

Parliamentary Assembly of the Council of Europe

The Session

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

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Monday 1 October 2007

FINAL VERSION

http://assembly.coe.int

1-5 October 2007

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The 47

The Council of Europe brings together 47 democracies including 22 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, Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, 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 636 members (318 representatives and 318 substitutes) from the national parliaments of the 47 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), Andorra (1994), 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), replaced by Serbia (2006), Monaco (2004), Montenegro (2007).

Applications for membership: Belarus (12 March 1993).

The Special Guest status of the Belarus parliament was suspended on 13 January 1997.

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

The political groups



Group (SOC) Group of the European People's Party (EPP/CD) Alliance of Liberals and Democrats for Europe (ALDE)

f European nd Democrat s for Group LDE) (EDG) Group of the Unified European Left (UEL)

The Assembly committees

84 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 Equal Opportunities for Women and Men Honouring of obligations and commitments by member states of the Council of Europe (Monitoring)

52 seats

Rules of Procedure and Immunities



Monday 1 October 2007

➢ Morning (11.30 a.m.-1 p.m.)

• Opening of the fourth part of the 2007 Ordinary Session

Parliamentary Assembly President René van der Linden opened the fourth part of the 2007 Ordinary Session and made an opening statement.

The Assembly approved the credentials of new members notified by national delegations and elected Jean-Claude Mignon a Vice-President of the Assembly with respect to France and John Prescott a Vice-President of the Assembly with respect to the United Kingdom, before dealing with changes in the membership of committees.

It also approved a request for an urgent debate on "the political implications of the proposed US/NATO 'rocket shield'", and a request for a current affairs debate on "the looming crisis facing the European Court of Human Rights: urgent action needed", and adopted its order of business.

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

Doc. 11384 parts I and II, addendum Rapporteur: Göran Lindblad (Sweden, EPP/CD)

The progress report covers the discussions held and decisions reached by the Bureau and the Standing Committee since the last part-session, including reports on the Assembly's observations of the parliamentary elections in Turkey (22 July 2007) and in Kazakhstan (18 August 2007).

♦ Address by Filip Vujanović, President of Montenegro

Following his address, the President will answer questions from representatives of each political group in the Assembly.

Montenegro became the 47th member state of the Council of Europe on 11 May 2007.

Monday 1 October 2007

冷 Afternoon (3 p.m.-5 p.m.)

Joint debate on migration issues

The activities of the International Organization for Migration (IOM)

Doc. 11351 Report of the Committee on Migration, Refugees and Population Rapporteur: Gultakin Hajiyeva (Azerbaijan, EPP/CD)

Opinion of the Political Affairs Committee Rapporteur: Tadeusz Iwiński (Poland, SOC)

Managing migration so as to enhance its positive and reduce its negative impacts will be one of the major policy concerns of the 21st century for all states, according to the Migration Committee. The IOM, now with 120 member states and a budget of nearly US\$1 billion, is to be congratulated on its flexibility in seeking to achieve this aim, the committee says.

Yet migration also throws up many human rights issues, which are of direct concern to the Assembly: irregular migration, smuggling and trafficking, xenophobia towards migrants and "the incorrect and unfortunate link made between migrants and extremism and terrorist acts".

For this reason, the Council of Europe and the IOM should be working together more closely, the committee says. The Council of Europe Development Bank, for example, could consider co-funding projects with the IOM to ease irregular migration by creating jobs and making micro-credit available, while member states can do more to help the IOM handle the remittances sent by migrants and involve diasporas.

Contact in the secretariat: Olga Kostenko, tel. 3473.

Regularisation programmes for irregular migrants

Doc. 11350 Report of the Committee on Migration, Refugees and Population Rapporteur: John Greenway (United Kingdom, EDG)

More than 5.5 million irregular migrants are living in the EU alone, according to some estimates, with around 8 million more living in Russia. It is becoming ever more clear that a large proportion of these people can never be returned forcibly or voluntarily to their countries of origin. How should this population, in large part tolerated but without a legal status, be dealt with?

One solution, according to the Migration Committee, is "regularisation" programmes of different sorts, either simple humanitarian programmes, or based on family reunification, or where places are "earned". In the EU, more than 4 million people have acquired residence or work permits through such schemes in the last 25 years. But they are controversial, with critics arguing that they reward lawbreakers and further encourage irregular migration. Yet in Spain, a recent major regularisation programme was widely welcomed: it enabled employers to hire on a legal basis and the government to deal a blow to the "black economy" and increase social security and tax revenues, while migrants themselves are now less likely to be exploited.

Employer-driven schemes are particularly attractive, according to the committee, as are programmes where irregular migrants "earn" the right to regularisation through demonstrating their contribution to society. Council of Europe member states considering such schemes should make them part of a broader overall strategy, consult widely, publicise them well and inform European partners of their plans. Meanwhile, European governments should analyse the impact of past programmes as a guide for the future.

Contact in the secretariat: Mark Neville, tel. 2341.

Assessment of transit and processing centres as a response to mixed flows of migrants and asylum seekers

Doc. 11304 Report of the Committee on Migration, Refugees and Population Rapporteur: Corien W.A. Jonker (Netherlands, EPP/CD)

Opinion of the Committee on Equal Opportunities for Women and Men Rapporteur: Jean-Guy Branger (France, EPP/CD)

With asylum seekers – who are fleeing war or persecution – presenting themselves at European borders mixed with migrants, more effective procedures are needed to assess the claims of both groups, according to the Migration Committee. One controversial suggestion has been to set up transit and processing centres outside the EU but still within Europe, or even in North Africa, in order to process these groups closer to their countries of origin, potentially avoiding the drownings and deaths of desperate migrants on the move.

Yet the idea raises some serious human rights concerns, according to the committee. If such centres are set up, they should not be seen as allowing receiving states to transfer their responsibilities under international law, or undermine local policies and procedures. They should be part of a comprehensive approach involving countries of origin, transit and destination.

Finally, if such centres are to be established, they should first be created within the EU, before extending the experiment to the rest of Europe or even beyond.

Contact in the secretariat: Mark Neville, tel. 2341.

Statement by Brunson McKinley, Director General of the International Organization for Migration (IOM)

Tuesday 2 October 2007

Morning (10 a.m.-1 p.m.)

Election of judges to the European Court of Human Rights

Doc. 11359 and addendum Voting takes place from 10 a.m. to 1 p.m., and from 3 p.m. to 5 p.m., in the area behind the presidential rostrum

According to the European Convention on Human Rights, the six-year terms of office of half the judges of the European Court of Human Rights expire every three years, resulting in a periodic renewal of half the Court. The procedure for this renewal, together with the need to fill casual vacancies caused by judges who have reached the age-limit of 70 years or otherwise resigned, has meant a number of elections are now due.

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.

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 Wednesday 3 October from 10 a.m. to 1 p.m., for which a relative majority of votes will be sufficient.

Contact in the secretariat: Andrew Drzemczewski, tel. 2326.

The humanitarian crisis in Darfur

Doc. 11355 Report of the Committee on Migration, Refugees and Population Rapporteur: Ruth-Gaby Vermot-Mangold (Switzerland, SOC)

Opinion of the Social, Health and Family Affairs Committee Rapporteur: Michael Hancock (United Kingdom, ALDE)

The humanitarian crisis in Darfur is the world's most serious, according to the Migration Committee: 85,000 people have been killed and more than 200,000 have died of hunger or disease in four years of conflict. A staggering 2 million people now live in camps for displaced persons, a number that has grown significantly during 2007.

A failure to prevent human rights violations by the parties to the conflict – including violence against women and children, torture and rape – is bad enough, and is strongly condemned by the committee, but the Sudanese Government is even obstructing the world's efforts to bring humanitarian assistance.

The Sudanese Government must fully and immediately comply with the UN's demands, end its support for violence against civilians, stop blocking relief efforts and promote humanitarian work. Meanwhile, the international community should enforce arms sanctions, restart peace negotiations, and use the deployment of an effective peace-keeping force – as recently voted by the UN Security Council – to protect civilians.

Council of Europe member states, for their part, should contribute aid generously, and do all they can to support the UN, ICRC and other agencies trying to save lives in the region.

Contact in the secretariat: Olga Kostenko, tel. 3473.

+ Address by Patriarch Alexy II of Moscow and all Russia

Following his address, the Patriarch will answer questions from representatives of each political group in the Assembly.

Tuesday 2 October 2007

✤ Afternoon (3 p.m.-7.30 p.m.)

• Election of judges to the European Court of Human Rights Doc. 11359 and addendum Voting takes place from 3 p.m. to 5 p.m., in the area behind the presidential rostrum

Address by Vojislav Koštunica, Prime Minister of Serbia

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

Current affairs debate: the looming crisis facing the European Court of Human Rights: urgent action needed

Member states' duty to co-operate with the European Court of Human Rights

Doc. 11183 and addendum Report of the Committee on Legal Affairs and Human Rights Rapporteur: Christos Pourgourides (Cyprus, EPP/CD)

The European Court of Human Rights is a cornerstone of human rights protection in Europe, and the right of individuals to apply to it must be protected at all levels, according to the Legal Affairs Committee. Yet it lacks investigatory resources, and because its intervention usually comes after that of national courts, it is up to national authorities to help the Court establish the facts in any given case.

In general, co-operation with the Court runs smoothly, but the committee is deeply worried at clear signs of a lack of willingness to effectively investigate a number of cases involving the alleged killing, disappearance, beating or threatening of applicants initiating cases before the Court. In some cases, the committee declares, the intention of whitewashing is clearly apparent.

Lawyers working for applicants – or helping victims of human rights violations to exhaust domestic remedies prior to applying – have faced intimidation, while in some cases countries have declined to disclose case files and other relevant documents, or even refused to allow a planned fact-finding visit of the Court to take place.

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

Honouring of obligations and commitments by Moldova

Doc. 11374 Report of the Monitoring Committee Rapporteur: Josette Durrieu (France, SOC) and Egidijus Vareikis (Lithuania, EPP/CD)

Since the last monitoring report in 2005, Moldova has advanced significantly on the path of democratic reforms, according to the Monitoring Committee. During the past two years the Moldovan Parliament has passed an impressive number of laws dealing with the country's commitments to the Council of Europe.

The committee believes it is now time the Moldovan authorities take all the necessary steps to make the new legal framework fully operational. Further improvements should also be made to the legislation on the judiciary, the general prosecutor's office, political parties and local self-government.

The recent local elections were generally well administered but substantial improvements need to be made to electoral law and practice in preparation for the next parliamentary elections in 2009.

The negotiations over the settlement of the Transnistrian conflict within the "5+2" set-up have stalled. No effort should be spared to resume the search for a solution. The settlement must be based on the principle of full respect for Moldova's territorial integrity and sovereignty.

Against this background, the Assembly should invite the Moldovan authorities to take a number of concrete measures in order to move closer to honouring all the country's commitments, so that the closing of the monitoring procedure may be envisaged in the foreseeable future.

Contact in the secretariat: Artemy Karpenko, tel. 5209.

Wednesday 3 October 2007

➢ Morning (10 a.m.-1 p.m.)

Election of judges to the European Court of Human Rights (possible second round)

Doc. 11359 and addendum Voting takes place from 10 a.m. to 1 p.m., in the area behind the presidential rostrum

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, for which a relative majority of votes is sufficient.

Realising both economic growth and social protection in Europe in an era of globalisation

Doc. 11366 Report of the Committee on Economic Affairs and Development Rapporteur: Tony Lloyd (United Kingdom, SOC)

Opinion of the Social, Health and Family Affairs Committee Rapporteur: Cezar Florin Preda (Romania, EPP/CD)

Some see globalisation as an inevitable force, obeying free market principles, that will produce a seamless, integrated world economy of benefit to all. Others see it as a threat that will impoverish Europe in a "race to the bottom", undercutting its wage levels and eroding its high standards of social protection.

The Economic Affairs Committee believes Europe – with its historically high standard of education and training, and its successful economic union – is well placed to benefit from global economic integration through greater opportunities for more and cheaper imports, cutting production costs, attracting foreign investment, seizing investment opportunities abroad and outsourcing lower added-value activities to the rest of the world while specialising in higher added-value products and services. In other words, says the committee, "globalisation offers Europe a vast opportunity to upgrade its economies in a new international division of labour".

Yet this should not be at the expense of the social, cultural and community values that Europeans cherish. Europe's governments must therefore guide and regulate the process – together with the social partners – so that the continent adjusts smoothly to the new economic world through the appropriate social protection measures. Thus, for example, relatively generous unemployment benefits can be paid as long as there are strong and well conceived incentives to seek work. There should be greater labour market flexibility to stimulate employment, while investment in innovation, life-long education and training are needed to produce a highly-qualified and motivated labour force. Finally, Europe should seek to ensure that the benefits of globalisation are widely and fairly shared and that its opportunities are not abused for criminal purposes.

Contact in the secretariat: Simon Newman, tel. 2618.

+ Address by Abdullah Gül, President of Turkey

Following his address, the President will answer questions from members of the Assembly. Mr Gül was a member of the Parliamentary Assembly from 1992 to 1996 and from 1998 to 2001.

Wednesday 3 October 2007

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

Regionalisation in Europe

Doc. 11373 Report of the Committee on the Environment, Agriculture and Local and Regional Affairs Rapporteur: Lluís Maria de Puig (Spain, SOC)

Regional self-government is neither a problem nor a danger but an effective, unifying means of giving regions a say in political decision-making at both national and European level and ensuring that democracy gains a firmer foothold in our countries, according to the Environment Committee.

Although political trends in Europe make it impossible to predict the future, the committee notes that the number of states is growing and that the principle of the inviolability of borders is losing ground. In the face of this changing situation, regionalism, in its various forms, offers guarantees of greater political stability and greater respect for the Council of Europe's values, in particular as regards the spread of democracy.

The draft recommendation calls on the member states, the Committee of Ministers, the Council of Europe Congress and the European Union to follow this avenue and support regionalisation by fostering the principles of subsidiarity, proximity, good governance and active citizenship.

Contact in the secretariat: Alfred Sixto, tel. 2244.

The OECD and the world economy 2007

Doc. 11357 prov. Report of the Committee on Economic Affairs and Development Rapporteur: Antigoni Papadopoulos (Cyprus, ALDE)

Contribution from the Social, Health and Family Affairs Committee Spokesperson: Maria de Belém Roseira (Portugal, SOC)

Contribution from the Committee on Migration, Refugees and Demography Spokesperson: Hakki Keskin (Germany, UEL)

Contribution from the Committee on Culture, Science and Education Spokesperson: Baroness Hooper (United Kingdom, EDG)

Contribution from Committee on the Environment, Agriculture and Local and Regional Affairs Spokesperson: Eva Garcia Pastor (Andorra, ALDE)

Since 1962 PACE has acted as the parliamentary forum for the 30-nation Organisation for Economic Co-operation and Development, inviting parliamentarians from OECD member countries which are not members of the Council of Europe (Australia, Canada, Japan, Korea, Mexico, New Zealand and the United States) to join its members in an annual enlarged debate.

In this latest report, the Economic Affairs Committee points out that while just three months ago the OECD's economic forecast was relatively benign, with a soft landing predicted in the US, a strong recovery in Europe, a solid trajectory in Japan and buoyant activity in China and India, the weakness in the US housing market and the problems in the sub-prime mortgage markets since then have prompted a more gloomy evaluation. As the OECD notes in its *Interim Assessment* of the economic situation, published

on 5 September, prospects are now "clearly less buoyant and more uncertain" and there are added downside risks.

The committee chides governments for not taking advantage of the recent period of strong prosperity to refashion their policies for the future, especially given the coming challenge of ageing populations.

While world trade – 75 per cent of which is accounted for by the OECD's 30 member states – remains strong, a deal on the WTO's Doha Development Round, even at this late stage, would benefit everybody, according to the committee. The deep US trade deficit could pose future problems, however.

Meanwhile, development aid is falling – a matter for concern, given G-8 promises to increase it. Finally, OECD countries must resolutely fight corruption, which remains the main threat to good governance, an ever more pressing issue in an era of rapid globalisation.

Statement by Angel Gurría, Secretary-General of the OECD

Contact in the secretariat: Simon Newman, tel. 2618.

Political dimension of the Council of Europe budget

Doc. 11371 Report of the Committee on Economic Affairs and Development Rapporteur: Paul Wille (Belgium, ALDE)

The Council of Europe is facing the most serious crisis in its history, according to the Economic Affairs Committee. The European Court of Human Rights is swamped by the number of applications from European citizens and its current resources are insufficient for it to meet its obligations.

The Court's budget is therefore steadily increasing year after year (the Court accounted for 20% of the Council's ordinary budget in 1999 and 33% in 2006). Until 2005 the member states granted the Court additional appropriations while maintaining the budgets of the Council of Europe's other sectors of activity. But that is no longer the case, and the Court's additional needs are partly offset by cuts in the funds allocated to other Council activities.

In failing to face up to their responsibilities, and condemning all the other sectors of activity to a slow death, the governments run the risk of jeopardising the Council of Europe's political role in the European unification process, ultimately scuppering the whole Organisation.

The committee considers that the Assembly, as Europe's democratic conscience, has a duty to respond firmly to save the Council of Europe from planned collapse.

Contact in the secretariat: Simon Newman, tel. 2618.

For a European drug convention on promoting public health policy in drug control

Doc. 11344 Report of the Social, Health and Family Affairs Committee Rapporteur: Paul Flynn (United Kingdom, SOC)

Approaches to handling drug addiction are changing, according to the Social Affairs Committee: better knowledge has given rise to more pragmatic, evidence-based drug policies which focus on preserving public health and reducing "drug harm". Methods tried have included substitution treatment, needle exchange programmes and psychosocial treatment.

Although still used on a fragmentary basis across Europe, such methods have had a marked effect on society as a whole in the countries that have tried them: more drug-users rehabilitated, less criminal behaviour and lower costs in the healthcare and criminal justice systems. In one study, every dollar invested in opioid dependence treatment programmes saved between 4 and 7 dollars in drug-related crime. When healthcare costs were included, savings exceeded costs by a ratio of 12 to 1.

With efforts aimed at cutting the supply of drugs an abject failure, European governments should draw up a convention including the use of substitution treatment, needle exchanges and psychosocial therapies in their range of treatments, and promoting rehabilitation and social reintegration as alternatives to imprisonment.

Contact in the secretariat: Geza Mezei, tel. 2143.

Thursday 4 October 2007

➢ Morning (10 a.m.-1 p.m.)

Towards decriminalisation of defamation

Doc. 11305 Report of the Committee on Legal Affairs and Human Rights Rapporteur: Jaume Bartumeu Cassany (Andorra, SOC)

The press's right to report and debate freely – including ideas that offend, shock or disturb – is a cornerstone of democracy, as guaranteed by the European Convention on Human Rights. On the other hand, journalists and commentators exercising freedom of expression also have an obligation to act in good faith and to provide accurate, trustworthy information – hence the need for anti-defamation laws to protect the reputation of others.

Yet in some member states – notably Albania, Azerbaijan and Russia, according to civil society – prosecutions for defamation are misused in what could be seen as attempts by the authorities to silence media criticism. The aberrant use of anti-defamation laws – leading to self-censorship and a shrinkage of democratic debate – is unacceptable, according to the Legal Affairs Committee.

Defamation laws should always be applied with the utmost restraint, the committee declares: those accused of defamation should always be given the chance to substantiate their claims, and even statements which prove to be inaccurate – if made in the public interest, in good faith, and properly checked – should not be punishable. States should abolish prison sentences for defamation altogether, and set reasonable limits to damages awards. Meanwhile, journalists accused of defamation must not be forced to reveal their sources. Laws in France and Turkey, giving particular protection against defamation to public figures, should be changed.

Contact in the secretariat: Isild Heurtin, tel. 4100.

The concept of preventive war and its consequences for international relations

Doc. 11293 Report of the Political Affairs Committee Rapporteur: Lluís Maria de Puig (Spain, SOC)

Since the Second World War, a norm of international law has taken root that – except for legitimate defence – states should not engage in military action unless explicitly sanctioned by the UN Security Council. While the US operation in Afghanistan after 9/11 was justified as an act of self-defence, the doctrine of "preventive war" that was invoked to invade Iraq in 2003 – that it pre-empted future attacks by a "rogue state" in possession of weapons of mass destruction – overstretched the concept of self-defence, according to the Political Affairs Committee.

Future threats are difficult to prove, and if one state unilaterally launches a war claiming to prevent one, others will use the precedent to do likewise, undermining international peace and security in the long term. More than ever, multilateralism and a collective response to global threats – based on the UN and its Charter – are the only ways to meet the complexity of today's challenges, according to the committee, especially for new threats of terrorism and WMD proliferation. Council of Europe member states should reject the principle of unilateral preventive war, drawing lessons from its disastrous application in the recent past. However, they should also support the urgent reform of the Security Council to enable it to play the role originally envisaged for it, of rapidly and efficiently deciding the response to international threats. This should also include prompt reactions against serious and widespread human rights violations against the population of a country, such as genocide or ethnic cleansing, on the strength of the "principle of the responsibility to protect".

Contact in the secretariat: Sonia Sirtori, tel. 2370.

Communication from the Committee of Ministers to the Parliamentary Assembly presented by Vuk Jeremić, Minister for Foreign Affairs of Serbia, Chairperson of the Committee of Ministers

Following his presentation, the Foreign Minister will answer questions from members of the Assembly.

Thursday 4 October 2007

✤ Afternoon (3 p.m.-6.30 p.m.)

Address by Gholomali Haddad Adel, President of the Asian Parliamentary Assembly (APA)

The Asian Parliamentary Assembly (APA) was created in 2006, on the model of the Council of Europe Parliamentary Assembly, following a decision to transform the Association of Asian Parliaments for Peace (AAPP) into this body. It is composed of 40 member parliaments and 18 observers.

The Assembly's first session was held from 12 to 14 November 2006 in Tehran. At that meeting, Mr Haddad Adel, Speaker of the Consultative Assembly of the Islamic Republic of Iran, was nominated the first President of the APA for a two-year term of office, to be succeeded in 2008 by the Speaker of the Indonesian House of Representatives, and in 2010 by the Speaker of the Syrian Parliament.

Following his address, Mr Haddad Adel will answer questions from representatives of each political group in the Assembly.

• **Prostitution: which stance to take?**

Doc. 11352 Report of the Committee on Equal Opportunities for Women and Men Rapporteur: Leo Platvoet (Netherlands, UEL)

The Assembly has unreservedly condemned forced prostitution and trafficking in human beings as modern-day slavery – and has taken action against it, by pressing for ratification of the Council of Europe convention to combat this scourge. Likewise, it believes child prostitution can never be "voluntary", and a zero tolerance approach should be adopted.

But what about voluntary prostitution by adults who have chosen of their own accord to make a living this way? Here, the approaches in the 47 member states vary: about a third – seventeen countries – prohibit prostitution and penalise pimps and prostitutes alike; slightly more, twenty countries, seek to abolish prostitution by penalising procurers and pimps but not prostitutes, while a substantial minority, nine countries, now tolerate prostitution but seek to regulate it.

The Equal Opportunities Committee believes states should not criminalise prostitutes, and should avoid forcing them underground or into the arms of pimps, which only makes them more vulnerable. Governments should help prostitutes leave the trade if they wish to, but ensure those who remain are not abused by police, are given a say in policies concerning them, and have enough independence to impose safe sexual practices on their clients. Finally, some prostitutes may need help with personal vulnerabilities such as low self-esteem, childhood neglect or drug abuse.

Contact in the secretariat: Jannick Devaux, tel. 3503.

• The dangers of creationism in education

Doc. 11375 Report of the Committee on Culture, Science and Education Rapporteur: Anne Brasseur (Luxembourg, ALDE)

Creationism, which denies the evolution of species, was for a long time an almost exclusively American phenomenon. Today creationist theories are tending to find their way into Europe and their spread is affecting quite a few Council of Europe member states, according to the Culture Committee (the rapporteur cites examples from Belgium, France, Germany, Greece, Italy, the Netherlands, Poland, Russia, Serbia, Spain, Sweden, Switzerland, Turkey and the United Kingdom).

The prime target of present-day creationists, most of whom are Christian or Muslim, is education: they are bent on ensuring that their ideas are included in the school science syllabus. Yet creationism is not a scientific discipline, the committee says, and there is a real risk of serious confusion being introduced into children's minds between matters of faith and matters of science.

Creationism most often originates in forms of religious extremism and its strictest advocates, in the view of the committee, "are out to replace democracy by theocracy". Creationism may even end up undermining human rights: if we are not careful, the committee warns, "the values that are the very essence of the Council of Europe will be under direct threat from creationist fundamentalists". In short, it believes, the teaching of creationism as a scientific discipline must be firmly opposed.

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

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., or at the end of the sitting, in Room 5. Items on the draft agenda include the state of ratification in member states of major Council of Europe conventions, the political dimension of the Organisation's budget and the EU's Fundamental Rights Agency.

Friday 5 October 2007

Morning (10 a.m.-1 p.m.)

Council of Europe Commissioner for Human Rights – stock-taking and perspectives

Doc. 11376 Report of the Committee on Legal Affairs and Human Rights Rapporteur: Jean-Charles Gardetto (Monaco, EPP/CD)

Since its establishment, the Commissioner for Human Rights, as an institution, has made brisk and steadfast progress, according to the Legal Affairs Committee, and the hopes placed in the Commissioner are now considerable. The prospects for widening the Commissioner's mandate, referred to in Protocol No. 14 to the European Convention on Human Rights, in the Juncker Report and in the Wise Persons' report on the efficiency of the Court, bear witness to the confidence which the institution enjoys.

The committee stresses the need to endow the Commissioner with the human and financial resources needed to enable him to live up to these expectations. Moreover, it points out that the independence of the institution is its great strength.

The Assembly must encourage and support the Commissioner so that he continues to expand his activities in areas in which he can clearly make a highly beneficial contribution. The Commissioner must also continue to look for potential areas of interaction with other Council of Europe bodies out of a constant concern to avoid duplicating similar work carried out by other sectors of the Organisation.

Statement by Thomas Hammarberg, Council of Europe Commissioner for Human Rights

Contact in the secretariat: Isild Heurtin, tel. 4100.

Parliaments united in combating domestic violence against women': mid-term assessment of the campaign

Doc. 11372 Report of the Committee on Equal Opportunities for Women and Men Rapporteur: José Mendes Bota (Portugal, EPP/CD)

Since June 2006, several national parliaments have contributed actively through awareness-raising measures and legislative reforms to the implementation of the parliamentary dimension of the Council of Europe campaign to combat violence against women, including domestic violence. To date, 44 contact parliamentarians have been appointed and are working in a network.

At the campaign mid-term, the committee calls on national parliaments to step up their action, pass laws on violence against women or monitor the application of such laws, disseminate the campaign information material and set up a group of male parliamentarians committed to combating violence against women.

National parliaments are also invited to prepare, by April 2008, an assessment of the parliamentary dimension of the campaign, based on the key measures identified by the Equal Opportunities Committee,

which include making domestic violence against women, including marital rape, a criminal offence; making provision for the removal of violent spouses or partners; setting up safe shelters; guaranteeing effective access to the courts and allocating sufficient budgetary resources for the implementation of the law.

Contact in the secretariat: Sylvie Affholder, tel. 3551.

• Closure of the fourth part of the 2007 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.

Meetings of political group take place on Monday morning and late afternoon as well as Wednesday morning.

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 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 partsession, 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 texts and amendments, and points of order raised. At the start of the sitting the President submits the minutes of proceedings of earlier sittings 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, a point of view for which it alone is responsible, or a question 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 latest edition of the Rules of Procedure of the Assembly was published in April 2006 and is available in a bilingual version (English/French), with an update of June 2007.

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 the committee submitting the report or an opinion.

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, in particular for urgent debates or debates on general policy):

- for debates on the afternoon of Monday 1 October: Monday 1 October at 12 noon;
- for debates on Tuesday 2 October: Monday 1 October at 4 p.m.;
- for all other debates (except urgent debates, unforeseen debates or as otherwise indicated on the order of business): 23 and a half 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.

For Motions tabled during a part-session, the Bureau has decided that only those Motions which have been tabled by **12 noon on Tuesday of the Part-Sessions** will be examined by the Bureau meeting after the Part-Session.

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

Members of the Assembly are appointed for the whole Ordinary Session. Following parliamentary elections, the national parliament concerned or other competent authority shall make appointments to the Assembly within six months of the elections (Rule 10.2 and 3).

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. 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 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 Badge 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 welcome Protocol desk at the main entrance of the Palais de l'Europe in order to receive their card. Staff of the Badge Service, 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 Badge 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 11.30 a.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 p.m. for an afternoon sitting). For the first sitting on Monday at 11.30 a.m., the deadline is 10 a.m. This notification, including the names of Substitutes, the names of Representatives to be substituted and the length of substitution, <u>must be given in writing</u> for each sitting to the Secretariat of the Assembly (Jocelyne Gibert, Room 1076, fax during session weeks +33 3 88 41 27 27, fax outside session weeks +33 3 88 41 27 33).

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, including in elections.

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 end of the previous sitting, except in the case of the first sitting of a part-session when the deadline is one and a half hours before the start of the sitting (i.e. at 10 a.m.). 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 92 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 Chairperson of the Committee of Ministers or to guest speakers. The list of speakers is verified accordingly.

Questions to invited guest speakers

For most invited guest speakers, the draft order of business indicates whether there is the possibility for members to ask questions. Where there is that possibility, members are encouraged to register their names with the Table Office as soon as the draft order of business is published and the name of the guest speaker appears. For guest speakers other than the Chairperson of the Committee of Ministers, members are invited to submit the subject of their question. For the Chairperson of the Committee of Ministers, the name of the member wishing to ask a question is only registered on the list if accompanied by the full written text of the question. The names of persons wishing to ask a question are published and listed in chronological order.

For the Chairperson of the Committee of Ministers, a precise deadline is specified in the draft order of business. The written questions for oral answer by the Chairperson are then published in a Doc. of the Assembly. For the other guest speakers, there is no formal deadline as such as the questions are "spontaneous". However, members have an interest in registering their names as early as possible as there is usually not enough time to answer all questions.

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.

The names of Assembly members who participate in votes as well as how they voted in each case are published on the Assembly's website.

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.

Mobile phones

Members are reminded that mobile phones must be switched off at all times in the Chamber and during committee meetings.

Directory

Secretariat of the Assembly

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Table Office

(Speakers' lists, questions and amendments)

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Matthew Hamlyn, office 1067, tel. 4667 Philippe Hurtevent, office 1073, tel. 3936

Amendments Koen Muylle, office 1083, tel. 4283

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Secretary General

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Services

Internet access

Free Wi-Fi access is available in most areas of the Palais building. Terminals with free broadband access are also available in the lobby of the debating chamber and outside the second floor meeting rooms. The Assembly's website and the Council of Europe portal, including other language portals, can be accessed here.

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 cafeteria (ground floor).

Bus

Free shuttle service departing from Allée Spach 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

Just off 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, call 03 88 52 28 38.

Travel agent

Carlson Wagonlit: 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.