched to the limit by the need to challenge fanaticism. Although religion played an important role in the world, most Europeans had a limited knowledge of religious facts. The histories of religions and the principles on which they were based should be taught. This knowledge would create tolerance. Religious knowledge was not the same thing as religious belief and should be taught in schools in a measured and objective way. The objective of the report was to address educational institutions rather than religious bodies, although the latter should also contribute to education. Schools should focus on the major religions and the questions they posed.

The report recommended that there should be a special institute established to train teachers in religious education. The committee had consulted widely on this question and had reached a consensus: that this debate must continue on the basis of mutual understanding and agreement. There was no universal truth in religion, but the committee wished to look at what already existed in the field of religious education and put forward modest proposals for improvement. The committee wished to improve understanding between peoples. Its report respected both secular society and freedom of religion.

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

THE PRESIDENT (Translation). – Thank you. I now open the general debate by calling Baroness Hooper to speak on behalf of the European Democratic Group.

Baroness HOOPER (*United Kingdom*). – Mr President, I welcome the report and congratulate the rapporteur on the thoughtful and serious way in which he has prepared it; I also congratulate him on his timing. In the global atmosphere of terrorism and fanaticism in which we sadly find ourselves today, there can be no better time to seek ways in which a better understanding and tolerance of other people's religious beliefs can be promoted at an early age.

The Jesuits are reputed to have said, "Give me the child until he is seven, and I will give you the man." The Jesuits were, and are, great educationists, but I believe that the report, and this debate, also underline the importance of cultural heritage to the Council of Europe, in enabling it to fulfil its mission of achieving a permanent and lasting peace in Europe. That was reflected in the Athens declaration from the Council of Europe Education Ministers in 2003.

My own starting point derives from the debates and discussions on the subject in my country in the House of Commons and the House of Lords during the passage of an education act, the focus of which was both the teaching of religion and its content, as well as what form the daily assembly or act of worship in schools should take. The conclusion of that process, and of the wide consultation that took place, was that the best way forward would be to deal with the varying needs of different areas of the country at local level.

For example, there was a school in Luton, north of London, in which 98% of pupils were Muslim. It would have been absurd to impose a traditional Christian form of worship in that situation. We therefore resolved the question by legislating to set up local bodies composed of representatives of various religious faiths, parents, teachers and school governors, to decide how to deal with the issue in the context of local needs. To the best of my knowledge, that system, because of its flexibility, is working to this day. It is therefore important that any solution found, and any guidance given as a result of the report, should not be too prescriptive, and should allow for a partnership approach to the development of the syllabus and training in education about religion. That can be very valuable in linking together all the institutions and communities that influence the education of young people.

Let me be more specific about the report. Paragraphs 3 and 4 are very important. The role of families in the spiritual and religious education of children has greatly diminished in many parts of Europe, partly because of a lack of confidence in religions and partly because of a view that schools should educate children in that regard. There are other reasons too, why family influence is diminishing in some parts of Europe. For example, the media constitute one of the growing influences on young people. They are responsible for some gross misrepresentations of religion and religions, but they have the potential to be a force for good in education and religion.

Paragraph 6 is a key paragraph, recognising the role that education can play. However, I believe that schools are not the only places in which young people are educated. Families and communities have an important task too, and faith communities need to work with education, and vice versa, if intolerance is to be overcome.

I strongly support paragraph 10. It is true that there is a shortage of qualified and trained teachers of religion, and all countries in Europe can gain much from the establishment of a European training institution. The United Kingdom has much experience in this area, which it would be happy to share.

Paragraph 13, sub-paragraphs 1 and 2 are also very necessary. In short, my group welcomes the report as a step in the right direction.

THE PRESIDENT (Translation). – Thank you. I now call Mr Exner to speak on behalf of the Group of the Unified European Left.

Mr EXNER (*Czech Republic*). – Ladies and gentleman, the main problem with Mr Schneider's good report and its draft recommendation is that – with one exception, in paragraph 14 – they speak only about knowledge of different kinds of religion without mentioning the non-religious stance, atheism and their common history. On behalf of the Group of the Unified European Left, I agree with this way of thinking about this matter – that children should gain a good general knowledge of it. However, for the sake of the full spectrum, it is necessary to add information about the possibility of living individually, in families or in secular society without religions, to give information about different movements that are against, or critical of, concrete religion, their results and the positions that they advance on philosophical and cultural thinking. Those alternative stances, too, have also contributed to cultural heritage and the knowledge and experience of human kind.

To put all this into effect we could substitute for the word "religions" the words "religions, non-religious attitudes, atheism and their common history" everywhere in the draft recommendation. But that is not easy – for more than grammatical reasons. That attitude needs to be discussed in the report and by the committee.

Mr President, with those arguments I propose that after the debate, the report be returned to the Committee on Culture, Science and Education for completion.

THE PRESIDENT (Translation). – Thank you, Mr Exner. I now call Mr Coşkunoglu on behalf of the Socialist Group

Mr COŞKUNOĞLU (*Turkey*). – I congratulate the rapporteur on undertaking a report on such a dangerous and explosive subject.

Religion is a noble yet dangerous concept, as we have observed throughout history and from the comments of previous speakers. The report articulates the noble aspects of the rapporteur's undertaking, but let me point out a couple of the dangers. The report states that a good general knowledge of religions is essential to exercise democratic citizenship. We cannot disagree with that, but I add a note of caution on the matter of causality. To have a democratic and more tolerant society, a general knowledge of religion is not a prerequisite.

Let us consider the history of religion. Christianity went through the dark ages. It did not change as a result of a general knowledge about religion, but because of a renaissance and the commitment to rigorous and critical thinking. The same is true for Turkey. It is often said to be the only secular Muslim country, but we did not get to that state because of a general knowledge about religion. I am concerned that the cause and effect could be misunderstood.

Peer pressure is another danger. During the Reagan era in the United States, an innocent and ostensibly noble proposal was made on voluntary prayer. Its society rejected that, however, because if a student were to stand up and pray, others would be subject to peer pressure to join in. So peer pressure is important.

We know that crusades and Jihads have ostensibly noble purposes and intentions, but we also know the results of them. However, we also know that art, architecture, music and poetry have been inspired by religions through the ages. Many things of beauty have been produced in the name of religion, but without religion there would still be art, beauty and goodness, and mankind would still find reasons to go to war. However, it remains the case that the best societies are secular societies. Given that some people's religious certainties put everyone in danger, governments should be careful to ensure that religion is low key.

The idea in the report is noble and good, but it is dangerous to insist that religion is taught in our classrooms.

THE PRESIDENT (Translation). – Thank you, Mr Coşkunoglu. I call Mr Wielowieyski on behalf of the Group of the European People's Party.

Mr WIELOWIEYSKI (*Poland*) said the former President of the European Commission had commented that Europe needed to rediscover its soul. Modern society lived in great haste, with fleeting

regard for cultural and moral values. However, most Europeans were associated with a religion and the report drew attention to the rich religious heritage of the continent. As a member of the EPP group, he was delighted that the issues covered in the report were being discussed. There were some significant recommendations that should be adopted without amendment. He welcomed the recommendation regarding religious teaching within schools. He also welcomed the proposal that a European teaching training institution for comparative religious studies should be set up. However, he felt this should proceed only in collaboration with churches and other religious institutions. He asked the rapporteur to accept his amendments.

THE PRESIDENT (Translation). – Thank you, Mr Wielowieyski. I call Mr Eörsi on behalf of the Alliance of Liberals and Democrats for Europe.

Mr EÖRSI (*Hungary*). – Once upon a time, one of the students of Confucius asked him, "Master, if there was only one guideline by which one should live, what would it be?" The master answered, "To treat others in the way that you would like to be treated." I am sure that that is familiar to the Assembly. When the quote was published by the American author, it produced an hysterical reaction all over America because Confucius said it 500 years before Jesus Christ. Baroness Hooper spoke about intolerance, and that example illustrates how some groups are ready to deny historical facts. Perhaps we need not go so far as to speak about Theo van Gogh, a very intolerant person who, because of his intolerance, was slaughtered by Muslim extremists.

The fact is that three out of the five global religions claim to possess the one and only truth. I do not think that a Hindu or a Buddhist would tell us what is right and wrong, or say that, if we do not behave according to their rules, we will be punished. But in our neighbourhood, the Christian, Jewish and Muslim religions are ready to tell us what the only way to live is. The problem is one of tolerance of religions.

It is high time to discuss the role of the churches. It is my conviction that the churches should deal with the souls of people who are believers. They should not collect too much money, bring in the gold and live in fancy palaces. They should resist entering into politics and should not tell people the "proper" way to vote at a political referendum. They should not say that one party is good and another bad, and that we should therefore vote in a particular way. Also, the churches certainly should not deny scientific findings and results.

I deeply believe that educating people about churches and religion is extremely important, and that is especially true of central Europe. When I was at school, teaching children about churches and religions was abandoned for political reasons. We were educated as if churches and religions did not exist, so we grew up in an environment of insufficient knowledge and understanding. That was wrong, because religion is a big part of European culture and history. So it is very important that we have such education not only in state schools, but in fee-paying schools.

But while the state must do more and the churches must do more in the schools, I truly believe that the churches – the representatives of the religions – must do more by focusing on the real tasks. If they stay away from temporary political issues and show tolerance, the state can be more open in dealing with the task of teaching religion in school, which is very important indeed.

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

Mrs DURRIEU (*France*) thanked the rapporteur for an excellent report. She said that the Assembly had to be careful when discussing how to educate children. Religions were the source of most conflicts in the world and the history of religion, however controversial, had to be taught. She did not believe that religion and democracy were incompatible: religion was a fundamental part of society. She noted that some Islamic countries had freed themselves from oppressive fundamentalism. She wanted all children to be provided with an education that enabled them to make their own individual religious choices. The key to unbiased religious education was the employment of secular teachers.

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

Mr SCHREINER (*France*) believed that religion had a difficulty in reconciling itself with secular society. Therefore, secular education was important. He cited the example of the young Muslim girl who had wished to wear a headscarf in a French school. Such an act would have endangered the secular education system and exposed other young girls to similar religious pressures. The Convention recognised that schooling must be secular, but freedom of education included the right for private schools to be established. The existence of state schools did not therefore preclude the teaching of religion in other ways in other establishments. Religion was not the same as extremism. It went hand in hand with tolerance. This meant that teaching about religion was necessary to facilitate the teaching of tolerance.

Europe had borne witness to terrible events in the past which must not be repeated. The report had his full support. Different religions offered different routes to the same destination: the watchword was tolerance.

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

Mrs WESTERLUND PANKE (*Sweden*). – In his book “Why I am not a Christian”, Bertrand Russell says: “My own view on religion is that of Lucretius. I regard it as a disease born of fear and a source of untold misery to the human race.” Whether or not we sympathise with that opinion, religion plays a significant role for many people throughout Europe. Religious belief finds expression not just in people's everyday lives, but in the way in which society faces new challenges.

Today we all live in a global village. We are just a click on our computers from the rest of the world. In most European countries, we have new neighbours, new workmates and new schoolfellows with, for many of us, new and unknown cultural heritages. The European society of today is heterogeneous as it has never been before, and in that modern European heterogeneous society, knowledge and understanding of different cultures has never been more necessary. Knowledge of religions is, of course, an integral part of the knowledge of cultures. A lack of knowledge and understanding can create dangerous tension in every society. A democratic society must not have any stepchildren. Every citizen must be equal, and feel that she or he is equal.

We must meet the challenge of globalisation with adequate education. Education is essential to combat ignorance and misunderstanding. School is a major component of education, and should be a major component in the forming of a critical spirit in future citizens. It should also be a major component of intercultural dialogue. School should provide the tools to combat ignorance, stereotypes and misunderstandings of religions because a democratic school in a democratic society will have one main task: to create a democratic citizen. A democratic citizen is tolerant, understanding and well informed.

My country, Sweden, is a good example of a democratic society that has changed very rapidly. Fifty years ago, Sweden was a very homogeneous society. Today, 20% of our citizens have obtained their cultural heritage from elsewhere. In our society of today, it is necessary to make room for dialogue, mutual understanding and democratic talks. The most natural place to start a dialogue is school, which is why we changed the curriculum in 1969. The subject “Christian studies” became “religion” to make all children familiar with the different religions that they would encounter among their schoolmates in their everyday lives.

Each person's religious belief is a strictly personal matter. Each person's knowledge of different religions and cultures is a matter for society. Why? Because a democratic society is based on tolerance and equality, and without knowledge of different cultures and religions it will be difficult to maintain a balanced society in this time of globalisation.

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

Mr ÖZAL (*Turkey*). – I thank the rapporteur, Mr Schneider, for his excellent report. If implemented, the recommendations will definitely ease some of the problems that our societies face today.

Every parliamentarian in the Assembly knows that the world has undergone unprecedented transformation in recent years. There has been a rapid increase in cross-border social, cultural, technological and economical exchange as part of globalisation. That has inevitably created social problems such as illegal immigration, xenophobia, racism, intolerance, religious and ethnic fanaticism, and prejudices against believers in certain religions.

I agree with the rapporteur that knowledge of religions is an integral part of knowledge of the history of mankind and civilisations. A good general knowledge of religions is essential to a sense of tolerance in society, and the exercise of democratic citizenship. I also believe that all individuals, but especially politicians like us, have a responsibility to confront serious issues that constitute a threat to our societies. Therefore, as the report makes clear, we must know each other well to understand each other's motives. Learning about each other's religions through education can be a good start for the creation of a cultural atmosphere that encourages us to understand each other.

At this point, however, a new question emerges. How can we ensure that the study of religions becomes part of the general school curriculum, and what criteria should we set for the teaching of religion in our schools? That is a difficult task. The report examines different systems of religious education in Council of Europe member states. Education remains a responsibility of individual member states, and education systems differ enormously under the influence of national traditions and local circumstances. It

is difficult to create an identical system of religious education in all member states, but we can set some basic criteria that may be adopted by all of them.

In my view, a basic educational curriculum in all Council of Europe member states should include objective factual information about the history of the main religions, and, as the report suggests, should "provide young people with educational tools ... in approaching supporters of a fanatical religious practice." While foreseeing the inclusion of fair and unbiased information on religious education, we should also take the necessary steps to give adequate training to our teachers. I support the idea of creating a specific training centre for them.

Let me again thank Mr Schneider for his excellent work, and encourage our Assembly to do as the report suggests and enable governments to "do more to guarantee freedom of conscience and religious expression, to foster education on religions."

THE PRESIDENT. – Thank you. Mrs Smirnova is not present so I now call Mr Gedei.

Mr GEDEI (*Hungary*). – When we seek answers to the challenges of our time, we must keep one eye on the morals of the past and one eye on the possibilities of the future.

The greatest controversy of our days arises from the fact that although we possess all the tools to relieve the needy from hunger and poverty, a considerable proportion of the world's population is living in poverty. History tells us that human nature, as opposed to technology, has changed, if it has changed at all, very slowly over the centuries. We are reminded of greed's long-lasting quality. If nothing changes, the future may take an apocalyptic turn.

It is also possible that philosophers and experts in evolutionary psychology will develop man's inherent unselfishness and sense of morality to the extent that the problem of human greed will be overcome. It is probable that such a positive outcome will take place in the distant future, but it is certain that steps have to be taken at present. One such step would be the acceptance of this proposal, and that is why it is supported by the Government of the Republic of Hungary.

Knowledge of religions plays a crucial role in developing tolerance, unselfishness and helpfulness towards other individual human beings. Knowledge of religions and of their development and history forms an integral part of Hungarian public education. This is a necessary but not sufficient provision in creating a more just society in the future in which everyone can take a meal at least once a day.

THE PRESIDENT (Translation). – Thank you. I call Mr Gubert, who will be the last speaker.

Mr GUBERT (*Italy*) said that the principal merit of the report was its acknowledgement of the social dimension of religious knowledge. This was no mean feat given the strictly secular approaches adopted in some member states. A full appreciation of European culture could be based only on a firm grounding in religious knowledge. Unfortunately, there was some confusion between this knowledge and state secularism. State involvement in religious education was now necessary, but the terms on which this should be undertaken required careful consideration, particularly to ensure that children were educated in accordance with the wishes of their families.

There also seemed to be confusion about the role of religious organisations in religious education. The draft recommendation suggested that the state should be responsible for teacher training. However, religious organisations could best judge whether the content of religious education lessons fairly represented their religions. It was important not to confuse ecclesiastic catechism with state-provided religious education. Despite a fall in the number of Italian churchgoers, for example, 80% of Italian families favoured religious teaching in schools. It would be odd for the teachers not to be approved by the Catholic church.

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 who have not been able to speak may be given to the Table Office for publication in the official report.

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

Mr SCHNEIDER (*France*) thanked contributors to the debate. This morning's discussion had been about religion; this afternoon's was about the teaching of knowledge and how to avoid over-stepping the line between teaching facts and engaging in religious worship. A guarantee of secularism in teaching the facts, combined with freedom of worship, should ameliorate some of the concerns expressed. He appreciated that the subject raised great passions because it dealt with the limits of historical knowledge and consciousness.

People wanted their children to understand their religious beliefs, or lack of them, and to appreciate their neighbours' beliefs, so that children could more effectively decide on their own views. If the Assembly could help achieve this in Europe, the effects might spread elsewhere. The committee wanted Europe's children to understand fully the background to, and basis for, all religious beliefs. The history of Europe was very much a religious history; this history had to be understood. The committee was not concerning itself with spiritual matters. It wanted simply to train teachers and to provide a back-up to existing educational establishments. It was not seeking to regulate religious education but to build a flexible system which could be adopted by each member state as appropriate.

THE PRESIDENT (Translation). – Thank you Mr Schneider. Does the chairperson of the committee, Mr Legendre, wish to speak?

Mr LEGENDRE (*France*) thanked Mr Schneider and the committee for their work and emphasised that what was sought was not to inculcate religious values, but to help young people obtain information about religion as a fact of life. It would be important to consult religious bodies about how religion was taught.

THE PRESIDENT (Translation). – Thank you Mr Legendre. I call Mr Exner to put his case for returning the report to the committee.

Mr EXNER (*Czech Republic*). – I propose that the report should be returned to the committee.

THE PRESIDENT asked Mr Exner whether he wished to give reasons for his motion to refer the report back to the committee.

Mr EXNER (*Czech Republic*). – I set out my reasons in my speech and I do not think that there is any need to repeat them. My main reason is that the report and the recommendations are confined to religions and not to any non-religious attitudes, for example.

THE PRESIDENT asked for a speaker against the motion. He called Mr Schneider.

Mr SCHNEIDER (*France*) said that paragraph 14.2 of the draft recommendation including reference to the option of "having no religion" and therefore the committee had already taken Mr Exner's points into consideration.

THE PRESIDENT (Translation). – I will now put the motion to the vote.

The motion is rejected.

THE PRESIDENT (Translation). – The Committee on Culture, Science and Education has presented a draft recommendation to which 21 amendments have been tabled. They will be taken in the order in which they appear in the notice paper.

I remind members that speaking time on amendments is limited to 30 seconds.

We come to Amendment No. 1, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mrs Patrizia Paoletti Tangheroni, Mr Renzo Gubert and Mr Zsolt Németh, which is, 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".

I call Mr Wielowieyski to support Amendment No. 1, which is identical to Amendment No. 14.

Mr WIELOWIEYSKI (*Poland*) said that it needed to be indicated that religion was a free and personal choice.

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

I call Mr Lindblad.

Mr LINDBLAD (*Sweden*). – The proposed change in the paragraph would weaken the document considerably. It is the platform of the Council of Europe that each and every individual should have the choice of having a religion or having no religion. For instance, I could have a religion of my own with no one else being involved. I reject the amendment.

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

Mr LEGENDRE (*France*) (Translation). – The committee is against the amendment.

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

Amendments Nos. 1 and 14 are rejected.

We come to Amendment No. 15, tabled by Mr Marcel Glesener, Mr Norbert Hauptert, Mr Renzo Gubert, Mr Claudio Azzolini and Mr Giuseppe Mulas, which is in the draft recommendation, delete paragraph 2.

I call Mr Glesener to support amendment No. 15.

If this amendment is adopted, Amendment Nos. 2 and 16 will fall. Mr Glesener, you have thirty seconds.

Mr GLESNER (*Luxembourg*) said that the text could be misinterpreted, but that if the rapporteur would agree to include an introduction, he would withdraw the amendment.

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

What is the opinion of the committee?

MR LEGENDRE (*France*) (Translation). – The committee is against the amendments.

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

Amendment No. 15 is rejected.

We come to Amendment No. 2, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, 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".

If amendment No. 2 is adopted, No. 16 will fall.

I call Mr Wielowieyski to support Amendment No. 2.

MR WIELOWIEYSKI (*Poland*) said that there had to be a balance when dealing with history: although religions often gave rise to wars, they had also shaped European culture.

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

MR LINDBLAD (*Sweden*). – Of course religion has contributed to the development of Europe. For example, we had the 30 Years' War, with King Gustavus Adolphus of Sweden fighting the Catholics in Germany; they still scare the children with stories of Swedes down there. We have also had the conflicts in Northern Ireland and in the Balkans, to mention just a few. So I am very much against the amendment.

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

MR LEGENDRE (*France*) (Translation) – The committee is against the amendment.

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

Amendment No. 2 is rejected.

We come to Amendment No. 16, tabled by Mr Marcel Glesener, Mr Norbert Hauptert, Mrs Marie-Louise Bemelmans-Videc, Mr Renzo Gubert, Mr Claudio Azzolini and Mr Giuseppe Mulas, which is, 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."

I call Mr Glesener to support amendment No. 16.

MR GLESENER (*Luxembourg*) (Translation): – I can withdraw it, because there was a vote against Amendment No. 2.

THE PRESIDENT (Translation). – The amendment is not moved.

We come to Amendment No. 3, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is 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".

I call Mr Wielowieyski to support Amendment No. 3.

MR WIELOWIEYSKI (*Poland*) said that once again this was a problem of balance. It was necessary to stress the role of the family in religious upbringing.

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

What is the opinion of the committee?

MR LEGENDRE (*France*) (Translation). – The committee is in favour of the amendment.

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

Amendment No. 3 is adopted.

We come to Amendment No. 5, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, in the draft recommendation, paragraph 5, after the words "kept apart" insert the following words: "and in particular not exploit each other".

I call Mr Wielowieyski to support Amendment No. 5.

MR WIELOWIEYSKI (*Poland*) said that the separation of political and religious powers was one of the great successes of European civilisations. However, it was necessary to emphasise that the Assembly opposed the mutual exploitation of politics and religion.

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

What is the opinion of the committee?

MR LEGENDRE (*France*) (Translation). – The committee is against the amendment.

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

Amendment No. 5 is rejected.

We come to Amendment No. 4, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, in the draft recommendation, paragraph 5, after the words "valid partners" add the following words:

"in efforts for the common good".

I call Mr Wielowieyski to support Amendment No. 4.

MR WIELOWIEYSKI (*Poland*) said that both church and state authorities should co-operate in order to advance the common good.

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

What is the opinion of the committee?

MR LEGENDRE (*France*) (*Translation*). – The committee is in favour of the amendment.

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

Amendment No. 4 is adopted.

We come to Amendment No. 17, tabled by Mr Marcel Glesener, Mr Renzo Gubert, Mr Fiorello Provera, Mr Giuseppe Mulas, Mrs Patrizia Paoletti Tangheroni and Mr Claudio Azzolini, which is, in the draft recommendation, at the end of paragraph 5, add the following words:

“that may in turn lead as far as terrorism”.

I call Mr Glesener to support Amendment No. 17.

MR GLESENER (*Luxembourg*) noted that the rapporteur himself had argued that extremism could lead to terrorism and therefore it was necessary to state this more clearly in the report.

THE PRESIDENT (*Translation*). – Does anyone wish to speak against the amendment. I call Mr Schneider.

MR SCHNEIDER (*France*) said that while fanaticism could lead to extremism, it did not necessarily lead to terrorism.

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

MR LEGENDRE (*France*) (*Translation*). – The committee is against the amendment.

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

Amendment No. 17 is rejected.

We come to Amendment No. 6, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, in the draft recommendation, paragraph 6, after the words “freedom of conscience and religious expression”, insert the following words:

“and education”.

I call Mr Wielowieyski to support Amendment No. 6.

Mr WIELOWIEYSKI (*Poland*) said that the amendment would introduce the word “education” into the paragraph as teaching was not just a religious matter.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) (*Translation*). – The committee is against the amendment.

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

Amendment No. 6 is rejected.

We come to Amendment No. 7, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Jean-Guy Branger and Mr Tomasz Markowski, which is, 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".

I call Mr Wielowieyski to support Amendment No. 7.

Mr WIELOWIEYSKI (*Poland*) said that the amendment addressed a crucial problem. It was not sufficient to tolerate other religious. Respect had to be afforded to each human being.

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

What is the opinion of the Committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour of the amendment.

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

Amendment No. 7 is adopted.

We come to Amendment No. 8, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mrs Patrizia Paoletti Tangheroni, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, 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."

I call Mr Glesener to support Amendments Nos. 8 and 18, which are identical.

Mr GLESENER (*Luxembourg*) said that he believed that the amendment would strengthen Mr Schneider's recommendation.

(Summary)

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is against the amendment.

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

Amendments Nos. 8 and 18 are rejected.

We come to Amendment No. 19, tabled by Mr Marcel Glesener, Mrs Blanca Fernández-Capel, Mrs Patrizia Paoletti Tangheroni, Mr Claudio Azzolini, Mr Renzo Gubert and Mr Giuseppe Mulas, which is, in the draft recommendation, delete paragraph 9.

If the amendment is adopted, Amendments Nos. 20 and 13 fall.

I call Mr Glesener to support Amendment No. 19.

Mr GLESENER (*Luxembourg*) said that the report did not distinguish between secular states and those with an official religion. The amendment addressed this.

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

I call Mr Schneider.

Mr SCHNEIDER (*France*) said that the text of the report was clear and the amendment would not fit with the argument advanced in the report.

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

Mr LEGENDRE (*France*) (Translation). – The committee is against the amendment.

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

Amendment No. 19 is rejected.

We come to Amendment No. 20, tabled by Mr Marcel Glesener, Mrs Patrizia Paoletti Tangheroni, Mr Claudio Azzolini, Mr Renzo Gubert, Mrs Blanca Fernández-Capel and Mr Giuseppe Mulas, which is, in the draft recommendation, paragraph 9, delete the words “and in denominational schools”.

I call Mr Glesener to support Amendment No. 20.

Mr GLESENER (*Luxembourg*) said that this amendment would also recognise the differences between secular states and those with official religions.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is against.

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

Amendment No. 20 is rejected.

We come to Amendment No. 13, tabled 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 and Mr Rudy Salles, which is, 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 Sahin 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.”

I call Mr Branger to support Amendment No. 13. He is not here, so I call Mrs Durrieu to support the amendment.

Mrs DURRIEU (*France*) (Translation). – The amendment is self-explanatory.

THE PRESIDENT (Translation). – Mr Schreiner wishes to propose an oral sub-amendment on behalf of the committee, which reads as follows: in Amendment No. 13, line 1, leave out the words “by the European Court of Human Rights, unanimously, in the Sahin judgment of 29 June 2004” and also all the words after “Human Rights” in line 2 until the end. The modified text would thus read: “These provisions have been judged as complying with the European Convention on Human Rights.”

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. Is there any opposition to the oral sub-amendment being debated? Apparently not.

I call the rapporteur to support the oral sub-amendment.

Mr SCHREINER (*France*) said that the oral sub-amendment was a simplification of the text.

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

Is Mrs Durrieu prepared to support the committee’s oral sub-amendment?

Mrs DURRIEU (*France*) (Translation). – Yes.

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

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 13, as amended?

I call Mr Gubert.

Mr GUBERT (*Italy*) said that the amendment was unhelpful regardless of the judgement of the European Court on Human Rights. That judgement had referred to a specific case: religious freedom was a far wider issue.

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

Mr LEGENDRE (*France*) (Translation). – The committee is in favour of the amendment as amended.

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

Amendment No. 13, as amended, is adopted.

We come to Amendment No. 9, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, 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.”

I call Mr Wielowieyski to support Amendment No. 9.

Mr WIELOWIEYSKI (*Poland*) said that the amendment was similar to Amendment No. 10 and was intended to reflect the expertise European countries had developed in respect of religious education.

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

MR SCHNEIDER (*France*) said that the committee was not in favour of Amendment No. 9 but would support Amendment No. 10.

THE PRESIDENT (Translation). – I call Mr Wielowieyski.

Mr WIELOWIEYSKI (*Poland*) (Translation). – I withdraw the amendment.

THE PRESIDENT (Translation). – The amendment is withdrawn.

We come to Amendment No. 10, tabled by Mr Andrzej Wielowieyski, Mr Jean-Guy Branger, Mrs Patrizia Paoletti Tangheroni, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, 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”.

I call Mr Wielowieyski to support Amendment No. 10, which is identical to Amendment No. 21.

Mr WIELOWIEYSKI (*Poland*) said that he had already spoken in favour of the amendment.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT (Translation). – The vote is open. Amendments Nos. 10 and 21 are adopted.

We come to Amendment No. 11, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, in the draft recommendation, paragraph 14.6, after the word “syllabuses”, add the following words:

“and methodologies”.

I call Mr Wielowieyski to support Amendment No. 11.

Mr WIELOWIEYSKI (*Poland*) said that the amendment highlighted the need for methodologies as well as training.

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

Mr SCHNEIDER (*France*) said that the committee did not want to constrain member states by imposing a specific methodology.

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

Mr LEGENDRE (*France*) (Translation). – The committee is against the amendment.

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

Amendment No. 11 is rejected.

We come to Amendment No. 12, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, 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.”

I call Mr Wielowieyski to support Amendment No. 12.

Mr WIELOWIEYSKI (*Poland*) said that the creation of a new training institute for the comparative study of religions required a structure and a good syllabus. That would require consultation with religious representatives.

THE PRESIDENT (Translation). – I understand that Mr Schneider wishes to propose an oral sub-amendment on behalf of the committee, which reads as follows:

“Modify the text of Amendment No. 12, so as to read: ‘In devising these programmes, the Council of Europe will consult all partners concerned, including representatives of the religious faiths’.”

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. Is there any opposition to the oral sub-amendment's being debated?

That is not the case.

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

Mr SCHNEIDER (*France*) said that the oral sub-amendment would ensure that there was effective consultation.

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

What is the opinion of the mover of the amendment?

Mr WIELOWIEYSKI (*Poland*) (Translation). – I am content.

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

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 12, as amended? That is not the case.

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour of the amendment.

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

Amendment No. 12, as amended, is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10673, as amended. I remind you that a two-thirds majority is required for the adoption of a recommendation.

The vote is open.

The draft recommendation in Document 10673, as amended, is adopted.

We come to Amendment No. 9, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, 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.”

I call Mr Wielowieyski to support Amendment No. 9.

Mr WIELOWIEYSKI (*Poland*) said that the amendment was similar to Amendment No. 10 and was intended to reflect the expertise European countries had developed in respect of religious education.

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

MR SCHNEIDER (*France*) said that the committee was not in favour of Amendment No. 9 but would support Amendment No. 10.

THE PRESIDENT (Translation). – I call Mr Wielowieyski.

Mr WIELOWIEYSKI (*Poland*) (Translation). – I withdraw the amendment.

THE PRESIDENT (Translation). – The amendment is withdrawn.

We come to Amendment No. 10, tabled by Mr Andrzej Wielowieyski, Mr Jean-Guy Branger, Mrs Patrizia Paoletti Tangheroni, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, 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”.

I call Mr Wielowieyski to support Amendment No. 10, which is identical to Amendment No. 21.

Mr WIELOWIEYSKI (*Poland*) said that he had already spoken in favour of the amendment.

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

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT (Translation). – The vote is open. Amendments Nos. 10 and 21 are adopted.

We come to Amendment No. 11, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, in the draft recommendation, paragraph 14.6, after the word “syllabuses”, add the following words:

“and methodologies”.

I call Mr Wielowieyski to support Amendment No. 11.

Mr WIELOWIEYSKI (*Poland*) said that the amendment highlighted the need for methodologies as well as training.

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

Mr SCHNEIDER (*France*) said that the committee did not want to constrain member states by imposing a specific methodology.

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

Mr LEGENDRE (*France*) (Translation). – The committee is against the amendment.

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

Amendment No. 11 is rejected.

We come to Amendment No. 12, tabled by Mr Andrzej Wielowieyski, Mr Giuseppe Gaburro, Mr Renzo Gubert, Mr Michael Spindelegger and Mr Tomasz Markowski, which is, 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.”

I call Mr Wielowieyski to support Amendment No. 12.

Mr WIELOWIEYSKI (*Poland*) said that the creation of a new training institute for the comparative study of religions required a structure and a good syllabus. That would require consultation with religious representatives.

THE PRESIDENT (Translation). – I understand that Mr Schneider wishes to propose an oral sub-amendment on behalf of the committee, which reads as follows:

“Modify the text of Amendment No. 12, so as to read: ‘In devising these programmes, the Council of Europe will consult all partners concerned, including representatives of the religious faiths’.”

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. Is there any opposition to the oral sub-amendment’s being debated?

That is not the case.

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

Mr SCHNEIDER (*France*) said that the oral sub-amendment would ensure that there was effective consultation.

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

What is the opinion of the mover of the amendment?

Mr WIELOWIEYSKI (*Poland*) (Translation). – I am content.

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

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 12, as amended? That is not the case.

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour of the amendment.

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

Amendment No. 12, as amended, is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10673, as amended. I remind you that a two-thirds majority is required for the adoption of a recommendation.

The vote is open.

The draft recommendation in Document 10673, as amended, is adopted.

9. Functioning of democratic institutions in Moldova.

THE PRESIDENT (Translation). – The final item of business this afternoon is the debate on the functioning of democratic institutions in Moldova, presented by Mrs Durrieu and Mr Kvakkestad on behalf of the Monitoring Committee (Document 10671).

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

I remind you that we will have to interrupt the debate at 6.45 p.m. in order to allow time for the replies and votes. I also remind you that speaking times in the debate are four minutes and, on amendments, are 30 seconds.

I call Mrs Durrieu and Mr Kvakkestad, co-rapporteurs. They have eight minutes, to be shared between them.

Mrs DURRIEU (*France*) said that Moldova was still being monitored after ten years as a member of the Council of Europe. It was a small country with many problems. Today it was relatively stable but significant reforms were still necessary and monitoring continued. The committee would do all it could to ensure that the reform programme became a reality.

It had been said that Moldova was the poorest country in Europe. The conflict in Transnistria lay at the heart of the problem. She hoped the Ukrainian proposals would be taken up by Russia. Moldova had a place in Europe and the Assembly must support it.

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

Mr KVAKKESTAD (*Norway*). – The report seems to have secured the agreement of all parties involved: the rapporteurs, the committee, the Moldovan delegation and the Moldovan authorities. The amendments, too, are unifying rather than divisive. That means that the report is a good basis for the work that lies ahead.

The Council of Europe wants to help Moldova on its way forward, but, as we all know, the Moldovans themselves must do the job of implementing European standards of human rights and democracy. I agree with Josette Durrieu that it would be impossible to reproduce a report on Moldova without mentioning the problem of Transnistria, which must be solved in a sustainable way to help stability not just in Moldova, but throughout the region. That is why all the countries involved must work to end the current situation, and must respect the integrity of Moldova's borders. However, although the problem of Transnistria has had a big impact on Moldova, there are many commitments that should be fulfilled regardless of it. I am thinking of, for instance, questions related to the electronic press, the legal system and the fundamental rights of sexual minorities.

The timetable according to which the parliament will work represents a very positive step, which should give rise to optimism. Laws, however, must not just be passed in parliament; they must be implemented in practice, and in this instance practice is the most important element.

Let me thank those who have helped the rapporteurs. I thank the staff for their support, and especially thank Bonnie Theophilova for her efforts and flexibility. Let me also stress the importance of the Council of Europe's presence in countries that need our help and support. The presence of a special representative of the General Secretary is also very important to us in the Parliamentary Assembly.

THE PRESIDENT (Translation). – Thank you. I call Ms Konečná to speak on behalf of the Group of the Unified European Left.

Ms KONEČNÁ (*Czech Republic*). – We are commemorating the 10th anniversary of the Republic of Moldova's entry to the Council of Europe. During those 10 years, but mainly since the last parliamentary elections, the republic has made clear its commitment to reform and has given us significant advances in economic and political as well as social issues. Nevertheless, much work and many reforms are still necessary to end the republic's status as one of the regions with the poorest socio-economic and political indicators in Europe, and the road to success is still rather steep.

I congratulate the Monitoring Committee and the co-rapporteurs on an elaborate, balanced, objective and factual report. I also congratulate the main political parties in the Republic of Moldova on their political maturity and on their attempt to establish a political culture of co-operation on key issues, which is contained in the declaration on political partnership to achieve the objectives of European integration. That is a positive signal of Moldova's political representation, in the context of its efforts to join the European Union in the future.

I appreciate all the reforms that have been achieved in the spirit of that co-operation, which are mentioned in the report, and I want to encourage those efforts. However, I remind Moldova's political representatives that without an elaborate, efficient and well-implemented legal framework, reform of the judiciary, efficient implementation of the anti-corruption strategy and action plan, and respect for fundamental freedoms, human rights and rights of minorities, that commendable political, economic and social progress may be retarded.

In the light of the socio-economic reforms, which may seem insignificant to the outside viewer but are very important to the local population, let me call for extended co-operation by other European states and other international organisations, especially the European Union. It should provide funding and expertise, improve facilitation and access within the framework of the European neighbourhood policy, and develop new tools and frameworks to satisfy the region's needs.

When talking of the republic and its reform strategies, we cannot omit the issue of the settling of the Transnistrian conflict, which has been retarding the development of Moldova. The region of Transnistria appears to be home to, and a source of, organised crime involving the smuggling of tobacco, alcohol and arms – and, unfortunately, the trafficking of human beings and organs. Those issues are described very well in the report. It is absolutely necessary that all interested parties – in this case, Moldova and Transnistria, Russia and Ukraine, but also Romania, the Organisation for Security and Co-operation in Europe, European Union countries, the Council of Europe and the European Union as an entity – help to solve this long and socially and economically devastating conflict.

The Republic of Moldova does not have full control over its sovereign territory. Without that, it cannot have full control against the smuggling of tobacco and alcohol, as well as the trafficking in people and human organs. The Government of Moldova has to be able to exercise sovereign control over its territory. I therefore call for a peaceful and timely solution of the Transnistrian conflict that is based on the inviolable principle of full respect for Moldova's territorial integrity and sovereignty.

As the report rightly points out, the settlement must be in accordance with the rule of law, and must accord with the popular will as expressed in fully free and democratic elections that are run by internationally recognised authorities.

Ladies and gentlemen, I thank you for your attention

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

THE PRESIDENT (Translation). – Thank you. I now call Mr Németh, on behalf of the Group of the European People's Party.

Mr NÉMETH (*Hungary*). – I congratulate the rapporteurs on their fantastic and committed work. I also welcome Mr Marian Lupu, the Speaker of the Moldovan Parliament. He is in the gallery, and I congratulate him on the results that have been achieved so far. This morning we had a stimulating discussion and heard from Luc Van den Brande on behalf of the Group of the European People's Party. I am convinced that Mr Lupu is a locomotive driving the democratic movement in his country. That is reflected in the successful realisation of the 10-point legislative reform package. I hope that he has the patience and energy to continue his work.

Moldova is going through revolutionary changes, and Ukraine and Georgia are going through a similar process. The EPP and my country of Hungary believe in the success of these historic changes and remain ready to assist in the process, especially in the field of EU integration, of which some of us have experience as a result of what has happened in the past decade.

As the previous speaker said, there is a special dimension to the transition in Moldova that makes it an interesting case. I refer to the inter-ethnic dimension. The law on the special status of Transnistria, which was accepted recently, envisages territorial autonomy for the Ukrainian minority that goes along the lines of the seven-point Yushchenko plan that is also supported by the Moldovan side. It is a pioneering solution that satisfies the principles of the territorial integrity of Moldova and of minority self-government, which is popular in this organisation and reflected in Recommendation 1201. It is a European solution that is based on a working model in many EU countries. It is of major relevance to the Balkans and the former Soviet republics.

There are several important external pre-conditions for success in Moldova: the unconditional withdrawal of Russian troops along with consolidated bilateral relations; the involvement of the EU and the United States in the settlement; and the continued attention of the Council of Europe.

I thank you for your attention.

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

Mr KOCHARYAN (*Armenia*). – Moldova, like other post-Soviet states, faced numerous problems and many of them have not been solved yet. That is why Moldova is different from the post-Soviet Baltic states and has not become a member of the EU but is still under the monitoring procedure of the Council of Europe. However, the democratic achievements that make Moldova different from other post-Soviet states are also obvious.

I shall mention some of the main positive differences. Moldova avoided the establishment of authoritarianism and the consequences of that, such as the *coup d'états* that happened in the 1990s in Azerbaijan, Georgia and Armenia or the velvet revolutions that we have witnessed recently in Georgia and Ukraine. Moldova also avoided the tradition of the total falsification of elections. The authorities in Moldova are willing to co-operate with the opposition on matters of substance and not just in word, and to provide the opposition with supervisory functions.

Two recent amendments to the law were adopted by parliament on 22 July. In the court of auditors, the opposition is represented by four members and the parliamentary majority by three members. Of the nine members of the central electoral commission, seven are appointed by parliament, including five by the opposition parties. Why, therefore, does the Council of Europe, and particularly the Venice Commission, not recommend to Armenia the positive practice of forming the central electoral commission that occurs in Moldova?

Given the democratic achievements, the fact that the communists are in power for a second term is a unique peculiarity of Moldova. If we take stock of the state of democracy there, we see that the communists in Moldova are in reality more democratic and liberal than the leaders of some of the post-Soviet states who declare themselves to be democrats and liberals. I am a liberal and make that point on behalf of liberals.

I want to understand the reason for Moldova's success and what we can learn from its experience in those countries that have to overcome authoritarianism or its legacy. It seems that the constitutional reforms, which were realised in 2000 with the mediation of the Council of Europe, played a crucial role. The reforms established a parliamentary form of government, and the rejection of presidential or semi-presidential forms of government removed the constitutional basis for the consolidation of authoritarianism.

That also contributed to overcoming the practice of the falsification of elections that is a characteristic of authoritarian regimes. It seems that the communists in Moldova are democratic because of the legitimacy of their power – receiving power from the people, they serve the interests of the people. The non-legitimate power of some other post-Soviet states acts against the will of the people and serves the interests of those who falsified elections, violated the rules and bribed during election campaigns.

The rapporteurs emphasised another feature of Moldova. The process of democratisation in the country takes place in parallel with the process of building a national identity. In Moldova they say, "All Moldovans are Romanians, but not all Romanians are Moldovans". A logical end to the processes of democratisation and building national identity could be that we say, "All Moldovans are Europeans, but not all Europeans are Moldovans".

It is necessary to support all the achievements that have been made in Moldova, and my group thinks that it is necessary to support the draft resolution and draft recommendation that have been presented by the rapporteurs.

Thank you for your attention.

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

Mr JIRSA (*Czech Republic*). – I shall start with a personal experience. It may seem strange but I, a citizen of the Czech Republic, spent my holiday this year in Moldova. I was interested to see personally the independent Transnistrian Republic of Moldova. It is incredible to see what a group around “president Smirnov” has created during the past 14 years on the left bank of the Dniestr river. The area has its own president and its own government, parliament, currency, passport control and police. Military forces are engaged in border control. There are other symbols of an independent state.

Paragraph 44 of the document that is before us states: “Not only Moldova, whose territorial integrity and sovereignty have been violated, but Europe as a whole can no longer afford to have this ‘black hole’ on its territory.” Transnistria is a centre of many forms of illicit trade. There is arms trafficking and all forms of smuggling. Political life continues to be dominated by the secret police. Fundamental freedoms and liberties are cut off.

This is our problem – the problem of the Council of Europe. Moldova, a Council member, has to deal with a separatist regime and with foreign troops on its territory. Moldova authorities call upon us for assistance. We can be sure that separatist “president Smirnov” will not read the report or memorandum. If he does so, he will surely not respect its contents. Ukraine, a member of the Council, is responsible for the effective supervision of the border between Moldova and Ukraine. Last but not least, the peace corps of another member of the Council, Russia, protects the separatists. Unfortunately, it supports the Transnistria regime. If we are not able to help the Moldova Government to solve the problem of Transnistria, we will be forced to resign to the main principles of the Council of Europe and to question our *raison d’être* of this institution.

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

THE PRESIDENT. – Thank you, Mr Jirsa. I call Mr Slutsky.

Mr SLUTSKY (*Russian Federation*) said that Russia welcomed Moldova’s efforts to improve human rights. The draft resolution set appropriate goals. Transnistria remained a difficulty. Russian troops remained stationed on Moldovan soil for several reasons. There were many weapons in Moldova which might fall into the hands of terrorists if not dealt with. Weaponry was being removed, but this took time. Approximately half of the armaments had so far been withdrawn, on no fewer than 59 freight trains. The Transnistrian authorities had blocked these trains: only one had been allowed through the previous year. Under the circumstances, unprotected stockpiles of weapons could both fuel the conflict and tempt terrorists. The Russian soldiers had no independent impact on the Transnistrian conflict: they acted in consultation with Moldova. The report did not mention that no Commonwealth of Independent States’ observers had been allowed into Moldovan elections: the Assembly was guilty of double standards. He thanked the co-rapporteurs for their contribution, however.

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

Mrs POSTOICO (*Moldova*) thanked the previous speakers for their contributions, and noted the work undertaken in Moldova by Russia. Moldova had recently felt itself to be an equal and respected partner in the European political process. The country had now entered a period of political stability. This year, the Moldovan Parliament had adopted a resolution in support of the aims of European integration. The signing of the EU action plan meant that Moldova was moving towards a state of democracy, human rights and the rule of law. Moldova could now fulfil all its agreements with the Council of Europe. The Parliament of Moldova had also actively sought to resolve the Transnistrian problem. She asked for help to eliminate threats caused by the Transnistrian conflict. She wanted a demilitarised zone, and hoped that the Assembly would help Moldova to achieve a final settlement of the conflict. Moldova was committed to Europe and its values.

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

MR VAREIKIS (*Lithuania*). – Thank you, Mr President. Ladies and gentlemen, we have a report that generally reflects Moldovan realities. Like my Czech friend Mr Jirsa, I can say that from my personal experience. I too visited the country this year and I can say that he is right; my impressions were the same. The realities are still quite grim, although we are saying now that we are rather optimistic, taking into account the reasons for political stability in that country.

There is no reason to comment on the text; it can be accepted, and I suggest that you vote for it without amendment. However, the question is: what is next? What is behind the words that we are accepting here? Do we have any instruments to make monitoring more effective? Or will we be able to say, after five years perhaps, that the country is really improving? As paragraph 1 says, "Moldova has been a member of the Council of Europe for 10 years and is still under monitoring procedure." It is still what we call a problematic country.

My question is more general, for the whole Assembly. How long can the process of monitoring last? How many years does one country need before it can be taken off that list – I would call it rather a shameful list – of monitored countries? Over the past 10 years, the list has been almost the same, and each time we say that we are happy to see the positive reforms and the progress. But after 10 years we still want to see the same things; we still want to see more progress. When will we be able to say that the country is really progressing and monitoring can be stopped? Here we are talking mainly about Transnistria.

It is a strange story that at the beginning of the 21st century, when we sit here in the Council of Europe saying that everything is legal and possible, we still cannot do anything to stop that regime. With Moldova, Romania, Ukraine and Russia, everything is in our hands, yet all we can say is that we suggest that people should solve their problems peacefully. Is that really all we can do?

We are saying that Moldova is a relatively stable country just now – and yes, that is true. Stability is guaranteed by the agreement among the main political parties. As a Christian Democrat, I know that there was an agreement between the Christian Democratic People's Party and the Communist Party. It was a 10-point agreement, and I know that four points – very important points, related to the local administration constitution and the mass media – have still not been fulfilled by the ruling party.

Let us hope that what we think will become reality. Finally, I have to say that I am happy that the country is stable and closer to Europe, but after so many years, I would like to be able to say that this must be the last report on the monitoring of Moldova, and that next time we shall be able to say that there is no need to monitor, because everything is okay. To achieve that, however, we need to do something different from what we are doing now.

THE PRESIDENT. – Thank you. I do not want to open up a Pandora's box, but the answer to your main question can be given simply: monitoring lasts until a final positive result.

I now call Mr Aliyev.

MR ALIYEV (*Azerbaijan*). – Thank you, Mr President. I congratulate the co-rapporteurs on their interesting and important report. I will not comment on every item in it, but will focus on those that I consider most important. I strongly encourage the national delegation of Moldova to continue their efforts and ensure that the resolution and recommendation being discussed are adopted.

Moldova has been a member of the Council of Europe for 10 years and made comprehensive and irreversible progress on the implementation of democratic standards and practices. Democratic reforms in Moldova will continue. But as we know, democratic reforms will not succeed in an atmosphere of conflict and without the support of the population.

The Moldovan authorities received the full political support of the population after the last parliamentary elections and democratic reforms in Moldova. I think that the democratisation of society is a first and basic condition, and may be the main key to the solution of problems, but it is not enough. Moldova wants to establish its position in a democratic Europe. In that respect, we must understand our responsibility as well, and assist Moldova, because the main obstacle to the development of democracy there today is the Transnistrian problem.

In that context, not only Moldova and Azerbaijan, whose territorial integrity and sovereignty have been violated, but Europe as a whole can no longer afford to have this "black hole" in its territory.

Transnistria, Nagorno-Karabakh and other territories are occupied and controlled by separatists. They are centres for all kinds of illicit trade, especially arms trafficking and smuggling. We welcome Ukraine's initiative to settle the Transnistrian conflict and the Moldovan Parliament's declaration to support that initiative. Any settlement of the conflict must be based on full respect for Moldova's territorial integrity and sovereignty, and the Council of Europe will play an active and key role in that.

THE PRESIDENT. – Thank you, Mr. Aliyev.

I call Mrs Nakashidzé.

Mrs NAKASHIDZÉ (*Georgia*). – We are well aware of how important it is to encourage new democracies to strengthen further the development of democratic institutions in their countries. It is clear in the report that the political leadership of Moldova has sent strong signals to its people and the international community that there is a political will for reform.

The priorities of reform outlined in the report involve improving the way in which the democratic institutions function. That includes the independence and efficiency of the judiciary, ensuring freedom and pluralism of the media, the strengthening of local democracy, the raising of economic performance, the fight against corruption and so on. That is all very important, but democratic reforms will not succeed in an atmosphere of conflict. It is evident that the process of reform in Moldova is hindered because it has to deal with a separatist regime and the presence of foreign troops on the Transnistrian part of its territory. It is difficult to carry out the reforms connected with economic growth and freedom in such circumstances. As a representative of Georgia, I know that it is extremely difficult to make progress and to develop when a country's sovereignty and territorial integrity is undermined by the presence of foreign troops and the existence of a separatist regime. Georgia has experienced that and, unfortunately, we are still experiencing it.

The priority for Moldova is the withdrawal of Russian troops from the territory. Without further delay, the Russian Federation should fulfil its obligation to withdraw, which should have been completed by October 1997. We face a serious problem when one member of the Council of Europe creates obstacles to another member state achieving territorial integrity and democratic development. Only complete demilitarisation will create the right conditions for the region's democratisation.

Another important step is to settle the conflict in the Transnistrian region. In that context, we should welcome the initiative of President Yushchenko to support the aspiration to reintegrate the republic of Moldova. However, the concerns of the Moldovan Parliament about elements of the plan should be taken into account. Such issues can be settled easily if there is a will to resolve the conflict. It is crucial that we have the co-operation and presence of an international monitoring mission and international organisations. In particular, the role of the Council of Europe is critical if we are to settle this case. If we really want to help the Republic of Moldova in building democratic institutions, we should support its endeavours in eliminating the black holes in its territory. Only when that happens will the people of Moldova be able to advance on the path of democratic reform and European integration.

THE PRESIDENT. – Thank you, Mrs Nakashidzé.

I call Mr Cubreacov.

Mr CUBREACOV (*Moldova*) thanked the President and congratulated the co-rapporteurs on their report which was a faithful reflection of the changes in Moldova and the work done there. All the changes called for by the European neighbourhood policy would have to be implemented by the end of the year: this depended on the political will of the government. Moldova needed encouragement from all political bodies, especially the Council of Europe. He hoped that in the months to come, the process of change would become irreversible. The Russian presence in Transnistria was causing many problems; however, he was confident that the Council of Europe would call for demilitarisation. The inclusion of the Council of Europe in the negotiations was therefore welcome. He hoped that the Assembly and the Council of Ministers would obtain the unconditional release of political prisoners, and that the judgment of the European Court on Human Rights concerning Moldova and Russia would be fully enforced. He hoped also that the government would guarantee full respect for the rights of all Moldovan citizens.

THE PRESIDENT (Translation). – Thank you, Mr Cubreacov. I call Mr Kolesnikov.

Mr KOLESNIKOV (*Russian Federation*) said that the draft resolution was being described by the media as the best ever on this subject. However, the Assembly was forgetting the flagrant violation of human rights by Moldova in Transnistria. Both the draft resolution and many speeches had made reference to so-called "massive steps forward", but the resolution itself noted that Moldova had not improved in the areas of democracy, the economy, social protection, the fights against corruption and trafficking, or reform of the judiciary. He could not find evidence for these so-called "steps forward". He had heard from Russian citizens living near Transnistria, as well as from Moldovans, who all said that humanitarian aid was not reaching Transnistria as it should have been. If the Moldovan Government treated Transnistria differently, then it might experience a reciprocal improvement in attitude and behaviour on the part of the Transnistrians.

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

Mr TEKELIOĞLU (*Turkey*). – Mr President and dear colleagues, I want to thank both rapporteurs for their in-depth analysis of the situation and developments in Moldova. I am sure that colleagues will agree when I say that our primary aim is to assist a member country in its efforts to fulfil its membership obligations. Since its accession to the Council of Europe, Moldova has been taking important steps to fulfil its commitments, in line with its Council of Europe membership. This indicates the political will of the Moldovan authorities in fulfilling their commitments. However, some deficiencies have to be underlined.

I agree with the rapporteur that the priorities for the Moldovan authorities in the days ahead should be the improvement of the functioning of democratic institutions, the independence and efficiency of the judiciary, ensuring freedom and pluralism of electronic media, the strengthening of local democracy and the raising of economic performance, coupled with good social protection and the fight against corruption and trafficking of human beings and organs. The existence of a moderate political climate in Moldova provides an opportunity to offer immediate solutions to these objectives.

I should like to draw your attention to the specific issue of local democracy in Moldova and to the problems arising in the autonomous region of Gagauzia. Unfortunately, there are still important shortcomings in Moldova's practice of local democracy.

An unfortunate development about which we were greatly concerned was the dismissal of the popular elected mayor of the capital of Gagauzia, Mr Constantin Taushanji – a member of the opposition alliance, "Moldova Nostra" – by a vote of the People's Assembly of Gagauzia. It is also worth noting that no convincing answer concerning his dismissal was given to our rapporteur during his visit to Gagauzia. Moreover, a criminal investigation has been opened in respect of the mayor of Ciader Lunga, in Gagauzia, Mr Mikhail Formuzal. Our concern is that he might meet the same fate as Mr Taushanji. The dismissal of elected mayors by the parliament definitely does not fit in with democratic practices. If the illegal activities of these mayors have generated any misuse of power and irregularities, the independent courts should take preventive measures, not the parliament. Furthermore, the general belief is that the actions of the Gagauzian Parliament might be supported by the central Moldovan authorities.

Another issue that should be closely monitored in the autonomous region of Gagauzia is the teaching of the Gagauz language. Despite its autonomous status, the Gagauz language has not developed sufficiently as a tool for education in certain domains. The necessary conditions, such as sufficient teachers and education materials, should be sustained.

To avoid further tension in the region, I urge the Moldovan authorities to respect and preserve Gagauzia's autonomous status. This issue needs particular attention, as the Council of Europe had contributed greatly to the preparation of legislation concerning this autonomous status. Differences in opinion among the Gagauz authorities should be solved through reconciliation and democratic means, within its autonomous structures.

I finish by underlining the urgent need to find a solution to the Transnistrian problem. It should be solved by preserving the territorial integrity, sovereignty and political unity of Moldova, and in accordance with the commitments made at the 1999 Istanbul summit of the Organisation for Security and Co-operation in Europe.

THE PRESIDENT. – Thank you. I call Mr Čekuolis, who is, I am afraid, perhaps the last speaker.

Mr ČEKUOLIS (*Lithuania*). – I hope that I will not be the last speaker. I shall leave out of my speech things that have already been said by colleagues and simply express myself from the heart.

I am very satisfied with, and impressed by, this debate. About two or three years ago, I well remember what happened in the centre of Chisinau. The ballot was considered bad and there were two weeks of protests. The Government authorities said that they would use the police to get rid of the protesters. However, today the Moldovan opposition representative and the representative of the Moldovan ruling party are both speaking the same language: they are speaking about a common project, which is the improvement of their country. That is a major achievement in that country and society, and I hope that it will continue.

I am very happy that that achievement was so strongly influenced by the Council of Europe. It will be remembered that at the round table our rapporteurs encouraged the establishment of real dialogue and a real society. We have that real dialogue, but the situation is still fragile. Many promises have been made by both sides, which must be implemented fully by the end of this year – by 12 November. We all know how important that date is. Indeed, colleagues have already mentioned it.

I urge my Moldovan colleagues not to misuse this opportunity. Let us not hate one another. Setting minority against majority and majority against minority would mean the end. Having found a common language, we must persist in it. That is the only way in which a country can achieve progress and prosperity, and real European integration. Let us hope – as the Speaker of the Moldovan Parliament said yesterday – that we are seeing the last Monitoring Committee report on Moldova. Who knows? Perhaps after two years, or even one year, we will discuss the ending of the procedure. However, only the Kishinev authorities can achieve that goal with the majority and the minority acting together.

THE PRESIDENT. – Thank you. I call Mr Alatalu. He is the last speaker, so we may expect a modest gift from him tonight or tomorrow morning.

Mr ALATALU (*Estonia*). – I thank my Lithuanian colleagues for their generosity. I shall try to be brief, and not to repeat what has already been said.

As a newcomer, I found reading the report rather strange. In the first sentence, a positive statement is immediately interrupted by the word “but”. It is recommended that Moldova revise its laws and rules, and submit all draft legislation to European organisations. In my opinion, however, the most important development has been the Moldovan leadership’s agreement to accept the great majority of the proposals presented here, and our common wish must be to support that move.

The problem of the presence or withdrawal of foreign troops must of course be a topic for the Council of Europe to discuss. The document is not just about the development of democratic institutions. The question of democracy is directly linked to the presence of foreign troops, and the separatism that that involves.

The resolutions and recommendations of the Council of Europe are also read by ordinary people, especially people who have waited for a long time to be officially recognised as modern European societies. That applies to Moldova, which declared itself to be in favour of joining the European Community 10 years ago. Regrettably, some years ago it was refused a direct route to the European Union, and was included in the list of countries whose future was unclear in an EU context.

Moldova is now in a completely new position, both internally and externally. Following the historic decision about Turkey’s future, why should we not tell Moldova “We are all waiting for you to join the EU, and we are ready to help you make the journey as quickly as possible.”?

THE PRESIDENT. – Thank you.

I must now interrupt the list of speakers. The speeches of members on the speakers’ list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report.

I call Mrs Durrieu and Mr Kvakkestad, co-rapporteurs, to reply. They have four minutes to share between them.

Mrs DURRIEU (*France*) said that four minutes was not a generous allocation to sum up the debate. Several people had referred to the Transnistrian conflict as a black shadow looming over Moldova. Other people had said Moldova should be used as a model for development. She would not wish to go that far but the current political stability might enable the Moldovans to move towards a resolution of the conflict. It was now time for the Moldovans to make progress.

THE PRESIDENT. – Thank you. I call Mr Kvakkestad. He has one minute, so he can be very efficient.

Mr KVAKKESTAD (*Norway*). – Mr Slutsky asked about the observers of the election. The election has already taken place, and I will not meddle in the internal problems of the CIS countries. I remind the Assembly, however, that Russian observers were present in the observation mission from the Council of Europe. In fact, they were from the European Democratic Group of which I am a member. The Moldovan authorities have no problem accepting those observers.

As for the report, there is now the hope and the possibility of a timetable and of progress. The next report will deal with whether that hope has been fulfilled. It will be up to Moldova to establish whether it can manage. I wish Moldova all the best in the work that it must do.

THE PRESIDENT. – Thank you. I call Mr Frunda, President of the Monitoring Committee. He has two minutes.

Mr FRUNDA (*Romania*). – Yesterday I listened to Mr Lupu, and to the two rapporteurs. I was tempted to speak about the reforms in Moldova, about the judiciary there, about the Office of the Prosecutor General, about the media and about local administration. I wanted to stress the fact that Moldova is finally in a good way. The Speaker of the Moldovan Parliament committed Moldova to an ending of the monitoring procedure. If things continue as they are, that may not be too far ahead.

I have listened to the points made by our Russian colleagues about Transnistria, and I want to focus on that problem a little. The Russian Federation must withdraw its army and its arms as it committed itself to doing several years ago. I have to say to Mr Slutsky that a foreign army does not defend Moldova and Transnistria against corruption, trafficking and the smuggling of arms. On the contrary, its presence may explain the corruption and the trafficking in human beings that take place in Transnistria.

Mrs Durrieu is right. A team involving the European Union, the United States, Ukraine, Russia and Moldova is discussing the problem of Transnistria, but where is the Council of Europe? We are monitoring three of those countries – Russia, Ukraine and Moldova – and we must act to bring together those three states. That might be the best way to achieve the withdrawal of 2 000 soldiers and officers and 20 000 tonnes of armaments and to put an end to the presence of the Russian army outside Russia.

I ask Mr Smirnov to free the two men who are illegally imprisoned, Mr Ivantoc and Mr Popa, and to respect the final decision of the European Court of Human Rights. They must be freed not in a week, nor in a month, but tomorrow.

THE PRESIDENT. – Thank you.

The Monitoring Committee has presented a draft resolution to which three amendments have been tabled. They will be taken in the following order: 1, 2 and 5.

I remind members that speaking times on amendments are limited to 30 seconds.

We come to Amendment No. 1, tabled by Mrs Josette Durrieu, Mrs Maria Postoico, Mr Doros Christodoulides, Ms Kateřina Konečná, Mr Vlad Cubreacov and Mr André Kvakkestad, which is, 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”.

I call Mrs Durrieu to support Amendment No. 1.

Mrs DURRIEU (*France*) said she wished to update the text to reflect the fact that the European Union and the United States would soon act as observers of the negotiations.

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 FRUNDA (*Romania*). – The committee is in favour.

THE PRESIDENT. – The vote is open

Amendment No. 1 is adopted.

We come to Amendment No. 2, tabled by Mrs Maria Postoico, Mr Doros Christodoulides, Ms Kateřina Konečná, Mr Vlad Cubreacov, Mrs Josette Durrieu, Mr Ilie Ilașcu, Mrs Liana Kanelli, Mr André Kvakkestad and Mr Dumitru Diacov, which is, 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;”

I call Mr Cubreacov to support Amendment No. 2.

Mr CUBREACOV (*Moldova*) said that the amendment updated the report to reflect the current situation.

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 FRUNDA (*Romania*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2 is adopted.

We now come to Amendment No. 5, tabled by Mr Ilie Ilaşcu, Mrs Naira Shakhtakhtinskaya, Mrs Rodica Mihaela Stănoiu, Mr Varujan Vosganian, Mr Vlad Cubreacov, Mrs Angela Leahu and Mrs Maria Postoico, which is, in the draft resolution, after paragraph 13.3, insert the following sub-paragraph:

“continue to maké 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.”

I call Mr Ilaşcu to support Amendment No. 5.

Mr ILAŞCU (*Romania*) said that the amendment added a reference to the plight of the political prisoners Ivantoc and Popa to the draft resolution.

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 FRUNDA (*Romania*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 5 is adopted.

We will now proceed to vote on the whole draft resolution contained in Document 10671, as amended.

The vote is open.

The draft resolution in Document 10671, as amended, is adopted.

The Monitoring Committee has also presented a draft recommendation to which two amendments have been tabled. They will be taken in the following order: 3 and 4.

We now come to Amendment No. 3, tabled by Mrs Josette Durrieu, Mr Doros Christodoulides, Ms Kateřina Konečná, Mr Vlad Cubreacov, Mr Ilie Ilaşcu, Mrs Liana Kanelli, Mr André Kvakkestad and Mrs Maria Postoico, which is, in the draft recommendation, paragraph 7.2, replace the words

“ensure that its participation would be the necessary guarantee”, with the following words: “ensure the participation of the Council of Europe in the ongoing consultations, as the necessary guarantee”.

I call Mrs Durrieu to support Amendment No. 3.

Mrs DURRIEU (*France*) said that the amendment addressed a drafting 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 FRUNDA (*Romania*). – The committee is in favour.

THE PRESIDENT. – The vote is open

Amendment No. 3 is adopted.

We now come to Amendment No. 4, tabled by Mr Ilie Ilaşcu, Mrs Naira Shakhtakhtinskaya, Mrs Rodica Mihaela Stănoiu, Mr Varujan Vosganian, Mr Vlad Cubreacov, Mrs Angela Leahu and Mrs Maria Postoico, which is, in the draft recommendation, after paragraph 7.2, add the following sub-paragraph:

"keep monitoring the full implementation of the decision of the European Court of Human Rights regarding the "Ilaşcu" case until the release of the political prisoners Andrei Ivantoc and Tudor Petrov Popa, illegally detained in Tiraspol."

I call Mr Ilaşcu to support Amendment No. 4.

Mr ILAŞCU (*Romania*) said that the amendment was another reference to the political prisoners.

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 FRUNDA (*Romania*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 4 is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10671, as amended. I remind you that a two-thirds majority is required for the adoption of the recommendation.

The vote is open.

The draft recommendation in Document 10671, as amended, is adopted.

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

THE PRESIDENT. – 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 6.55 p.m.)

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8. Education and religion

Presentation by Mr Schneider of report, on behalf of the Committee on Culture, Science and Education, Doc. 10673

Speakers:

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Mr Gedei (Hungary)
Mr Gubert (Italy)

Replies:

Mr Schneider (France)
Mr Legendre (France)

*Amendments Nos. 3, 4, 7, 13 as amended, 10, 21, 12 as amended, adopted
Draft recommendation, as amended, adopted*

9. Functioning of democratic institutions in Moldova

Presentation by Mrs Durrieu and Mr Kvakkestad, on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, Doc. 10671

Speakers:

Mrs Konečná (Czech Republic)
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Mr Kocharyan (Armenia)
Mr Jirsa (Czech Republic)
Mr Slutsky (Russian Federation)
Mrs Postico (Moldova)
Mr Vareikis (Lithuania)
Mr Aliyev (Azerbaijan)
Mrs Nakashidzé (Georgia)
Mr Cubreacov (Moldova)
Mr Kolesnikov (Russian Federation)
Mr Tekelioğlu (Turkey)
Mr Čekuolis (Lithuania)
Mr Alatalu (Estonia)

Replies:

Mrs Durrieu (France)
Mr Kvakkestad (Norway)
Mr Frunda (Romania)

Amendments Nos. 1, 2, 5 adopted
Draft resolution, as amended, adopted
Amendments Nos. 3 and 4 adopted
Draft recommendation, as amended, adopted

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