

Doc. 10940  
26 June 2006

## Progress report of the Bureau of the Assembly and of the Standing Committee (13 April – 26 June 2006)

Rapporteur: Mr Walter Schmied, Switzerland, Alliance of Liberals and Democrats for Europe

### Part I

#### 1. INTRODUCTION

1. The Bureau met on 13 April 2006 in Strasbourg and on 29 May in Moscow. The Standing Committee met on 29 May 2006 in Moscow.

#### 2. FUNCTIONING OF THE ASSEMBLY

##### A. **PROGRESS REPORT OF THE BUREAU OF THE ASSEMBLY AND OF THE STANDING COMMITTEE (13 APRIL– 26 JUNE 2006)**

2. On 13 April 2006, the Bureau appointed Mr Schmied (Switzerland, ALDE) as rapporteur.

##### B. **FOLLOW-UP TO THE 2<sup>nd</sup> PART OF THE 2006 ORDINARY SESSION (10-13 APRIL 2006)**

3. On 13 April 2006, the Bureau:

i. *Resolution 1493 (2006) on the "Situation in the Middle East"*: asked the Secretary General of the Assembly to prepare a memorandum on the implementation of paragraph 16 of Resolution 1493 (2006) concerning the association of members of the Palestinian Legislative Council in the work of the Parliamentary Assembly and its committees;

ii. *Lists of speakers*: asked the Secretary General of the Assembly to prepare a memorandum on the possible revision of criteria for lists of speakers.

##### C. **3<sup>RD</sup> PART OF THE 2006 ORDINARY SESSION (STRASBOURG, 26-30 JUNE 2006)**

4. On 29 May 2006, the Bureau:

i. Draft agenda:

a. decided to include in it two reports of the Committee on Culture, Science and Education on the "Follow-up to the Third Summit: priorities for cultural co-operation" and on "Freedom of expression and respect for religious beliefs" ;

b. decided to remove from it the report on the "Establishment of a European remembrance centre for victims of forced population movements and ethnic cleansing" and to include it in the draft agenda of the October part-session ;

c. adopted the draft agenda as revised ;

ii. Draft order of business:

- a. following a request by the Committee on Equal Opportunities for Women and Men, agreed to invite Mrs Ertürk, Special Rapporteur of the United Nations on Violence Against Women, to participate in the debate on "Parliaments united in combating domestic violence against women" ;
- b. following a request by the Committee on Migration, Refugees and Population, agreed to invite Mrs Chekrouni, Minister-Delegate to the Minister of Foreign Affairs and Co-operation of Morocco in charge of Moroccans Living Abroad, to participate in the debate on "Human rights of irregular migrants" ;
- c. agreed to invite Mr Fava, rapporteur of the European Parliament Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners, to participate in the debate on "Alleged secret detentions in Council of Europe member states" ;
- d. drew up the draft order of business.

**D. STANDING COMMITTEE (MOSCOW, 29 MAY 2006)**

5. On 13 April 2006, the Bureau took note of the draft agenda.
6. On 29 May 2006, the Bureau took note of the updated draft agenda.
7. On 29 May 2006, the Standing Committee:
  - heard a welcome address by Mr Boris Gryzlov, Speaker of the Duma of the Russian Federation ;
  - held an exchange of views with Mr Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation and Chairperson of the Committee of Ministers ;
  - ratified the credentials of a new member of the Assembly submitted by the delegation of Spain ;
  - ratified the references and modifications of references proposed by the Bureau which are contained in the appendix hereafter ;
  
  - held two exchanges of views, respectively on the observation of the partial re-run of the parliamentary elections in Azerbaijan (13 May 2006) on the basis of the report by the Ad Hoc Committee of the Bureau presented by Mr Platvoet, and on the referendum on the State Status in the Republic of Montenegro (Serbia and Montenegro) (21 May 2006) on the basis of the report presented by Mr Gardetto.

**E. ADOPTED TEXTS**

8. On 29 May 2006, the Standing Committee adopted, on behalf of the Parliamentary Assembly, the following texts:

<b>Resolution 1498 (2006)</b>	<b>Enhancing the visibility of the Council of Europe;</b>
<b>Resolution 1499 (2006)</b>	<b>Economic development in Ukraine: a test case for European solidarity;</b>
<b>Resolution 1500 (2006)</b>	<b>The need to enhance European air safety;</b>
<b>Resolution 1501 (2006)</b>	<b>Working migration from the countries of Eastern and Central Europe: present state and perspectives;</b>
<b>Resolution 1502 (2006)</b>	<b>Demographic challenges for social cohesion;</b>

Resolution 1503 (2006) and	Obligation for new members of the Assembly relating to the aims basic principles of the Council of Europe;
Resolution 1504 (2006)	Procedure for decision by committees relating to candidates eligible for election by the Assembly;
Recommendation 1746 (2006)	Enhancing the visibility of the Council of Europe;
Recommendation 1747(2006)	European prisons charter;
Recommendation 1748 (2006)	Working migration from the countries of Eastern and Central Europe: present state and perspectives;
Recommendation 1749 (2006)	Demographic challenges for social cohesion;
Recommendation 1750 (2006)	Education for balanced development in school;
Recommendation 1751 (2006)	Cultural diversity of the Northern Caucasus;
Recommendation 1752 (2006)	Conservation and use of the landscape potential of Europe;
Opinion No. 259 (2006)	Budgets of the Council of Europe for the financial year 2007;
Opinion No. 260 (2006)	Expenditure of the Assembly for the financial year 2007.F.

#### **REFERENCES AND TRANSMISSIONS TO COMMITTEES**

9. On 13 April 2006, the Bureau approved the following proposals, which were ratified by the Assembly later that day:

- i. documents tabled for reference:
  - **Doc. 10844**  
**Motion for a recommendation presented by Mr de Puig and others**  
**Regionalisation in Europe**, to the Committee on the Environment, Agriculture and Local and Regional Affairs, *for report*
  - **Doc. 10853**  
**Motion for a resolution presented by Mrs Mikhailova and others**  
**Violations of human rights in North Korea**, to the Political Affairs Committee, *for information*
  - **Doc. 10854**  
**Motion for a resolution presented by Mrs Vermot-Mangold and others**  
**Combating trafficking in human beings: promoting the rapid entry into force of the Council of Europe Convention**, to the Committee on Equal Opportunities for Women and Men, *for information*
  - **Doc. 10855**  
**Motion for a recommendation presented by Mrs Pehlivan and others**  
**Equality between girls and boys in Europe**, to the Committee on Equal Opportunities for Women and Men, *for information*
  - **Doc. 10856**  
**Motion for a resolution presented by Mr Marty and others**  
**UN Security Council black lists**, to the Committee on Legal Affairs and Human Rights, *for report*
  - **Doc. 10857**  
**Motion for a resolution presented by Mr Hunault and others**  
**Creation of a Euro-Mediterranean Bank**, to the Committee on Economic Affairs and Development, *for information*
  - **Doc. 10858**  
**Motion for a resolution presented by Mr Jacquat and others**

**The health effects of the Chernobyl disaster in Europe: 20 years after, review and lessons for the future**, to the Social, Health and Family Affairs Committee, *for information*

- **Doc. 10859 rev.**  
**Motion for a resolution presented by Mr de Puig and others**  
**Council of Europe annual report on the state of human rights in Europe**, to the Committee on Legal Affairs and Human Rights, *for report*
- **Doc. 10860**  
**Motion for a recommendation presented by Mr Lindblad and others**  
**Condemning the crimes of totalitarian communist regimes**, to the Political Affairs Committee, *for information*

ii. motions postponed from previous meetings of the Bureau:

- **Doc. 10674**  
**Motion for a recommendation presented by Mr Gardetto and others**  
**The fight against harm to the environment in the Mediterranean and the Black Sea**, to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*
- **Doc. 10675**  
**Motion for a recommendation presented by Mr Gardetto and others**  
**Equal rights and opportunities for the disabled and their integration in society**, to the Social, Health and Family Affairs Committee *for information*
- **Doc. 10701**  
**Motion for a resolution presented by Mr Jakavonis and others**  
**Potential threats to the ecosystem of the Baltic Sea arising from the chemical munitions buried in its seabed during the Second World War**, to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*
- **Doc. 10769**  
**Motion for a resolution presented by Mr Meale and others**  
**Protection of the environment in the Arctic region**, to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*

iii. request to modify a reference :

- **Doc. 10781**  
**Freedom of the media in Russia**  
**Letter from Mrs Bargholtz and Mr Lindblad to the President of the Parliamentary Assembly**, to the Monitoring Committee *to be taken into account* in the preparation of the monitoring report with respect to the Russian Federation (modification of Reference No. 3165, 23 January 2006).

10. On 29 May 2006, the Standing Committee ratified the following references and modifications of references proposed by the Bureau:

i. references to committees:

- Reference No. 3219**    **Doc. 10674**  
**Motion for a recommendation presented by Mr Gardetto and others**  
**The fight against harm to the environment in the Mediterranean and the Black Sea**, referred to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*
- Reference No. 3220**    **Doc. 10675**  
**Motion for a recommendation presented by Mr Gardetto and others**  
**Equal rights and opportunities for the disabled and their integration in society**, transmitted to the Social, Health and Family Affairs Committee, *for information*

- Reference No. 3221    **Doc. 10701**  
**Motion for a resolution presented by Mr Jakavonis and others**  
**Potential threats to the ecosystem of the Baltic Sea arising from the chemical munitions buried in its seabed during the Second World War,**  
referred to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*
- Reference No. 3222                    **Doc. 10769**  
**Motion for a resolution presented by Mr Meale and others**  
**Protection of the environment in the Arctic region,**  
referred to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*
- Reference No. 3210    **Doc. 10844**  
**Motion for a recommendation presented by Mr de Puig and others**  
**Regionalisation in Europe,** referred to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*
- Reference No. 3224    **Doc. 10847**  
**Motion for a resolution presented by Mr Açikgöz and others**  
**Environmental problems in the Black Sea Region,**  
transmitted to the Committee on the Environment, Agriculture and Local and Regional Affairs *for information*
- Reference No. 3211    **Doc. 10853**  
**Motion for a resolution presented by Mrs Mikhailova and others**  
**Violations of human rights in North Korea,** transmitted to the Political Affairs Committee, *for information*
- Reference No. 3212    **Doc. 10854**  
**Motion for a resolution presented by Mrs Vermot-Mangold and others**  
**Combating trafficking in human beings: promoting the rapid entry into force of the Council of Europe Convention,**  
transmitted to the Committee on Equal Opportunities for Women and Men *for information*
- Reference No. 3213    **Doc. 10855**  
**Motion for a recommendation presented by Mrs Pehlivan and others**  
**Equality between girls and boys in Europe,**  
transmitted to the Committee on Equal Opportunities for Women and Men *for information*
- Reference No. 3214    **Doc. 10856**  
**Motion for a resolution presented by Mr Marty and others**  
**UN Security Council black lists,**  
referred to the Committee on Legal Affairs and Human Rights *for report*
- Reference No. 3215    **Doc. 10857**  
**Motion for a resolution presented by Mr Hunault and others**  
**Creation of a Euro-Mediterranean Bank,**  
transmitted to the Committee on Economic Affairs and Development *for information*
- Reference No. 3216    **Doc. 10858**  
**Motion for a resolution presented by Mr Jacquat and others**  
**The health effects of the Chernobyl disaster in Europe: 20 years after, review and lessons for the future,**  
transmitted to the Social, Health and Family Affairs Committee *for information*
- Reference No. 3217    **Doc. 10859**  
**Motion for a resolution presented by Mr de Puig and others**  
**Council of Europe annual report on the state of human rights in Europe,**  
referred to the Committee on Legal Affairs and Human Rights, *for report*

- Reference No. 3218**    **Doc. 10860**  
**Motion for a recommendation presented by Mr Lindblad and others**  
**Condemning the crimes of totalitarian communist regimes,**  
transmitted to the Political Affairs Committee *for information*
- Reference No. 3225**    **Doc. 10885**  
**Motion for a recommendation presented by Mrs Vésaité and others**  
**The spread of avian influenza and the admission of Taiwan as an Associate**  
**Member in the World Health Organisation,**  
transmitted to the Social, Health and Family Affairs Committee *for information*
- Reference No. 3226**    **Doc. 10887**  
**Motion for a recommendation presented by Mr Margelov and others**  
**Inadmissibility of anti-Semitism in the social and political life of the Council of**  
**Europe member states,**  
referred to the Political Affairs Committee *for report* and the Committee on Legal  
Affairs and Human Rights *for opinion*
- Reference No. 3227**    **Doc. 10888**  
**Motion for recommendation presented by Mr Preda and others**  
**Protecting the Danube Delta,**  
transmitted to the Committee on the Environment, Agriculture and Local and  
Regional Affairs *for information*
- Reference No. 3228**    **Doc. 10891**  
**Motion for a resolution presented by Mr Etherington and others**  
**Co-operation between the Assembly and the Conference of INGOs,**  
referred to the Political Affairs Committee *for report at the Standing Committee*
- Reference No. 3229**    **Doc. 10896**  
**Motion for a resolution presented by Mr R. Huseynov and others**  
**The state of the historically important cultural monuments of Azerbaijan in the**  
**territory of Armenia,**  
transmitted to the Committee Culture, Science and Education *for information*

ii.        reply after consultation:

- Reference No. 3230**    **Doc. 10641**  
**Motion for a resolution presented by Mrs Wohlwend and others**  
**Protection of human rights in emergency situations,**  
referred to the Committee on Legal Affairs and Human Rights *for report*

ii.        request to modify a reference:

- Reference No. 3223**    **Doc. 10781**  
**Freedom of the media in Russia**  
**Letter from Mrs Bargholtz and Mr Lindblad to the President of the**  
**Parliamentary Assembly**  
Modification of Reference No. 3165 of 23 January 2006, referred to the Committee  
on the Honouring of Obligations and Commitments by member States of the Council  
of Europe (Monitoring Committee) *to be taken into account* in the preparation of the  
monitoring report with respect to the Russian Federation
- Reference No. 3231**    **Doc. 10823**  
**Motion for a resolution presented by Mrs Venendaal and others**  
**Energy savings as a way out of Europe's energy crisis**  
**and**
- Reference No. 3196**    **Doc. 10697**  
**Motion for a recommendation presented by Mr Schmied and others**  
**Preserving the environment by energy savings within the public sector and the**  
**Council of Europe**  
Modification of the references, added the Committee on the Environment,  
Agriculture and Local and Regional Affairs *for opinion*

**Reference No . 3232 Doc. 10827**

**Motion for a recommendation presented by Mr Bockel and others  
Transfrontier co-operation**

Modification of Reference No. 3184, referred to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report*

iv. request to extend a reference :

**Doc. 10156**

**Motion for a recommendation by Mr Azzolini and others  
Seal hunting**

Ref. 2962 valid until 30 April 2006, *extended until 31 December 2006.*

**G. POST-MONITORING DIALOGUE WITH LATVIA**

11. On 13 April 2006, the Bureau:

i. decided to recommend to the Assembly to conclude the post-monitoring dialogue and to append the memorandum of the Monitoring Committee to the Progress Report of the Bureau;

ii. asked the Monitoring Committee to conclude its reflection on the future of the Assembly's monitoring procedure.

**H. APPLICATION TO INITIATE A MONITORING PROCEDURE CONCERNING THE  
MONOPOLISATION OF THE ELECTRONIC MEDIA AND THE POSSIBLE ABUSE  
OF POWER IN ITALY**

12. On 13 April 2006, the Bureau postponed this matter to the next Bureau meeting.

13. On 29 May 2006, the Bureau transmitted this motion for resolution to the Monitoring Committee for a written opinion for the Bureau in accordance with Resolution 1115 (1997) as modified by Resolution 1431 (2005).

**I. REPORT OF THE AD HOC COMMITTEE OF THE BUREAU ON THE DIALOGUE  
WITH THE PARLIAMENT OF LIECHTENSTEIN**

14. On 13 April 2006, the Bureau took note of the report by the Ad Hoc Committee and decided to conclude the dialogue with the Parliament of Liechtenstein.

15. On 29 May 2006, the Bureau agreed to declassify this report and to append it to the next Progress Report of the Bureau and the Standing Committee.

**J. FOLLOW-UP TO THE 3<sup>RD</sup> SUMMIT.**

**❖ Memorandum of understanding between the Council of Europe and the European Union**

16. On 29 May 2006, the Bureau :

i. took note of the latest official state of the draft memorandum as well as an addendum containing amendments and comments forwarded by the Romanian Chairmanship to the Russian Chairmanship of the Committee of Ministers on the occasion of the 116<sup>th</sup> session of the Committee of Ministers held in Strasbourg on 18-19 May 2006 ;

ii. agreed with the position expressed by the President in a letter addressed to Mr Ungureanu, former Chairman-in-office of the Committee of Ministers, pointing out that :

- the Assembly's proposals do not appear to be sufficiently taken into account in the Draft Memorandum of Understanding ;
- the recommendations made in Prime Minister Juncker's report should be more fully reflected ;

- the Assembly has to be “formally consulted” on the final text prior to its adoption.

**❖ Forum for the Future of Democracy**

17. On 29 May 2006, the Bureau:

- i. stressed that elected representatives and civil society must play an important part in the Forum and asked the Political Affairs Committee to take a clear position on the guidelines adopted by the Committee of Ministers ;
- ii. agreed to co-organise the Forum with the State Duma of the Russian Federation in Moscow on 18-19 October 2006 ;
- c. asked the Political Affairs Committee to make concrete proposals to strengthen the involvement of the Assembly in the Forum.

**K. FOLLOW-UP TO THE PARAGRAPH 9 OF RESOLUTION 1478 (2006) ON INTEGRATION OF IMMIGRANT WOMEN IN EUROPE**

18. On 13 April 2006, the Bureau approved the proposal of the Committee on Equal Opportunities for Women and Men, supported by the Committee on Migration, Refugees and Population, to hold a parliamentary seminar permitting an exchange of views with parliamentarians from countries where family codes do not conform to the principle of equality between women and men promoted by the Council of Europe.

**L. IMPLEMENTATION OF PARAGRAPH 16 OF RESOLUTION 1493 (2006) ON THE “SITUATION IN THE MIDDLE EAST”**

19. On 29 May 2006, the Bureau agreed that invitations to the Palestinian Legislative Council to send a delegation to attend Assembly part-sessions and committee meetings should refer to the principles stated in paragraph 11 of the Resolution 1493.

**M. DATES OF ASSEMBLY PART-SESSIONS (2007-2010)**

20. On 29 May 2006, the Bureau decided to postpone this matter to its next meeting.

**N. CRITERIA FOR THE DRAWING-UP OF THE LIST OF SPEAKERS AND THE LIST OF QUESTIONS DURING PART-SESSIONS**

21. On 29 May 2006, the Bureau approved the proposals contained in the memorandum prepared by the Secretary General of the Assembly and invited the Committee on Rules of Procedure and Immunities to draw up a report, under Rule 66.2, on possible modifications of the Rules of Procedure.

**O. VISIT BY RAPPORTEURS**

22. On 13 April 2006, the Bureau:

- i. authorised Mr Margelov to carry out a fact-finding visit to the Middle-East in June 2006;
- ii. authorised Mr Brincat to carry out a fact-finding visit to Lebanon in June 2006.

23. On 29 May 2006, the Bureau authorised Mr Lindblad (Sweden, EPP/CD) to carry out a fact-finding visit to Iran within the framework of the preparation of his report on “Iran’s nuclear programme: the need for an international response.

**P. ASSEMBLY REPRESENTATIVES FOR OFFICIAL ACTIVITIES**

**❖ Appointments of Representatives for official activities**

24. On 13 April 2006, the Bureau, in reply to formal invitations, took the following decisions:

- Mr Açıkğöz (Turkey, EDG), 12<sup>th</sup> Mediterranean Dialogue Seminar, NATO Parliamentary Assembly, Istanbul, 2-4 May 2006 (no cost to the Assembly) ;



- Member of the Committee on Legal Affairs and Human Rights, International Conference on the Implementation and Harmonisation of National Policies on Roma, Sinti and Travellers “Guidelines for a Common Vision”, Bucharest, 4-5 May 2006 ;
- Mr Schmied (Switzerland, ALDE), Congress of Local and Regional Authorities, 13<sup>th</sup> Plenary Session, Strasbourg, 30 May – 1 June 2006 ;
- Lord Russell-Johnston (Royaume-Uni, ALDE), International Meeting on the Implementation of the Declaration of Principles for International Election Observation, London, 1 June 2006 (no cost to the Assembly) ;
- Mr Jakavonis (Lithuania, ALDE), Theme Conference of Baltic Assembly, Palanga, 1-3 June 2006 (no cost to the Assembly) ;
- Mr Melčák (Czech Republic, SOC), 27<sup>th</sup> Plenary Session of PABSEC on “Energy Security in the Black Sea Region”, Yerevan, 7-8 June 2006 ;
- Mr Severin (Romania, SOC), Stability Pact meetings, Brussels, 8 June 2006 and Zagreb, 16 October 2006 ;
- Member of the Committee on Economic Affairs and Development, 10<sup>th</sup> Jubilee Petersburg International Forum, St Petersburg, 13-15 June 2006 ;
- Member of the Austrian Delegation to the Assembly, Youth Forum “Young, tolerant, open-minded...”, Graz, 9-16 July 2006 ;
- Mr Högmark (Sweden, EPP/CD), 7<sup>th</sup> Conference of Parliamentarians of the Arctic Region, Kiruna, 2-4 August 2006.

25. On 29 May 2006, the Bureau, in reply to formal invitations, took the following decisions:

- Mr Mimica (Croatia, SOC): 17<sup>th</sup> yearly session of the Crans Montana Forum, Monaco, 22-25 June 2006 (no cost to the Assembly) ;
- Mr Legendre (France, EPP/CD): 1<sup>st</sup> conference of elected officials from the Mediterranean, UNESCO, Rabat, 28-29 June 2006 (no cost to the Assembly) ;
- Mr Gross (Switzerland, SOC): 15<sup>th</sup> Baltic Sea Parliamentary Conference, Reykjavik, 3-5 September 2006 (no cost to the Assembly).

❖ ***Reports by Assembly Representatives on their participation at official activities***

26. On 13 April, the Bureau took note of the following reports and decided to transmit these reports to the competent committees for follow-up:

- report by Mr Dorić (Croatia, ALDE), Chairman of the Sub-Committee on Local and Regional Democracy, General meeting of National Associations of Local and Regional Authorities of Council of Europe member states and observers, Strasbourg, 23-24 February 2006 ;
- report by Mr Gardetto (Monaco, EPP/CD), Council of Europe Programme “Building a Europe for and with Children”, 1<sup>st</sup> Conference, Monaco, 4-5 April 2006.

27. On 29 May, the Bureau took note of the following report and decided to transmit this report to the competent committee for follow-up:

- Mr Miljenko Dorić, Chairman of the Sub-Committee on Local and Regional Democracy, Crans Montana Forum, Zagreb, 5 – 7 April 2006.

**Q. MEETINGS ELSEWHERE THAN IN STRASBOURG AND PARIS**

28. On 13 April 2006, the Bureau authorised the following meetings:

- Political Affairs Committee: Brussels (Belgium), 12 May 2006 ;
- Sub-Committee on Sustainable Development (of the Committee on the Environment, Agriculture and Local and Regional Affairs): Riga (Latvia), 16-17 June 2006;
- Political Affairs Committee: Gaziantep (Turkey), 11-12 September 2006 ;
- Sub-Committee on Migration (of the Committee on Migration, Refugees And Population): Krasnoyarsk (Russia), 14-15 September 2006.

### **3. RELATIONS WITH OTHER BODIES OF THE COUNCIL OF EUROPE**

#### **A. COMMITTEE OF MINISTERS**

##### **❖ *Meeting of the Joint Committee (Thursday, 29 June 2006 at 18:30 pm)***

29. On 29 May 2006, the Bureau agreed to include the following items on the draft agenda :

- Alleged secret detentions in Council of Europe member states ;
- Relations between the Council of Europe and the European Union ;
- Forum for the Future of Democracy ;
- Council of Europe budget forecasts for 2007.

#### **B. EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN AND DEGRATING TREATMENT OR PUNISHMENT (CPT)**

30. On 13 April 2006, the Bureau drew up the lists of candidates in respect of Monaco, Spain and Turkey in the following order of preference :

i. With regard to Monaco:

- Mr Roland MARQUET
- Mrs Stéphanie VIKSTRÖM
- Mr Christian CALMES:

ii. With regard to Spain:

- Mr Emilio GINÉS SANTIDRIÁN
- Mr Mariano FERNÁNDEZ BERMEJO
- Mrs Avelina ALONSO DE ESCAMILLA

iii. With regard to Turkey:

- Mr Irfan NEZIROĞLU
- Ms Hülya ENSARI
- Mr Ömer ATALAR

#### **C. PROPOSAL OF CANDIDATES FOR THE NORTH-SOUTH PRIZE OF THE COUNCIL OF EUROPE NORTH-SOUTH CENTRE**

31. On 29 May 2006, the Bureau, following the proposals by the Committee on Economic Affairs and Development, agreed to submit the candidatures of Mrs Bibi, defender of human rights, justice and education in Pakistan and Mrs Vermot-Mangold, member of the Assembly, for the 2006 North-South Prize of the Council of Europe North-South Centre.

### **4. BUDGETARY QUESTIONS**

#### **A. ANALYSIS OF THE USE MADE BY THE ASSEMBLY'S POLITICAL GROUPS OF THEIR ALLOCATIONS FOR 2005**

32. On 29 May 2006, the Bureau took note of the information paper prepared by the Committee on Economic Affairs and Development.

## **5. ELECTIONS**

### **A. *PARTIAL RE-RUN OF THE PARLIAMENTARY ELECTIONS IN AZERBAIDJAN (13 MAY 2006)***

33. On 29 May 2006 the Bureau approved the report of the ad hoc Committee which observed these elections.

### **B. *REFERENDUM ON THE STATE STATUS IN THE REPUBLIC OF MONTENEGRO (21 MAY 2006)***

34. On 13 April, the Bureau authorised the President to approve the proposals submitted by the political groups and to appoint the Chairperson of the Ad Hoc Committee.

35. On 29 May 2006, the Bureau heard information on this matter by the Chairperson of the ad hoc Committee which observed this referendum.

### **C. *PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN MEXICO (2 JULY 2006)***

36. On 13 April 2006, the Bureau decided to set up an Ad hoc Committee of five members (one from each political group) to observe these elections.

37. On 29 May 2006, the Bureau approved the composition of the ad hoc Committee and appointed Mr de Puig (Spain, SOC) as its Chairperson.

### **D. *PARLIAMENTARY ELECTIONS IN THE "FORMER YUGOSLAV REPUBLIC OF MACEDONIA" (5 JULY 2006)***

38. On 29 May 2006, the Bureau approved the composition of the ad hoc Committee and appointed Mr Cavusoglu (Turkey, EDG) as its Chairperson;

### **E. *INTERNATIONAL CONFERENCE ON THE PARLIAMENTARY DIMENSION OF ELECTION OBSERVATION***

39. On 13 April 2006, the Bureau:

- i. took note of the memorandum prepared by the Secretary General of the Assembly ;
- ii. decided to organise an international conference on this subject in Strasbourg in the autumn of 2006 ;
- iii. decided to set up an Ad hoc Committee of forty members appointed by the Political Groups in accordance with the D'Hondt method to participate in the conference.

40. On 29 May 2006, the Bureau decided to hold this conference on 15-16 February 2007 in Strasbourg.

## **6. OTHER MATTERS**

### **A. *CONFERENCE ON EUROPEAN PARLIAMENTARISM: HISTORY AND THE PRESENT (ON THE OCCASION OF THE CENTENARY OF THE ESTABLISHMENT OF THE RUSSIAN STATE DUMA) (SAINT PETERSBURG, 28 APRIL 2006)***

41. On 13 April 2006, the Bureau took note of the draft final declaration and authorised the President to finalise it in the course of the Conference if necessary.

### **B. *JOINT CONFERENCE PARLIAMENTARY ASSEMBLY/UEFA (STRASBOURG, 29 SEPTEMBER 2006)***

42. On 29 May 2006, the Bureau:

- i. took note, on the basis of a statement by the Chairman of the Committee on Culture, Science and Education, of the state of preparations and confirmed that the conference would take place on 29 September 2006 in Strasbourg with the participation of the State Duma of the Russian Federation ;
- ii. took note that in this connection, a football match would take place between the teams of the Assembly and the State Duma.

**C. GUIDELINES FOR THE DRAWING-UP OF THE “WHITE PAPER ON INTERCULTURAL DIALOGUE”**

43. On 29 May 2006, the Bureau invited the Committee on Culture, Science and Education to follow up on this matter in the framework of its forthcoming report on intercultural dialogue.

**D. REPORT BY THE CHAIRMAN OF THE COMMITTEE ON THE ENVIRONMENT, AGRICULTURE AND LOCAL AND REGIONAL AFFAIRS ON THE PARTICIPATION OF ITS SUB-COMMITTEE IN THE 4<sup>TH</sup> WORLD WATER FORUM (MEXICO, 16-22 MARCH 2006)**

44. On 13 April 2006, the Bureau took note of this report.

## Appendix I

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5 December 2005  
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### COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES OF THE COUNCIL OF EUROPE (MONITORING COMMITTEE)

#### Post-monitoring dialogue with Latvia

Memorandum prepared by the Mr György Frunda (Romania, EPP/CD), Chair, following the visit from 17 to 19 October 2005

#### I. INTRODUCTION

1. In May 2004, the PACE Monitoring Committee adopted the third interim memorandum on the post-monitoring dialogue with Latvia (AS/Mon (2004) 08rev.) which concluded that Latvia had formally fulfilled all its obligations and commitments undertaken by Opinion 183 (1995) as well as the essential part of the recommendations prescribed in Resolution 1236 (2001). It proposed considering the termination of the post-monitoring dialogue before the end of 2004 if sufficient follow-up would be given to its recommendations regarding the effectiveness of the naturalisation policies, the handling of the education reform and maintenance of the agreed standards for minority education and the ratification of the Framework Convention of National Minorities.

2. I took the Chairmanship of the Monitoring Committee in January 2005 and requested the Latvian delegation to submit further up-date on the developments in the country, notably as regarded the preparation for the ratification of the Framework Convention and the implementation of the education reform. The information provided on 24 January confirmed the positive developments in the ratification process which finally culminated in the Saeima's ratification of the Framework Convention on 26 May. Although I had been authorised by the Committee already on 1 June to make a fact-finding visit to the country, I decided to postpone this visit until after the beginning of the 2005/2006 school-year in order to be able to properly assess the impact of the education reform on the minority population and to discuss this issue with the teachers, pupils and their parents.

3. The visit finally took place from 17 to 19 October 2005 in a period of relative political calm after last year's anti-education reform manifestations that had drawn some international attention to Latvia. I noted with satisfaction that the education reform is well underway and, although much criticised, that it has been generally accepted by those concerned. I observed some rigidity and reluctance among the different state authorities to revision of the citizenship policies or extension of the political rights of the non-citizens, which, however, I take as the first signs of pre-election squabbles before the legislative elections next autumn. My visit coincided with a heated discussion within the political circles over the controversial amendments to the Citizenship Law which proposed *inter alia* to introduce a notion of loyalty as a criterion for naturalisation applications. I welcome the reasonable decision taken by the Minister of Justice a few days after my visit to withdraw the discussion of these draft amendments until after the elections.

4. During my brief visit, I met with the President of the Republic, the Prime Minister, Ministers of Foreign Affairs, Education and Society Integration, Vice-Speaker of the Saeima and members of the PACE delegation, Director of the Naturalisation Board, Ambassadors of several European countries, First Secretary of the Russian Embassy, human rights organisations, leaders of minority organisations and teachers, pupils and their parents of a Russian school (N°92) and a Ukrainian school. I am most grateful for the co-operation and valuable information that I received, which have fed into this memorandum.

5. I extend my special gratitude to the Head of the Latvian delegation to the PACE and his Secretariat for the excellent organisation of my visit. I would also like to thank the Council of Europe Information Centre in Riga that made it possible to meet with a number of NGOs and minority representatives as well as to the Norwegian Ambassador who hosted a very informative working dinner for me.

6. In the below chapters I will strive to establish whether the evolution in the speed of naturalisation, the implementation of the education reform and the ratification of the Framework Convention over the last eighteen months has been such that the termination of the post-monitoring dialogue can be envisaged. I have no intention to close my eyes to various other problems that still persist in the Latvian society; despite the evident progress in many ways Latvia still has some way to go in providing non-discriminatory treatment to all its residents. Indeed, I will limit my judgment only to the above three key issues in order to be consistent with other similar post-monitoring exercises and to avoid opening new debates on matters that were not included in the original documents that opened first the monitoring procedure and later the post-monitoring dialogue. However, the three issues do not arise in a vacuum; therefore the report will also touch upon other related issues which the Latvian authorities would need to tackle in order to consolidate its multi-ethnic population.

## II. THE PECULIARITIES OF THE SITUATION OF MINORITIES IN LATVIA

7. In order to better understand the complex political and ethnic situation in Latvia, which is the basis for many of the polemic issues raised within the scope of this report, it is essential to look at the ethno-linguistic peculiarities in the country from three different aspects.

8. First of all, Latvia has a proportionally large share of minorities, which distinguishes it from most other European countries and also gives a special importance to the question of minority rights. The resident population of Latvia represents eight major ethnic groups of whom the Latvians represent 58.9%, Russians 28.6%, Belarussians 3.8%, Ukrainians 2.6%, Poles 2.4%, etc. The share of Latvians has increased over the years; however, in five out of seven major cities Latvians are still fewer than 50%. In the capital Riga, Latvians represent 41% of the population, while in the second largest city of Latvia – Daugavpils – there are only 16% Latvians. This demographic situation, largely brought about by the Soviet industrialisation policies, has contributed to a need for special protection of the state language and the perception at large by the ethnic Latvians that it is they who have been "minoritised" in their own country.

9. Secondly, another particularity of Latvia is that the question of minority rights is linked not only to belonging to an ethnic community but moreover to belonging to a linguistic community, the Russian language having become – for historic reasons – a common *lingua franca* and mother tongue for the majority of Latvian residents of Russian, Ukrainian, Belarussian and often Polish descent. Hence the frequent misinterpretation of the terms "Russian minority" or the "Russian community" in Latvia, which in reality refer to the Russian-speaking community or minority. The "problem of Russian speakers" is in general gradually diminishing in importance as the "Latvian Russians" (as opposed to "Russians in Latvia") are becoming more and more integrated in Latvian society, both mentally and through the naturalisation process. They are represented in all social classes of the society and in the Latvian Parliament by 20 members belonging to three opposition parties who all fight over the monopoly of representing the Russian-speaking community (RSC).

10. It should also be noted that – with the exception of a few activists – the Russian-speaking community in Latvia has few emotional ties with post-Soviet Russia or other countries – former republics of the USSR - of their origin. They have their own newspapers, radio, TV, cultural centres, etc. The majority of the "Latvian Russians" today have been born in Latvia and see their future there. They do not share the feeling of belonging to the Russia of today and by and large do not support the populist kin-state policies promoted by certain politicians in Russia. These tendencies are confirmed by the very small number of Latvian Russians who have asked over the years for the citizenship of the Russian Federation.

11. Thirdly, this multi-ethnic population belongs to three different legal categories of residents with little emphasis put on ethno-linguistic divisions. According to the Naturalisation Board data of 1 July 2005, out of a total population of **2.29 million** inhabitants in Latvia, 1 826 804 (or 79.6%) were citizens, 432 869 (or 18.8%) were non-citizens and 36 389 (or 1.6%) were foreigners. 50.2% of Latvia's non-citizens live in Riga, 22.8% in other cities and 27% in rural districts, of which only 2.2% in the three districts directly bordering the Russian Federation and 1.5% in the Daugavpils district bordering Belarus.

12. It should be noted that it is not uncommon in industrialised nations that 80 – 90 percent of the residents are citizens, the remaining percentage usually representing individuals who are citizens of another country<sup>1</sup>. For historical reasons, the situation in Latvia, however, differs from that of other European countries in that every fifth resident does not have any citizenship at all.

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<sup>1</sup> Brande-Kehre, I. and Puce, I., *Nationhood and Identity*, published in "How democratic is Latvia: Audit of Democracy", Latvian University, 2005, p.21.

13. Historically, at the time of the independence regained in 1991, some 730,000 residents who lived on the territory of Latvia did not have citizenship links with pre-war Latvia and therefore did not qualify for automatic citizenship on the basis of *jus sanguinis*. Naturalisation could not start in the first years as the Citizenship Law was adopted only in 1994 and thus created insecurities among many Latvian non-citizens regarding their legal status and future in Latvia; this mistake has undoubtedly harmed the smoothness of the naturalisation process when it was finally started in 1995<sup>2</sup>.

14. The status of non-citizens is defined in the law "On those former USSR citizens who are not citizens of Latvia or another country". The Latvian non-citizens, in contrast to stateless persons, hold a Latvian ('non-citizen's') passport, they cannot be expelled save in special cases provided by law, and they enjoy the consular protection of the state when travelling. They are guaranteed the same fundamental rights and freedoms and benefit from the same social and economic rights as the citizens, with the exception of the right to exercise certain professions and occupations. However, non-citizens are not considered as citizens of the EU and thus do not benefit from the rights of EU citizens, notably with regard to visa-free travelling. Instead, the EU directive 2003/109/CE concerning the rights of long-term residents – third country nationals will be applied to the non-citizens of Latvia as from 26 January 2006. On the other hand, non-citizens benefit from preferential treatment for travelling to the CIS countries.

15. The Latvian non-citizens enjoy also some political rights, e.g. they can be members of a political party. In this respect it should be noted, however, that, according to the recently-adopted Law on Political Parties, non-citizens (as well as EU citizens) cannot be founders of a political party since at least half of the membership of a party and a minimum of 200 members at all times has to consist of citizens of Latvia. On the other hand, non-citizens do not enjoy such important political rights, as the right to vote and to stand in elections. This is still a practice in many other Council of Europe member states as well. Nonetheless, the tendency to allow permanent residents to participate in municipal elections is developing both in practice and in international norms<sup>3</sup>, and should be encouraged by the Latvian authorities as well, especially when considering that currently almost 20% of the legal residents in Latvia do not have this right. Although I do understand the argument of the Latvian authorities that granting the municipal voting right to non-citizens would remove an important motivation for obtaining full citizenship, I suspect that a more underpinning reason behind this reluctance is the state authorities' fear that granting participation rights at municipal elections to non-citizens would considerably diminish their own chances to be re-elected.

### III. FOLLOW-UP GIVEN BY LATVIA TO THE REMAINING ISSUES RAISED IN RESOLUTION 1236 (2001)

#### A) EFFECTIVENESS OF THE NATURALISATION POLICIES

##### 1. Recent developments

16. The naturalisation process has witnessed a considerable boom after the accession of Latvia to the EU in May 2004 and the decision to switch over to a professional army as from 2007. Since the beginning of the naturalisation process in 1995 until 30 September 2005, 106 688 naturalisation applications have been received requesting 118 722 persons to be naturalised. 101,736 persons including 12,058 underage children have been granted citizenship of Latvia by decree of the Cabinet of Ministers<sup>4</sup>. The year 2004 saw a record annual number of persons being granted citizenship, i.e. 16,064 compared to 10,049 in 2003. This record has already been broken in the first nine months of the current year with 16,384 persons (i.e. 320 more than last year) having been granted citizenship.

17. The overall number of non-citizens has decreased by a third from 29% of the population to 18.8% in the last ten years and numerically from 730 thousand to 432 thousand. In 2004, for the first time the citizens of Russian ethnic origin outnumbered the non-citizens of Russian ethnic origin. However, considering that more than 432,000 residents still remain non-citizens, even this increased rate may not resolve the problem of the high share of non-citizens for the years to come.

18. As shown by an extensive nation-wide analysis carried out in 2003, there are many reasons explaining the reluctance to naturalise, but the most important one that should not be ignored – especially

<sup>2</sup> Idem, p.22. It is normal for a state to limit some civil service jobs to its citizens, however, the restrictions on the exercise of certain professions in the private sector such as for lawyers, is questionable.

<sup>3</sup> Brande-Kehre, I. and Puce, I., *Nationhood and Identity*, published in "How democratic is Latvia: Audit of Democracy", Latvian University, 2005, p.22.

<sup>4</sup> Statistics of the Latvian Naturalisation Board's Information Centre (as at 30 September 2005).

considering that about 100 000 non-citizens are younger than 27 years of age and mostly born in Latvia – is the conviction by the latter that they should be automatically entitled to Latvian citizenship. The same idea prevails among the retired population. Paradoxically, non-citizens within the age group from 15 to 35 are also the most willing ones to naturalise, forming 57.7% of the total number of applicants, which is a good sign for the development of society. Other factors that continue to hamper naturalisation include the more beneficial travelling requirements to CIS countries, the hope that naturalisation requirements will be eased, and the fear of not being able to pass the tests of naturalisation. 14% of the respondents admit that they do not want the citizenship of Latvia.

19. In 2004-2005, the Cabinet of Ministers approved several amendments to the legal framework with a view to making the application procedure more accessible. This included reducing the number of documents to be submitted, no longer requiring a person to prove registration of residence, a possibility to submit a naturalisation application in any regional branch of the Naturalisation Board, accepting the results of the centralised final examination of primary and secondary education for naturalisation purposes, etc.

20. To meet the rising demand for citizenship of Latvia, on 6 April 2004 the Cabinet of Ministers allocated additional financing for the Naturalisation Board (approx. 32 000 EUR) to increase the number of staff. This financing allowed hiring 7 additional full-time officials<sup>5</sup>.

21. In 2004, the Secretariat of the Special Assignment Minister for Society Integration together with the Special Assignment Minister for Child and Family Affairs and the Naturalisation Board implemented an information campaign, sending information about the registration as citizens by direct mail to 15,000 non-citizen parents. As a result, the number of registered children almost doubled in 2004, reaching 4,540 applications by 30 September 2005. Nevertheless, despite the positive effect of this campaign and the quasi-automatic registration of the new-borns which allows now to register citizenship together with the general registration of the child's data on the premises of maternity hospitals, the willingness of non-citizen parents to register their underage children as citizens has remained ridiculously low. At the same time, it should not be overlooked that the number of babies born to non-citizens is also small – only 6% of the newborns in 2004. According to the comprehensive national survey, every sixth non-citizen parent explains their reluctance to register their children by their wish to allow their children to use their right to decide on their own.

22. On 30 September 2005, the Saeima turned down a draft amendment to the Citizenship Law submitted by the Union for Human Rights in United Latvia opposition party, providing for the Latvian citizenship to be automatically granted to all Latvian non-citizens born in Latvia, non-citizens with disabilities and non-citizens of retirement age without applying for it. The Director of the Naturalisation Board Mrs Aldermane confirmed to us that the Board had recently submitted a new draft law to the Cabinet of Ministers on the application of the *jus soli* principle to all new-born children on the Latvian territory.

23. In general, the past year has seen some other restrictive tendencies relating to state and government decisions. In May 2004, the Saeima adopted amendments to the law which regulates the status of non-citizens in Latvia. The amendments foresaw that a non-citizen of Latvia who had acquired permanent residency in another country after June 2004 would be deprived of the non-citizen status and thus of the associated rights including the consular protection by the state of Latvia, making the person become stateless upon his/her return to Latvia. The amendments were challenged by the Constitutional Court and were ruled unconstitutional on 7 March 2005. Another questionable development has been the landmark case in 2004 of Mr Petropavlovsky who after having fulfilled all formal requirements for naturalisation and having been included in the proposed list for persons acquiring citizenship, was struck out of this list by the Cabinet of Ministers because of his alleged lack of loyalty to Latvia, due to his activities and statements in relation to the minority education reform<sup>6</sup>. Since this was the first ever application rejected by the Cabinet during the past ten years, this encouraged a general debate in society over loyalty as a criterion for naturalisation and ended in a draft amendment to review the loyalty during the admission of naturalisation. As I mentioned already above, I do commend the common sense that the Minister of Justice has shown by withdrawing this draft law, for subjective factors should be avoided as far as possible from laws.

## **2. Outstanding**

24. The naturalisation figures have substantially increased over the last two years both due to external factors and the remarkable initiatives carried out by the Secretariat of the Special Assignment Minister for

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<sup>5</sup> AS/Mon (2005) 06, p.2.

<sup>6</sup> Brande-Kehre, I. and Puce, I., *Nationhood and Identity*, published in "How democratic is Latvia: Audit of Democracy", Latvian University, 2005, p.24.



Society Integration and the Naturalisation Board; nevertheless, some degree of passivity can be observed among the state officials who often justify their stance by not wanting to force assimilation but to encourage a free and independent choice. A number of our previous recommendations have not been taken on board, apart from further easing the registration of the new-borns and allocating further funds to meet the increasing number of applications.

25. It could not be accepted that new generations of children born in Latvia have no citizenship of any country. As pointed out by the Council of Europe Human Rights Commissioner as well as by my predecessor and many other international human rights organisation since 2003, a way to rectify this would be to automatically register newborn non-citizen children as citizens, unless the parents explicitly object to this (the current procedure provides for automatic citizenship upon the request of the parents).

26. Another related problem, pointed out in the recent study made by the University of Latvia on the audit of democracy in Latvia, is that non-citizen parents can register their children as citizens only until the age of 15, whereas between 15 and 18 there is an additional demand for documentation certifying proficiency in the state language or the passing of the language test; and after 18 these children may only acquire citizenship through naturalisation. This contradicts the right to citizenship held personally by the child. Although this problem will only arise in practice in 2007 when the first children born in 1991 will turn 16, it can be avoided by extending the right to acquire citizenship through registration for these children born in independent Latvia at least for a year after reaching majority, which would guarantee for the child to make a conscious, personal choice even when the parents have not used this opportunity.

27. According to the Citizenship Law, a candidate for citizenship over 15 years of age has to pass an oral and written Latvian language test, a test on the basic principles of the Constitution, the history of Latvia and the national anthem. While the state language proficiency requirement is common practice in almost all European countries, the requirement of knowledge of history and especially of the state anthem is rather unique (of European countries, a history test is required only in Estonia). In fact, although in 2004 96.2% of applicants passed this examination, the absolute necessity for applicants to know by heart the words of the national anthem is very much questionable, notably as they have to sign the oath of allegiance to the Republic of Latvia in any case.

28. In the same spirit, it would appear unfair to expect that the elderly (about 130,000 in numbers) would be able to learn Latvian up to the level of passing the naturalisation test. Therefore it would be highly recommendable to introduce a more differentiated age pyramid and to exempt from both exams all persons over 60 years of age, who resided in Latvia when the country regained its independence in 1991 and who otherwise fulfil all the application criteria, from taking the naturalisation examination. If the two groups, the newborn and the elderly were treated more generously, this could also lead to a lessening of the present tension<sup>7</sup>.

29. As regards the state duty, despite several reductions having been made for several categories of naturalisation applicants, 59% still continue to pay the full rate of 20 Ls (30 Euros). Although the recent comprehensive study on the reasons for or against naturalisation indicated that the fee was not a significant obstacle for naturalisation, every effort should be made to avoid that anybody be excluded from the naturalisation process because of financial reasons.

## **B) EDUCATION REFORM**

### **1. Overview**

30. Education reform continues to be a controversial issue in the country. And yet the Latvian Law on Education and its implementation has been considerably improved since the opening of the post-monitoring dialogue. The 1998 law foresaw a gradual transition to 100% education in the State language. The final adoption of the amendments to this law on 5 February 2004 resulted in a threshold of maximum 60% of the curriculum being taught in the State language or bilingually in secondary schools, which not only conforms to the spirit of the Framework Convention but is a measure aiming at effectively integrating the RSM.

31. The reform has not happened overnight; schools started preparing for a gradual switch-over to bilingual education in 1999 already. The reform foresees the gradual increase of subjects being taught in the state language in minority schools. In the first grades from the age of six it is a small percentage (six hours a week of teaching the Latvian language itself), rising up to 50% of subjects in the ninth grade. The 10<sup>th</sup> graders of today, who are the first ones directly affected by the reform, were already studying 50% of their

<sup>7</sup> AS/Mon (2004) 13, p.6.

subjects in Latvian last year. The additional 10% added in September 2004 involved two supplementary subjects in Latvian, freely chosen by each school. In 2007 the first minority school-leavers will have to sit their final exams in Latvian.

32. The contention of some representatives of the Russian-speaking community (RSC) has been that the switch is too onerous for both pupils and teachers. Until 1991 there were two separate school systems, Russian language schools and Latvian language schools. Thus, unlike most states with minority populations, the main challenge for minority education was not to introduce the learning of the minority language, but the securing of the learning of the state language. The Russian-language schools have had to transform themselves and, according to many parents and representatives of the RSC associations, are still struggling due to lack of trained teachers and adapted textbooks. The parents are afraid that this will lead to lower quality teaching, reducing the RSC to a second rate position in society. They are primarily afraid that they will lose their Russian identity now that Latvian has become the state language and that their children would have to study part of their curriculum in this language.

33. On the other hand, the main argument for the State authorities for this reform has been the creation of a education system that would be able to provide equal opportunity in the labour and education markets for graduates from both Latvian and minority schools and avoid the emergence of a new social underclass in the country.

34. Another complaint often voiced by the representatives of the RSC is the lack of constructive dialogue with the government on the matter of the education reform. They feel that the law has been forced on them and that it is not the result of open discussions on the correct way to introduce the use of the official state language into all levels of the education system.

## **2. Recent developments**

35. In summer 2004 a group of pro-minority MPs submitted a complaint to the Constitutional Court in order to dispute the compliance of the minority education reform with the Constitution and international treaties (including Article 14 of the ECHR in connection with Article 2 of First Protocol of the ECHR and Article 18 of the Vienna Convention on the Law on Treaties). The Constitutional Court thoroughly examined all aspects of the case and delivered its judgment on 13 May 2005, deciding that there was no violation of either the Constitution of Latvia or any international treaties. In particular, the Constitutional Court examined whether the proportion 60:40 envisaged in secondary schools for teaching the subjects in minority and state language pursued a legitimate aim and whether it was necessary and proportional to the achievement of this aim. In its findings, the Constitutional Court relied on the case-law of the ECHR both with regard to Article 2 of First Protocol of the ECHR and Article 14 of the ECHR, as well as on the Explanatory Report of the Framework Convention for the Protection of National Minorities, the Hague Recommendations Regarding the Educational Rights of National Minorities of the OSCE and other important international documents.

36. Before the launch of the reform on 1 September 2004, the Ministry of Education and Science examined the preparedness of each individual school, focusing especially on the 15 schools (out of a total of 159 minority schools) considered previously to be "problematic". To this end the Minister of Education appointed a special Adviser on Minority Education in April 2004 and a special working group. The implementation of the reform was reviewed in some 60% of schools in October 2004 and an exhaustive nationwide survey was carried out in spring 2005. Unfortunately I did not receive more detailed information on the results of this survey. However, the data collected by the Riga City Council confirms that there has been neither any deterioration of the level of academic achievements of 10th grade students nor any threats to their ethnic identities<sup>8</sup>. The Minister of Education confirmed that all "problem" schools had received specific attention to their problems. This has brought about a dramatic decrease of tension in this issue. In the past year no demonstrations have even remotely resembled the scale of demonstrations that took place prior to September 2004 – the number of participants in such events has decimated from tens of thousands to a few tens or hundreds. This seems to indicate two causes. First, that despite all the practical preparations for the reform, the authorities' dialogue with parents, students and teachers had been inadequate to dispel fears about the reform. Second, once the reform was implemented, real life showed that many of these fears had not been grounded.

37. On 16 September 2005 the Constitutional Court ruled that Article 59 of the Law on Education stipulating that the state may provide financial support only to those private minority schools which ensure education in the state language, does not comply with the Constitution of Latvia. Thus, minority private

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<sup>8</sup> Vesti Segodnia, 1 September 2005, <http://www.politika.lv>.

schools have become eligible to receiving states support on equal basis with Latvian language private schools, which is a very welcome development for ensuring equality and non-discrimination.

### **3. Outstanding**

38. My discussions with the minority school teachers, pupils and their parents revealed that the main problem is not the substance *per se* of the reform but the mishandled political process in elaborating and introducing it. As mentioned already above, with hindsight, one can say that the implementation of the reform was inadequately explained to those whom it concerns.

39. The most frequent and persistent complaint by the minority organisations and the teachers-pupils alike is the lack of a proper dialogue between the authorities and those directly affected by the reform. Therefore further efforts should be made to involve civic participation in any relevant decision-making processes and definitions of clear targets.

40. In my discussions with minority children and their parents, the matter of the lack of adapted Latvian language learning methods was raised by many; as well as the need for improved computerised language learning programmes.

## **C) RATIFICATION OF THE FRAMEWORK CONVENTION ON NATIONAL MINORITIES**

### **1. Recent developments**

41. On 26 May 2005, ten years after the signing of the Framework Convention for the Protection of National Minorities of the Council of Europe, the Latvian Saeima ratified it with an overwhelming majority of votes – 64 votes in favour – and only 9 votes against.

42. Since the term 'national minorities' has not been defined in the convention, the Saeima came to an agreement that the Framework Convention would be applied to those citizens of Latvia who differ from Latvians in terms of culture, religion or language, who have been traditionally living in Latvia for generations, who consider themselves as belonging to the state of Latvia and the Latvian society, and who would like to preserve and develop their culture, religion and language. This definition was modelled on the definitions used by other States Parties to the Framework Convention.

43. In addition, in order not to exclude the large non-citizen population who had arrived in Latvia during the fifty years of the Soviet occupation from enjoying the rights associated with minorities, the Saeima decided that "persons who are not citizens of Latvia or other country but have been living in Latvia permanently and legally and do not belong to a national minority based on the definition of the term by the Framework Convention, but who identify themselves with a national minority corresponding to the said definition, are entitled to the rights determined by the Framework Convention, unless otherwise provided by the law".

44. Upon ratifying the convention, the Saeima also passed two declarations, which state that Latvia considers binding Part 2 of Article 10 and Part 3 of Article 11 of the convention regulating the use of minority languages in street names and local governments, without prejudice to the *Satversme* (Constitution) of the Republic of Latvia and the legislative acts governing the use of the State language that are currently in force in the Republic of Latvia. By having defined these clauses as declarations and not as reservations, the Latvian parliament provided for the evaluation of these restrictions by the Advisory Committee of the Framework Convention, its supervisory mechanism.

45. On 2 June 2005, both Terry Davis, Secretary General of the Council of Europe in his address to the Congress of Local and Regional Authorities in Strasbourg and Rolf Ekeus, the OSCE High Commissioner for National Minorities, welcomed the ratification and especially the inclusive definition of minorities adopted by Latvia.

### **2. Outstanding**

46. The ratification of the Framework Convention by Latvia is *per se* highly laudable and shows that the political forces in the country were able to surmount their differing views and consolidate their forces for the benefit of developing democratic standards in the country. It is equally commendable that the Latvian parliament had decided to provide the non-citizens with the same rights as the rest of the minority population.

47. I realise that the process of arriving to the ratification was a lengthy and complicated one, and I certainly understand the political and emotional reasons for adding restrictive declarations on the use of minority languages in the public sphere and in street names, without which the adoption of the ratification law would probably have been impossible. Many state authorities emphasised in our discussions that in five out of seven major towns in Latvia, the state language was in a numerical minority position and therefore required additional protection. I also heard many assertions that in practice the question of language used in local governments was dealt with much more flexibility than the law foresaw and that there were no restrictions in oral communication with municipal authorities as regards the use of Russian. I equally understand that the requirement of adding street names in Russian in the capital as well as in many other towns would in today's context be associated for a large part of the population with painful memories of the Soviet russification policies, and that its implementation would be neither realistic nor constructive in present-day Latvia.

48. Nonetheless, from the point of view of the protection of minority rights as part of human rights, these two declarations constitute a departure from the spirit of the Convention. I also believe that they are not constructive from the political point of view. I therefore strongly encourage the Latvian authorities to make further efforts and consider an eventual withdrawal of these two declarations, and in particular to work towards amending its legislation so as to ensure that persons belonging to national minorities, in areas where they reside traditionally and in substantial numbers, would have a true and effective possibility to use their minority language in relations with administrative authorities without bearing additional financial obligations. I consider that the future dialogue of the Latvian authorities with the Advisory Committee of the Framework Convention in the regular monitoring cycle of state reports will provide the best avenue to non-politicized expert discussion on this matter.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

49. Latvia has formally fulfilled all its commitments undertaken by Opinion 183 (1995) upon accession to the Council of Europe as well as all the recommendations prescribed in Resolution 1236 (2001) which closed the monitoring procedure and opened a post-monitoring dialogue.

50. Since the adoption of the last post-monitoring report on Latvia (AS/Mon (2004) 08 rev) in May 2004, the country has continued to make substantial progress in the three fields that were regarded by my predecessor as the last obstacles to concluding the post-monitoring dialogue, i.e. in speeding up the naturalisation process, implementing the education reform and ratifying the Framework Convention for the Protection of National Minorities.

51. Yet it should not be forgotten that 18,9% of the Latvian population today, constituting more than 400,000 legal residents, continue to be non-citizens who do not enjoy full political or civil rights. The sincerity of the political will to integrate the non-citizen population in the society tends sometimes to be questionable, the last year having witnessed several attempts to make the Citizenship Law more restrictive for naturalisation applicants. In this regard, and notably in view of the upcoming legislative elections in 2006, I call on the Latvian government and my colleagues in the Latvian Saeima to look beyond short-term party-political gains and stick to the country's priority goals to integrate its multi-ethnic non-citizen population. On the other hand, I also urge all non-citizens to make the necessary effort to become full-fledged citizens of the country where they have chosen to reside.

52. It is clear that that the situation in Latvia is very particular and that for well founded historical reasons there is a strong need to protect the Latvian language. However, the protection of the official state language should not be to the detriment of the rights of minorities, which should be fully respected. Having recently become a full-fledged member of the NATO and the European Union, which gives additional guarantees to Latvian independence and security, Latvia should demonstrate its political maturity by admitting that the tens of thousands of non-citizens who are either born on Latvian territory or have lived there for decades have today little to do with the Soviet occupation and deserve to be included in the multi-ethnic political nation with full political rights.

53. Nevertheless, with regard to the objective criteria as specified in the preamble of this memorandum, and in full agreement with the conclusions of the rapporteurs of the "Opinion on the reopening of monitoring procedure as regards Latvia" (AS/Mon (2004) 13) stipulating that "*the Assembly should avoid increasing requirements and imposing new benchmarks on the few member states currently under monitoring or post-monitoring*", I propose to the Committee to conclude this post-monitoring exercise upon the understanding that the below specific recommendations will be continued to be closely followed up by the new Commissioner of Human Rights, the Advisory Committee on the Framework Convention for the Protection of National Minorities, the ECRI as well as by the rapporteur of the PACE Legal Affairs Committee on the

situation of the Russian-speaking minority in Latvia. I would also reserve the right for this committee to come back to the issues of minority rights protection in Latvia at a later stage in the context of the general follow-up on the honouring of obligations by the member states.

**Specific recommendations:**

54. To further improve the effectiveness of naturalisation policies, I call on the relevant Latvian authorities to:

- encourage non-citizens to become fully-fledged members of the Latvian society by conveying regular and consistent positive messages to this end in public media and in specific campaign documents of the Naturalisation Board and the Ministry of the Society Integration;
- review the applied policies so as to take account of the reasons for motivation and obstruction of naturalisation among the non-citizen population in the future implementation of the Citizenship Law, including those on automatic entitlement or lowering of requirements;
- avoid producing new non-citizens and, in this respect, consider facilitating the granting of automatic citizenship (*jus soli*) to all new-born children born to non-citizen and stateless parents, with a possibility for the parents to opt out of their descendant's Latvian citizenship within a defined period of time;
- examine the possibility to extend the age limit for the possibility to register under-aged children as citizens without the lengthy naturalisation procedure from the current age of 15 to at least a year after their majority in order to guarantee that the child can make a conscious choice for citizenship even if the parents have not;
- examine the possibility to ease the naturalisation requirements for persons towards the end of their professional life and abolish the naturalisation examination altogether for persons over 60 years old who resided in Latvia when it regained its independence in 1991 and who otherwise fulfil all the application criteria;
- consider abolishing the requirement to attest the knowledge of history, the national anthem and the principles of the Latvian Constitution for naturalisation purposes as the latter constitutes an unnecessary duplication of loyalty attestation already provided for in the oath of allegiance to the Latvian state;
- examine the possibility of reducing the naturalisation fee for all categories of applicants to the minimum cost of processing documents;
- allocate more substantial funds for new motivation campaigns and for meeting the increased demands for naturalisation, including free-of-charge training;

55. With a view to helping further diminish the differences between the status of citizens and non-citizens, I also encourage the Council of Europe member states that are also EU member states to grant the Latvian non-citizens – holders of the Latvian non-citizen's passport – similar visa-free travel rights as to Latvian citizens, and the Russian authorities to apply the same visa fees to both categories of the Latvian population.

56. As regards the education reform,

- continue to implement the education reform with flexibility and without rushing the transition so as to guarantee continued application of equal education opportunities;
- step up the dialogue between the Ministry of Education and Science, minority schools and parents with a view to enhanced co-operation and reassurance of the parents on the benefits of the reforms.

57. While sincerely welcoming the ratification of the Framework Convention for the Protection of National Minorities by Latvia and in particular the extension of its application to Latvia's non-citizen population, I encourage the Latvian authorities to examine the possibility of gradually withdrawing the two declarations made, notably the one pertaining to Article 10.2 which regulates the use of minority languages in local administration;

58. With a view to guaranteeing all people under Latvia's jurisdiction similar-standard political and civic rights, examine the possibility of granting all non-citizens the right to vote and to be elected at local elections.

**Appendix II**

**Programme**

**of the visit to Latvia by the Chairman of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe**

**17 - 19 October 2005**

**Members of the delegation:**

Mr György Frunda - (Romania, EPP/CD)  
Mrs Ivi-Triin Odrats - Secretary to the Committee

**Monday, 17 October**

Arrivals: Mr Frunda 13:40 OS 693 from Vienna  
Ms Odrats 12:35 BT 601 from Brussels

Check-in at the Hotel "Konventa Sēta"  
9/11 Kalēju iela tel: +371 708 75 01, fax: +371 708 75 06

- 15.00 – 16.10 Meeting with representatives of Human Rights NGOs
- 16.15 – 17.15 Meeting with leaders of cultural societies of different minority groups  
person responsible: Director of the Council of Europe Information Centre  
*14 Kr. Barona iela*
- 17.30 – 18.30 Visit to the secondary school Nr.92 (Russian school) meeting with teachers, pupils  
and their parents  
*3, Ulbrokas iela*
- 19.30 Working dinner with the Ambassador extraordinary and plenipotentiary of Norway in  
the Latvian Republic  
*Ambassador's residence*

**Tuesday, 18 October**

- 8.45 Departure from the hotel
- 9.00 – 10.00 Meeting with Mrs Ina DRUVIETE, Minister of Education and Science, and Mrs Aija  
PRIEDITE, Head of the Latvian Language State Education Programme Center  
*2 Vaļņu iela*
- 10.10 – 11.10 Meeting with Mr Ainars LATKOVSKIS, Minister for Special Assignment for Society  
Integration Affairs and with Mr Nils SAKS, Director of the Social Integration  
Foundation  
*20 Elizabetes iela*
- 11.25 – 12.25 Meeting with Mrs Eiženija ALDERMANE, Director of the Naturalisation Board  
*1 Smilšu iela*
- 12.40 – 13.10 Meeting with Mrs Vineta MUIZNIECE, Vice-Speaker of the Saeima  
*11 Jēkaba iela (Parliament)*
- 13.25 – 15.00 Working lunch with the Meeting with the Latvian Delegation to the Council of Europe  
Parliamentary Assembly  
*Restaurant "Otto Schwarz", 28 Kaļķu iela*

- 15.15 – 16.00 Meeting with the opposition parties of the Saeima  
*11 Jēkaba iela (Parliament – "Guest Hall")*
- 16.15 – 17.15 Visit to the Riga Ukrainian Secondary School  
*4, Visvalžu iela*
- 17.30 – 18.15 Meeting with Mr OVSIANNIKOV, First Secretary of the Embassy of the Russian Federation  
*2, Antonijas iela*

**Wednesday, 19 October**

- 10.45 - 11.05 Meeting H.E. Mrs Vaira VIKE-FREIBERGA, State President  
*3 Pils laukums / Residence*
- 11.30 – 12.30 Meeting with Mr Artis PABRIKS, Minister of the Foreign Affairs  
*36 Brīvības Blv*
- 12.45 – 13.40 Press conference with the representatives of the Latvian mass-media  
*11 Jēkaba iela (Parliament - "Red Hall")*
- 14.00 – 14.30 Meeting with Mr Aigars KALVITIS, Prime Minister  
*36 Brīvības Blv*
- 14.35 Departure to the airport

The delegation was accompanied by:

The Secretary of the Latvian delegation to the PACE - Martins Olekšs  
(tel: +371 708 73 13)

### **APPENDIX III**

#### **HISTORY OF MONITORING/ POST-MONITORING AS REGARDS LATVIA**

Latvia acceded to the Council of Europe on **10 February 1995**, following the adoption by the Assembly of Opinion No. 183 (1995) on the application by Latvia for membership of the Council of Europe.

The monitoring procedure for Latvia began on **26 September 1997**, i.e. some two-and-a-half years after its accession. The monitoring procedure resulted first in the publication of an information document by the co-rapporteurs, Mr T. Davis (United Kingdom, Soc), and Mr G. Jansson (Finland, LDR), on 24 May 1999 (Doc. 8426), which was based on information collected during the rapporteurs' three visits to Riga between April and October 1998. After a further visit a year later, the monitoring procedure was concluded on 23 January 2001 by Resolution 1236 (2001).

The latter Resolution opened a post-monitoring dialogue with the Latvian authorities "*on the issues listed in paragraph 5, or on any other issue arising from the obligations of Latvia as a member state of the Council of Europe, with a view to reopening the procedure in accordance with Resolution 1115 (1997) if further clarification or enhanced co-operation is deemed desirable.*"

In accordance with the procedural arrangements for post-monitoring dialogue with the member states approved by the Bureau on **6 March 2000** and ratified by the Assembly on 3 April 2000, the post-monitoring dialogue began one year after the full-scale monitoring procedure had been closed, i.e. in **January 2002**.

On **11 March 2002**, the chairmanship of the Monitoring Committee invited the Latvian delegation to provide information on the action taken by the Latvian authorities on the recommendations in Resolution 1236. This information was received on **6 June 2002**.

On **27 June 2002**, Mr Rogozin and others presented a motion for a resolution (Doc. 9501) suggesting "*the reopening of monitoring procedure in respect to Latvia*". The following day the Bureau of the Assembly asked the Committee to consider this text in conformity with Resolution 1115 (1997)<sup>9</sup>.

At its meeting on **10 September 2002**, after having considered the comments presented by the Latvian delegation as well as the motion for resolution on reopening of monitoring procedure with respect to Latvia, the Monitoring Committee decided to continue the post-monitoring dialogue with Latvia in the normal way, as provided for in the rules, and authorised its Chair to carry out a fact-finding visit to the country on a date to be decided.

In a letter dated **30 October 2002**, the Committee Chair informed the Bureau that at that stage the Committee considered it premature to submit an opinion to the Bureau on the reopening of the monitoring procedure and that such action would conflict with the current policy of the Committee, which considered post-monitoring dialogue as a means of helping the countries concerned to honour those commitments which they had not yet fulfilled. The letter did not elicit a reaction from either the Bureau or the Russian parliamentary delegation.

In view of the parliamentary elections in Latvia (on 5 October 2002) the Chair made a fact-finding visit to the country on **15 and 16 January 2003**. As this fact-finding visit took place when the new government was taking office, she was unable to meet some of the key figures involved in the reform process. Furthermore, the newly-appointed Special Task Minister for Society Integration had taken up his functions only a month before and was not yet able to provide all relevant information.

In the light of the foregoing, and after considering a memorandum which the Chair had presented after this visit (AS/Mon (2003) 05 of 27 February 2003), the Monitoring Committee decided at its meeting on **4 March 2003** to continue the dialogue with the authorities on the issues mentioned in the memorandum, and authorised the Chair to make another visit to the country later in the year.

On **19 June 2003**, Andris Bērziņš, Head of the Latvian delegation to the Parliamentary Assembly, transmitted further information on the actions taken by the Republic of Latvia with regard to the recommendations contained in the Resolution 1236 (2001), which were complemented by a separate contribution by Mr Boriss Cilevičs, member of the Latvian delegation (doc. AS/Mon (2003) 23).

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<sup>9</sup> This text, which contains the terms of reference of the Monitoring Committee, foresees that the Committee after carrying out the necessary investigation will submit a written opinion to the Bureau which will take a decision on whether to initiate or to re-open a monitoring procedure.



At the meeting on **30 September 2003** the Chair presented an interim memorandum (AS/Mon (2003) 30) in preparation of her second visit which took place from **18 to 20 November 2003**. During that visit, she met with State President Vaira Vīķe-Freiberga, Prime Minister Einaris Repse, all competent ministers and heads of key institutions, and representatives of various NGOs in the field of human rights and minority communities.

The above fed into a next memorandum (AS/Mon (2004) 08), which was initially prepared for the Monitoring Committee meeting of **3 March 2004** and which, in compliance of the Committee's decision of 4 March 2003, was supposed to be addressed to the Bureau of the Assembly, including an opinion as to whether or not to re-launch a monitoring procedure, following the request by Mr Rogozin and others.

However, on **10 December 2003**, in response to a repeated request to the Bureau by Mr Rogozin, the Bureau invited the Monitoring Committee to appoint two co-rapporteurs, in accordance with paragraph 3 of Resolution 1115 (1997), with a view to the preparation of a written opinion that would serve as a basis for the Bureau's decision as to whether to initiate a monitoring procedure.

At its meeting on **3 March 2004**, the Monitoring Committee designated MM Eric Jurgens (Netherlands, SOC) and Kimmo Sasi (Finland, EPP) as co-rapporteurs and asked them to carry out a fact-finding visit to Latvia as soon as possible in order not to interfere with the Committee's ongoing post-monitoring dialogue with Latvian authorities which it did not wish to interrupt. The visit took place on **29 and 30 March 2004**, following which the co-rapporteurs presented their opinion not to reopen the monitoring procedure to the Committee at the latter's meeting on 28 April 2004 (AS/Mon (2004) 13). They concluded that "*Latvia has fulfilled all its accession commitments undertaken by Opinion 183 (1995) and followed the essential part of recommendations prescribed in Resolution 1236 (2001). Though more flexibility and commitment in real terms would be expected from the Latvian authorities in dealing with issues relating to its minorities, the Assembly should avoid increasing requirements and imposing new benchmarks on the few member states currently under monitoring or post-monitoring.*" The Committee approved this opinion and submitted it on the same day to the Bureau of the Assembly for decision.

The Bureau decided at its meeting on **30 April 2004** not to re-open the monitoring procedure as regards Latvia. This decision was confirmed by the Assembly on the same day.

The Chair of the Monitoring Committee finally presented her revised memorandum at the Committee meeting on **26 May 2004**, in which she proposed to continue the post-monitoring dialogue for some months in order to help the country in three key areas: a) confirming the effectiveness of its policies as regards naturalisation and Latvian language teaching, b) implementing the education reform, notably as regards the efforts made towards the schools that were facing real problems; c) progress in the ratification of the Framework Convention of National Minorities. She concluded that "*subject to appropriate follow-up being given to the above recommendations and on condition that no attempt be made to dilute or circumvent the agreed standards for minority education, I may consider proposing to the committee the termination of the post-monitoring dialogue before the end of 2004*".

On **24 January 2005**, Andris Bērziņš, Head of the Latvian delegation to the Parliamentary Assembly, transmitted a further up-date on the developments in the country informing the Committee on the progress made, in particular on the preparation for the ratification of the Framework Convention. This letter was complemented by comments from the opposition member Mr Boriss Cilevičs.

At its meeting on **1 June 2005**, the Monitoring Committee authorised its new Chair to make another fact-finding visit to Riga with a view to evaluating the evolution of the remaining issues since May 2004. The visit took place from 17 to 19 October 2005.

## **Part II**

### **1. INTRODUCTION**

1. The Bureau met on 26 June 2006 in Strasbourg.

### **2. FUNCTIONING OF THE ASSEMBLY**

#### **A. *PROGRESS REPORT OF THE BUREAU OF THE ASSEMBLY AND OF THE STANDING COMMITTEE (13 APRIL – 26 JUNE 2006)***

2. On 26 June 2006, the Bureau approved the Progress report covering the period from 13 April to 26 June 2006.

#### **B. *3<sup>rd</sup> PART OF THE 2006 ORDINARY SESSION (26-30 JUNE 2006)***

3. On 26 June 2006, the Bureau:

i. Requests for debates under urgent procedure:

a. “*Political consequences of the referendum in Montenegro*” and “*The consequences of the referendum in Montenegro for the fulfilment of obligations and commitments by Serbia and by Montenegro*”: recommended to the Assembly to join these two requests and to hold only one debate under urgent procedure entitled “*Consequences of the referendum in Montenegro*”; and proposed to refer this matter to the Political Affairs Committee for report and to the Monitoring Committee for Opinion;

b. “*Constitutional reform in Bosnia and Herzegovina*”: recommended to the Assembly to hold this debate under urgent procedure and proposed to refer this matter to the Monitoring Committee for report;

ii. up-dated the draft order of business;

iii. proposed to limit the speaking time to 4 minutes within the framework of the debate on “*Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states*”, which will take place on Tuesday 27 June 2006; and on Wednesday 28 June 2006 and Thursday 29 June 2006;

iv. Election of judges to the European Court of Human Rights with respect to Finland, Monaco and Switzerland: took note of a letter from the Chairman of the Committee on Legal Affairs and Human rights, transmitting the report concerning the election of judges to the European Court of Human Rights in respect of Finland, Monaco and Switzerland; declassified it; and authorised its distribution to the members of the Assembly;

vi. Meeting of Chairpersons of national delegations (Tuesday 27 June 2006, 5.30 pm): took note of the draft agenda of this meeting.

#### **C. *REFERENCES AND TRANSMISSIONS TO COMMITTEES***

4. On 26 June 2006, the Bureau approved the following proposals, subject to ratification by the Assembly:

##### **1. Doc. 10895**

**Motion for a resolution presented by Mrs Cliveti and others**

**Prostitution – which stance to take?**, to the Committee on Equal Opportunities for Women and Men *for report*

##### **2. Doc. 10898**

**Motion for a recommendation presented by Mr Huss and others**

**Environment and health: towards better prevention of environment-related health hazards**, to the Committee on the Environment, Agriculture and Local and Regional Affairs *for report at the Standing Committee* and to the Social, Health and Family Affairs Committee *for opinion*

##### **3. Doc. 10899**

**Motion for a recommendation presented by Mr R. Huseynov and others**

**Exploitation of the fields of minerals in the Azerbaijani territories under occupation by Armenia and their devastation, no further action**

4. **Doc. 10900**  
**Motion for a recommendation presented by Mrs Ahlqvist and others**  
**Women in prison**, was postponed
5. **Doc. 10901**  
**Motion for a resolution presented by Mr McIntosh and others**  
**Electronic media without frontiers in Europe**, consultation of the Committee on Culture, Science and Education on a possible follow-up
6. **Doc. 10903**  
**Motion for a resolution presented by Mr Platvoet and others**  
**The Head of State as a democratic institution**, consultation of the Venice Commission, pursuant to the Assembly's Co-operation Agreement with the Commission, on the legal aspects of the issue raised by the motion
7. **Doc. 10904**  
**Motion for a recommendation presented by Mr Lindblad and others**  
**Need for a public hearing on organ harvesting in China**, to Social, Health and Family Affairs Committee *for information*
8. **Doc. 10905**  
**Motion for a resolution presented by Mr Van den Brande and others**  
**Mobilising parliaments in the "New Partnership for Africa's development" (NEPAD)**, to the Committee on Economic Affairs and Development, and for consultation of the North-South Centre pursuant to the Assembly's Co-operation Agreement with the Centre
9. **Doc. 10906**  
**Motion for a resolution presented by Mr Rochebloine and others**  
**The extension of the scope of the Ottawa Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines**  
and  
**Doc. 10913**  
**Motion for a resolution presented by Mr Rochebloine and others**  
**The ratification of the Ottawa Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines**, to the Committee on Legal Affairs and Human Rights *for information*
10. **Doc. 10908**  
**Motion for a recommendation presented by Mr Kosachev and others**  
**The need for new steps in the field of intercultural and interconfessional dialogue**, to the Committee on Culture, Science and Education *for report*
11. **Doc. 10909**  
**Motion for a recommendation presented by Mr Çavuşoğlu and others**  
**Integration policies for adult migrants in Europe – the place of language learning**, to the Social, Health and Family Affairs Committee *to be taken into account in the preparation of the report on "Riots in European cities: lessons and Council of Europe response"*
12. **Doc. 10910**  
**Motion for a recommendation presented by Mr Greenway and others**  
**Regularisation programmes for irregular migrants**, to the Committee on Migration, Refugees and Population *for report*
13. **Doc. 10914**  
**Motion for a recommendation presented by Mr Çavuşoğlu and others**  
**The role of Non-Governmental Organisations (NGOs) in the integration of migrants**, to the Committee on Migration, Refugees and Population *for information*
14. **Doc. 10915**

**Motion for a resolution presented by Mr Gross and others**

**The application and amendment of various provisions of the Rules of Procedure**, to the Committee on Rules of Procedure and Immunities *for report*

**15. Doc. 10916**

**Motion for a resolution presented by Mr Jurgens and others**

**Legal remedies for human rights violations in the North-Caucasus Region**, to the Monitoring Committee, *to be taken into account in the preparation of the ongoing monitoring report with respect to the Russian Federation* and to the Committee on Legal Affairs and Human Rights *for information*

**16. Doc. 10921**

**Motion for a resolution presented by Mrs Bargholtz and other**

**Preventing the first form of violence against children: abandonment at birth**, to the Social, Health and Family Affairs Committee *for report*

**17. Doc. 10968**

**Request for accession to the Council of Europe from the Republic of Montenegro**, to the Political Affairs Committee *for report* and to the Committee on Legal Affairs and Human Rights *for opinion*

**D. FOLLOW-UP OF THE THIRD SUMMIT**

❖ **Memorandum of Understanding between the Council of Europe and the European Union**

5. On 26 June 2006, the Bureau:

i. following the proposal by the President of the Assembly, agreed to append an Addendum to the Memorandum of Understanding between the Council of Europe and the European Union specifying the nature of cooperation between the Parliamentary Assembly and the European Parliament;

ii. asked Mr Marty, Mr Ateş, Mr Kosachev and Mr Van den Brande to draw up an outline of such an Addendum and to contact their counterparts in the European Parliament to discuss its contents.

❖ **Forum for the Future of Democracy**

6. On 26 June 2006, the Bureau:

i. approved the proposals made by the Political Affairs Committee on ways of strengthening the Assembly's involvement in the Forum for the Future of Democracy;

ii. asked the Political Affairs Committee to make concrete proposals relating to the follow-up to the meetings of the Forum.

**3. EXTERNAL RELATIONS**

**A. REQUEST FOR ACCESSION TO THE COUNCIL OF EUROPE FROM THE REPUBLIC OF MONTENEGRO**

7. On 26 June 2006, the Bureau:

i. took note of a letter from the Chairman of the Ministers' Deputies transmitting the decision of the Ministers' Deputies to ask the Assembly for an opinion on the request for accession from the Republic of Montenegro to the Council of Europe;

ii. decided to ask two eminent jurists, Mr Kaarlo Tuori et Mr Anthony Bradley, members of the Venice Commission, to draw up a report on the conformity of the Montenegro legal system with the Council of Europe's basic standards in the field of human rights, the rule of law and pluralist democracy.

**4. OTHER MATTERS**

**A. COMMUNICATIONS**

8. On 26 June 2006, the Bureau took note of the communications of the President, the Secretary General and the Deputy Secretary General of the Council of Europe, and the Secretary General of the Assembly