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Parliamentary Assembly
Assemblée parlementaire

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Confidential

AS/Mon (1999) PV 04
10 May 1999
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Committee on the honouring of obligations and commitments by member States of the Council of Europe (Monitoring Committee)

Draft minutes
of the meeting held in Strasbourg on 27, 28 and 29 April 1999

Tuesday 27 April 1999

The meeting was opened by Mr Mota Amaral, Chairman, at 8.30 am.

1. AGENDA AS/Mon (1999) OJ 04

The draft agenda was adopted.

2. MINUTES AS/Mon (1999) PV 03

Mr Muehlemann regretted that the committee, on 10 March 1999, had set a deadline for a visit to the Russian Federation in the absence of both co-rapporteurs. In co-operation with the Russian parliamentary delegation, they had prepared a programme for their visit, scheduled from 12 to 15 May 1999. They were ready to be accompanied by Mr McNamara, rapporteur on the law on religion for the Committee on Legal Affairs and Human Rights, and Mr Jurgens.

Mrs Gelderblom-Lankhout explained that the committee had taken its decision in view of the urgency of the motion on anti-semitism.

The Chairman proposed that only the co-rapporteurs on Russia visit the country, in conformity with the rules of procedure of the committee. The draft minutes of the meeting of

10 March 1999 should be corrected to read that the committee had authorised its co-rapporteurs to visit Russia if possible in time to present a report at the April 1999 part-session of the Assembly.

The committee agreed with both proposals. The draft minutes of the meeting held on 10 March 1999 in Paris, as corrected, were approved.

3. PROGRESS REPORT (1998-1999)
rapporteur: Mr Sole Tura

Doc. 8359

preparation of the Assembly debate

Mr Sole Tura drew the committee's attention to the original structure of the report, composed mainly of tables.

Mr Davis thought that the table summarising the state of signatures and ratifications of Council of Europe conventions by member states under monitoring (Appendix B) was of particular interest and proposed that the Secretariat prepare a similar table for all 41 member states of the Organisation.

Mrs Durrieu regretted that the Monitoring Committee had not yet found its place between the Political Affairs Committee and the Committee on Legal Affairs and Human Rights. It was most unfortunate that the members of the committee had to assess progress made in monitored countries without having seen the local conditions and exclusively on the basis of files compiled by colleague. Perhaps the thematic approach proposed by Mr Sole Tura could be a solution allowing several members to work together on certain themes.

Mr Atkinson congratulated the rapporteur and made three further suggestions: (a) the Assembly reports on the honouring of obligations and commitments by member states should be debated in the national parliament of the states concerned; (b) rapporteurs should be encouraged to set deadlines for compliance with commitments in agreement with the national delegation concerned; (c) the establishment of ombudsmen in the monitored states should be encouraged.

Mr Sinka, followed by Mrs Gelderblom-Lankhout, suggested that all member states be gradually monitored.

Mr Bársony, followed by Mr Atkinson, recalled the current procedural constraints before the monitoring of a member state can be initiated. The members of the committee could table a motion for a resolution proposing that a monitoring procedure be opened for all member states.

Mr Sorinas, Head of Service, recalled that on the previous day, the Assembly had adopted an order instructing the Monitoring Committee to include in the list of areas covered under monitoring procedure, the compatibility of internal security services' activities with the European standards of human rights protection.

The Chairman underlined that the purpose of the report was to inform the Assembly of the committee's activities over the past year and was not meant for reflections on the future.

He proposed that the Bureau of the committee prepare a document on the committee's future activities addressing the concerns expressed by members of the committee.

This was agreed to.

4. FORMER YUGOSLAV REPUBLIC OF MACEDONIA

co-rapporteurs: Mr Dumitrescu and Mrs Gelderblom-Lankhout

Mrs Gelderblom-Lankhout said that, in the course of their visit to the FYROM in February last, the co-rapporteurs had identified some problems – none of them major – which they had described in a preliminary draft report, together with their suggestions to solve them. However, in the light of the developments in Kosovo, which had caused a crisis in the former Yugoslav Republic of Macedonia, the co-rapporteurs had concluded that their draft was no longer relevant and they had decided not to distribute it. Whilst the major problem at present was created by the waves of refugees and displaced persons from Kosovo, for which the Committee on Migration, Refugees and Demography had rightly taken the lead, the Monitoring Committee should be aware of its responsibility to also assist the countries it monitors and not wait with further action until the refugee problem would have been solved.

Mr Dumitrescu underlined the stabilising role which the FYROM had played so far in the region because of the fragile equilibrium between the different ethnic entities in the country. This equilibrium was now threatened and a political analysis of all internal developments was needed. If other committees were active in the FYROM, they should co-operate with the Monitoring Committee.

Mr Bàrsony observed that the refugee problem was not directly related to FYROM's respect of obligations and commitments. He recalled that the Monitoring Committee's co-rapporteurs were mandated not to supervise government's action, but to report on new elements in the honouring of obligations and commitments.

Mr Bindig thought that the Monitoring Committee should stick to monitoring a country's respect for obligations and commitments and not divert its attention to problems created by topical developments.

Mr Eörsi considered that the committtee should collect as much information as possible from as many rapporteurs as possible.

The Committee agreed that the document on the committee's future activities to be prepared by the Committee's Bureau (see item 3 above), include also some guidelines on continuation of the monitoring procedure in countries where certain developments prevent the authorities from giving priority to the honouring of obligations and commitments.

5. ALBANIA

co-rapporteurs: MM. Smorawinski and Sole Tura

Mr Sole Tura, supported by Mr Smorawinski, recalled that, in the course of their visit in February 1999, the co-rapporteurs had found that some progress had been achieved in the main issue of the monitoring procedure: to help Albania build a state. However, in the light of the consequences for Albania of the Kosovo crisis, the co-rapporteurs had decided not to

distribute their preliminary draft report. This report was outdated, with the exception of three concluding remarks:

- the co-rapporteurs accepted that among the commitments listed in Opinion N° 189 (1995) priority was given by the Albanian authorities to the humanitarian obligations towards the refugees and displaced persons from Kosovo;
- the Albanain authorities were to be commended on progress made on a number of issues such as the Constitution, ratification of conventions, independence of the judiciary, media and the People's Advocate;
- on other major issues (political dialogue, death penalty, security and corruption), the co-rapporteurs had, however, not seen enough improvements for them to recommend the monitoring procedure to be ended.

Mr Bàrsony supported the conclusion of the co-rapporteurs that the monitoring procedure should be continued, in particular in respect of the political dialogue, the internal security and the conditions for reconstruction of the country.

Mr Sinka wondered in how far the Kosovo crisis would constitute a unifying factor for the political forces in Albania and contribute to find a solution for the grievances of the Democratic Party.

The committee agreed to continue its deliberations on the monitoring procedure in respect of Albania in the light of the document on the committee's future activities to be prepared by the committee's Bureau (see item 3 above).

Wednesday 28 April 1999

6. CROATIA

co-rapporteurs : Mr Jaskiernia and Mrs Stoyanova — Doc. 8353 and Amendments

- examination of possible amendments
- preparation of the Assembly debate

Mr Jaskiernia, rapporteur, informed the committee that no amendments had been tabled to the draft resolution and recommendation drawn up by the committee.

The committee took note.

7. BULGARIA

co-rapporteurs: MM. Atkinson and Gjellerod

AS/Mon (1999) 06

Mr Atkinson proposed an amendment to paragraph 4 of the preliminary draft report in order to clarify the text and then presented the conclusions.

Mr Pavlov, member of the Bulgarian parliamentary delegation, expressed his dissatisfaction with the preliminary draft report, even after the change proposed by Mr Atkinson. The text was incorrect and even insulting for the new democratic Bulgaria. It would lead to scepticism on the credibility of its authors. He then presented in detail all contested points for the rapporteurs to take into account during their revision.

Mrs Poptodorova expressed her agreement with the contents of the report, both the positive and negative parts. It was regrettable that not a single trial on corruption had started in Bulgraria despite the fact that a series of complaints had been made. The relations between majority and opposition had not ceased to deteriorate.

MM Schwimmer and Domljan stressed the difficulties Bulgaria faced as any other country in transition. Mr Domljan noted that the Kosovo crisis was making the situation even more difficult.

Mr Jaskiernia asked that the Bulgarian authorities, in their comments, supply some clarifications on allegations about police brutality and the existence of a children's prison.

Upon the proposal of the rapporteurs, the committee approved and transmitted the preliminary draft report to the Bulgarian parliamentary delegation for comments within three months.

Thursday 29 April 1999

8. SLOVAKIA

co-rapporteurs: MM Magnusson and Sinka

AS/Mon (1999) 50
AS/Mon (1999) 10

Upon the proposal of the Chairman, Mr Magnusson (Sweden, Soc) was appointed co-rapporteur.

The committee took note of the comments of the Slovak parliamentary delegation on the preliminary draft report drawn up by the former rapporteurs, MM. Leoni and Lesein, and asked MM. Magnusson and Sinka to visit Slovakia as soon as possible on dates to be agreed with the Slovak delegation (31 May – 2 June 1999).

9. UKRAINE

co-rapporteurs: M. Kelam and Mrs Severinsen

Resolution 1179 (1999)
Recommendation 1395 (1999)

Mr Kelam informed the committee that the rapporteurs had met with the Ukrainian parliamentary delegation. A positive development was the fact that a number of Ukrainian deputies had requested the Constitutional Court to declare the unconstitutionality of the death penalty. But concerns persisted with regard to press freedom, independence of the judiciary from the executive etc. There should be a permanent office of the Council of Europe in Ukraine to follow developments closely.

Mrs Severinsen presented the programme of the visit to Ukraine from 9 to 12 May 1999 and recalled that the Council of Europe had been invited to observe the elections of the Mayor of Kyiv on 30 May 1999.

Mr Oliynyk expressed the hope that the Constitutional Court would deliver its judgement in May this year. During their forthcoming visit, the rapporteurs could assess the situation of local self-government and the use of minority languages.

Mr Kelam urged the Ukrainian parliamentarians to intensify their efforts in the legislative field. For instance, they could give a good sign by passing the third reading of the bill on political parties which had been pending since more than one year.

The committee took note.

10. LATVIA

co-rapporteurs: MM. Davis and Jansson

AS/Mon (1999) 09

Mr Davis presented the draft information report and drew attention to its conclusions. Following approval by the committee, the report could be debated at the June 1999 part-session of the Assembly.

Mr Sinka complained that the draft report showed insensitivity towards Latvian people and their history. The rapporteurs should understand that those who entered the territory of Latvia following the Soviet invasion could not be considered as lawful residents. He had personally been forced to leave his own country. Moreover, since practically all Latvians spoke Russian, what did the expression "Russian-speaking" mean?

Mr Glotov expressed his gratitude to the rapporteurs for their work. Thanks also to Council of Europe's influence, Latvian nationalism had decreased. He regretted that most Council of Europe conventions, ratified by Latvia, such as the European Convention on Human rights, the Charter on Local Self-Government etc., had not been fully respected. The law on languages, passed on the third reading, was very biased. There had been positive developments but integration of non-citizens remained very difficult.

Mr Kelam drew the attention of members to the historical background of Latvia, including massive deportations and ethnic cleansing operations. It could be dangerous to lower standards for non-citizens' integration.

Mr Kuzmickas stressed the fact that Latvians had become a minority in their own country. In reply to a remark by Mr Glotov, he noted that in Lithuania only 8% of the population was Russian so it was easier to apply the "zero" option in the citizenship law than in Latvia where Russians made up 34% of the population in 1989.

Mr Dagys noted that the integration of the Russian population in Latvia was a reality since there were many mixed families.

Mr Jurgens called upon the co-rapporteurs to reflect in their report the remarks of Mr Sinka and of other members about Latvia's history.

Mr Bársony said that what counted at present was not the history but the situation of non-citizens in Latvia. Some 8,000 Hungarians in Latvia - most of whom were 50 years old or more - had neither Russian nor Latvian citizenship, whilst being tax payers. Was it really possible for them to follow language courses?

Mr Davis recalled that the issue of the various occupations of Latvia had been dealt with in the report on Latvia's accession to the Council of Europe. He could not accept that the draft

report was biased or insensitive. When the co-rapporteurs visited Latvia in April 1998 following allegations about police brutality, they had said that those allegations were exaggerated. With regard to the integration of non-citizens, this was a specific commitment in the Assembly Opinion on Latvia's accession.

The draft information report was approved in principle with a view to an Assembly debate in the June 1999 part-session. It was agreed that the co-rapporteurs would add some remarks on Latvia's historical background and that formal approval would take place at the committee's next meeting on 20 May 1999.

11. RUSSIA

co-rapporteurs: MM. Bindig and Muehlemann

Doc. 8311

Mr Muehlemann repeated his request that Mr Jurgens join the co-rapporteurs during their forthcoming visit to Russia (12-15 May 1999) in order to check in particular the issue of anti-semitism.

Mr Sinka expressed his concern that if such a request were to be accepted, a curious precedent would be created. The rule was that the two co-rapporteurs make visits together and since both of them were available there was no reason that a third member of the committee should accompany them – and this independently of the person in question whose merit was well-known.

Mr Columberg drew the co-rapporteurs' attention to the question of Transnistria and asked them to raise this matter with the Russian authorities.

Upon a proposal by the Chairman, it was agreed that MM Muehlemann and Bindig would visit Russia alone from 12 to 15 May 1999.

12. COMMITTEE OF MINISTERS

The Chairman informed the committee of the informal discussions which the committee's bureau had had on 26 April 1999 with Mr Martonyi, Minister of Foreign Affairs of Hungary, Chairman-in-office of the Committee of Ministers, and Mr Perényi, Ambassador of Hungary, Chairman of the Ministers' Deputies, on the respective monitoring procedures of the Assembly and the Committee of Ministers. The Ministers' Deputies had further invited him, possibly accompanied by the bureau and/or rapporteurs, to a general exchange of views at the next Ministers' Deputies' *in camera* meeting on monitoring (1 – 2 June 1999). He was personally of the opinion that an exchange of views on specific countries would be much more productive. Such a meeting could take place during the June 1999 part-session of the Assembly before the debate on Ukraine. At any event, he proposed that, before replying, the committee consult the Bureau of the Assembly.

This was agreed to.

13. OTHER BUSINESS

The Committee was informed that Mr Bársony, together with Mr Jansson, Chairman of the Committee on Legal Affairs and Human Rights, would attend the session of the State Security Court devoted to the Öçalan case (Ankara, 30 April 1999).

14. NEXT MEETING

It was agreed to meet again on 20 May in Paris.

The meeting rose at 10 am.

LIST OF PARTICIPANTS

Members present :

MM.	MOTA AMARAL, Chair	Portugal
	SOLE TURA, Vice-Chair	Spain
Ms	GELDERBLOM-LANKHOUT, Vice-Chair	Netherlands
MM.	SINKA, Vice-Chair	Latvia
	ATKINSON	United Kingdom
	AVERCHEV	Russia
Ms	AYTAMAN	Turkey
MM.	BÁRSONY	Hungary
	BINDIG	Germany
	BRUNETTI	Italy
	COLUMBERG	Switzerland
	DAGYS	Lithuania
	DAVIS	United Kingdom
	DIANA	Italy
	DINÇER	Turkey
	DOMLJAN	Croatia
	DUMITRESCU	Romania
Ms	DURRIEU	France
MM	ELTZ	Croatia
	EÖRSI	Hungary
	GJELLEROD	Denmark
	GLOTOV	Russia
	GUSENBAUER	Austria
	IRMER	Germany
	JANSSON[1]	Finland
	JASKIERNIA	Poland
	JURGENS	Netherlands
Ms	KAUTTO	Finland
MM.	KELAM	Estonia
	KORAKAS	Greece
	KUZMICKAS	Lithuania
	MAGNUSSON	Sweden
	MOELLER	Denmark
	MUEHLEMANN	Switzerland
	MYRVOLL	Norway
Ms	NEMCOVA	Czech Republic
Mr	PAHOR	Slovenia
Ms	POPTODOROVA	Bulgaria
Mr	RAMIREZ PERY	Spain
Ms	RINGSTAD	Norway
Mr	SCHWIMMER	Austria
Ms	SEHNALOVA	Czech Republic
Ms	SEVERINSEN	Denmark

[1] In his capacity as Chair of the Committee on Legal Affairs and Human Rights.

MM	SMORAWINSKI	Poland
	STEOLEA	Romania
	SURJAN	Hungary
	URBAIN	Belgium
	VELLA	Malta

Also present :

MM.	FICO	Slovakia
	GLIGOROSKI	former Yugoslav Republic of Macedonia
	OLIYNYK	Ukraine
	PAVLOV	Bulgaria
	POPESCU	Ukraine

Office of the Clerk of the Assembly :

Mr Sorinas, Head of Department

Secretariat of the Committee :

Mr Ausems, Mr Dufour, Ms Chatzivassiliou, Ms Fritsch, Ms Wurtz

LIST OF DECISIONS

The Committee on the honouring of obligations and commitments by Member States of the Council of Europe, meeting in Strasbourg on 27, 28 and 29 April 1999, with Mr Mota Amaral in the Chair :

- *Latvia (co-rapporteurs: MM. Davis, United Kingdom, Soc, and Jansson, Finland, LDR) :* approved in principle a draft information report with a view to an Assembly debate at the June 1999 part-session (the formal approval of the report will take place at the next meeting);

- *Bulgaria (co-rapporteurs: MM. Atkinson, United Kingdom, EDG, and Gjellerod, Denmark, Soc):* approved a preliminary draft report and transmitted it to the Bulgarian parliamentary delegation for comments within three months;

- *Progress report of the Monitoring Committee (1998-1999), (rapporteur: Mr Sole Tura, Spain, Soc) (Doc. 8359):* held an exchange of views in order to prepare the Assembly debate to be held on 27 April 1999 and invited the Chairman of the committee to draft a document summarising guidelines for the work of the committee;

- *Report on the honouring of obligations and commitments by Croatia (co-rapporteurs : Mr Jaskiernia, Poland, Soc, and Mrs Stoyanova, Bulgaria, EPP/CD) (Doc. 8353):* took note that no amendments were tabled to the draft resolution and recommendation to be debated by the Assembly on 29 April 1999;

- *Slovakia (co-rapporteurs: MM. Sinka, Latvia, EDG, and Magnusson, Sweden, Soc) :* took note of the comments of the Slovak parliamentary delegation on the preliminary draft report drawn up by the former co-rapporteurs, appointed Mr Magnusson as co-rapporteur and authorised the co-rapporteurs to make a fact-finding visit to the country from 31 May to 2 June 1999;

- *Ukraine (co-rapporteurs: Mr Kelam, Estonia,EPP/CD, and Mrs Severinsen, Denmark, LDR):* heard statements by the co-rapporteurs and the Chairman of the Ukrainian parliamentary delegation on the follow-up to Assembly Resolution 1179 (1999) and Recommendation 1395 (1999), and authorised the co-rapporteurs to make a fact-finding visit to the country on 9 –12 May 1999;

- *Russia (co-rapporteurs: MM. Bindig, Germany, Soc, and Muehlemann, Switzerland, LDR):* held an exchange of views and authorised its co-rapporteurs to make a fact-finding visit to the country from 12 – 15 May 1999;

- *Moldova (co-rapporteurs: Mr Columberg, Switzerland, EPP/CD, and Mrs Durrieu, France, Soc):* asked the Assembly's Bureau to set up an *ad hoc* committee composed of its rapporteurs on Moldova, Russia and Ukraine with a view to attending a parliamentary conference on Transnistria to be held in Odessa on 28 – 29 May 1999 upon an invitation by the Speaker of the Moldovan Parliament;

- *the Former Yugoslav Republic of Macedonia (co-rapporteurs: Mr Dumistrescu, Romania, Soc, and Mrs Gelderblom-Lankhout, Netherlands, LDR):* heard a statement by the rapporteurs on their fact-finding visit to the country (17 – 19 February 1999) and held an exchange of views about the situation in the country;

- *Albania (co-rapporteurs : MM. Sole Tura, Spain, Soc, and Smorawinski, Poland, EPP/CD):* held an exchange of views about the situation in the country;

- *Turkey (co-rapporteurs: MM. Bársony, Hungary, Soc, and Schwimmer, Austria, EPP/CD):* was informed that Mr Bársony, together with Mr Jansson, Chairman of the Committee on Legal Affairs and Human Rights, would attend the session of the State Security Court devoted to the Öçalan case (Ankara, 30 April 1999);

- was informed by the Chairman of the informal discussions which the committee's bureau had on 26 April 1999 with Mr Martonyi, Minister of Foreign Affairs of Hungary, Chairman-in-office of the Committee of Ministers, and Mr Perényi, Ambassador of Hungary, Chairman of the Ministers' Deputies, on the monitoring procedures of the Organisation and decided to consult the Assembly's Bureau on the invitation of the Ministers' Deputies to a general exchange of views with the Committee's Chairman, possibly accompanied by the bureau and/or rapporteurs, at the next Ministers' Deputies' *in camera* meeting on monitoring (1 – 2 June 1999);

- decided to hold its next meeting in Paris on 20 May 1999.