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Visa requirements for members of the Assembly attending Assembly committee meetings

Written question No. 501 to the Committee of Ministers

Reply from the Committee of Ministers
adopted at the 974th meeting of the Ministers' Deputies (27 September 2006)

I. Written Question No. 501 by Lord Russell-Johnston (Doc. 11013)

Recalling that all delegate representatives of the Parliamentary Assembly are issued with a "Laissez-Passer" by the Secretary General of the Assembly which states, *inter alia*, that: "NO administrative or other restrictions shall be imposed on the free movement to and from the place of meeting of representatives to the Assembly and their Substitutes" and further that this "shall apply when they are attending or travelling to and from meetings of Committees and Sub-Committees of the Assembly".

To ask the Chairman of the Committee of Ministers:

1. Why therefore Turkey has requested that Visa applications be made in order to attend the Political Committee of the Assembly in Gaziantep from 11 to 12 September?
2. If he will list the other member states of the Council of Europe which make similar visa requirements a condition of attending an Assembly Committee?
3. What action he intends to take to terminate this practice which is in clear breach of the General Agreement on Privileges and Immunities and its protocol?

II. Reply by the Committee of Ministers

1. The question raised by the Honorable Parliamentarian has been carefully considered by the Chair. A debate was organised on this issue at the 973rd meeting of the Ministers' Deputies (13 September 2006) in order to obtain as complete an overview as possible of the rules governing trips by members of the Parliamentary Assembly and their substitutes in member states when travelling to attend meetings organised by the Assembly on their territory.

2. Following this examination, the Chair would like to inform the Honorable Parliamentarian of the following:

- The General Agreement on Privileges and Immunities and its Protocol do not exempt members of the Parliamentary Assembly from the visa rules in force in the member states. However, a visa requirement should not be imposed on parliamentarians if a visa is not required by persons of the same nationality going to the same country for personal reasons.

- The Council of Europe documents relating to travel by Assembly members to or from an Assembly meeting place do not exempt their holders from the requirement to comply with visa procedures where they are applicable to them. Unless they are unilaterally recognised by the member states as an official document, these "laissez-passer" only have value as documents (a) certifying the professional status of members of the Parliamentary Assembly and (b) informing the authorities concerned of the obligations accepted by the member states under the General Agreement and its Protocol, to which they are parties.

- There are no member states which do not impose a visa requirement on the nationals of at least one or more other member states. In the instant case, if United Kingdom nationals have to obtain a visa to travel to Turkey, conversely Turkish nationals, including those holding a diplomatic passport, have to obtain a visa to travel to the United Kingdom. The practice called into question by Lord Russell-Johnston therefore does not only concern Turkey, but all the member states.

3. That being the case, in response to the concern already expressed by the Parliamentary Assembly in its Recommendation 1373 (1998) on freedom of movement of and the issue of visas to members of the Parliamentary Assembly of the Council of Europe, the Committee of Ministers had invited the governments of member states to consider taking one or more of the following measures, in conformity with their national legislation, to ensure that members of the Parliamentary Assembly on official journeys benefit by full entry facilities on the territory of member states:

- i. according priority to or at least speedy treatment of requests for visas from members of the Parliamentary Assembly in connection with their official duties, in particular when supported by a Council of Europe service card;
- ii. granting long-term multiple entry visas whenever possible;
- iii. when the granting of long-term multiple visas is not possible, according priority to the speedy processing of requests for single-entry visas;
- iv. authorising authorities at ports of entry, in cases of urgency when it has not been possible for the member of the Parliamentary Assembly to obtain a visa prior to departing on an official journey, and when notified of such impossibility by the appropriate domestic authorities, to grant the appropriate visas exceptionally at the port of entry;
- v. granting visas free of charge wherever possible.

4. As noted by the Ministers' Deputies at their 973rd meeting, implementation by member states of the above-mentioned measures would answer the concerns expressed by Lord Russell-Johnston and facilitate the granting of visas to members of the Assembly.

5. It has been agreed that the Committee would again review the question, which is of particular importance to the Chair, at one of its forthcoming meetings.