

The Session

**Secretariat of the
Parliamentary Assembly
Communication Unit**

Council of Europe
Parliamentary Assembly,
Avenue de l'Europe,
F-67075 Strasbourg cedex

Tel. +33 3 88 41 50 26
Fax +33 3 90 21 41 34
e-mail: assembly.news@coe.int
<http://assembly.coe.int>



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.

26 to 30 January 2004

Monday 26

- Activities of the Council of Europe Commissioner for Human Rights
- Realising Strasbourg's potential as a European capital

Tuesday 27

- Joint debate on the functioning of democratic institutions and political prisoners in Azerbaijan
- Communication from Walter Schwimmer, Secretary General of the Council of Europe, on the state of the Council of Europe
- Public service broadcasting
- Honouring of obligations and commitments by Armenia

Wednesday 28

- Address by Cyprus President Tassos Papadopoulos and debate on the situation in Cyprus
- Communication from the Committee of Ministers
- Address by Georgian President Mikhail Saakashvili and debate on the functioning of democratic institutions in Georgia

Thursday 29

- Possible urgent debate on terrorism: a threat to democracies
- Possible urgent debate on the constitutional crisis in Ukraine
- Improving the prospects of developing countries
- Euthanasia
- Access to assistance for asylum seekers at European seaports

Friday 30

- Joint debate on the economic aspects and consequences for freedom of movement of EU enlargement
- Candidates to the European Court of Human Rights

**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 continues to grow while at the same time increasing its monitoring to ensure that all its members respect the obligations and commitments 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**

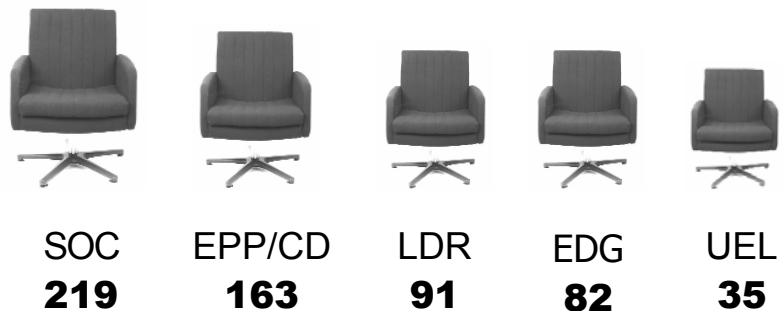
The Parliamentary Assembly brings together 626 members (313 representatives and 313 substitutes) from the national parliaments of the 45 member states of the Council of Europe.

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**



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

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

50 seats

Equal Opportunities for Women and Men
Rules of Procedure and Immunities



Monday 26 January 2004

☞ Afternoon (3 p.m.-7.30 p.m.)

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

The *doyen d'âge*, or oldest member of the Assembly present, presides as provisional President until the election of the President of the Assembly has been announced. No debate may take place while the provisional President is in the Chair, unless concerned with the examination of credentials or the election of the President, and no speeches may be made, though this does not prevent him or her from addressing the Assembly for five minutes at the most.

◆ **Examination of credentials**

One week before the opening of each Ordinary Session in January, national parliaments have to submit to the Assembly the credentials of the members of their delegations for examination with a view to their ratification. They may be challenged by any member of the Assembly present in the chamber on either substantial grounds, with respect to a national delegation as a whole, or on procedural grounds, with respect to individual members.

If the credentials of a delegation as a whole are challenged on substantial grounds – such as a serious violation of the basic principles of the Council of Europe mentioned in Article 3 of the Statute and in the Preamble, or by persistent failure to honour obligations and commitments (Rule 8 of the Rules of Procedure) – the challenge must be made by at least ten members of the Assembly belonging to at least five national delegations, or by a report of the Monitoring Committee. The credentials are then referred without debate to the appropriate committee for report and to the Committee on Rules of Procedure and Immunities for opinion. The two committees shall report and the Assembly decides the issue during the same part-session.

Credentials challenged on procedural grounds – such as failure to comply with Articles 25 or 26 of the Statute, or the lack of fair representation of political parties or groups in a national delegation (Rule 7 of the Rules of Procedure), or on the ground of gender-balance – shall be referred without debate to the Committee on Rules of Procedure and Immunities.

In both cases, members whose credentials have been challenged may sit provisionally with the same rights as other representatives or substitutes until the Assembly has reached a decision. However, they may not vote in any proceedings relating to the examination of credentials which concern them.

◆ **Election of the President of the Assembly**

This occurs at the beginning of each Ordinary Session. The President so elected remains in office until the opening of the next Ordinary Session. In cases where only one candidature is proposed, the candidate is declared elected without a ballot. As soon as the President has been elected, the provisional President leaves the Chair.

◆ **Election of the Vice-Presidents of the Assembly**

Candidates for the posts of Vice-President of the Assembly – of which there are currently nineteen – are proposed by each national delegation in accordance with the system for geographical rotation of Bureau seats agreed by the Assembly (Rule 12.2). Under the system, the national delegations entitled to propose a Vice-President for this election are Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Finland, France, Germany, Italy, Lithuania, Luxembourg, Malta, Poland, Russia, Spain, Ukraine and the United Kingdom. The candidates proposed by the national delegations shall be declared elected without a ballot. However, if there is a request for a vote by at least twenty Representatives or Substitutes in respect of one or several candidates – made in the chamber at the moment when the candidatures are presented – they shall be elected by secret ballot (Rule 14.4).

◆ **Appointment of members of committees**

At the beginning of each Ordinary Session, the Assembly appoints the members of its nine general committees and the Monitoring Committee. The composition of the nine general committees is decided on the basis of candidatures proposed by national delegations to the President, who will submit them to the Assembly for ratification in accordance with Rule 43.6 of the Rules of Procedure. If proposals for appointments to committee are disputed, the Assembly will decide on them by secret ballot.

In the case of the Monitoring Committee, candidatures are submitted by the political groups to the Bureau, which then nominates the members of that committee and forwards its nominations to the Assembly for ratification. If there are objections, the matter is referred back to the Bureau, which may submit revised nominations to the Assembly.

◆ **Requests for debate under urgent procedure**

The Assembly will consider the Bureau's proposal to hold debates under urgent procedure on "Terrorism: a threat to democracies" and on "The constitutional crisis in Ukraine", both provisionally scheduled for Thursday morning.

◆ **Adoption of the order of business**

For each part-session the Bureau draws up a draft order of business, showing at which sittings the items on the agenda are to be considered, which is then submitted to the Assembly for approval (Rule 25.7 of the Rules of Procedure).¹ A member may submit a motion to alter the draft order of business proposed by the Bureau. Adoption of such a motion requires a majority of the votes cast (Rule 25.8). Once adopted, the order of business may be altered only by a two-thirds majority of the votes cast.

The order of business, as adopted, is published and made available to members at the document counter from Tuesday morning.

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.

◆ **Adoption of the minutes of the meeting of the Standing Committee (25 November 2003, Maastricht, Netherlands)**

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

Doc.

Rapporteur: Jonas Čekuolis (Lithuania, LDR)

The progress report covers the discussions held and decisions reached by the Bureau and the Standing Committee since the last part-session. The Assembly will also hear reports on its observation of the parliamentary elections in the Russian Federation on 7 December 2003 (Rapporteur: David Atkinson, United Kingdom, EDG), the parliamentary elections in Serbia (Serbia and Montenegro) on 28 December 2003 (Rapporteur: Murat Mercan, Turkey, EDPP/CD) and the presidential election in Georgia on 4 January 2004 (Rapporteur: Mátyás Eörsi, Hungary, LDR).

Contact in the secretariat: Agnès Nollinger, tel. 2288.

◆ **3rd Annual report on the activities of the Council of Europe Commissioner for Human Rights (1 January-31 December 2002)**

[Doc. 10024](#), [Doc. 9916](#) + corrigendum (English only)

Committee on Legal Affairs and Human Rights

Rapporteur: Rudolf Bindig (Germany, SOC)

The office of Council of Europe Commissioner for Human Rights was established in 1999 as a "non-judicial institution to promote education in, awareness of and respect for human rights". Current Commissioner Alvaro Gil-Robles, who reached the half-way stage of his six-year mandate in 2002, should be congratulated on developing the range of activities of his office in a varied and flexible manner, according to the Legal Affairs Committee. Member states should implement his recommendations fully – especially Georgia and Moldova, singled out for particular criticism in his 2002 report. Meanwhile, the committee repeats the proposal that the Commissioner be granted the right to bring cases before the European Court of Human Rights – or at least to intervene before the Court in pending cases, where appropriate.

Alvaro Gil-Robles, Commissioner for Human Rights of the Council of Europe, will take part in this debate.

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

♦ **Realising Strasbourg's potential as a European capital**

[Doc. 10023](#)

Committee on Economic Affairs and Development

Rapporteur: Bernard Schreiner (France, EDG)

For over half a century the city of Strasbourg has been Europe's political capital, home to the Council of Europe, its Court of Human Rights and the European Parliament. But in order to pursue this vocation, the Economic Affairs Committee believes the city now needs a new, more forward-looking and dynamic approach to its development on the part of the host country, France. To attract top government experts and diplomats, priority should be given to improving air connections and establishing high-speed train links with major European cities, upgrading educational facilities – including founding a genuine English-language international school – and broadening the range of cultural events in the city.

Contact in the secretariat: Kjell Torbiorn, tel. 2120.

At the end of today's sitting, members are invited to attend meetings for the election of the Bureaux of the Assembly committees – a Chairperson and three Vice-Chairpersons for each committee, normally elected on the basis of designations made by the political groups (Rule 45.1). The meetings take place in Rooms 7, 8, 9 and 10 at ten-minute intervals, beginning at the end of the session.

Tuesday 27 January 2004

☞ Morning (10 a.m.-1 p.m.)

◆ Election of a judge to the European Court of Human Rights with respect to Bosnia and Herzegovina (second round)

[Doc. 9914](#)

The first round of voting in the election of a judge to the European Court of Human Rights with respect to Bosnia and Herzegovina took place on Tuesday 30 September, during the last part-session, with none of the three candidates – whose *curricula vitae* appear in Document 9914 – obtaining the required majority. Immediately after the vote rumours alleging the inappropriateness of one of the candidates for the post began to circulate. Following consultation with the leaders of political groups and having consulted the Joint Committee, the President judged that there was a serious risk these rumours would affect the outcome of the vote in the second round. The Assembly agreed to his proposal to postpone the second round of the voting in order to clarify the situation.

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

◆ Joint debate

Functioning of democratic institutions in Azerbaijan

[Doc. 10030](#)

Monitoring Committee

Co-rapporteurs: Andreas Gross (Switzerland, SOC) and Guillermo Martínez Casañ (Spain, EPP/CD)

The Monitoring Committee recognises that Azerbaijan has made certain progress towards honouring its obligations and commitments since the last monitoring report in September 2002 but believes this progress is far from satisfactory. The presidential elections in October 2003 again failed to meet international standards while the constitutional arrangements regarding the separation of powers are inadequate and favour the executive. During the last year, freedom of expression and freedom of association have not improved and, in some cases, have deteriorated. Human rights abuses by the police and the use of torture and ill-treatment of detainees continue to be reported. While all political prisoners have not yet been released, the events after the presidential elections led to further politically motivated arrests. The report calls on the Azerbaijan authorities to investigate and, where justified, prosecute all alleged human rights violations. It also provides a list of concrete measures to improve the functioning of democratic institutions. The monitoring procedure should not be closed until the Azerbaijan authorities make further substantial progress on outstanding commitments and, in particular, demonstrate their ability to organise free and fair elections.

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

Political prisoners in Azerbaijan

[Doc. 10026](#)

Committee on Legal Affairs and Human Rights

Rapporteur: Malcolm Bruce (United Kingdom, LDR)

Doc.

Political Affairs Committee, for opinion

Rapporteur:

Doc.

Monitoring Committee, for opinion

Rapporteur:

In 2002 the Assembly urged the Azerbaijan authorities to resolve the problem of political prisoners, stressing that their existence is incompatible with Azerbaijan's membership of the Council of Europe. While welcoming the pardons granted since then, the Legal Affairs Committee deplores the fact that the authorities have still not found a lasting solution to this problem, maintaining that the majority of these prisoners are lawfully held and that their release may take years because of the pressure of public opinion. It voices its utmost concern at reports of fresh detentions since the post-election events of October 2003. The committee concludes that if there is no solution to the problem of political prisoners by the Assembly's autumn 2004 part-session, Azerbaijan's presence within the Council of Europe will have reached a critical stage.

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

Tuesday 27 January 2004

☞ Afternoon (3 p.m.-7 p.m.)

◆ **Communication from Walter Schwimmer, Secretary General of the Council of Europe, on the state of the Council of Europe**

Following his annual presentation, Mr Schwimmer will answer members' questions.

◆ **Public service broadcasting**

[*Doc. 10029*](#)

Committee on Culture, Science and Education

Rapporteur: Paschal Mooney (Ireland, LDR)

Public service broadcasting is a vital element of democracy in Europe, according to the Culture Committee, but it is under threat from political and economic interests as well as increasing competition from commercial media. It also faces the challenge of adapting to globalisation and the new technologies. At one extreme, in countries such as Azerbaijan, Georgia, Russia and Ukraine, national broadcasting continues to be under strict governmental control and hardly any progress has been made in introducing public service broadcasting by legislation in line with European standards. In other countries, it is in crisis: laws or financial and regulatory arrangements allow political interference; even where adequate laws exist, the political culture may involve little dedication to public service values; commercial rivals are attacking the very need for it, or challenging its right to offer new services. The report calls on European governments to maintain strong and vibrant independent public service broadcasting.

Contact in the secretariat: Bonnie Theophilova, tel. 3092.

◆ **Honouring of obligations and commitments by Armenia**

[*Doc. 10027*](#)

Monitoring Committee

Co-rapporteurs: René André (France, EPP/CD) and Jerzy Jaskiernia (Poland, SOC)

Since September 2003, the Armenian authorities are once more showing a real political will to make progress towards honouring the commitments which Armenia made when it joined the Council of Europe, according to the Monitoring Committee: the death penalty has been abolished, there is a new Criminal Code, laws have been adopted on the Ombudsman, alternative military and civilian service, the mass media and freedom of information and the broadcasting law has been revised. Armenia has also honoured all its commitments to sign or ratify Council of Europe treaties. However, the committee expresses its profound disappointment at the conduct of the presidential and parliamentary elections held in 2003 which gave rise to serious irregularities and massive fraud. It expects further substantial progress in improving the functioning of the judicial system and the independence of judges, the situation in Armenian prisons, the behaviour of law enforcement officials, freedom of demonstration, revision of the Administrative and Electoral Codes, media pluralism, increased local self-government, the fight against corruption and respect for religious freedom. The committee also calls on the Armenian authorities to speed up revision of the Constitution.

Contact in the secretariat: Valérie Clamer, tel. 2106.

Wednesday 28 January 2004

☞ Morning (10 a.m.-1 p.m.)

◆ **Address by Tassos Papadopoulos, President of Cyprus**

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

◆ **Situation in Cyprus**

[*Doc. 10028*](#)

Political Affairs Committee

Rapporteur: Mátyás Eörsi (Hungary, LDR)

Doc.

Committee on Legal Affairs and Human Rights, for opinion

Rapporteur:

The island of Cyprus has now been divided for nearly thirty years but recent events – Cyprus's coming EU accession, Turkey's more constructive attitude and changes in public opinion in the north – have generated a positive momentum and led to hopes that a just and lasting solution may be achievable. The Political Affairs Committee deplores the failure, in March 2003, of negotiations based on the Annan plan and calls on all parties to resume negotiations on this basis. It warns of deadlock if a breakthrough cannot be achieved before Cyprus joins the EU on 1 May 2004, leaving the Turkish Cypriot community sidelined and likely to face further economic decline. The committee welcomes Turkey's more open-minded and pragmatic approach to solving the problem, and invites it to exert all its influence in favour of the Annan Plan, while calling on the EU to give Turkey a clearer prospect for the opening of accession negotiations, in compliance with appropriate criteria. Ultimately, the committee believes, it is up to the leaders of the two communities to overcome the pattern of confrontation and turn to the future of their communities, who form a single people with a shared destiny. (Following a visit to Cyprus from 11 to 15 January, the rapporteur will update his report in time for this debate).

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

Wednesday 28 January 2004

Afternoon (3 p.m.-6 p.m.)

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

Following his presentation, Mr Bot will answer members' questions, which must be tabled at the latest by 10 a.m. on Tuesday 27 January.

◆ **Address by Mikhail Saakashvili, President of Georgia**

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

◆ **The functioning of democratic institutions in Georgia**

Doc.

Monitoring Committee

Co-rapporteurs: Mátyás Eörsi (Hungary, LDR) and Evgeni Kirilov (Bulgaria, SOC)

This document is due to be adopted by the Monitoring Committee at its meeting on Monday 26 January 2004 at 2 p.m. in Room 11.

Contact in the secretariat: Valérie Clamer, tel. 2106.

The Joint Committee, which is the organ of co-ordination between the Committee of Ministers and the Parliamentary Assembly, meets at 6 p.m. in Room 9. It 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. It is chaired by the President of the Assembly and reaches its conclusions without voting.

Thursday 29 January 2004

☞ Morning (10 a.m.-1 p.m.)

◆ **Possible urgent debate on terrorism: a threat to democracies**

Political Affairs Committee

At its meeting on Monday 12 January 2004, the Bureau agreed to include on the draft order of business a debate under urgent procedure on "Terrorism: a threat to democracies", which it referred to the Political Affairs Committee for report. The Assembly will consider this proposal when it adopts its order of business on the first day of the part-session (see item above).

◆ **Possible urgent debate on the constitutional crisis in Ukraine**

Monitoring Committee

At its meeting on Monday 12 January 2004, the Bureau agreed to include on the draft order of business a debate under urgent procedure on "The constitutional crisis in Ukraine", which it referred to the Monitoring Committee for report. The Assembly will consider this proposal when it adopts its order of business on the first day of the part-session (see item above).

Thursday 29 January 2004

☞ Afternoon (3 p.m.-7.30 p.m.)

◆ **Statement by Sergio Pérez Verdugo, President of the Council of the Inter-Parliamentary Union**

◆ **Improving the prospects of developing countries: a moral imperative for the world**

[Doc. 10013](#)

Committee on Economic Affairs and Development

Rapporteur: Klaus Werner Jonas (Germany, SOC)

Despite solemn declarations at national and international level in recent years on the need to overcome poverty in developing countries, many promises remain unfulfilled, according to the Economic Affairs Committee. Conditions for the poorest segments of our global society have in many aspects worsened. Problems are not only economic, but include continued deplorable social, demographic and health conditions. In 2000 the United Nations seized moral leadership through its Millennium Development Goals, such as the eradication of extreme poverty and hunger, reduction of child mortality, the promotion of gender equality and universal primary education, combating diseases such as HIV/AIDS and malaria, ensuring environmental stability and building up a global partnership for development. To meet these goals, the committee proposes policies to promote, as an absolute priority, good governance, reduce population growth and stimulate employment. For its part, the international community needs to reduce barriers to trade, introduce debt relief for the least developed countries and increase development funding.

Charles Goerens, Minister for Co-operation, Humanitarian Action and Defence and Minister for the Environment of Luxembourg, as well as Aileen Carroll, Minister for International Co-operation of Canada, will take part in this debate.

Contact in the secretariat: Kjell Torbiorn, tel. 2120.

◆ **Euthanasia**

[Doc. 9898](#)

Social, Health and Family Affairs Committee

Rapporteur: Dick Marty (Switzerland, LDR)

[Doc. 9923](#)

Committee on Legal Affairs and Human Rights, for opinion

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, in its written opinion, believes 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, and it proposes a number of important amendments to the text.

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

◆ **Access to assistance and protection for asylum seekers at European seaports and coastal areas**

[Doc. 10011](#)

Committee on Migration, Refugees and Population

Rapporteur: Franco Danieli (Italy, LDR)

A large number of people seeking asylum and international protection are risking their lives by travelling to coastal areas of Council of Europe member states in unsafe and overcrowded ships and boats or hiding in containers, trailer carriers and other facilities. Despite statistics, it is not possible to know exactly how many people have gained clandestine entry into Council of Europe member states in this way. Many drown attempting to escape extreme poverty, discrimination or persecution. The Migration Committee believes those who need international protection should neither be punished nor deprived of the right to lodge an asylum application on the ground of their clandestine entry alone. Council of Europe member states should ensure effective access to asylum procedures for people who need them – including, for example, providing them with information on how to seek asylum, free independent legal advice and interpretation, and enough time to lodge an appeal – and should seek to establish a common legal framework for protecting the rights of such people.

Contact in the secretariat: Agnieszka Nachilo, tel. 2905.

Friday 30 January 2004

☞ Morning (9 a.m.-midday)

◆ Joint debate

Economic aspects of European Union enlargement: the crucial years ahead

[Doc. 10012](#)

Committee on Economic Affairs and Development

Rapporteur: Adrian Severin (Romania, SOC)

The Economic Affairs Committee welcomes the milestone decisions leading to EU enlargement, but warns that major political, economic and social challenges lie ahead. While there is the long-term prospect of enhanced prosperity for all, the initial effect could be wider social and economic divergence leading to social frustration – something the Council of Europe can help to counter. There must be no “two-tier Europe”, the committee warns. There are special difficulties with the Common Agricultural Policy, which has ceased to be either rational or fair, and which needs long-overdue reform, not least as part of the EU’s moral obligation to the developing world. Fiscal discipline and solidarity need to be strengthened, the capacity to absorb funds bolstered and fears of a “brain drain” tackled by incentives to highly-skilled nationals to remain in their home countries. Finally, despite bold steps so far in other fields, the ten accession countries have yet to eliminate numerous shortcomings and weaknesses in their governance by countering economic crime, strengthening judiciaries and improving the application of the law.

Contact in the secretariat: Aiste Ramanauskaite, tel. 3117.

Consequences of European Union enlargement for freedom of movement between Council of Europe member states

[Doc. 9979 rev.](#)

Committee on Legal Affairs and Human Rights

Rapporteur: Vitaliy Shybkov (Ukraine, SOC)

[Doc. 10025](#)

Political Affairs Committee, for opinion

Rapporteur: Adrian Severin (Romania, SOC)

With EU enlargement, the Schengen area – a group of countries which has established free movement of persons, together with co-ordinated police, justice and asylum policies to back this up – will also expand to include the ten candidate countries. Since controls on the external borders of this area will become tougher, there is a fear that Europe will be divided into two parts after May 2004, creating national tensions – something the Assembly should firmly oppose. However the Council of Europe, which shares the aim of encouraging the maximum possible freedom of movement while maintaining effective security measures, has developed a set of binding multilateral legal treaties of its own which seek to achieve the same basic purposes as the Schengen system. This report proposes wider ratification of these treaties, together with appropriate co-ordination and, if necessary, their amendment so as to maximise freedom of movement throughout Greater Europe. Citizens of countries which have signed up to the relevant Council of Europe treaties – and eventually citizens of all Council of Europe member states – should in principle be able to travel visa-free within the Schengen area. Where visas are still deemed necessary, they should be issued quickly, cheaply and efficiently.

Contact in the secretariat: David Milner, tel. 5327.

◆ **Candidates to the European Court of Human Rights**

[Doc. 9963](#)

Committee on Legal Affairs and Human Rights

Rapporteur: Kevin McNamara (United Kingdom, SOC)

Doc.

Committee on Equal Opportunities for Women and Men, for opinion

Rapporteur: Minodora Cliveti (Romania, SOC)

If the European Court of Human Rights is to continue to command public confidence, the process by which the judges are selected and appointed must also be democratic, accountable and transparent, according to the Legal Affairs Committee. Under current procedure, it is the task of the Parliamentary Assembly to elect each judge from a list of three candidates submitted to it by the contracting parties. But the national procedures for selecting this list of candidates are not always satisfactory, the committee believes. It proposes that calls for candidatures should always appear in the specialised press, that the list should contain candidates of both sexes, and that – in addition to the moral qualities and experience necessary for the job – all candidates for judge should be required to show experience in the field of human rights and sufficient knowledge of at least one of the two official Council of Europe languages. In order to consolidate the Court's independence and ensure continuity, the committee proposes a non-extendable nine-year term of office for judges instead of the current renewable six-year term. Finally, judges should be adequately paid, have appropriate social security and pension arrangements, and have the staff and security they need to do the job without fear or favour.

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

◆ **Constitution of the Standing Committee**

The Standing Committee prepares the work of the Assembly, ensures its continuity of action and, when the occasion arises, acts on its behalf. It is made up of the President and Vice-Presidents of the Assembly together with the chairpersons of the political groups, the national delegations and the general committees. The Assembly will be asked to formally ratify this composition.

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

The President will declare the first part of the 2004 Ordinary Session closed.

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, orders) 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);
- Orders (dealing with matters of form, transmission, execution or procedure).

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 corrigendum 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 January: Monday 26 January at 12 noon;
- for debates on Tuesday 27 January: Monday 26 January 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, recommendations and orders

Motions for resolutions, recommendations and orders 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 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 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 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 or a draft order and for any other decision, a majority of the votes cast is required, in the case of a tie the question being rejected.

Directory

Secretariat of the Assembly

Secretary General of the Assembly
Bruno Haller, office 6213, tel. 2091, bruno.haller@coe.int

Executive Assistant to the Secretary General of the Assembly
Petr Sich, office 6174, tel. 2127, petr.sich@coe.int

Personal assistant to the Secretary General of the Assembly
Janice Ludwig, office 6213, tel. 2092/2355, janice.ludwig@coe.int

Director General, Head of the Committees Department
Mateo Sorinas, office 6217, tel. 2115, mateo.sorinas@coe.int

Director, Head of the General Services Department
Wojciech Sawicki, office 6201, tel. 3630, wojciech.sawicki@coe.int

Head of the Table Office
Horst Schade, office 6152, tel. 2075, horst.schade@coe.int

Private Office of the President

Head of Private Office
Simon Newman, office 1064, tel. 2618, simon.newman@coe.int

Deputy Head of Private Office
Markus Adelsbach, office 1079, tel. 4827, markus.adelsbach@coe.int

Secretariat of the President and of the Head of Private Office
Monique Fruhinsholz, office 1070, tel. 2094, monique.fruhinsholz@coe.int
Joanne de León, office 1070, tel. 3088, joanne.deleon@coe.int

Table Office

(speakers' lists, questions and amendments)

Head of the Table Office
Horst Schade, office 6152, tel. 2075, horst.schade@coe.int

Dorian Gerhold, office 1083, tel. 4283
Pascal Brilliant, office 1083, tel. 4283

Notification of substitutes
Jocelyne Gibert, office 1076, tel. 3273

Communication Unit of the Assembly

Head of Unit
Micaela Catalano, office 6187, tel. 2595, micaela.catalano@coe.int

Francesc Ferrer, office 6.189, tel. 3250, francesc.ferrer@coe.int
Angus Macdonald, office 6.166, tel. 3439, angus.macdonald@coe.int

Secretariat
Yoni Stojanova, office 6170, tel. 5026, yoni.stojanova@coe.int

Secretaries of Political groups

Socialist Group:
Marlène Albanese, office 5099/5101, tel. 2675, marlene.albanese@coe.int

European People's Party:
Denise O'Hara, office 5141/5143, tel. 2676, denise.ohara@coe.int

Liberal, Democratic and Reformers' Group:
Peter Kallenberger, office 5081, tel. 2682, groupeLDR@sdv.fr

European Democratic Group:
Daniela Nord, office 5117, tel. 2677, daniela.nord@coe.int

Group of the Unified European Left:
Hélène de Assis, office 5158/60, tel. 3684, helena.deassis@coe.int

Secretary General

Secretary General of the Council of Europe
Walter Schwimmer, office 3003, tel. 2050, walter.schwimmer@coe.int

Deputy Secretary General of the Council of Europe
Maud De Boer-Buquicchio, office 3011, tel. 2382, maud.deboer-buquicchio@coe.int

Directorate of Communication and Research

Director a.i.
Jean-Philippe Bozouls, office 0.015D, tel 2007, jean-philippe.bozouls@coe.int

Head of Spokesperson and Press Division
Renate Zikmund, office 3135 bis, tel. 2065, renate.zikmund@coe.int

Press conferences take place in Room 1 (Palais, 2nd floor).

Services

Badges

Wearing badges is compulsory for admittance to the Chamber. Voting cards are used as identification 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 Klébér: 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.