

The Session

**Secretariat of the
Parliamentary
Assembly,
Communication Unit**

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The Session is the information bulletin for plenary sessions of the Council of Europe Parliamentary Assembly. It is published four times a year in the two official languages of the Organisation and is also available on the Assembly's website.

26 to 30 April 2004

Monday 26

- A European Migration Observatory/Agency
- Opinions on the budgets of the Council of Europe and expenditure of the Parliamentary Assembly for 2005

Tuesday 27

- Monaco's application for Council of Europe membership, and statement by Monaco National Council President Stéphane Valéri
- Address by Croatian Prime Minister Ivo Sanader
- Statement by Kazakhstan Senate Speaker Nurtay Abikayev
- Euthanasia
- Situation of European prisons and pre-trial detention centres

Wednesday 28

- Election of judges to the European Court of Human Rights
- Joint debate: disappeared persons in Belarus and the persecution of the press in Belarus
- Strengthening of the United Nations
- Urgent debate on the new Dutch policy on asylum seekers
- Communication from the Committee of Ministers
- Address by Netherlands Prime Minister Jan Peter Balkenende
- Conflict prevention and resolution: the role of women

Thursday 29

- Urgent debate on the situation in Kosovo
- Address by Azerbaijan President Ilham Aliyev
- Honouring of obligations and commitments by Turkey
- Honouring of obligations and commitments by Albania

Friday 30

- Opinion on Draft Protocol No. 14 to the European Convention on Human Rights
- Opinion on the draft additional protocol to the Biomedicine Convention, on biomedical research
- Future of social security in Europe

**The order of business may change on
the first day of the session**

The **45**

The Council of Europe brings together 45 democracies including 21 central and eastern European countries. Today, the Organisation has almost completed its enlargement but continues to increase its monitoring to ensure that all its members respect the obligations and commitments they entered into when they joined.



Member states: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom.

The Parliamentary **Assembly**

The Parliamentary Assembly brings together 626 members (313 representatives and 313 substitutes) from the national parliaments of the 45 member states of the Council of Europe.

Countries that have joined the Council of Europe since November 1990: Hungary (1990), Poland (1991), Bulgaria (1992), Estonia, Lithuania, Slovenia, Slovak Republic, Czech Republic, Romania (1993), Latvia, Albania, Moldova, "the former Yugoslav Republic of Macedonia", Ukraine (1995), the Russian Federation, Croatia (1996), Georgia (1999), Armenia, Azerbaijan (2001), Bosnia and Herzegovina (2002), Serbia and Montenegro (2003).

Applications for membership: Belarus (12 March 1993) and Monaco (21 October 1998). The Bureau suspended the Special Guest status of the Belarus parliament on 13 January 1997.

The parliaments of Canada (1997), Israel (1957) and Mexico (1999) hold observer status with the Assembly.

The political **groups**



213

Socialist Group (SOC)



163

Group of the European People's Party (EPP/CD)



92

Liberal, Democratic and Reformers' Group (LDR)



79

European Democratic Group (EDG)



30

Group of the Unified European Left (UEL)

The Assembly **committees**

82 seats

Political Affairs
Legal Affairs and Human Rights
Economic Affairs and Development
Social, Health and Family Affairs
Migration, Refugees and Population
Culture, Science and Education
Environment, Agriculture and Local and Regional Affairs

50 seats

Equal Opportunities for Women and Men
Rules of Procedure and Immunities

82 seats

Honouring of obligations and commitments by member states of the Council of Europe (Monitoring)



Monday 26 April 2004

☞ Afternoon (3 p.m.-7 p.m.)

◆ **Opening of the second part of the 2004 Ordinary Session**

The President of the Assembly, Peter Schieder, will open the second part of the 2004 Ordinary Session. The Assembly will begin by considering the ratification of credentials of any new members of the Assembly notified by national delegations (Rules 6 and 59 of the Rules of Procedure), and will elect a Vice-President of the Assembly in respect of Croatia. It will also consider any changes in the membership of committees. Finally, it will consider any requests for debates under urgent procedure and will then adopt its order of business¹ (Rule 25.7 of the Rules of Procedure) as well as the minutes of the most recent meeting of its Standing Committee, in Paris on 2 March 2004.

◆ **Progress report of the Bureau of the Assembly and the Standing Committee**

Doc.

Rapporteur: Tony Lloyd (United Kingdom, SOC)

The progress report covers the discussions held and decisions reached by the Bureau and the Standing Committee since the last part-session (30 January to 26 April 2004). Rudolf Bindig (Germany, SOC) will report on the Assembly's observation of the 14 March presidential election in the Russian Federation, and Mátyás Eörsi (Hungary, LDR) will report on the observation of the 28 March parliamentary elections in Georgia.

Contact in the secretariat: Petr Sich, tel. 2127.

◆ **A European Migration Observatory/Agency**

[Doc. 10108](#)

Report of the Committee on Migration, Refugees and Demography

Rapporteur: Tadeusz Iwiński (Poland, SOC)

Migration is, by definition, a trans-national matter: no one country alone can build up an overall picture of who is migrating where, how and why. Sharing information, according to the Migration Committee, is the key to devising sensible and humane policies for managing the flows of people into and around Europe, helping legal migrants to integrate and combating trafficking. And crucially, countries at both ends of that flow – as well as transit countries – need to be involved. The committee issues an urgent call for the setting up of a European Migration Observatory or Agency as a joint undertaking of the EU and Council of Europe, open also to non-European countries such as China, India or Somalia, whose task would be to track national migration policies and legislation, produce comparable statistics, analyse trends and dispense advice. Such an agency could also help shape information campaigns to dissuade irregular migrants or warn them against being duped by traffickers.

Contact in the secretariat: Halvor Lervik, tel. 2121.

1. The order of business as contained in this document is thus subject to amendment by the Assembly on the first day of the part-session.

◆ **Budgets of the Council of Europe for the financial year 2005**

[Doc. 10129](#)

Report of the Committee on Economic Affairs and Development

Rapporteur: Ján Figel' (Slovakia, EPP/CD)

The Economic Affairs Committee welcomes the budget increase in 2004 for the European Court of Human Rights, while again appealing for an end to the "zero real growth" policy largely applied to the rest of the organisation. New accessions, it reminds governments, mean ever more strain on existing resources. The committee also welcomes Russia's decision to continue as one of the "big five" contributors. It is acutely concerned by limited funding for the office of the Commissioner for Human Rights, however. Funding priorities now should include creating the closest possible links with the EU, expanded co-operation with the OSCE and a possible permanent presence at the UN in New York, as well as more field offices. Finally, the Assembly deplores that, once again, its sensible practical suggestions for improving the Council's financial situation – such as adapting to national budget timetables, adopting a two-year budget cycle or allowing national ministries to make contributions directly – have been ignored.

Contact in the secretariat: Stefano Bertozzi, tel. 2087.

◆ **Expenditure of the Parliamentary Assembly for the financial year 2005**

[Doc. 10130](#)

Report of the Committee on Economic Affairs and Development

Rapporteur: Ján Figel' (Slovakia, EPP/CD)

Noting that its 2004 budgetary proposals were turned down, the Assembly believes the Council's increased membership, together with a wider range of activities, are now putting its work and overstretched staff under enormous strain. Nonetheless, for 2005 it requests only a modest real-terms budget increase of less than 1 per cent, amounting to around 8 per cent of the organisation's overall budget. The Assembly's budgetary priorities should include infrastructure improvements to the debating chamber, including a permanent TV system and reliable voting system, as well as greater funding for external relations, communications and the valuable work of its political groups.

Contact in the secretariat: Stefano Bertozzi, tel. 2087.

Tuesday 27 April 2004

☞ Morning (10 a.m.-1 p.m.)

♦ **The Principality of Monaco's application for membership of the Council of Europe**

[Doc. 10128](#)

Report of the Political Affairs Committee

Rapporteur: Leonid Slutsky (Russia, SOC)

[Doc. 10138](#)

Opinion of the Committee on Legal Affairs and Human Rights

Rapporteur: Andrea Manzella (Italy, SOC)

Monaco applied to join the Council of Europe in 1998. Following dialogue with the Assembly, the Principality made a number of major changes to its constitution and laws to bring them into line with Council of Europe principles, including enlarging the powers of parliament and reforming its electoral law. Monaco has also undertaken to ratify several of the Council's main treaties, including the European Convention on Human Rights and its protocols, the European Social Charter and the Cybercrime Convention, as well as to pass laws on nationality, freedom of the media and freedom of association. In the light of these promises, the Political Affairs Committee believes Monaco is "capable of and intent on" complying with Council of Europe standards and should be invited to join the organisation, subject to monitoring by the Assembly. However, on one point – a 1930 treaty with France which reserves senior Monaco government and civil service posts for French public servants – the committee believes the situation "runs counter to the principle of non-discrimination" and should be brought into line with European standards. Since negotiations between Monaco and France on revising the treaty are currently under way, the committee recommends that Monaco should be invited to join the Council only once these negotiations "have opened the possibility for implementing, in the near future, the principle of non-discrimination by allowing Monegasque citizens to be appointed to the senior Monegasque governmental and public posts that are currently reserved for French nationals" – an assessment which should be made by the Joint Committee of the Assembly and the Committee of Ministers. In the meantime, Monaco's parliament should be granted Special Guest status, if it asks for it.

Stéphane Valéri, President of the National Council of Monaco, will make a statement following this debate.

Contact in the secretariat: Pavel Chevtchenko, tel. 3835.

♦ **Address by Ivo Sanader, Prime Minister of Croatia**

Following his address, the Prime Minister will answer questions from members of the Assembly.

Tuesday 27 April 2004

☞ Afternoon (3 p.m.-7 p.m.)

◆ **Statement by Nurtay Abikayev, Speaker of the Senate of Kazakhstan**

A co-operation agreement between the Senate of Kazakhstan and the Parliamentary Assembly will be signed by Mr Abikayev and President Schieder at 2.30 p.m. in the office of the President. The aim of co-operation agreements – of which this is the first – is to develop a political dialogue between the parliaments of non-member states and the Assembly in order to promote the principles of parliamentary democracy, the rule of law and respect for human rights.

◆ **Euthanasia**

[Doc. 9898](#)

Report of the Social, Health and Family Affairs Committee¹
Rapporteur: Dick Marty (Switzerland, LDR)

[Doc. 9923](#)

Opinion of the Committee on Legal Affairs and Human Rights
Rapporteur: Kevin McNamara (United Kingdom, SOC)

Euthanasia is already taking place in Europe, according to the Social Affairs Committee, but often in the shadows of discretion or secrecy. Though illegal in most Council of Europe member states, it is rarely punished. This striking divergence between law and practice must be reconciled, the committee believes, if respect for the rule of law – a founding Council of Europe principle – is to be preserved. It calls for a Europe-wide public debate on the question, based on the collection and analysis of empirical evidence about end-of-life decisions from the public, doctors and courts – including in the Netherlands and Belgium, two Council of Europe member states where euthanasia laws are now operating. In the light of that, it calls on the governments of member states to consider whether legislation should be envisaged to exempt from prosecution doctors who agree to help terminally-ill patients who are undergoing constant, unbearable pain and suffering and who make a persistent, voluntary and well-considered request to end their lives. However the Legal Affairs Committee takes issue with this recommendation in its written opinion, believing that “to allow patients to ask to be killed fails to protect their dignity and the rights that stem therefrom”, as protected by the European Convention on Human Rights.

Contact in the secretariat: Dana Karanjac, tel. 4877.

1. The Social, Health and Family Affairs Committee has requested that this report be referred back to committee after the debate.

◆ **Situation of European prisons and pre-trial detention centres**

[Doc. 10097](#)

Report of the Committee on Legal Affairs and Human Rights

Rapporteur: Michel Hunault (France, EPP/CD)

Eight years after the Assembly's last recommendation on conditions of detention in Council of Europe member states, the situation has not improved, according to the Legal Affairs Committee. Living conditions in many prisons and pre-trial detention centres are "incompatible with respect for human dignity", and in most Council of Europe member states there is a trend towards overcrowding. The committee believes the time has come for a "European Prisons Charter" spelling out prisoners' rights and obligations, which would be binding on all member states. Drawn up in conjunction with the EU, it would include rules on detention conditions, access to lawyers and doctors, visiting rights and activities for rehabilitation and education. Ultimately, the committee believes, there should be a mechanism for permanent external monitoring of how these rules are applied.

Maurizio Turco, the European Parliament's rapporteur on the prison situation in the European Union, will take part in this debate.

Contact in the secretariat: David Cupina, tel. 2117.

Wednesday 28 April 2004

☞ Morning (10 a.m.-1 p.m.)

◆ **Election of judges to the European Court of Human Rights**

[Doc. 10099](#) and [corrigendum](#), [addendum](#)

Voting takes place from 10 a.m. to 1 p.m. in the area behind the presidential rostrum

According to the European Convention on Human Rights, the terms of office of one half of the judges of the European Court of Human Rights must be renewed every three years. The judges whose six-year terms of office expire on 31 October 2004 – and for whom elections are therefore due – are those in respect of Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Liechtenstein, Lithuania, Malta, Netherlands, Norway, Poland, Portugal, Russia, Slovakia, Sweden and the United Kingdom.

Under the Convention, each judge is elected by the Parliamentary Assembly from a list of three candidates presented by the Contracting State concerned. To assist it in making its decision, the Assembly has asked its Sub-committee on the election of judges to the European Court of Human Rights to make confidential recommendations based on personal interviews with all the candidates and assessments of their CVs. The document containing these recommendations will be made available exclusively to members of the Assembly.

Under the Assembly's Rules of Procedure, an absolute majority of votes cast is required in the first round of voting. If this is not achieved, a second round of voting will take place on Thursday 29 April from 9.30 a.m. to 12 noon, for which a relative majority of votes will be sufficient.

Contact in the secretariat: Danielle Coin, tel. 2105.

◆ **Joint debate**

Disappeared persons in Belarus

[Doc. 10062](#)

Report of the Committee on Legal Affairs and Human Rights

Rapporteur: Christos Pourgourides (Cyprus, EPP/CD)

For the last two years the Assembly has sought to clarify the circumstances surrounding the disappearances in Belarus during 1999 and 2000 of former Interior Minister Yuri Zakharenko, former Parliamentary Vice-President Victor Gonchar, businessman Anatoly Krasovski and Russian TV cameraman Dmitri Zavadski. The Legal Affairs Committee concludes that a proper investigation of the disappearances has not been carried out by the competent authorities. On the contrary, the elements collected by the rapporteur have led it to believe that steps were taken at the highest level of the state to actively cover up the true background of the disappearances. Stating its suspicion that senior officials of the state may themselves have been involved, the committee calls for criminal investigation of current Prosecutor-General Victor Sheyman – who was appointed to the post after having himself been accused of orchestrating the disappearances – as well as former Interior Minister Yuri Sivakov and former special forces colonel Dmitri Pavlichenko. The Council of Europe and the international community should apply "a maximum of political pressure" on the current leadership of Belarus until a credible, independent investigation of the alleged involvement of high-ranking officials in the disappearances, or their cover-up, has been carried out.

Contact in the secretariat: Günter Schirmer, tel. 2809.

Persecution of the press in the Republic of Belarus

[Doc. 10107](#)

Report of the Political Affairs Committee

Rapporteur: Christos Pourgourides (Cyprus, EPP/CD)

Doc.

Opinion of the Committee on Culture, Science and Education

Rapporteur: Christine Muttonen (Austria, SOC)

The temporary suspension of several independent newspapers in Belarus in May 2003 caused widespread international criticism and drew attention to the situation of the media in the country. In this report – partly prompted by the Belarus parliament's request for the restoration of Special Guest status – the Political Affairs Committee deplores the systematic harassment and intimidation carried out by state officials against journalists, editors and media outlets which are critical of the president or government. The committee calls for changes to Belarus's existing media laws and equal access to the media for all candidates and parties in the autumn 2004 elections. Meanwhile, the EU, OSCE and UN should all be encouraged to "take appropriate action" against Belarus to enforce the various international texts protecting freedom of expression. "Belarus remains in the year 2004 a police state," the committee concludes.

Contact in the secretariat: Rüdiger Dossow, tel. 2859.

♦ Strengthening of the United Nations

[Doc. 10120](#)

Report of the Political Affairs Committee

Rapporteur: Tana de Zulueta (Italy, SOC)

2003 has been a difficult one for the UN, according to the Political Affairs Committee. Confidence in the multilateral system has been undermined by the war in Iraq and the occupation of a sovereign state without prior authorisation by the Security Council. Yet even in Iraq, the committee points out, there are now widespread calls for a central UN role. The Assembly – which has a long history of constant support for the world body – is committed to the UN's core values of multilateralism and a collective response to global threats. The UN now needs a more representative and more effective Security Council, with a modified veto, a revitalised General Assembly, and perhaps some form of parliamentary dimension. Meanwhile, it can continue to draw on the expertise of regional organisations, such as the Council of Europe.

Contact in the secretariat: Marja Ruotanen, tel. 3945.

Wednesday 28 April 2004

Afternoon (3 p.m.-7.30 p.m.)

◆ **Urgent debate on the new Dutch policy on asylum seekers**

Report of the Committee on Migration, Refugees and Demography

At its meeting on Tuesday 6 April 2004, the Bureau agreed to include on the draft order of business a debate under urgent procedure on the new Dutch policy on asylum seekers, which it referred to the Migration Committee for report. The Assembly will consider this proposal when it adopts its order of business on the first day of the part-session.

◆ **Communication from the Committee of Ministers to the Assembly presented by Bernard Bot, Minister for Foreign Affairs of the Netherlands and Chairman of the Committee of Ministers**

Following his presentation, Dr Bot will answer questions from the members of the Assembly, which must be tabled at the latest by 7 p.m. on Monday 26 April.

◆ **Address by Jan Peter Balkenende, Prime Minister of the Netherlands**

Following his address, the Prime Minister will answer questions from members of the Assembly.

◆ **Conflict prevention and resolution: the role of women**

[Doc. 10117](#)

Report of the Committee on Equal Opportunities for Women and Men

Rapporteur: Minodora Cliveti (Romania, SOC)

Conflict is a gendered activity, according to the Equal Opportunities Committee: women and men have different access to resources, power and decision-making before, during and after conflict, and their experience of it is significantly different. Women are therefore caught in a vicious paradox: on the one hand, they are the main civilian victims of conflicts, yet on the other hand they are powerless to prevent them, since they are often excluded from the negotiating tables and marginalised in post-conflict reconstruction. The committee believes it is time to break this vicious circle by calling on governments to ensure that women are involved in preventive diplomacy, conflict-resolution, peace-making and post-conflict reconstruction at all levels.

Contact in the secretariat: Tanja Kleinsorge, tel. 2906.

Thursday 29 April 2004

☞ Morning (9.30 a.m.-1 p.m.)

◆ **Possible second round of the election of judges to the European Court of Human Rights**

[Doc. 10099](#) and [corrigendum, addendum](#)

Voting takes place from 9.30 a.m. to 12 noon in the area behind the presidential rostrum

Under the Assembly's Rules of Procedure, a second round of voting takes place only if an absolute majority of the votes cast is not achieved in the first round. A relative majority is sufficient in the second round.

◆ **Urgent debate on the situation in Kosovo**

Report of the Political Affairs Committee

Opinion of the Committee on Legal Affairs and Human Rights

Opinion of the Culture, Science and Education Committee

At its meeting on Tuesday 6 April 2004, the Bureau agreed to include on the draft order of business a debate under urgent procedure on the situation in Kosovo, which it referred to the Political Affairs Committee for report and to the Legal Affairs and Culture Committees for opinion. The Assembly will consider this proposal when it adopts its order of business on the first day of the part-session.

If the Assembly agrees to this urgent debate, the UN Secretary-General's Special Representative in Kosovo Harri Holkeri will take part.¹

◆ **Address by Ilham Aliyev, President of Azerbaijan**

Following his address, the President will answer questions from members of the Assembly.

1. To be confirmed.

Thursday 29 April 2004

☞ Afternoon (3 p.m.-6.30 p.m.)

◆ Honouring of obligations and commitments by Turkey

[Doc. 10111](#)

Report of the Monitoring Committee

Co-rapporteurs: Mady Delvaux-Stehres (Luxembourg, SOC) and Luc Van den Brande (Belgium, EPP/CD)

The Monitoring Committee believes that Turkey has achieved more reforms in a little over two years than in the previous decade. It singles out for praise the adoption of important changes to the Constitution in October 2001, as well as abolition of the death penalty, "zero tolerance" towards torture and impunity, the lifting of many restrictions on freedom of expression, association and religion, and the granting of certain cultural rights to Turkish citizens of Kurdish origin. It also congratulates the authorities on transforming the National Security Council into a consultative body. Given the progress achieved since 2001, the committee considers that Turkey has clearly demonstrated its commitment and ability to fulfil its statutory obligations as a Council of Europe member state and therefore proposes to close the monitoring procedure that has been under way since 1996. However, there should be "post-monitoring dialogue" with Turkey on a twelve-point list of outstanding issues, the committee says – including a major reform of the 1982 Constitution, amendments to the electoral code, further recognition of national minorities and continued efforts to combat violence against women and corruption.

Contact in the secretariat: Caroline Ravaud, tel. 2327.

◆ Honouring of obligations and commitments by Albania

[Doc. 10116](#)

Report of the Monitoring Committee

Co-rapporteurs: Jerzy Smorawiński (Poland, EPP/CD) and Søren Søndergaard (Denmark, UEL)

The Monitoring Committee welcomes Albania's progress in the last three years towards becoming a functioning pluralist democracy and a state governed by the rule of law and respect for human rights – particularly improvements in the functioning of state institutions and the increasing influence of parliament in Albanian political life. However, the progress achieved is being threatened by organised crime, aided by a relatively weak and inefficient state administration, particularly in key sectors such as police, tax and customs. The authorities seem unable to exert effective control over financial transactions and prevent money laundering. The monitoring procedure should remain open, the committee concludes, until the Albanian authorities are able to demonstrate tangible achievements in fighting corruption and organised crime, improve their record in implementing legislation and carry out elections in full compliance with international standards.

Contact in the secretariat: Matjaž Gruden, tel. 2118.

The Joint Committee

The Joint Committee, which is the organ of co-ordination between the Committee of Ministers and the Parliamentary Assembly, meets at 6.30 p.m. in Room 9. Items on the agenda include the accession of Monaco to the Council of Europe, relations between the Council and the United Nations, an exchange of views on the draft agenda for the coming Third Summit and the statutory consultation on the candidates for the post of Secretary General of the Organisation. The Joint Committee is composed of a representative of each member government and a corresponding number of Assembly members, made up of Bureau members plus one representative from each national delegation not represented on the Bureau.

Friday 30 April 2004

☞ Morning (10 a.m.-1 p.m.)

◆ **Opinion on Draft Protocol No. 14 to the European Convention on Human Rights**

[Doc. 10137](#)

Report of the Committee on Legal Affairs and Human Rights

Rapporteur:

This draft protocol to the European Convention on Human Rights is part of a package of reforms aimed at guaranteeing the long-term effectiveness of the European Court of Human Rights, given its massively increased workload. The draft protocol – the final text of which was transmitted to the Assembly by the Committee of Ministers on 7 April 2004 – would amend the control system of the Convention in a number of ways, providing for an increase in the number of judges, allowing single judges to declare inadmissible or strike out cases, and extending the term of office of judges to a single, non-renewable nine-year term. It would also add a new admissibility criterion, allowing the Court to declare inadmissible any application where “the applicant has not suffered a significant disadvantage”. The Assembly’s Legal Affairs Committee – which had the opportunity to make preliminary comments during the drafting of the protocol – is due to adopt a full draft opinion on the final text at its meeting in Paris on 21 April.

Contact in the secretariat: Danielle Coin, tel. 2105.

◆ **Opinion on the draft additional protocol to the Convention on Human Rights and Biomedicine, on biomedical research**

[Doc. 10121](#), [Doc. 9924](#)

Report of the Committee on Culture, Science and Education

Rapporteur: Majléne Westerlund Panke (Sweden, SOC)

Doc.

Opinion of the Committee on Legal Affairs and Human Rights

Rapporteur: József Gedei (Hungary, SOC)

[Doc. 10126](#)

Opinion of the Social, Health and Family Affairs Committee

Rapporteur: Claude Evin (France, SOC)

While biomedical research can save lives – and has already produced results in the fight against cancer and screening for genetic diseases – this benefit must be weighed against protecting the rights of people taking part in research projects. This draft protocol to the Council of Europe’s Bioethics Convention successfully strikes that balance, the Culture, Science and Education Committee believes, protecting human dignity yet without imposing unnecessary barriers to the freedom of research. It specifies, for example, that human beings – including fetuses and embryos *in vivo* – should be involved in research only when there is no other alternative and only when the burdens and risks are not disproportionate to the potential benefits. Such research

must be authorised by a competent national body, must be transparent and must be properly supervised. Finally, people taking part must be fully informed of the risks involved, and must give their free consent. For those unable to consent, the bar of protection should be set higher – the research must directly benefit them, or exceptionally others with their condition, but must involve minimal risk.

Contact in the secretariat: João Ary, tel. 2112.

◆ **Future of social security in Europe**

[Doc. 10098](#)

Report of the Social, Health and Family Affairs Committee

Rapporteur: Claude Evin (France, SOC)

The Social Affairs Committee starts from the position that social rights, if effectively guaranteed, help social cohesion and contribute to democratic stability. Social security may have a cost, but it can cost more – economically, socially and politically – to be without it. Society has changed since many social welfare systems were created, however, and reform is needed. There is no single model which will fit all European countries, the committee believes, but priorities must be seeking to reduce unemployment and adapting to new lifestyles and recent social transformations, while maintaining better control of welfare-related expenditure. The principles in the Council of Europe's existing legal instruments – in particular the European Social Charter and Code of Social Security – should be applied by all states.

Contact in the secretariat: Chemavon Chahbazian, tel. 4292.

◆ **Closure of the second part of the 2004 Ordinary Session**

Practical information

1. Meetings of committees and political groups

The list of meetings held by the committees and the other organs of the Assembly (Bureau, political groups, etc.) appears in the notice paper (*bulletin*) published before each sitting.

Unless a committee decides otherwise, committee meetings are not public.

Monday and Wednesday mornings are reserved for political group meetings.

2. Languages

The official languages of the Assembly are English and French. German, Italian and Russian are working languages. Speeches made in plenary session in any of these five languages are interpreted simultaneously into the other official and working languages. Members may, however, speak in languages other than English, French, German, Italian and Russian, provided that their delegation arranges for interpretation into one of the official or working languages. During sittings this is generally the case for Spanish, Dutch, Portuguese and Greek.

3. Assembly documents

The following documents are available in French and English at the document counter (on the first floor, to the right of the top of the main staircase, near lift No. IV).

Official documents

The main official documents are:

Reports: All items on the agenda are debated on the basis of a report by one of the Assembly's committees (with the exception of current affairs debates, elections, appointments, statements by guest speakers and communications from and questions to the Chairperson-in-Office of the Committee of Ministers and the Secretary General of the Council of Europe).

Committee reports comprise one or more draft texts for adoption (recommendations, opinions, resolutions) and an explanatory memorandum prepared by the rapporteur. Only draft texts can be amended and adopted by the Assembly.

Amendments: Amendments to draft texts must be tabled in keeping with the relevant rules of procedure, particularly Rule 34 (see section 4 below). They are distributed at the document counter. They must be signed by at least five Representatives or Substitutes, unless they are being submitted on behalf of a committee seized for report or opinion.

Order of business: For each part-session the Bureau prepares a draft order of business listing the sittings at which the agenda items will be examined. **The draft order of business** is made available to members of the Assembly two weeks before the opening of the part-session. The Assembly is required to adopt the draft

order of business (Rule 25.7 of the Rules of Procedure). A member may propose an amendment to the draft order of business drawn up by the Bureau. The adoption of such a motion requires a majority of the votes cast (Rule 25.8). Once adopted, the order of business can be altered only by a two-thirds majority of the votes cast.

Once it has been approved by the Assembly at the first sitting of the part-session – with or without amendment – the order of business is published (Rule 25) and made available to the members at the document counter.

Minutes of proceedings: Generally, after each sitting of the Assembly, the **minutes of proceedings** are produced. They list the Assembly's decisions and record speakers' names, the results of votes on reports and amendments, and points of order raised. At the start of the sitting the President submits the minutes of proceedings of earlier sessions to the Assembly for approval. If the minutes of proceedings are objected to, their approval may be postponed to the following sitting, at which the President may put to the Assembly any necessary modification (see Rule 29 of the Rules of Procedure).

Report of debates: A **provisional report of debates** is issued after each sitting. The French version of the provisional report (pink pages) contains the full text of all speeches made in French and a summary in French of speeches made in other languages. The English version (yellow pages) contains the full text of speeches in English and summaries in English of speeches in other languages. Speeches in German or Italian are also reported verbatim in a separate publication (green pages). Speakers may make corrections to the provisional report of debates within 24 hours of publication.

Representatives and Substitutes who were entered on the list of speakers and present in the chamber but were unable to speak because of lack of time may hand in their typewritten texts for inclusion in the report of debates. They should do so within 24 hours of the end of the debate concerned at the Table Office (Room 1083).

Adopted texts: The texts adopted by the Assembly are also published after each sitting, separately in English (yellow pages) and French (pink pages).

The texts adopted by the Assembly are:

- Recommendations (proposals addressed by the Assembly to the Committee of Ministers, for implementation by that Committee or the governments);
- Opinions (addressed to the Committee of Ministers);
- Resolutions (embodying a decision by the Assembly on a question of substance which it is empowered to put into effect, or a point of view for which it alone is responsible);

The other official documents (Rule 22 of the Rules of Procedure) are:

- reports, communications, requests for an opinion or further consideration transmitted by the Committee of Ministers;
- questions addressed to the Committee of Ministers;
- communications from the Secretary General of the Council of Europe;
- reports of international organisations;
- written declarations.

Other documents

Before each sitting a **notice paper** is produced, setting out the orders of the day. It also contains other information relevant to the proceedings, including:

- time limits for tabling amendments;
- time limits for lists of speakers;
- procedural notices, for example concerning elections;
- information about meetings of committees and other Assembly bodies;
- information about changes in the membership of committees.

For each part-session the following lists are published:

- List of Representatives
- List of Substitutes
- List of national delegations
- List of the Secretariat officials, giving office locations and contact telephone numbers for the part-session.

The Rules of Procedure of the Assembly (2002 edition) and a collection of modifications made since then are available in bilingual (English/French) versions.

4. Tabling amendments

Members who wish to table amendments or sub-amendments to the draft texts before the Assembly should submit them to the Table Office (Room 1083). Amendments and sub-amendments must be **signed by at least five Representatives or Substitutes**, unless they have been submitted on behalf of a committee.

Under the provisions on the organisation of debates (page 88 and ff. of the Rules of Procedure), the **time limits for tabling amendments** are the following (where appropriate the Bureau may decide to change these limits):

- for debates on the afternoon of Monday 26 April: Monday 26 April at 12 noon;
- for debates on Tuesday 27 April: Monday 26 April at 4 p.m.;
- for all other debates (except urgent debates): 24 hours before the opening of the sitting at which the debate is to begin.

Sub-amendments must be tabled at least two hours before the opening of the sitting at which the debate is to begin.

The procedure for tabling, examining and voting on amendments and sub-amendments is set out in Rule 34 of the Rules of Procedure.

5. Motions for resolutions and recommendations

Motions for resolutions and recommendations must be signed by ten or more Representatives or Substitutes from at least five national delegations (Rule 23.2). The President decides which motions are admissible.

Any motion considered admissible is printed and distributed as soon as possible. The Bureau then decides whether it should be referred to one or more committees, or forwarded to one or more committees for information, or that no further action should be taken. The Bureau's decision must then be ratified by the Assembly or the Standing Committee.

A document may be referred to only one committee for report, but to any other committee for opinion (Rule 24.2). The opinion of the latter concerns the report of the former committee. The report concerned must therefore be made available to the committee whose opinion has been sought in good time for it to prepare its opinion. Committee opinions may be presented orally or in writing. An opinion presented in writing must contain a chapter at the beginning entitled "Conclusions of the committee" and an explanatory memorandum by the rapporteur (Rule 49.3 of the Rules of Procedure).

6. Written declarations

Written declarations may be tabled provided that they:

- do not exceed 200 words;
- are on subjects within the competence of the Council of Europe;
- are signed by at least twenty Representatives or Substitutes belonging to four national delegations and two political groups.

They are neither referred to a committee nor debated in the Assembly (Rule 53 of the Rules of Procedure).

Any representative or Substitute may add his signature to such a declaration, in which case the declaration will be distributed again two weeks after the end of the part-session, with the names of all the members who signed it.

A written declaration which has not received any new signatures before the opening of the following part-session is closed to further signature.

7. Opinions of the Assembly (to the Committee of Ministers)

According to the Statute of the Council of Europe, or to other texts of a statutory character, the Committee of Ministers seeks the Assembly's opinion on such matters as the accession of new member states, draft conventions or the Council of Europe's budget. These requests for opinions are debated in the Assembly, following which the Assembly votes on the opinion to be transmitted to the Committee of Ministers (Rule 57).

8. Changes in the membership of national delegations or committees

Should any seat on a national delegation fall vacant in the course of a session as a result of death or resignation, the president of the national parliament concerned, or the Minister for Foreign Affairs, presents the credentials of the member who is to fill the vacant seat to the President of the Parliamentary Assembly, who submits them to the Assembly or the Standing Committee for ratification at the first sitting or meeting following their receipt (Rule 6.4).

The chairperson of a national delegation informs the President of the Assembly of any proposed change(s) in committee membership concerning that delegation's members. The President of the Assembly submits the proposed change(s) to the Assembly, the Standing Committee or, failing that, the Bureau for ratification (Rule 43.6).

9. Requests for debates under urgent procedure or current affairs debates

At the request of the Committee of Ministers, of the committee concerned, or of twenty or more Representatives or Substitutes, a debate may be held on an item which has not been placed on the Assembly's agenda. Requests for debates under urgent procedure must be addressed to the President of the Assembly. The President submits them to the Bureau, which makes a proposal to the Assembly. The adoption of urgent procedure requires a two-thirds majority of the votes cast (Rule 50).

At least twenty members, or one political group or national delegation may request a current affairs debate (Rule 52) on a subject which is not on the Assembly's agenda. The request must be made to the President of the Assembly at least a week before the start of the part-session. The Bureau decides whether or not to grant the request, subject to approval by the Assembly (or the Standing Committee). A current affairs debate may not exceed one and a half hours. The debate shall be opened by one of the members who requested it, chosen by the Bureau. The first speaker has ten minutes speaking time, other speakers five. A current affairs debate does not give rise to a vote, though the Bureau of the Assembly may subsequently propose that the subject be referred to the appropriate committee for report.

10. Electronic voting, notification of Substitutes, list of speakers, and quorum

All votes in the Assembly, except certain elections, take place by electronic voting.

Voting cards

Voting cards issued to all members are simultaneously used for identification and voting.

Distribution of voting cards is ensured by the Protocol Service of the Council of Europe. In principle, this distribution is organised via secretaries of each national delegation. Members who do not have their card (in case a card has been lost or forgotten, or when the Parliamentary Assembly database does not contain the member's photo) should present themselves at the Protocol desk at the main entrance of the Palais de l'Europe in order to receive their card. Protocol staff, before delivering a new card, will invite the member to present his or her identification document. If a third and consecutive card is issued to the same member during the same calendar year for whatever reason, loss or otherwise, the national delegation will be required to pay the cost (6 euros per card).

Voting cards as distributed by the Protocol Service do not give an automatic right to vote. In order to enjoy such a right, the member's card has to be validated. This operation will be carried out by the Assembly Secretariat.

Notification of Substitutes

In principle all Representatives at the opening of the first sitting (on Monday, at 3.00 p.m.) have their cards validated, but not Substitutes unless the Secretariat of the Assembly is properly informed about substitutions. Therefore secretaries of national delegations have the duty to inform the Secretariat of the Assembly about all cases of substitution. If this is not done, Substitutes attending the sitting do not have speaking and voting rights.

Notice of substitutions has to be given before the opening of the sitting concerned (if possible by the previous day and at the latest before 8.30 a.m. for a morning sitting and before 1.00 p.m. for an afternoon sitting). This notification, including the names of Substitutes, the names of Representatives to be substituted and the length of substitution, must be given in writing for each sitting to the Secretariat of the Assembly (Mrs Jocelyne Gibert, Room 1076, fax during session

weeks 27 27, fax outside session weeks 37 95), however, between 8.30 a.m. and 10 a.m. and between 1 p.m. and 3 p.m., notifications should be left in Room 1076.

If the Substitute is replacing the Representative for one or more consecutive sittings, the substitution for each sitting must be notified. Substitutions are never carried automatically over to the following sitting.

When the correct notification has been given, Substitutes will have their voting cards validated. At the same time, cards of Representatives who are to be replaced by Substitutes will become invalid, preventing them from speaking in the debate and voting.

Register of attendance

Members shall continue to sign the register of attendance before entering the Chamber for a sitting (Rules 11.2 and 39.1). A duly designated Substitute will find his or her name in the register next to the name of the Representative for whom he or she is substituting. If, in the register of attendance, no name is found next to the Representative's name, it means that no substitution was notified for the Representative for that particular sitting and therefore the Representative is authorised to speak in the debate and vote.

All members of the Assembly – Representatives and Substitutes as well as Observers – have access to the Chamber at any time of the sitting, regardless of their speaking and voting rights. Therefore, all Members, even those who are not authorised to speak in the debate or vote, are invited to sign the register of attendance if they attend the sitting.

Speakers' register

Members who wish to speak in a debate must enter their names on the list of speakers. They may do this by post in advance of the part-session, or in person during the part-session at the Table Office (Room 1083). The list is closed one hour before the scheduled close of the previous sitting, except in the case of the first sitting of a part-session, when the deadline is two hours before the start of the sitting. It should be noted that in any one part-session members may enter their names on the list for a maximum of **five debates** but may take the floor **not more than three times** (this limit does not apply to members appointed as political group spokespersons or as rapporteurs). A substitute whose name has not been notified to the secretariat before a sitting cannot participate in the debate.

The order of speakers on the list for each debate is determined according to criteria set by the Bureau and can be found on pages 94 to 96 of the Rules of Procedure.

Speaking time is limited to a maximum of 8 minutes for committee rapporteurs and 3 minutes for rapporteurs for opinion. Other speakers on the list normally have a maximum of 5 minutes. At the start of each sitting the President announces the speaking arrangements.

Only authorised members – i.e. Representatives or their duly appointed Substitutes – may speak in debates or submit questions for oral reply to the Chairman-in-Office of the Committee of Ministers or to guest speakers. The list of speakers is verified accordingly.

Electronic voting

While they are sitting in the Chamber, members are invited to keep their voting cards inserted in the voting terminals. However, when they leave, they should take their cards with them.

Voting cards should be inserted correctly into the terminals (the photo side of the member's card is facing the President's table; then the card is pushed down until a "click" is heard). A card

correctly inserted is signalled by its number being displayed on a small screen in the voting terminal. Any malfunctioning or error message displayed on the voting terminal screen should be immediately reported to the Secretariat present in the Chamber.

The opening of a vote by the President is confirmed by a small green light on the voting terminal.

After the opening of a vote, members should vote by putting their hands into the small booth of the voting terminal and by pressing one of the three voting buttons (stickers which are on the top of voting terminals are put there only for information in order to indicate the positions of the "for", "abstention" and "against" buttons). The chosen vote is confirmed by a coloured light on the terminal: green ("for"), white ("abstention") or red ("against").

Rule 39.8 indicates that a member cannot modify his or her vote after the voting is closed.

Quorum

The Assembly may deliberate, decide the orders of the day, approve the minutes of proceedings, decide upon procedural motions, and agree to adjourn, whatever the number of Representatives present.

All votes other than votes by roll-call shall be valid whatever the number of members voting, unless, before the voting has begun, the President has been requested to ascertain whether there is a quorum. At least one sixth of the Representatives authorised to vote, belonging to at least five national delegations, must vote in favour of the request. To ascertain whether there is a quorum, the President invites Representatives to mark their presence in the Chamber using the electronic voting system.

The quorum is one third of the number of Representatives of the Assembly authorised to vote (Rule 41.3).

A vote by roll-call shall not be valid unless one third of the Representatives authorised to vote took part. The President may decide to ascertain whether there is a quorum before proceeding to a vote by roll-call.

In the absence of a quorum, the vote shall be postponed until the next sitting or, on a motion from the Chair, until a subsequent sitting.

Majorities required

A majority of two-thirds of the votes cast is required for the adoption of a draft recommendation or a draft opinion to the Committee of Ministers, for the adoption of urgent procedure, for an alteration to the order of business, for the setting up of a committee and for the fixing of the date for the opening or resumption of Ordinary Sessions. For the adoption of a draft resolution and for any other decision, a majority of the votes cast is required, in the case of a tie the question being rejected.

Directory

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Table Office

(speakers' lists, questions and amendments)

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Robert Bertrand, office 1083, tel. 4283

Notification of substitutes
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Protocol

Director of protocol
Muammer Topaloğlu, office 0149, tel. 2137, muammer.topaloglu@coe.int

Services

Badges

Wearing badges is compulsory for admittance to the Chamber. Voting cards are used as ID badges. Contact the Protocol desk in the entrance hall.

Bars and restaurants

Parliamentarians' Bar: 1st floor, opposite the Chamber, open from 8.30 a.m. to the end of the sitting. Restaurant Bleu: ground floor, for official meals (tel. 3704 for reservations). Palais cafeteria: ground floor, open from 8 a.m. to 5 p.m. Palais self-service: ground floor, lunch from 12 a.m. to 2 p.m.

Bank

Société Générale, in the entrance hall, open from 8.15 a.m. to 5.30 p.m., tel. 7060. A cash dispenser is located opposite the philatelic counter off the entrance hall.

Bus

Free shuttle service departing from Allée Spach, outside the Press Centre, to the railway station via downtown (and vice versa). Badges must be shown. Time schedules are available at the reception desk.

Bookshop

Librairie Kléber: In the entrance hall, open from 9.30 a.m. to 12.45 p.m. and from 1.30 p.m. to 5.45 p.m., tel. 3712.

Philatelic agency

Council of Europe stamps and, since 1949, philatelic envelopes commemorating every session of the Parliamentary Assembly, tel. 03 88 35 08 88.

Post office

La Poste: in the entrance hall, open from 9 a.m. to 7 p.m., tel. 3463.

Medical centre

Entrance hall, open from 8.30 a.m. to the end of the sitting, tel. 2442.

Newsagent (cigarettes, newspapers, etc.)

In the entrance hall, open from 7.30 a.m. to 7.00 p.m., tel. 3549.

City of Strasbourg information desk

The City of Strasbourg is represented at the reception desk in the entrance hall, providing lists of hotels, restaurants and local events, flight/train times etc, tel. 3838. For accommodation or transport: Euraccueil, Mmes. Poincelet or Koppitz on 03 88 52 28 38.

Travel agent

Protravel: Palais, ground floor, near the Restaurant. Open from 9.30 a.m. to 12.30 p.m. and from 1.30 p.m. to 5.00 p.m., tel. 3714.