

Parliamentary **Assembly**  
**Assemblée** parlementaire

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COUNCIL OF EUROPE  
CONSEIL DE L'EUROPE

AACR15AD1\_2005

**AS (2005) CR 15**  
**Prov. Addendum 1**

2005 ORDINARY SESSION

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(Second part)

REPORT

Fifteenth sitting

Thursday 28 April 2005 at 3 p.m.

**ADDENDUM 1**

**Parliamentary Questions for Oral Answers**

The following questions were not reached and have therefore been answered in written form (questions and replies not delivered and therefore unavailable to the Assembly during the debate)

**“Question No. 11:**

Mr Glăvan,

Considering that there has been a very active Polish Chairmanship of the Committee of Ministers in Eastern Europe, where Romania shares with Poland the same interest for democratic developments, and noting that your last visit in the Republic of Moldova has also tackled the issue of the schools using Latin script in transdnistrian region,

To ask the Chairman of the Committee of Ministers,

How he assesses the possibilities of having a lasting solution to the daily drama of these children deprived of the basic right to education in their native tongue.”

*Reply by Mr Rotfeld, on behalf of the Committee of Ministers:*

“The question of the schools using Latin script in the Transnistrian region of Moldova is one on which the Committee of Ministers has already expressed its deep concern, from a human rights point of view. It did so in a statement adopted on 3 November last year. I reiterated this concern when I met the Tiraspol leadership, during my visit to Moldova, on 31 March last. I strongly underlined that children should not be used as political pawns. I also called for the rapid and satisfactory settlement of this issue, in accordance with Council of Europe standards.

The Council of Europe has a role to play here and I have expressed its readiness to provide assistance for this purpose. The Commissioner for Human Rights, in particular, has already stated his availability to find possible approaches for a solution.

I can assure you that the Committee of Ministers will continue paying very close attention to this issue, in order to ensure that these children are not deprived of their fundamental right to education in their native language and script. However, a lasting solution to this issue will obviously depend on the broader question of the settlement of the status of the Transnistrian region of Moldova.

When visiting Chisinau and Tiraspol, I underlined that such a solution should be based on the following principles: respect for the independence, sovereignty and territorial integrity of Moldova, recognition of the specific status of Transnistria and taking into account the legitimate interests of Moldova's neighbours.”

**“Question No. 12:**

Mr. Atkinson,

To ask the Chairman of the Committee of Ministers,

If he will make a statement on progress of the “Ago Group” on Nagorno-Karabakh.”

*Reply by Mr Rotfeld, on behalf of the Committee of Ministers:*

“The work of the Ago Group on the issue of the Nagorno-Karabakh conflict continues, under the efficient chairmanship of Ambassador Wegener, Permanent Representative of Germany to the Council of Europe.

A delegation of the group visited Armenia and Azerbaijan in November last year. In both countries, the situation in Nagorno-Karabakh was high on the agenda of the meetings which the delegation had with the political authorities it met. During these meetings, the delegation stressed the fact that the Council of Europe saw a peaceful solution to the conflict as an undertaking common to both countries. It was one that the Committee of Ministers was following in the same way as the other commitments.

The delegation drew attention to Parliamentary Assembly Resolutions 1358 and 1361 of February 2004. It indicated that as long as this commitment was not honoured and there was no peaceful solution to the conflict, the monitoring procedure could not be brought to an end.

In the light of the progress report prepared by the Ago Group and made available to the Assembly in January, the Ministers' Deputies have asked Armenia and Azerbaijan to intensify their efforts to find a peaceful solution to the Nagorno-Karabakh conflict.

The Ago Group will continue to pay close attention to this undertaking. It will again be at the centre of its next visit to the region in early June."

**"Question No. 13:**

Mr Bindig,

Recalling that the list of candidates submitted to the Committee of Ministers and the Parliamentary Assembly for the election of a new judge to the European Court of Human Rights in respect of Malta contained three male candidates and thus violated the terms of Assembly of Resolution 1366 (2004) on candidates for the European Court of Human Rights, and that the Assembly thus had to return the list to the Maltese authorities and no election took place; that the mandate of the Maltese judge on the European Court of Human Rights expired on 31 October 2004; and that no new list of candidates has been presented since,

To ask the Chairman of the Committee of Ministers,

What measures the Committee of Ministers intends to take to ensure that Malta fulfils its obligations under the European Convention on Human Rights and puts forward without further delay a new list of candidates in conformity with Assembly Resolution 1366 (2004)."

*Reply by Mr Rotfeld, on behalf of the Committee of Ministers:*

"I would like to refer to the reply the Committee of Ministers adopted last week to Assembly Recommendation 1649 which deals with this issue among others.

First, it is clear that the Committee is no less attached than the Assembly to the achievement of gender balance in the Court. As was stressed in this last reply and in all previous ones, this has been our constant position since we adopted a decision on the matter in May 1997. In this context the Committee notes with interest the adoption of Resolution 1426 having the effect of accepting all-female lists until 40% representation is reached.

However, having regard to a strict prohibition of all-male lists, the Committee is concerned that circumstances could arise in which a government applied all the appropriate criteria only to find that it did not have candidates of both sexes to put forward, and that such a prohibition could thus cause problems under Article 21 of the Convention.

That is why the Committee of Ministers ends its reply by inviting the Assembly to consider the possibility of an exceptional derogation from the rule if a contracting party presents convincing arguments to it and to the Assembly to the effect that, in order to respect the requirements concerning the individual qualifications of candidates, it could not do otherwise than to submit a single-sex list.

I understand that the Maltese authorities are interested in the outcome of this issue."

**“Question No. 14:**

Mr Jurgens,

Noting that, having seized the Committee of Ministers back in June 2000 with respect to the appalling human rights situation in Chechnya – by virtue of the 1994 Declaration on compliance with commitments – the Secretary General made regular, publicly available, reports on the situation to the Committee of Ministers until July 2004 (the last report, SG/Inf (2004) 18 was issued on 20 July 2004);

To ask the Chairman of the Committee of Ministers,

Why no “regular report” has been issued since then, and whether a decision of some kind, explicit or implicit, has been taken to stop this important monitoring of the human rights situation in Chechnya without the Assembly having been informed of this.”

*Reply by Mr Rotfeld, on behalf of the Committee of Ministers:*

“The last report on the human rights situation in the Chechen Republic of the Russian Federation, covering the period April to June 2004, was issued on 20 July 2004. It was made available to the Parliamentary Assembly.

When he took up his functions, the Secretary General, Mr Terry Davis, proposed to pursue this regular reporting. He introduced a proposal to this effect in the draft 2005 Programme of Activities. However, this proposal was not adopted due to a lack of consensus in the Committee of Ministers.

The Committee of Ministers is now focusing on the proper implementation of the programme of co-operation in the Chechen Republic. This was concluded between the Secretary General, the Commissioner on Human Rights and the Russian and Chechen authorities, under the general co-ordination of the Ombudsman of the Russian Federation, Mr Lukin. The programme of co-operation includes expertise of new legislation of the Chechen Republic, training in electoral matters, the development of local-self government, social rehabilitation, the development of education and protection of human rights, including support for the Chechen Ombudsman, and investigations into abducted and missing persons.

The Committee of Ministers will be regularly informed by the Secretary General on the implementation of the programme of cooperation in the Chechen Republic. These reports will include an evaluation of the impact of the programme on the progress of democracy, human rights and the rule of law in Chechnya and proposals for possible future development.

Full-scale implementation of the programme started in mid- April. It is expected that the first report will be presented to the Committee of Ministers next June. The Parliamentary Assembly will be duly informed.”

**“Question No. 15:**

Mr Păunescu,

Noting that, in the Timoc Valley, in the Malainita village, Romanian native people have recently built their own church, and the local authorities are threatening to demolish it, presumably due to the lack of an official authorisation;

Taking into account the fact that the right of national minorities to express and practice their own religion is one of the fundamental values promoted by the Council of Europe,

To ask the Chairman of the Committee of Ministers,

How he thinks the Committee of Ministers should act in order to restore the Romanian minority representatives' rights."

*Reply by Mr Rotfeld, on behalf of the Committee of Ministers:*

"The honourable parliamentarian will appreciate that it is difficult for me as Chairman to comment on an individual situation without much more detailed knowledge. However, I do know that the situation to which he is referring, which concerns a village in eastern Serbia, has in fact been raised in the Committee of Ministers.

The Framework Convention for the Protection of National Minorities plays an important part in the protection of the rights of national minorities in Serbia and Montenegro, and I note that the Opinion of the Advisory Committee included recommendations on how to achieve further progress in the minority situation in eastern Serbia. These recommendations will be examined in a follow-up dialogue between the Advisory Committee and the authorities of Serbia and Montenegro."

