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**REPORT**

Eighth sitting

Thursday 25 January 2018 at 3.30 p.m.

In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are reported using the interpretation and are marked with an asterisk
3. The text of the amendments is available at the document centre and on the Assembly's website.

Only oral amendments or oral sub-amendments are reproduced in the report of debates.

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The contents page for this sitting is given at the end of the report.

*(Mr Nicoletti, President of the Assembly, took the Chair at 3.35 p.m.)*

The PRESIDENT – The sitting is open.

***1. Annual activity report 2017 by the Council of Europe Commissioner for Human Rights***

The PRESIDENT – The first item on the agenda this afternoon is the presentation of the annual activity report 2017 by the Council of Europe Commissioner for Human Rights, Mr Nils Muižnieks. After his presentation, Mr Muižnieks will take questions.

As you all know, Mr Muižnieks's term as Council of Europe Commissioner for Human Rights will end on 1 April 2018. That means that this is the last time that he will present his annual activity report to the Assembly.

Dear Commissioner, I am very pleased to welcome you here today and to be able to use this opportunity to thank you wholeheartedly for your remarkable work over the past six years. You have been a strong and outspoken defender of human rights, democracy and the rule of law across the continent and you have always exercised the role with great integrity, responsibility and judgment. Your work has done our Organisation

great credit and, most importantly, has greatly contributed to improving the life of our fellow citizens.

I thank you for the close and constructive co-operation that you have maintained with the Parliamentary Assembly during your mandate. I refer in particular to your invaluable contributions to our debates, your tireless energy and enthusiasm, and your readiness to participate in our committee meetings. Let me assure you that your insight has been highly valued by members of the Assembly. I know that they look forward to hearing your presentation today and to being able to discuss some of the major challenges to human rights in Europe one last time with you in your capacity as our Commissioner for Human Rights. With great pleasure, dear Commissioner, I now give you the floor.

Mr MUIŽNIEKS (*Council of Europe Commissioner for Human Rights*) – President Nicoletti, excellencies, ladies and gentlemen, I am not gone yet; I am still here and I will continue to work until the end of March, so you have not gotten rid of me yet. It is a great pleasure for me to present my sixth and final annual report. My mandate ends at the end of March, so I will speak about human rights developments not only in 2017, but over the entire length of my mandate.

Let me start, however, by discussing 2017. Last year, I finished the schedule of visits, so that now I have visited all 47 member States of the Council of Europe at least once. I also did follow-up work in many countries, and my conclusion is that every country of the Council of Europe has homework to do. The year will probably be remembered for the continuation of older human rights crises and the emergence of several new ones. What were the older or ongoing human rights crises we had to contend with? They were the migration policy crisis; the conflict in eastern Ukraine and the continuing crackdown by Russia in Crimea; the continuing impunity and pressures on human rights defenders, journalists and others in Chechnya, in the Russian Federation, and in Azerbaijan; the deterioration of the human rights situation in Turkey; and the deepening of the rule of law crisis in Poland. In addition, several new human rights crises emerged: the persecution of LGBTI – lesbian, gay, bisexual, transgender and intersex – persons in Chechnya and Azerbaijan and the widespread revelations of sexual harassment and sexual assault against women in many countries. I sought to address all these crises and to continue my regular scheduled visits and my long-term thematic work.

As in previous years, migration dominated my agenda. I looked not only at the issues of pushbacks, the detention of migrants and the treatment of vulnerable groups within the broader population on the move, but at integration. I did this in many reports, visits, letters I wrote to the authorities, statements, human rights comments and opinion editorials. I published an issue paper on the right of refugees to family reunification, organising much promotional work around this publication. The issue is crucial, not only because we are talking about one of the safe and legal venues for people to come to Europe or to move within Europe, but because it is essential for the integration of new arrivals. How can people integrate if they are worried about the safety of their children or their spouse? Integration begins once the family is there.

I wish to mention two recent negative migration-related developments that have caught my attention. The first is the targeting of humanitarian non-governmental organisations that are working on migration by legal proceedings in several different countries. In the French-speaking world, this is called the *délit de solidarité* and it is very worrying, because it will hinder the ability of member States to cope with migration and migrant integration in a humane and human-rights-compliant way. The second worrying issue is that it has become clear that there are huge human rights risks in trying to outsource migration control to non-Council of Europe countries such as Libya.

In addition to migration, the second big issue on my agenda last year was women's rights and gender equality. I worked in two basic directions. First, I sought to promote ratification and implementation of the

Istanbul Convention. I did that in country visits and in many letters to parliaments. Just this week, I published a letter to the President of the Parliament of Bulgaria, where an active debate on the Istanbul Convention is taking place. I also sought to promote women's sexual and reproductive health and rights, including sexuality education, access to contraception, access to safe and legal abortion care, and safe maternity healthcare. Those issues have an impact on many women's rights: the right to health; the right to private life, including bodily autonomy; the prohibition of torture and ill treatment; and non-discrimination. Earlier gains in this area in many countries are being rolled back with retrogressive legislation. Activists who work in this issue area and professionals are under attack in many member States. I examined this issue in a number of different countries, particularly those with the most restrictive legislative frameworks. We also published an issue paper on women's sexual and reproductive health and rights, and tried to promote it widely.

If I step back and look at the broader context with which I have been confronted over the past six years, I see a stark deterioration of human rights across Europe. First, we had the numerous Europe-wide crises: the economic crisis, which had a devastating impact on human rights; the migration policy crises; and the problematic responses to terrorist attacks in many countries. We also had growing pressure on human rights defenders and media outlets in many member States. We have had serious backsliding in a number of member States, especially with a weakening of the separation of powers and of checks and balances. Overall, we have also seen an erosion of commitment to the human rights system as a whole. That has a number of manifestations: delays in or selective implementation of judgments of the European Court of Human Rights; open challenges to the authority of the Court; non-co-operation with the human rights mechanisms of the Council of Europe; the withholding of or reduction in budgetary contributions, which are essential for the system to function; and attacks on human rights by populist politicians and tabloid media, including social media.

Despite that incredibly challenging environment, I wish to mention a number of prominent cases in which my team and I were able to make a difference and provide added value. Early in my mandate, we helped to embolden and provide legal and political ammunition to the Greek authorities when they were faced with the threat of a Nazi political party, Golden Dawn, upending the system.

I am proud of the fact that in Ukraine we were rapidly on the ground to carry out human rights monitoring right after the eruption of the Maidan revolution. We also contributed to illuminating the human rights situation in the Donbass, in the non-government-controlled areas of eastern Ukraine, which I visited twice, and in Crimea, which I was able to visit once.

Our work on Turkey, especially on the human rights aspects of the state of emergency and counter-terrorism measures in the south-east, became a reference point for many, not only in the Council of Europe, but in the European Union and elsewhere.

Our work on the foreign agent law in Russia was systematic: we addressed the law on foreign agents in an opinion soon after it was adopted and we analysed how it was implemented in Russia over a two-year period.

I also recently submitted a third-party intervention on a very large group of cases at the European Court of Human Rights. We worked much with and for human rights defenders all over Europe, including migrants' rights defenders, women's rights defenders, Roma rights defenders and LGBTI rights defenders. I think we helped to ease the pressure on some. We gave legal and political ammunition to others, and we gave some a morale boost.

Some of our thematic work was agenda-setting in different European countries. We became a lead advocate for the United Nations Convention on the Rights of Persons with Disabilities throughout Europe,

especially regarding the rights of persons with intellectual and psychosocial disabilities. We put women's sexual and reproductive health and rights firmly on the agenda of the Council of Europe and some member States. We put the issue of democratic oversight of national security structures on the agenda of many countries in the context of counter-terrorism. We identified migration very early as a core human rights challenge when there were very few people working on that issue in the Council of Europe, and we engaged systematically with more than 20 member States on that issue over my mandate. More recently, I have tried to draw attention to long-term aspects such as integration, family reunification and inclusive education for the new arrivals.

I believe I developed the mandate of the Commissioner for Human Rights in several new directions. First, I developed new forms of communication. We have a Twitter account with more than 21 000 followers. We have an active Facebook presence. We organise Thunderclap social media campaigns, films and more. We have to continue to evolve and develop our communications work. Secondly, I developed third-party interventions before the European Court of Human Rights as an important tool of the office that complements our country work. I intervened in a total of 16 cases or groups of cases involving hundreds of applicants.

As my mandate approaches an end, I am very concerned about the state of human rights in Europe. It is Holocaust Memorial Day on 27 January. Today, we commemorated that day with a ceremony in front of the Council of Europe. Holocaust Memorial Day prompts us to think about why the human rights system in Europe was created. What would those who survived the horrors of the Second World War say about some of the trends we see in Europe today, such as the dehumanisation of different categories of people – not only Jews but also Roma, gays, migrants and sometimes even human rights defenders, journalists and the political opposition?

Over the last six years, I have done my best. I have tried hard to be fair to all countries, to treat all countries impartially and to push them to a higher level of human rights protection. I gave the job not only my head but all my heart and soul. It was a privilege and an honour to serve in this, the most fantastic and impossible of human rights jobs.

Finally, let me pay tribute to my team, most of whom are sitting up in the gallery. They are the smartest and most committed people I know. Commissioners come and go, but the team stays, and to them I say: keep holding the human rights flag high. Your work is important to so many people. They look to you with hope, and they want you to keep defending the principles. Regardless of how hopeless the situation might seem, there is always hope. We must nurture it. We must inspire it in others, especially victims of human rights violations, and transform hope into real change on the ground. I want to thank PACE and all its members for their co-operation over the years. Thank you very much for your attention.

The PRESIDENT – Thank you very much, Mr Muižnieks, for your clear and passionate presentation. Members of the Assembly have questions for you. I remind members that questions must be limited to 30 seconds. Colleagues should ask questions and not make speeches. The first question is by Ms Christoffersen.

Ms CHRISTOFFERSEN (*Norway, Spokesperson for the Socialists, Democrats and Greens Group*) – On behalf of my group, I would like to take the opportunity to thank you, Commissioner, for your good work to promote human rights in our member countries. What do you think will be the most important priorities for your successor?

Mr MUIŽNIEKS – Any Commissioner for Human Rights can set long-term priorities, but reality then intervenes, in the form of a crisis or conflict that needs to be addressed. I do not think the migration challenge will go anywhere. I think it will continue to be a top human rights priority that will need a strong human rights

voice.

I have stressed on numerous occasions, including in this Chamber, the need to focus on the situation of human rights defenders and on media freedom. I see those as absolutely critical elements of the human rights system. If we have human rights defenders who can alert us to problems, violations, challenges and risks, that makes our job all the easier and more effective. We also need a free media. We need journalists who can expose government abuse, human rights violations and call governments to account. Any Commissioner will have to pay a lot of attention to media freedom and human rights defenders, and my successor will be no exception. Those are the three issues I can name off the top of my head, but I hope that my successor has fewer crises to deal with than I have had.

Mr KILIÇ (*Turkey, Spokesperson for the European Conservatives Group*) – Commissioner, you have issued several statements about the state of emergency and freedom of the media after the heinous coup attempt of the FETÖ terrorist organisation in Turkey, but have you really tried to understand the state of our citizens, who have been martyred by the crushing of their bodies by tanks, and the feeling of the Turkish people on this issue?

Mr MUIŽNIEKS – I have. I visited Turkey very soon after the coup attempt. I saw the atrocious damage that was done to parliament by the coup plotters, and I had many good conversations on that. The Turkish authorities, like all authorities in the member States of the Council of Europe, have not only a right but a duty to combat terrorism. However, the measures that have been taken in Turkey far outstrip the balance of the rule of law. I looked at these issues in memorandums on the state of emergency, on freedom of expression and media freedom, and on the freedom of expression and right to liberty and security of parliamentarians.

The situation in Turkey is unique. Nowhere else have we seen thousands of judges suspended and dismissed without a fair trial, thousands of NGOs, newspapers and television stations shut down without a judicial procedure, and more than 100 000 civil servants dismissed through executive decision. Nowhere else in Council of Europe member States or even in the world today are there so many journalists in prison. The charge and evidence against them is primarily their journalistic activity and their articles and broadcasts; no other evidence has been brought to bear.

With 30 emergency decrees passed since the state of emergency was announced, there have been deep changes to the legal system, including to judicial procedures, the education system, administrative structures and the social security system, with all of that bypassing parliament. Your role has been completely bypassed by the executive in transforming the system. Your anti-terror operations stand out in their scale and the impact on the lives and property of tens of thousands of people in Turkey. I think we were right to express our concerns, and I hope very much that the Turkish authorities will change course in favour of protecting the human rights of their citizens while combating terrorism.

Ms BRASSEUR (*Luxembourg, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – Dear Nils, I thank you on behalf of my political group and on my own behalf for the wonderful co-operation we had. You did a marvellous job. As we just heard, the human rights situation in different countries is deteriorating, and the number of challenges is increasing. I would also like to thank those who have helped you in your work. Do you think that your office has the means and tools to manage all the challenges it has to face?

Mr MUIŽNIEKS – Thank you, too, for the excellent co-operation that we have had over the years. The Commissioner's mandate is sufficient to do the job. I do not think that the mandate should be changed in any way. In terms of the resources, every part of the Council of Europe will face belt-tightening in the coming

months and years. Our office is small; it is the smallest administrative entity. We have done an enormous amount of work to provide visibility to the Council of Europe. I suggest that the bang for the euro that you get from my small team and office is better than you will find anywhere else in the Council of Europe. I sincerely hope that that will be taken into consideration in the future budgetary discussions. The work that the team does is essential and I hope that we are spared and that everybody realises how indispensable the work of the office is.

Mr EIDE (*Norway, Spokesperson for the Group of the Unified European Left*) – Commissioner, the UEL appreciates your work and wishes you all the best for the future. I will ask you about terrorism. Many politicians in Europe argue that the human rights framework prevents an effective fight against terrorism. What is your response to that? What advice will you give to your successor to prevent terrorism from destroying the human rights framework?

Mr MUIŽNIEKS – Europe has a sorry history of cutting corners on human rights in the struggle against terrorism, which has led to unneeded suffering and the prolongation of many conflicts. In the early 2000s, we saw the complicity of many European countries in arbitrary detention, torture and so-called extraordinary rendition with the United States. That was a huge mistake. We gave ideological ammunition to terrorists, who could say, “Look, Europe is hypocritical. Look at what they think about Muslims. Look at how they treat our people.”

It is clear that unbridled power for intelligence agencies, with unbridled surveillance targeting everyone, is a dangerous path to go down, because it affects all kinds of human rights. It can affect not only our right to privacy but media freedom and the rule of law and fair trials, if journalists no longer believe that their sources are confidential and lawyers no longer believe that their conversations are confidential. It makes everybody a suspect, but particularly minority groups – Muslims and other visible minorities. That has a corrosive impact on social cohesion.

I say to countries that, yes, you must fight terrorism, but your struggle will only be successful in the long term if you do it within a legal framework, within the bounds of human rights and without stigmatising certain communities. You need the co-operation of those communities to combat terrorism and radicalisation effectively. You need this information and communication. Yes, enhance the budgets and resources of your security services, but bolster your democratic oversight of security services as well, because it is in the interests of security services that everybody should believe that they are not politicised and are dealing with these issues within the framework of the rule of law. Then, when people criticise security services, they can turn to the overseers and say, “Let our overseers answer this question. They are better placed to know how well we are abiding by the rule of law.” We must fight against terrorism, but we must take the long view and not shoot ourselves in the foot through short-term measures that pander to public prejudices about being strong and stigmatising certain groups. As I said, we have to take the long view.

Ms FILIPOVSKI (*Serbia, Spokesperson for the Free Democrats Group*) – Commissioner, how do you see the immigration crisis in Europe in the future, especially the problem of the victims of human trafficking? Secondly, what is your view on human rights issues in Kosovo, given that the Albanian side has not implemented the Brussels Agreement and the community of Serb municipalities has not been established?

Mr MUIŽNIEKS – On the future of migration, it is interesting that the numbers are way down now. Compared with 2015 and 2016, the number of new arrivals in Europe has declined massively. However, many countries remain in an emergency, restrictive mode, as if we still had hundreds of thousands of people arriving in each of our countries every month. That is not the case. It is time to get out of emergency mode and to return to previous levels of protection, to return to previous policies of family reunification and to invest in

making integration work in the long term.

Co-operation with third countries is necessary, but it has to be transparent and based on human rights. If not, we become complicit in human rights violations that are perpetrated outside Europe, with our equipment and with our financial aid, by security services that are trained by our security services and military. We have to be careful about what kind of deals we strike with third countries.

The future is in safe and legal venues. The European public will not stand for chaotic arrivals. What are the safe and legal venues for people to arrive in Europe? There are only a couple. One is resettlement: to examine, or to have the United Nations High Commissioner for Refugees examine, asylum claims in places near conflict and then bring people to Europe in an orderly fashion. This is happening in some countries, which are ramping up resettlement. The other is through family reunification, but what have we seen over the last two years? We have seen a restriction of the right of family reunification in many countries. I have addressed this issue in many countries and I think that that restriction is highly destructive if we want people to arrive in a safe and legal way. I think that the safe and legal venues approach is the future.

I issued a memorandum on Kosovo not long ago. I looked at issues pertaining to transitional justice, the Roma community and media freedom. There is a lot of work to be done in Kosovo and the Council of Europe can have a big influence there. At some point in the future, Kosovo might submit an application for membership. That is not my decision to make; it is your decision and the decision of the Committee of Ministers. That will be the moment when the Council of Europe can have the most impact. That has been the case with other countries – when they want to join, we can make conditions. It is not my role to comment on the political negotiations, but there is plenty of human rights work to be done throughout Kosovo. As I say, I think that the Council of Europe can play a huge role in that task. I hope that my colleagues in other bodies of the Council of Europe and members of the Parliamentary Assembly will become engaged, because I think that we can have a lot of leverage for the good.

The PRESIDENT – Thank you very much, Mr Muižnieks. We will now group questions by three. I call Mr Kern.

Mr KERN (*France*)\* – Commissioner, I have a simple question. Your mandate comes to an end soon and the time will come to do some stocktaking. As Commissioner for Human Rights, what are you most proud of and what is your principal regret at the end these six years?

Ms KERESTECİOĞLU DEMİR (*Turkey*) – Mr Muižnieks, you have carried out important tasks on human rights violations in Europe. I thank you for your trusting and constructive approach, and for all the work you have done. What are your hopes for the future of Turkey, and what improvements do you expect to see as the Commissioner for Human Rights?

Mr R. HUSEYNOV (*Azerbaijan*) – People in high positions, along with their direct responsibilities, usually carry an invisible accountability and have commitments before certain forces, services and lobbies. Your activities in your capacity as Commissioner have made it clear that you are no exception to this. When executing your high position, you were obliged to protect the human rights of 1 million refugees and IDPs from Azerbaijan. As the Commissioner for Human Rights, did you feel any kind of anxiety about that responsibility, which was unfulfilled by you?

Mr MUIŽNIEKS – I have already mentioned the things that I am most proud of that my team did – where we added value, and where we were innovative – and that is our work in Greece, in Ukraine, in Turkey, and in Russia, our thematic work, our communications work, and the third-party interventions. I am proud of that. It

was needed, it was useful and it helped. It helped many people across Europe. My regrets? One is that I was not able to work in Russia after September 2014, when I visited Crimea and the Russian authorities were not happy with my findings. I regret that very much, because there is a lot of human rights work to be done in Russia. We have many friends in Russia – human rights defenders, journalists and the people working in the national human rights structures.

In the past, the Council of Europe has had a very productive role in pushing the discussion forward in Russia. I can work on Russia from afar, which we have done. I have expressed myself regularly. We wrote a third-party intervention on the foreign agent law cases, and we did a memorandum on freedom of assembly. But it is not the same as going there and having a dialogue with the authorities, meeting human rights defenders and going to places of human rights interest. I have regrets that that was not possible. I tried many times to go to Russia, but it was not possible.

I also regret that I was not able to do more to help the partners of my office and this Organisation as a whole in Azerbaijan when they came under threat, and when they were detained, arrested and charged and spent several years in prison. These are not just my office's partners but were partners of the monitoring mechanisms of the Court and of the Parliamentary Assembly of the Council of Europe, and I regret that we were not able to do more to help them. I tried to ring the alarm bell and raise the issue, but I am not happy that we did enough.

I deeply regret the turn of events in Turkey, because when the authorities were co-operating with the Council of Europe, we made huge progress. We made progress on curbing ill-treatment and torture in places of detention. We made progress on media freedom and on improving the work of the judiciary. That is possible if there is political will, and I regret very much that so many of our partners – journalists, opposition politicians, and philanthropists such as Osman Kavala – are in detention and being charged, often with almost no evidence whatsoever. These are my regrets, and I regret – sometimes, but not always – that I can sound the alarm bell about grave human rights situations either here in this Chamber or in the Committee of Ministers, and afterwards I am told “Good job. Thank you for defending the principles of the Organisation,” but there is no political follow-up, not at the Committee of Ministers level and sometimes not here either. Sometimes I feel like I am the good conscience of people who could do more with the powers of their disposal, and that is not very comfortable position to be in – to be somebody's conscience.

The member from Azerbaijan asked about refugees and IDPs. This is a legitimate human rights issue. The situation of IDPs has not been the focus of my recent work in Azerbaijan – my focus has been on the oppression of NGOs, lawyers, journalists and bloggers – but human rights are interdependent, and the more you have human rights defenders and journalists working freely in your country, the better all human rights will be protected, including the rights of IDPs. I do not think that these things are mutually exclusive. We have to get the basics in place first. We need the human rights defenders and freedom of expression to be up and functioning, and then we can move on to other issues. They are completely legitimate issues, but I have had other priorities.

Ms ZHRABYAN (*Armenia*)\* – The execution of judgments of the European Court of Human Rights is obligatory for member States of the Council of Europe. Azerbaijan is refusing to free Mr Mammadov. Your term of office will end shortly, so what do you think the new Commissioner should do about such a problematic country, which does not execute these judgments?

Mr SCHWABE (*Germany*)\* – I do not have as much time as I would like to thank you for your work as Commissioner. You have set a wonderful example to your successors. Of course, you have spent some time in a number of countries, and I think that was important, but as you said yourself, every country gives cause for

concern on human rights. In Germany, a federal government is being formed and some influence can be had over that. We have been having a debate in Germany about whether it is justified, as regards family reconciliation, to make a distinction between Syrian refugees coming under the Geneva Conventions and others who are requesting subsidiary protection. What are your views on this?

Mr De BRUYN (*Belgium*) – As you mentioned in your speech and your annual report, the past 12 months have, unfortunately, seen worrying developments as regards the human rights of LGBTI people – in particular, the persecution of LGBTI people in Chechnya and Azerbaijan and, more recently, the suppression of the right to freedom of expression of LGBTI organisations in Turkey. Although many organs of the Council of Europe have expressed serious concern about these developments, more is clearly needed. What can be done to enable the Council of Europe to respond even more effectively?

Mr MUIŽNIEKS – The Ilgar Mammadov case is unique. It is the first case to have provoked the invocation of a never-before-used article of the European Convention, Article 46.4, because of the wilful disregard for the judgment and the continued lack of movement on the part of the Azerbaijani authorities to release Ilgar Mammadov, who was also a good friend and partner of the Council of Europe. What more can be done? Now it has been brought up to interstate level. It is not just an issue for the Commissioner, for the Parliamentary Assembly, for the Committee of Ministers, or even for the Court. Here we have a member State that has refused to release somebody who should have been released three years ago. This raises huge questions about its place in the Convention system. I met Ilgar Mammadov in detention last time I was in Azerbaijan, and I would recommend that my successor meet him and others who are unjustly detained in Azerbaijan to continue to remind the Parliamentary Assembly, the Committee of Ministers and member States of this case and others like it. That is the role of the Commissioner for Human Rights.

Regarding differences between refugees and people with subsidiary protection or other forms of protection with regard to the right to family reunification, we made the case in our issue paper on family reunification that such distinctions are unjustified, and we try to provide the legal argumentation for this case. What you see in many countries is that the distinction between granting people refugee status or other forms of protection is often highly arbitrary. Early on, in Germany and other countries, many Syrians received refugee status. When the politicians began to feel the pressure and the opposition, they said, “Okay, we’ll stop giving them refugee status: we’ll give them temporary protection.” People fleeing the same conflict with the same protection needs have differences in their status for purely political reasons.

Some countries give refugee status in very few cases and give everybody subsidiary protection. If you look at the length of time that such people spend in countries – the length of time they need protection – it is often no different than that needed by people who are given refugee status. In other words, if you want these people to integrate, consider giving them the right to family reunification and not making these distinctions. We do not think they are justified. We think they will be challenged legally in national jurisdictions, but also in the European Court of Human Rights and the Court of Justice. We tried to provide legal ammunition for those who wanted to make these challenges.

Regarding LGBTI persons, I was extremely concerned about the backlash, repression and persecution of LGBTI persons in many countries, but particularly lately in the Russian Federation, Azerbaijan and Turkey, where all public activities by LGBTI persons, such as Pride, have been banned. Right after I received the alarming reports from Russia, I wrote to the head of the investigative committee, requesting more information. He has not responded, although I have been in touch with national human rights structures, with the ombudsman and with the counsel on human rights attached to the president’s office.

I also wrote to the authorities in Azerbaijan to request more information about the alleged arbitrary

detention and forced medical examinations of gay men and transgender women. If you read the reply from the Azerbaijani Minister of the Interior – it is on my website – it is very scary reading and it only heightened my concerns about policy towards LGBTI persons there. I know that you, as general rapporteur on these issues in the Assembly, have issued public statements, and that more work is under way. We all in the Council of Europe have a duty to be vigilant, to remind member States of their obligations and to engage on this issue systematically, because LGBTI persons do not want special rights: they want the same dignity and rights as everybody else, and they have the right to live free of fear and violence, free from discrimination and free from hate speech. We owe it to them to remind member States of their obligations.

The PRESIDENT – Thank you. We have time for three more questions. The next question is from Ms Bartos. She is not here, so I call Mr Crowe.

Mr CROWE (*Ireland*) – Last year, I raised with you my concerns about a prison called Maghaberry in the north of Ireland. Specifically, I raised the case of a Mr Taylor, who was arrested and his early release under the Good Friday peace agreement revoked by the British Secretary of State. He has been detained in Maghaberry prison since March 2016 without having been charged, questioned or allowed legal representation. I am sure you would agree that if any evidence exists to show that Mr Taylor is a risk to the public, it should be put before him and his legal team in open court, but so far this right has been denied him. In the course of his detention, no evidence has been produced that would in any way justify his continued detention, or indeed his arrest. His detention fuels the perception of legalised internment.

I am not sure how familiar you are with the case, but I would ask you to make some comments on it and perhaps ask your successor and your team to investigate and monitor this case.

The PRESIDENT – The next question is from Mr Abushahla. He is not here, so I call Mr V. Huseynov.

Mr V. HUSEYNOV (*Azerbaijan*) – Your annual report is considered an important mechanism to support member States, but the neutrality and objectivity of the sources used in your report and your activity in general have been questioned in numerous member States. For example, in Azerbaijan one of the criticisms is that you focus more on the political rights of individual persons rather than the fundamental rights of groups of people, such as refugees and IDPs from the occupied territories of Azerbaijan. Surprisingly, you confirmed that that was your approach in your response to my colleague. So my question is what is your recommendation to your successor to eliminate these concerns in the future.

The PRESIDENT – The next question is from Mr Hunko. He is not here, so I call Mr Rzayev.

Mr RZAYEV (*Azerbaijan*)\* – The European Court of Human Rights has taken a decision concerning Chiragov et al., and you are no doubt familiar with that judgment. What have you done, and what would you recommend your successor to do, in order to ensure the rights of other refugees and internally displaced persons in Azerbaijan?

Mr MUIŽNIEKS – Let me start with Northern Ireland. Unfortunately, I am not familiar with this case, so it would be presumptuous of me to comment on it, but I can assure you that my team will look into it. In Northern Ireland, both my office and the Council of Europe can have a very positive impact on human rights. I have been to no other jurisdiction in the Council of Europe where I have been asked, “Is this justice mechanism Article 2 compliant?” Everybody is very aware – at least, I hope they know what that means – of the standards required, and the case law has real traction there. We can do a lot of good work. I hope that soon you will have devolved government there, so that people like me will have someone to talk to at that level, but clearly there are a lot of lingering human rights concerns from the time of the Troubles. The Council of

Europe has an important role to play there, especially given the risks to the peace and to human rights in Northern Ireland associated with Brexit.

The perennial question of IDPs in Azerbaijan is a legitimate human rights issue, as I said. What would I recommend to my successor? To continue what I have done, to focus on human rights defenders, including those dealing with IDPs, to focus on freedom of expression, and to focus on the independence of the judiciary. Without those, the human rights of IDPs cannot be fulfilled. They cannot be fulfilled if you do not have an independent judiciary that works well, freedom of expression or human rights defenders to whom people in trouble can turn. I would very much like to address those issues, but there are people in prison on trumped up or false charges – there have been several cases alleging violations of Article 18. These are political prisoners. These people have been put into prison to silence them. While such issues are still topical, it is very difficult for anybody in my position to look at IDPs, but it is a legitimate, serious human rights issue that deserves our attention as well. My priority is elsewhere, however, and my recommendation to my successor will be to continue down the path that I have started on.

The PRESIDENT – We have the opportunity to have some more questions, first from Mr Ghilechi.

Mr GHILETCHI (*Republic of Moldova*) – I, too, thank you for your hard work over these years, Mr Muižnieks. My question is about frozen conflicts. You have visited such zones. What more can we do to ensure that basic human rights are respected in frozen conflict zones? That is a very complicated issue, but it is important because it concerns people's lives and basic human rights.

(*Mr Jonas Gunnarsson, Vice-President of the Assembly, to the Chair in place of Mr Nicoletti.*)

The PRESIDENT – Ms Yaşar is not here, so I call Mr Goncharenko.

Mr GONCHARENKO (*Ukraine*) – Thank you very much for your work, Commissioner. I want once again to raise the issue of human rights in Crimea. It is an awful situation. The Russian authorities, after the illegal annexation, are carrying out clear violations. Ethnic minorities, religious minorities, Ukrainians, Crimean Tatars, Muslims and other groups are today under attack by the Russian authorities. What has been done, and what can be done, to improve the situation?

Ms ŞUPAC (*Republic of Moldova*) – Last year, you were in the Republic of Moldova for five days, and you made several recommendations to the Moldovan Government. Since then, the human rights situation has deteriorated. There have been several examples of local representatives and activists asking for political asylum in European Union countries. What should be done in that region to ensure progress?

Mr MUIŽNIEKS – On frozen conflicts, I was in Transnistria briefly as part of my visit to Moldova. What can we do there? The Council of Europe has put in place some confidence-building measures in co-operation with the decision makers there, and I think they should continue and be expanded. I encouraged the national human rights structures – the ombudsman and the equality body in Moldova – to co-operate and use the opportunities presented by the confidence-building measures to enhance their co-operation with their colleagues across the river. I urged the authorities to change their stance on letting the Committee for the Prevention of Torture conduct monitoring in the country. It is important that places of detention are under the watchful eye of Council of Europe experts. Those kinds of activities, which cannot be carried out in some of the other frozen conflict areas, are possible in Transnistria. There is more willingness to engage there, and I had a much easier time crossing the boundary line. We should focus on Transnistria to see how we can improve the human rights situation there.

On human rights violations in Crimea, I have not been able to go there for more than three years, so we

have been monitoring from afar. I share your concerns about the repression of Crimean Tatars, ethnic Ukrainians, human rights defenders and journalists. I have expressed myself about that on numerous occasions. It has been very difficult for me to gain access because I have not got access to Russia, let alone Crimea. To get to Crimea, I would have to engage in dialogue with the Russian authorities. I hope that will change under my successor. In our report, we set a good baseline from which to assess the situation and look at those issues. I have urged the Russian authorities to engage with my office and others on numerous occasions. If they disagree with us, if they think we have misunderstood, if they think we have got it wrong, they should let us go and see it for ourselves and tell us where we have got it wrong. They should let us assess the situation at first hand and talk to people.

At the end of my visit to Moldova, I highlighted the pressure on defence lawyers, in particular. It is clear that, especially in the heightened political tensions running up to elections, there is a tendency for the pressure, especially on opposition politicians and their lawyers, to increase. A core focus of the action plan is justice reform and measures to enhance the transparency and effectiveness of the courts. We have to listen closely to whether lawyers, opposition politicians and non-governmental organisations feel that they can express themselves and do their work freely and openly. If people feel that they need to leave the country, that is a bad indicator of the state of play. There is a lot of work to be done there, but I am glad that the Council of Europe has engaged and put in place a strong, comprehensive action plan. The Parliamentary Assembly and other bodies can ask for the results of that action plan to see whether it has helped the opposition, lawyers and NGOs on the ground. If such action plans do not lead to concrete change on the ground, we have to question their value.

The PRESIDENT – We must now conclude the questions to Mr Muižnieks. On behalf of the Assembly, I thank you most warmly for your presentation and your answers. Thanks a lot, and good luck in the future, whatever you do.

I remind members that the time limit for speeches in the debates this afternoon is three minutes.

## ***2. The progress of the Assembly's monitoring procedure (January-December 2017) and the periodic review of the honouring of obligations by Estonia, Greece, Hungary and Ireland***

The PRESIDENT – The next item of business this afternoon is the debate on the report titled “The progress of the Assembly's monitoring procedures (January-December 2017) and the periodic review of the honouring of obligations by Estonia, Greece, Hungary and Ireland”, Document 14450 Parts 1 to 5, presented by Mr Cezar Florin Preda on behalf of the Monitoring Committee.

In order to finish by 6.15 p.m., I remind the Assembly that we must bring the debate to a close at 5.40 p.m.

I call Mr Preda, rapporteur. You have 13 minutes in total, which you may divide between presentation of the report and reply to the debate.

Mr PREDÁ (*Romania*)\* – As my last act as the Chairperson of the Monitoring Committee, it is my obligation to submit this new report of the monitoring procedure. This is an annual exercise and, as in previous years, we have run through the commitments and obligations of all member States of the Council of Europe, and not only those subject to monitoring procedures *stricto sensu* or engaged in post-monitoring dialogue.

My report makes it clear that the monitoring procedure has continued unflinchingly over the year. All rapporteurs have regularly visited the countries for which they are responsible. On the basis of those visits,

they have produced a large number of information notes, which have been declassified and can be consulted on the Assembly's website. Those information notes and the formal reports submitted under monitoring or post-monitoring show that there is good co-operation between the rapporteurs and the authorities of the countries for which they are responsible. I thank the national delegations and the authorities of all countries concerned for their co-operation and the assistance that they have extended to Monitoring Committee co-rapporteurs, who have difficult work to do.

The main observations and conclusions of the monitoring procedure relating to the 10 countries subject to a monitoring procedure *stricto sensu* and the three countries engaged in a post-monitoring dialogue are set out in the draft resolution. As in previous years, I have stressed the progress achieved by each country, highlighted the outstanding challenges and emphasised the recommendations made to address our remaining concerns. This is in no sense an exhaustive list of outstanding challenges or problems; rather, it sets out a broad range of issues that our rapporteurs have dealt with.

The Monitoring Committee is responsible for ensuring that all member States of the Council of Europe fulfil their commitments. Since 2014, the work on these commitments has been expanded to include countries that are not under a monitoring procedure or engaged in a post-monitoring dialogue. In this context, the periodic review report is prepared on the basis of information also obtained from other monitoring mechanisms of the Council of Europe. In this case, we have concentrated on Estonia, Greece, Hungary and Ireland. The recommendations made to those States are all set out in the draft resolution. It is clear from the text that this exercise is appreciated by all interested parties. I thank the authorities of the countries examined for their co-operation and for the detailed comments that they submitted on an early draft of the report. That was very useful for the final version; their comments were of the highest possible quality.

I thank all the co-rapporteurs for their monitoring of individual countries. This was a very heavy task indeed. Without them, this progress report of the monitoring procedure would not have been possible. I also thank the members of the secretariat of the Monitoring Committee, without whose assistance the rapporteurs could not have done their job properly.

The PRESIDENT – Thank you. You have eight and a half minutes remaining. In the debate I first call Mr Kern.

Mr KERN (*France, Spokesperson for the Alliance of Liberals and Democrats for Europe*)\* – I pay tribute to the quality of Mr Preda's work. The image portrayed in his report of the Hungarian authorities' position vis-à-vis Europe is ambivalent. Although Viktor Orbán is, to say the least, a Euro-critic, he has not decided to cut bridges with Brussels. He knows how far he can go for political reasons. Pragmatically, what would Hungary do without the European Union and the European structural funds? We find this attitude well reflected in the report. Hungary is a country confronted with the structural challenges of all States in post-Soviet transition: economic difficulties, ageing populations and adaptation to the political and legal standards of Europe. This is why it is important not to adopt an attitude of being lesson givers, but to observe medium and long-term trends.

The rapporteur tells us that these trends have given rise to concerns. I am somewhat familiar with Hungary and Hungarians, and, personally, I offer congratulations on the progress made in certain areas – for example, the representation of ethnic and linguistic minorities and combating prison overpopulation and discrimination. However, the fate of the Roma and other minorities should continue to hold our attention. I strongly encourage the Hungarian authorities to respect European standards – those of the Council of Europe, as well as the European Union – with regard to democracy, the rule of law and fundamental freedoms. These standards are nothing more than the legal expression of our common values.

It should be noted that in too many areas – most recently, higher education and migratory and asylum policies, although these are not the only ones – the European Commission has launched appeals before the court in Luxembourg against Hungarian measures. This lack of co-operation by Budapest is useless – sterile, even. The greatest cause for concern is this notion of “illiberal democracy”. The Hungarian Prime Minister, having failed to become a theoretician of illiberal democracy, considers himself a practitioner. Fareed Zakaria explained in an article published in 1997 that illiberal democracy describes a system in which leaders are elected, albeit without sufficient counter-powers to limit their actions.

Democracy does not just mean free elections; it also means States abiding by the rule of law, respect for individual freedoms, especially those of minorities, and a subtle balance of powers and counter-powers, so as to avoid the dictatorship of the majority. We should protect ourselves from both non-democratic liberalism and illiberal democracy, which evokes a neo-Caesarism, claiming to embody the “real people”. Hungary should seek renewal with the spirit of 1989, when, opening its borders with Austria, it precipitated the collapse of totalitarianism.

Ms KAVVADIA (*Greece, Spokesperson for the Group of the Unified European Left*) – I thank the rapporteur for his thorough and excellent work in drafting the report. It could be argued that the monitoring process is one of the most important and useful functions of the Parliamentary Assembly. It offers a tool with a serious impact, as all member States of the Council of Europe, whether still under the monitoring process or not, are subject to periodic review of their performance in fulfilling their obligations in the areas of democracy, human rights and the rule of law.

These are precisely the areas that are most threatened by the existential crisis that Europe is facing in our times. There can be no denying it: Europe is once again becoming a fragmented continent – fragmented in economic and political terms between rich and poor, creditors and debtors, and countries that are receiving refugees and migrants and those that refuse to share the burden. The values upon which this very Organisation was built are being eroded. We now see the dark vision of fascism, the extreme right, racism, xenophobia and nationalism, raise its ugly head once again, not in the fringes of politics but in mainstream political parties. Have we Europeans forgotten the pain and suffering caused by these monsters in our history? I sincerely hope not.

That is why the monitoring process of the Assembly must be, in my opinion and that of the Group of the Unified European Left, a central point of the process that was launched with the establishment of the ad hoc committee on the future of the Parliamentary Assembly and the Council of Europe. We strongly support this process and believe it can offer a valuable forum of dialogue, where ideas and solutions for strengthening our Organisation can materialise.

Finally, regarding the part of the report dealing with my own country, Greece, let me thank the rapporteur for taking into account and incorporating the extensive input provided by the Greek delegation. Our country remains committed to continuing reforms that will strengthen the rights of those who need them the most – the disadvantaged, those hurt by inequality, poverty and exclusion, LGBT people, and refugees and migrants, among others. In this endeavour, we will continue to count on the support, assistance and positive contribution of the Council of Europe and of the Assembly.

Ms FILIPOVSKI (*Serbia, Spokesperson for the Free Democrats Group*) – The report on Estonia, Greece, Hungary and Ireland is realistic and well prepared. It shows that these countries have democratic institutions that comply with Council of Europe standards, and I believe that we should vote for the resolution.

In the framework of the proposed report, I consider it very important for Estonia, Greece and Ireland to

implement the recommendations of GRECO on ensuring a transparent and open fight against corruption. With their supervisory role, parliaments have an important role in the fight against all forms of corruption. I sincerely believe that the Parliament of Greece will adopt the Council of Europe Convention on preventing and combating violence against women and domestic violence, which encourages women to report violence, but also envisages the enactment of stricter legal measures, as well as a series of measures to prevent violence against women and children.

It is also very important that the national minorities in Estonia are provided with the right to use their language more broadly in their local communities or in the communities where they live. I believe that the ratification of the European Charter for Regional or Minority Languages, as well as the European Convention on Human Rights, will reduce tensions between ethnic minorities and the majority population in Estonia, and that it will be an important step in honouring human rights and the rule of law. I am confident that further dialogue between ethnic minorities and the majority population in these four countries is essential to develop the rule of law, protection of human rights and democracy.

Mr ARIEV (*Ukraine, Spokesperson for the Group of the European People's Party*) – First of all, I express my respect of, and gratitude to Mr Preda for the good and comprehensive report he has prepared. He rightly noted that Ukraine succeeded in reforming under very difficult conditions.

In 2017, Ukraine made considerable progress in co-operating with the Council of Europe. The most remarkable deliveries include Ukraine ratifying Protocols 15 and 16 to the European Convention of Human Rights and successfully completing the Council of Europe Action Plan for Ukraine 2015-17. Within the framework of the action plan, it has fulfilled its obligation to the Organisation and will continue to do so, pending the adoption of the new action plan. I especially emphasise the judicial reforms, in which the Council of Europe played a significant role. Compared with all previous years, in 2017 Ukraine implemented an unprecedentedly high number of European Court of Human Rights judgments, supervised by the Committee of Ministers. In March 2017, Ukraine successfully closed the GRECO third evaluation round. The Ukrainian Parliament passed laws on combating domestic violence, cyber-security and transparency of media ownership and so on.

We made those reforms despite the ongoing aggression and occupation of Crimea. We have proven that Ukraine is a reliable partner, and we would like to continue to be, but we still have tension in Donbass. We have seen no progress from the Russian Federation in the matter of Crimea. Just today, Putin said the situation in Crimea is not dramatic, and will be stabilised. In the light of that, I hope we do not send the wrong signals to the Russian Federation, so that it thinks we will keep calm and not react to the ongoing aggression against Ukraine and the ongoing annexation of Crimea. We know from the behaviour of the Russian Federation in 2017 that it spared no effort to undermine this Organisation by failing to respect its obligatory commitments: it refused to pay its contribution, practically ceased co-operation with the Commissioner for Human Rights and did not fulfil decisions adopted in response to aggression in Crimea. It has done that and it has blackmailed the Council of Europe because it wants to kill the monitoring procedure. I hope we will be wise and not allow it to make the difficult steps it proposes.

Mr SCHENNACH (*Austria, Spokesperson for the Socialists, Democrats and Greens Group*)\* – The report on the monitoring and post-monitoring procedure and on thematic monitoring, demonstrates how important a role the Monitoring Committee plays at the Council of Europe and how important monitoring is. I can certainly tell you, as a former chairman of the Monitoring Committee, that budgetary restrictions should not be imposed upon a committee such as the Monitoring Committee, otherwise monitoring by the Council of Europe will collapse. The report shows us how important it is.

It also highlights the concerns we have. Because reports are always fairly drafted, our rapporteur points out negative things but also positive things, such as the new constitution in Armenia, the recent elections in Albania, the release of political prisoners in past years in Azerbaijan and the reform of the judiciary in Montenegro. Those are all positive developments, but there are also serious causes of concern, such as the complete impasse in Bosnia and Herzegovina that we discussed yesterday, the polarisation in Albania and the physical attacks carried out against the parliament in Skopje. Those have been highlighted in the report, as has the lack of independence and the lack of the rule of law in Azerbaijan.

There are other major causes of concern, such as the situation concerning the media and freedom of expression. We have heard that, in a number of countries, such as Moldova, media pluralism is under threat. We discussed Georgia in our committee today. We should say that any country under monitoring will not necessarily be passed to post-monitoring afterwards. There are such candidates in the report. I think in the next two years, one country, if not two, will be subject to post-monitoring.

The situation in Turkey, as pointed out in the report, is very serious and disquieting. The situation in Ukraine has already been discussed. It was very important to point out that, since a reform in 2015, countries that are not subject to monitoring were also looked at, and we have had feedback on Estonia, Greece, Hungary and Ireland. We discussed that a great deal, particularly with regard to Hungary, from where we get a lot more feedback as a result of its problems with the rule of law. As a rapporteur for Azerbaijan, I point out that the most recent of three judgments concerning Afgan Mukhtarli handed down by the court are a great cause for concern and call into question the rule of law.

Mr SEYIDOV (*Azerbaijan, Spokesperson for the European Conservatives Group*) – First of all, I thank the rapporteur, as my friends and colleagues already have, for the comprehensive, precise and very important job he has done. It is important not only because of the essence of the report, but because it gives a very good example of how the Monitoring Committee can cover not only countries under monitoring but all member States. That is a major new philosophical approach that we should take into account.

Frankly, this is a vivid example of the selective approach that we can see here in the Parliamentary Assembly of the Council of Europe. Some of our member States are under the monitoring procedure, but others are not. It is very visible that the problems that have sometimes happened or are happening within the countries being monitored are not the fault of those countries but of others that are not being monitored. This is a whole process and we should be one family.

The world is shrinking and Europe is becoming smaller and smaller. That is why problems in the United Kingdom, France and Germany immediately affect problems in Azerbaijan or other member States under monitoring or in Turkey. That is why, if we really want to do a serious job and do not want to be under the selective approach, we should do our best to think about how we can change the monitoring procedure. From that point of view, this report is a very good example.

We can make comparisons. For instance, today's problems in France, the United Kingdom and Germany may, in some cases, be much more dangerous than the problems in the so-called new countries that are being monitored. That is why we should think not only about the annual reports that presented the problems within the so-called old member States, but about how to change the procedure of monitoring in order to be more precise, to discuss more problematic issues and to be more objective from the point of view of human rights. This is a very timely report, as we now see in different countries – especially in the so-called old democracies – the rise of populism, xenophobia, Islamophobia and other issues that we should tackle.

I again express my gratitude to the rapporteur. I think that this new approach to cover all countries will be

a priority in the future activity of the Monitoring Committee.

The PRESIDENT – The rapporteur will reply at the end of the debate. Mr Preda, do you wish to reply at this stage? That is not the case. I call Mr Csenger-Zalán

Mr CSENGER-ZALÁN (*Hungary*) – The review of international obligations and commitments, and the regular supervision of the key legally-binding instruments, are highly important for all member States of the Council of Europe. The Hungarian authorities highly appreciate the advice and assistance given by the different structures of the Council of Europe that have supported the process of efficient democratic reform over the past few years.

During the legislative process on media regulation, freedom of information, the judiciary and education and non-governmental organisations, we also took into consideration the opinions of the Venice Commission. Talking from our own experience – whereby the Hungarian Government was available to discuss issues of concern with Council of Europe experts as soon as requests were made to do so – allow me to stress the importance of these consultations. Even if we did not always agree, this way of working represented an important framework, and demonstrated readiness and openness.

None the less, allow me to take this opportunity to call for a more efficient use of the Council of Europe's monitoring capacities, including those of the Parliamentary Assembly, not least for the reason of extremely limited budgetary means in a time of financial crisis. This means doing complementary work, not work in parallel. We have to concentrate on examining compliance with the Council of Europe's standards. We should not duplicate debates of other organisations, or reports and discussions that have already been produced or held within our own Organisation. Although I note that the text follows the structure of the periodic reports of the countries not under the monitoring procedure and tries to provide a factual overview, it still puts greater emphasis on some issues that, in our view, have successfully been brought to a conclusion, largely due to the fruitful dialogue with the different actors of the Council of Europe. We sincerely hope that you all share these concerns.

We are willing to further co-operate with the Council of Europe in areas of concern, and we believe that other member States should also follow this constructive approach, using the means and advice given by the Organisation to comply fully with their international obligations.

The PRESIDENT – As Mr Corlăţean and Mr Bereza are not here, I call Ms Mikko.

Ms MIKKO (*Estonia*) – I thank Mr Preda for an excellent report. I am a proud representative of e-Estonia – one of the most advanced digital societies in the world. I am glad that the report commends Estonia's extraordinary e-governance policy that has considerably increased the transparency and accessibility of the government. This is the result of a political decision to invest in new information technologies to promote efficiency and innovation. Estonians can no longer imagine their lives without the possibility of electronic voting in elections or filing electronic tax claims in five minutes on their mobile phone. Being a digital nation has led us to prioritise cyber-security and actively raise the issue on the international security agenda. We have been a victim of massive cyber-attacks and have hosted the world's largest and most advanced international cyber-defence exercise.

One of the legacies of Estonia's history is a large Russian minority – about a quarter of the population. As the report acknowledges, Estonia has taken significant steps to reduce the number of persons with undetermined citizenship. Estonia prefers this term, as these people have more rights in Estonia than those which the 1954 Convention relating to the Status of Stateless Persons provides. It is misleading to use the term

“stateless persons” to denote the persons of undetermined citizenship who have lived in Estonia for a long time. These people have equal social, economic and cultural rights with the citizens of Estonia. Unlike typical stateless persons, they have travel documents, residence permits, the right to equal treatment, and access to social services. Persons of undetermined citizenship can travel within the European Union and to Russia without a visa, and that is an important fact.

Estonia is one of the few countries in the world where long-term residents, regardless of their citizenship – and including persons of undetermined citizenship – can vote in the elections of local government councils. In spite of the progress made during the last 20 years, Estonia is aware that more efforts have to be made. The number of persons of undetermined citizenship has decreased five times since 1991. The government continues its efforts to increase the motivation of applicants for citizenship by offering free language courses and continuing with information campaigns. Estonian society still needs time to recover from the 50 years of Soviet occupation.

Estonia truly belongs to the European family, as a nation that honours its membership obligations to the Council of Europe and where the functioning of democratic institutions complies with Council of Europe standards.

Mr XUCLÀ (*Spain*)\* – I congratulate Mr Preda on his report. He has been present at the Monitoring Committee for the last two years and he has had a lot of work to do. Pursuant to the reform of the Monitoring Committee, the chair has to look at all the reports of the countries that are under monitoring review *stricto sensu* – in other words, the 10 countries that are under monitoring and the three countries that are in a post-monitoring situation. Mr Preda did some titanic work with the periodical reviews of all these countries. His capacity for work is enormous, but it would be far more productive to share out the work in the future.

I had the privilege working for the Monitoring Committee as rapporteur on post-monitoring for Monaco and then, for two years, for Ukraine. However, the members of the committee who have no country assigned to them have a more passive role. It might be a good idea to consider reforming the rules to give different members of the committee the opportunity to serve as rapporteur for the periodic reviews. Mr Preda, you are a great worker, but perhaps in future the work could be distributed more. I am sorry for that long dissertation on working methods.

The Monitoring Committee has appointed two colleagues, Ms Maury Pasquier and Ms Bakoyannis, as rapporteurs for Russia, but they cannot carry out their work. That issue goes far beyond this evening’s debate, but we should not forget it.

We should make a positive assessment of the work of the Sub-Committee on Conflicts between Council of Europe Member States. This initiative was launched under the chairmanship of Mr Schennach. It is very important that countries in conflict have a forum for dialogue within this Assembly, but that is another substantive debate.

We have had some excellent news this year. The report includes a list of positive and negative developments in countries under monitoring, such as positive elections in Albania and concerns about the media in Ukraine. There are also certain countries that are under scrutiny but not under monitoring. As has already been said this evening, we should invite Estonia and Greece to sign the European Charter for Regional or Minority Languages. I could say more about the recommendations, but my speaking time is over.

Mr MULLEN (*Ireland*) – Ireland is among the most compliant Council of Europe countries in its implementation of the Convention. That emboldens me to ask some questions that are critical but, I think,

necessary. Is there evidence that the Monitoring Committee is in any way prone to acting beyond its bounds, for reasons that could be seen as negative or ideological? A second consideration is whether, when making comments, criticisms and recommendations, the Monitoring Committee has taken care to ensure that it is fully informed of the reality on the ground.

With respect to the first issue, it is all too easy for human rights advocates and monitoring organisations to become blinded by political ideology and lose sight of what is and is not within their remit. We can see that mission creep in the area of abortion, for example. In its *A, B and C v. Ireland* judgment, the European Court of Human Rights was quite clear that Ireland's prohibition of abortion, which is based on the profound moral views of the Irish people on the nature of life, did not exceed the margin of appreciation accorded to the Irish State. Yet here we have the committee calling for the legalisation of abortion in Ireland, and Commissioner Muižnieks has said in this Chamber that there are no rights for the unborn. That seems to me to go far beyond – and to show no respect for – the margin of appreciation. That is potentially very damaging to the whole human rights project.

We can also see evidence of mission creep in the call for Ireland to pass a bill on education and admission to schools. Irish parents' right to educate according to their values is entrenched in the Irish Constitution and recognised in the European Convention on Human Rights. When there are not enough school places because the government has not provided them, and schools make admission decisions according to the denomination of children, that is not a breach of human rights, yet we see such issues being drawn in.

My point does not apply just to Ireland, of course. The report on Hungary calls on that country to change its laws on the reporting of foreign donations to non-governmental organisations active within it. Is it not the Soros agenda that we are hearing, rather than a human rights agenda? Surely there is a desirable transparency in knowing who and what is being funded by whom and what. For example, don't we all want to know whether, how and at what financial cost a certain member State of this community sought to bring certain members of PACE to a greater understanding – shall we say – of its point of view?

We also have a worry about double standards in the committee's attitudes to the procurement of information and the related issue of freedom of expression. In relation to Hungary, on the one hand it warns against stigmatising NGOs by compiling lists and communication campaigns, while on the other hand it seeks the decriminalisation of defamation to avoid a chilling effect on the expression of satirical and critical views. That smacks of inconsistency at best and double standards at worst. We have a phrase at home: "Sauce for the goose is sauce for the gander." NGOs do important work, but they do not have greater rights than officials and organs of State.

For the sake of the human rights project and its future credibility, it is important to avoid mission creep. I do not think that the Monitoring Committee has managed that on this occasion.

Ms KOVÁCS (*Serbia*) – There is no specific, universally accepted definition of democracy, but equality, freedom, legitimacy, representativeness and transparency are fundamental principles that are always included in its description. Those principles mean that all citizens are equal before the law and that everyone has equal access to power.

Across central and eastern Europe, democratic institutions have evolved from the ruins of failed socialist systems. A multi-party system, free elections, secret ballots and other aspects of representational government have been rapidly developed since 1989 in many countries in the region. I think democracy, as a social form that implies co-existence, dignified exchanges, mutual respect, trust and solidarity, is what all countries need.

As a representative of the Hungarian minority political party in Serbia, I would like to outline the basic tasks of minority parties, such as development of the community, protection of rights and representation of interests, co-operation with the majority, maintenance and development of links with the kin State, regional aspirations, and maintenance and development of community institutions. These affirm very good co-operation between the two countries in different fields, including infrastructure, agriculture, justice and the European integration process.

Our Assembly decided to closely follow the situation in Hungary with respect to specific issues and to take stock of the evolution of the political situation, the measures taken and the progress achieved. The Venice Commission has also analysed some legislation in the recent past. During that process, Hungarian officials were very constructive and open to the solutions and changes suggested. The measures taken by the Hungarian authorities, and their co-operation with the Secretary General of the Council of Europe and the representatives of the Venice Commission, were welcomed. Hungary is a committed member of the Council of Europe.

Further dialogue is essential to develop the rule of law and the protection of human rights and democracy. It is stated firmly in the report and the draft resolution, as well as by several international actors, that justice – more precisely the independence of the judiciary – is the area in which most progress has been made. Therefore, the rule of law and democracy fully apply in Hungary. In its opinion about media legislation, the Venice Commission acknowledges the efforts of the Hungarian Government to improve on the original text of the two Acts. There is a firm commitment from Hungary to respecting human rights, and in legal terms a lot has been done. I therefore support the report and draft resolution.

Finally, I remind colleagues that even though the procedure in question has concluded, many member States remain on the radar of the Council of Europe. Its various organs, such as the Secretary General, the Venice Commission and the Commissioner for Human Rights, constantly monitor developments and procedures in Hungary.

Mr SHEHU (*Albania*)\* – It is a pleasure to be here to talk about the monitoring of Albania by the Assembly, which continues to make a special contribution to my country, our democratic processes and our itinerary towards European integration. We have always welcomed it and will continue to do so, because we find it essential for Albania and the stability of our region for monitoring to be pursued.

I do not want to waste your time by listing all the problems that exist in Albania and in our region, but I would like to bring some important elements to your attention with a view to strengthening awareness of the need to proceed with the Albanian monitoring process. To begin with, the most acute and dangerous phenomenon is the strengthening of criminality and criminal groups, which have infiltrated like cancerous metastases and control a large part of the most important institutions of our country. The opposition have managed to secure the approval of a law in respect of criminality and central institutions, starting with the parliament, but the path towards its implementation is a difficult and partial one. We have succeeded in denouncing and expelling from parliament some MPs with criminal pasts, and even mayors in some municipalities on the same charges, but these are just the first steps in this tough existential struggle for the survival of democracy and our journey towards European integration, as the sole alternative.

Secondly, an important element that has contributed considerably to the increasing criminality is the massive cultivation of cannabis throughout the country, which has served to reinforce the activity of criminal groups and their links with institutions, starting with the police and then going much higher up. Furthermore, thanks to the financial gain through these criminal activities, the outcome of previous elections and the voting process has been affected, through the buying and selling of votes by those in the majority today. Not only are

the institutions that should struggle against all this silent when it takes place, but they tend to contribute to it. So we are in a very hard struggle to defend European values, human rights, and development and integration of the country for the victory of democracy. We will continue to need your valuable assistance and your presence, including through the process of monitoring.

Mr KANDELAKI (*Georgia*) – It is no secret that the effectiveness with which this Organisation can scrutinise member States has fallen steadily in the past few years. The source of this ongoing erosion, which has gone very far, has been the consistent approach of important people in this Organisation on exempting some countries from standards and rules. That approach manifested itself most vividly after the Russian invasion of Georgia in 2008, and some of you will remember those debates. Of course, the Russian approach to blackmailing the Council of Europe with the budgetary issue has deepened that erosion. Those officials who have been part of this erosion have used the budgetary blackmail to their advantage. I represent the opposition in Georgia, and my government spends money on many unnecessary, wasteful things. But if we divide the amount that is currently lacking between all member States, we will see that the amount required is not that much. I would support my government if it was to allocate €1 million or €2 million to bridge this gap and not allow further erosion.

This important report mentions my country, alongside some others which have serious problems. It highlights constitutional reform and the importance of adopting a proportional system, which has been a demand of the Assembly and other partners for many years. However, I wish to focus on one recent item which is incredibly important in the efforts of friends to scrutinise Georgia. I refer to the most recent judgment of the Grand Chamber of the European Court of Human Rights in relation to our former Prime Minister, Vano Merabishvili, who is still in prison and who is the author of the world-famous Georgian police reform.

The ECHR established a breach of Article 18 in this case, and this is the first Article 18 judgment in the history of the Court where the Grand Chamber had established the breach. The reaction of the Georgian Government has been very disappointing. It said, “We will pay €4 000 and that will execute this.” The judgment, in effect, makes Mr Merabishvili a political prisoner. The Court never uses that term, because it is a political one, but that is what we have here; the judgment says that the authorities pursued ulterior or other purposes when prosecuting this individual and jailing him. The choice for the Georgian authorities is clear: either ignore the clear decision of the Grand Chamber of the ECHR and have the stain on our reputation, or comply with it and immediately release Mr Merabishvili.

Mr VLASENKO (*Ukraine*) – I thank the rapporteur for the excellent job he has done. I strongly support annual reports, because they can easily show us progress or regression on the fulfilment of the obligations of countries under the monitoring procedure, countries under the post-monitoring procedure and countries not under the monitoring procedure. Free and fair elections are one of the basic elements of the monitoring procedure and the cornerstone of democracy. The next national elections will be held in Ukraine next year. In 2019, there will be two elections, presidential and parliamentary. The absence of free and fair elections was the reason for both Ukrainian revolutions, and we should be aware of that.

I should also mention that, for three years, members of the central election committee worked without any mandate and the president was not proposing the candidates for the central election commission. He did that only two days ago, but he did it in an unbalanced way. All the candidates he proposed represent his political party and allies. The biggest political opposition is not even represented in that list. So we face a threat on the new central election committee, which we welcome as an institution; it should be renewed, but only in a balanced way. In Ukraine, we have also seen the statements of most NGOs dealing with the election, with the biggest and most respected NGO, OPORA, having already strongly stated that his proposals could make the central election committee unbalanced and turn it into an instrument for manipulating elections. We should

also remember the ideological stamp of Stalinist times: elections are won not by the person the people are voting for, but by the person who controls the calculation of the result. The Monitoring Committee should keep a close eye on developments in this sphere in Ukraine and oppose the unbalanced composition of the central election committee. A balanced central election committee is the only necessary safeguard for a free and fair election, which, as I have said, is the cornerstone of democracy.

Mr NÉMETH (*Hungary*) – I thank Mr Preda for the last two years' work as chair of the committee. I say well done and congratulations. I hope the incoming chair, Sir Roger Gale, will perform this activity in a similar way. I wish you success as the new head of the Group of the European People's Party.

We are talking about the periodic monitoring goals in general, and we should always do this, because we are testing a new system and, as Mr Xuclà suggested, reforms are continuously needed in our monitoring activity. As we are aware of the budgetary cuts in the Council of Europe, with the Secretariat, in particular, being nervous about those, we should express our conviction that the monitoring activity of the Council of Europe is not going to be reduced as a result of the budgetary cuts.

Periodic monitoring is an important process. There are ideological clichés orienting our activity, and human rights activism sometimes overrides basic principles of democracy in our monitoring work. I hope that we start to better understand constitutional identity in our monitoring activity. Constitutional identity in democracies should be respected. As our Irish colleague, Mr Mullen, said, certain countries have rules that do not necessarily apply in other democracies, but they are still democracies.

The term “illiberal democracy”, which a colleague raised, was in the original version of the text but is not any more. Hungary does not support illiberal democracy, and it never did. This is a misinterpretation of the Hungarian approach. We speak about post-liberalism and post-liberal democracy. In a similar way, Mr Trump said in Warsaw that the renewal of the West is based on God, patriotism, family and liberty. That is the post-liberal conviction. I thank the secretariat for its work.

Mr CROWE (*Ireland*) – I thank the rapporteur of the Ireland report, Mr Cezar Florin Preda. I welcome his report and conclusions and invite him to the Irish Parliament to encourage its representatives to follow through on his recommendations.

The report rightly points out that there is deep concern in Ireland over Brexit. My party, Sinn Féin, operates on all-island basis. We are Irish republicans, and we are committed to the cause of Irish unity and independence. The majority of the people of the North of Ireland voted to remain in the European Union, and their vote must be respected. There can no return of a hard border on the island of Ireland, as that would be disastrous for Ireland and its people. The Irish Government and the many friends of Ireland must ensure that the North of Ireland stays in the customs union, the single market and the European Union legal framework, in order to protect the Good Friday Peace Agreement and the rights of Irish citizens across the island of Ireland.

The report gives a good outline of women's rights issues in Ireland. It explains the horrific history of the Magdalene laundries and mother and baby homes. Irish women were abused, tortured and exploited in those residential institutions. It is a dark and shameful period of our history. Sadly, many of the victims and survivors still feel they are being ignored, overlooked, left out and forgotten when it comes to the State redress schemes and its partial apology to some victims. I welcome that the report calls for thorough investigations and redress schemes to be accessible for all victims and survivors. I also support its calls for the removal of Article 41.2.1 of the Irish Constitution on women's life within the home and for our new Domestic Violence Bill to pass through parliament without delay and comply with all necessary international

conventions.

I share the report's hopes that the Irish referendum on the Eighth Amendment, which bans abortion, will lead to a repeal of that damaging and dangerous amendment to women. Last Thursday, we debated that issue in the Irish Parliament and I outlined my own opposition to the constitutional ban. I hope that in the coming months we will have a dignified and respectful debate encompassing all views and opinions, and I hope that Irish citizens will repeal that amendment.

The report welcomes the recent recognition of Travellers as an ethnic minority. My party, Sinn Féin, has pushed for that for many years, but recognition alone will not alleviate the hardship that those people experience in their daily lives. Less than 1% of Irish Travellers currently go on to third-level education. Their rate of suicide is six and a half times higher, infant mortality rates are three and a half times higher, and adults are more likely to die younger and be unemployed and most likely live in poverty.

The report also outlines the precarious position that many asylum seekers find themselves in in Ireland. The Council of Europe has rightly criticised Ireland because of the lengthy time that people have to spend waiting in direct provision centres. The direct provision system violates the human rights and basic dignity of all asylum seekers and needs to be urgently scrapped. The report estimates that there could be between 20 000 and 26 000 undocumented citizens in Ireland and calls for a legal pathway for those people.

Mr KILIÇ (*Turkey*)\* – Unfortunately some prejudiced views have been repeated here. It has been said that recent changes violate the separation of powers. In fact, our government has taken steps to further strengthen it. The separation of powers has been ensured in the new system, and the right to legislate will lie only with parliamentarians. Members of parliament are to be elected separately, and there will be differences in the number of parliamentarians.

There will be a complete separation of powers. That will prevent any weakening of the system and will support the establishment of coalition governments. We will also adopt a proportional system, and dismissals will be carefully overseen. Steps have been taken towards an independent judiciary and against supporters of the FETÖ organisation. Some 14 800 people have been released and returned to their positions.

The most important shortcoming in the section about Greece is regarding the rights of individuals living in Western Thrace. We believe, in accordance with the Lausanne Treaty, that the Turkish people in Western Thrace must have their rights, and we expect international instruments and principles to be respected. We also believe that an unfair approach is taken in the Hungary section of the report. There must be respect for the independence of States.

Mr SOBOLEV (*Ukraine*) – I thank Mr Preda and the whole secretariat of the monitoring mission for their excellent work, which means that can compare each country on its way to democracy.

We started this discussion by saying that democracy is not only about free elections, but without free elections, democracy is impossible. I want to continue a theme raised by my colleague from Ukraine. There is shocking news from Ukraine that we do not have representation of all political parties in the central election commission for the first time in 20 years. It is very important for us to have that representation, which is necessary for free and transparent elections.

Besides Russian aggression and the violation of human rights, another very important theme is the anti-corruption struggle in Ukraine, as well as in all countries of our Organisation. We are taking concrete steps on this in forming a new organisation to fight against corruption, the anti-corruption court. The idea for the anti-corruption court was supported by the Venice Commission, which stressed the main ideas for the future law

and the importance of transparency. It is important that we should have this law.

In all the previous drafts that came to our parliament and in the new one proposed by the president, the idea has been that the law must specifically contain the main principles of the Venice Commission. That is important for Ukraine. Not only the Davos World Economic Forum but all the international organisations that have supported Ukraine, including the European Union and the Council of Europe, have said that we have to have a transparent and clean procedure for the election of those who will work in the anti-corruption court.

Once more, I thank Mr Preda for his excellent work. We will now have the chance to discuss all our amendments.

The PRESIDENT – That concludes the list of speakers. I call Mr Preda, the rapporteur, to reply. You have eight and a half minutes.

Mr PREDÁ (*Romania*)\* – I think that I can be brief. I appreciate all the statements made by the participants in the debate, whom I thank. The issues that have been raised show that the committee's activities are important. All those who took the floor stressed the importance of our remaining in touch with countries that are subject to the monitoring procedure or the post-monitoring dialogue.

I say to those members who have a lot of experience and to those who are new that it is not easy to draft a monitoring report on a country. Many stakeholders must participate in gathering information and drafting the report. We are told that we have significant financial problems and that we must find a way round them. I appreciate what Mr Xuclà and Mr Schennach said in advising us to be careful. This work is the foundation of this Organisation's actions and is crucial to its values. Countries must go through monitoring and post-monitoring in order to join the club of countries that are 100% democratic. There is no alternative; it is a *sine qua non*. All the States that are members of the Organisation must go through these procedures. It is important that this activity is ongoing and not the subject of blackmail concerning the Organisation's funding. We need to be able to do what is required to monitor, observe, judge and make recommendations to countries that want to join our club, but we cannot do so without the financial resources.

We have considered thousands of reports, including reports on seal hunting in Canada and all sorts of other issues that are important for the world, but countries that want to become democratic need us. They need the experience, support and assistance of our monitoring procedure to be able to follow that path. I take this opportunity to appeal to everyone to acknowledge that the Monitoring Committee's activity is crucial for our Organisation.

In closing, I thank all those who contributed to the report, including my secretariat, which supported me so well over two years. I say to Mr Mullen that the Monitoring Committee produces many different reports and that, when we draft a report that says in the title that we are engaging in a periodic review of the honouring of obligations, we are not being political. It is just a question of a technical examination and review of the text adopted and implemented in all the countries.

The PRESIDENT – Does the vice-president of the committee, Mr Vareikis, wish to speak? You have two minutes.

Mr VAREIKIS (*Lithuania*) – As the rapporteur said, this was his last act as the chair of the committee, so, on its behalf, I thank him not only for his hard work in drafting this report and the four periodic reviews but for all his efforts as chair.

The progress report gives an excellent overview of the state of the monitoring procedure in the different

countries that the committee looked at. The committee has worked impartially and, above all, honestly. The report welcomes the progress that has been made in those countries, but does not shy away from calling a spade a spade, and we highlight concerns that remain in those cases where we have regrettably noted a deterioration in the honouring of commitments and obligations.

These periodic reviews are now a permanent feature of the work of the Monitoring Committee, in addition to its ongoing work in drafting a report on the functioning of democratic institutions. They highlight the committee's commitment to monitoring the obligations of all Council of Europe member States, as it was tasked to do by this Assembly.

This morning, the committee discussed the amendments. In all cases, we were able to accept or reject them unanimously or with a large majority. That showed the unity of the committee on the draft resolution, as well as the impartiality of the report. I therefore ask members to support the draft resolution and the committee's position on the amendments.

The PRESIDENT – Thank you, Mr Vareikis. The debate is closed.

The Monitoring Committee has presented a draft resolution, to which 18 amendments and three sub-amendments have been tabled. I understand that the Monitoring Committee wishes to propose to the Assembly that amendments 13, 14, 2, 11 and 12 to the draft resolution, which were unanimously approved by the committee, should be declared as agreed by the Assembly. Is that so, Mr Vareikis?

Mr VAREIKIS (*Lithuania*) – Yes.

The PRESIDENT – Does anyone object? That is not the case.

*Amendments 13, 14, 2, 11 and 12 are adopted.*

We now come to the remaining amendments, which we will consider in the order in which they appear in the revised Compendium. I remind members that speeches on amendments are limited to 30 seconds.

We come now to Amendment 1, which has a sub-amendment. I call Mr Arieu to support the amendment. You have 30 seconds.

Mr ARIEU (*Ukraine*) – The amendment comments on the precise situation with the Russian Federation. It is about the absence of co-operation with the Monitoring Committee despite the obligations taken on by the Russian Federation on entering the Council of Europe.

The PRESIDENT – I call Mr Preda to support the sub-amendment on behalf of the Monitoring Committee.

Mr PREDA (*Romania*) – The sub-amendment replaces the word “regrets” in paragraph 2 with “deplores”.

The PRESIDENT – Does anyone wish to speak against the sub-amendment? That is not the case.

What is the opinion of the mover of the main amendment?

Mr ARIEU (*Ukraine*) – In favour.

The PRESIDENT – The committee is obviously in favour of the sub-amendment. I shall now put the sub-amendment to the vote.

The vote is open.

*The sub-amendment is adopted.*

Does anyone wish to speak against the amendment, as amended? That is not the case.

What is the opinion of the committee?

Mr VAREIKIS (*Lithuania*) – The committee was in favour, with a large majority.

The PRESIDENT – I shall now put the amendment, as amended, to the vote.

The vote is open.

*Amendment 1, as amended, is adopted.*

We now come to Amendment 16. I call Mr Kiliç to support the amendment. You have 30 seconds.

Mr KILIÇ (*Turkey*) – I do not wish to move this amendment, or Amendments 17 and 18.

The PRESIDENT – Thank you. Does anyone wish to move Amendment 16? That is not the case.

Amendment 16 is not moved.

I understand that Mr Ariev wishes to withdraw Amendment 3. Does anyone else wish to move Amendment 3?

Amendment 3 is not moved.

Mr ARIEV (*Ukraine*) – I also do not want to move Amendments 4, 6 and 7.

The PRESIDENT – Thank you.

Mr Kiliç does not wish to move Amendment 17. Does anyone else wish to move the amendment? That is not the case.

Amendment 17 is not moved.

Mr Ariev does not wish to move Amendment 4. Does anyone else wish to move the amendment? That is not the case.

Amendment 4 is not moved.

We come to Amendment 15, which has a sub-amendment. I call Mr Sobolev to support the amendment. You have 30 seconds.

Mr SOBOLEV (*Ukraine*) – This is a question that has been discussed with all our colleagues. We propose the words about the proportional representation of all parliamentary political factions in the central election committee.

The PRESIDENT – I call Mr Sobolev to support the sub-amendment, too.

Mr SOBOLEV (*Ukraine*) – We decided to replace a very long phrase with concrete words about the proportional representation of all parliamentary political factions in the central election committee, according to the recommendations of the Council of Europe.

The PRESIDENT – Does anyone wish to speak against the sub-amendment? That is not the case.

Mr Sobolev is obviously in favour.

What is the opinion of the committee on the sub-amendment?

Mr VAREIKIS (*Lithuania*) – We have no opinion, because it is a new sub-amendment and was not discussed in the committee.

The PRESIDENT – I shall now put the sub-amendment to the vote.

The vote is open.

*The sub-amendment is adopted.*

Does anyone wish to speak against the amendment, as amended? That is not the case.

What is the opinion of the committee?

Mr VAREIKIS (*Lithuania*) – The committee is in favour.

The PRESIDENT – I shall now put the amendment, as amended, to the vote.

The vote is open.

*Amendment 15, as amended, is adopted.*

We come to Amendment 5, which has a sub-amendment. I call Mr Arieu to support the amendment. You have 30 seconds.

Mr ARIEU (*Ukraine*) – The amendment refers to the necessity of implementing the Assembly's resolutions and upholding the Minsk Agreements.

The PRESIDENT – I call Mr Preda to support the sub-amendment on behalf of the Monitoring Committee.

Mr PREDA (*Romania*)\* – I am in favour of the sub-amendment.

The PRESIDENT – Does anyone wish to speak against the sub-amendment? That is not the case.

What is the opinion of the mover of the main amendment?

Mr ARIEU (*Ukraine*) – I am in favour.

The PRESIDENT – The committee is obviously in favour of the sub-amendment.

I shall now put the sub-amendment to the vote.

The vote is open.

*The sub-amendment is adopted.*

Does anyone wish to speak against the amendment, as amended? That is not the case.

What is the opinion of the committee?

Mr VAREIKIS (*Lithuania*) – The committee was in favour.

The PRESIDENT – I shall now put the amendment, as amended, to the vote.

The vote is open.

*Amendment 5, as amended, is adopted.*

Mr Arieu does not wish to move Amendment 6. Does anyone else wish to move the amendment? That is not the case.

Amendment 6 is not moved.

Mr Kiliç does not wish to move Amendment 18. Does anyone else wish to move the amendment? That is not the case.

Amendment 18 is not moved.

Mr Arieu does not wish to move Amendment 7. Does anyone else wish to move the amendment? That is not the case.

Amendment 7 is not moved.

We come now to Amendment 8. I call Mr Csenger-Zalán to support the amendment. You have 30 seconds.

Mr CSENGER-ZALÁN (*Hungary*) – The general assessment in the text is misleading. The Venice Commission has analysed legislation in the recent past and the Hungarian Government always co-operated constructively with this and other expert bodies of the Council of Europe, and amended the law in question accordingly. To better take into account the recommendation of the Venice Commission, the Hungarian Parliament has postponed the final vote.

The PRESIDENT – Does anyone wish to speak against the amendment?

Mr PREDA (*Romania*)\* – I oppose the amendment because all the Venice Commission's reports have shown that there are problems with the balance of powers and control of the police. We cannot change this.

The PRESIDENT – What is the opinion of the committee?

Mr VAREIKIS (*Lithuania*) – The committee rejected the amendment by a large majority.

The PRESIDENT – The vote is open.

*Amendment 8 is rejected.*

I call Mr Csenger-Zalán to support Amendment 9.

Mr CSENGER-ZALÁN (*Hungary*) – This is a very subjective, general assessment. The Venice Commission, in its opinion about the media legislation, acknowledged the effort of the Hungarian Government over the years to improve on the original text of the two Acts in line with the comments from various observers, including the Council of Europe, and positively notes the willingness of the Hungarian authorities to continue the dialogue.

The PRESIDENT – Does anyone wish to speak against the amendment?

Mr PREDA (*Romania*)\* – I am against, but I never said that the Venice Commission has subjective findings on a country. I said that political intervention is recognised in many European reports. It is not a question of subjectivity or another interpretation.

The PRESIDENT – What is the opinion of the Committee?

Mr VARIEKIS (*Lithuania*) – The amendment was rejected by a large majority.

The PRESIDENT – The vote is open.

*Amendment 9 is rejected.*

I call Mr Csenger-Zalán to support Amendment 10.

Mr CSENGER-ZALÁN (*Hungary*) – This is again a generalisation about the asylum system and a very misleading assessment. The new wording is suggested on the basis that even the European Court of Human Rights, in the judgment in *Ilias and Ahmed v. Hungary*, did find that the conditions in the transit zone were acceptable and had not reached the level of severity necessary to constitute a violation under Article 3.

The PRESIDENT – Does anyone wish to speak against the amendment?

Mr PREDA (*Romania*)\* – I am against, because in my opinion that rationale is incorrect. This sort of thing is not in compliance with European norms.

The PRESIDENT – What is the opinion of the Committee?

Mr VARIEKIS (*Lithuania*) – The amendment was rejected by a large majority.

The PRESIDENT – The vote is open.

*Amendment 10 is rejected.*

We will now proceed to vote on the whole of the draft resolution contained in Document 14450 Part 1, as amended.

The vote is open.

[The draft resolution in Document 14450, part 1, as amended, is adopted, with 52 votes for, 3 against and 6 abstentions.](#)

(Mr Ariev, Vice-President of the Assembly, took the Chair in place of Mr Jonas Gunnarsson)

### **3. Protecting children affected by armed conflicts**

The PRESIDENT – The next item of business this afternoon is the debate on the report titled “Protecting children affected by armed conflicts”, Document 14461, presented by Ms Sevinj Fataliyeva on behalf of the Committee on Social Affairs, Health and Sustainable Development.

In order to finish by 7.30 p.m., I will interrupt the list of speakers at about 7.20 p.m. to allow time for the reply and the vote.

I call Ms Fataliyeva, rapporteur. You have 13 minutes in total, which you may divide between presentation of the report and reply to the debate.

Ms FATALIYEVA (*Azerbaijan*) – Unfortunately a happy and safe childhood for many children in the world has become an unrealisable dream or unreachable luxury. When discussing certain conflicts, we should admit that we often pay much attention to political or military aspects of the conflict but very seldom to the suffering of children in the conflicts. We should not forget that many children worldwide are living in areas marked by active, unresolved or frozen conflicts or by post-conflict situations. Every European State is concerned in one way or the other, as a conflict party, a commercial partner to one of the parties or by providing humanitarian help. The short and long-term consequences on children are worrisome and affect whole societies and Europe as such.

The purpose of this report is to draw attention to the fate of the children caught up in such situations. We cover the situation of children in Syria, Sudan and Yemen. Horrible news is reaching us from Myanmar, as well as conflicts in the regions of the Council of Europe, such as Nagorno-Karabakh, Transnistria, Ukraine and others.

Children are affected by armed conflict in many different ways: their lives are threatened; they lose one or both parents or other care-givers; they are dispossessed of basic services, healthcare, education, healthy living conditions, or water and food supply; they witness death and violence, highly traumatising events that can leave them with feelings of fear and mistrust for their entire lives; and they are recruited as fighters or child soldiers. Let me share some terrifying figures with you. Over 250 000 persons have died during the five-year war in Syria, including thousands of children. In Yemen, close to 4 000 civilians have died as a direct result of the conflict, including 1 332 children. More than 460 000 children face severe malnutrition, while 3.3 million children and pregnant or lactating women suffer from malnutrition. Up to 80% of victims of sexual violence in conflict countries are children, notably girls. Two million children are out of school. In South Sudan, over 20 000 children have been recruited by armed forces and over 10 000 are unaccompanied. Since mid-August 2017 alone, more than 600 000 Rohingya families, including many children, have fled to Bangladesh. In Eastern Ukraine, more than 1.5 million people have been displaced in recent years, one third of them children. The lives of more than 580 000 children are directly affected, and more than 200 000 children living along the “contact line” are in need of psychological support.

We should admit that those figures are terrifying. There is a great number of women and children arriving in Europe now. But we have to differentiate between their needs: children suffer from the loss of family members or are in fear of it, and the psychological state of parents also has an impact on children. Children's concerns are often neglected against the background of more immediate challenges. In terms of child protection, new challenges have also arisen: military strategies of modern wars change. In many recent conflicts, combatants often directly target homes, hospitals and educational infrastructure, thus undermining the functioning of entire societies. Children are also forced to take part in conflict, to kill or to act as suicide bombers and commit other acts of violence, some are groomed to join armed groups or act as soldiers, driven

by poverty or desperation. Others are enslaved and are sexually abused or otherwise exploited by armed forces. In addition to the direct effect on children, armed conflict jeopardise the emergence of stable and safe societies by reducing children's chances of developing in a safe country. If children get used to functioning in an environment of violence, fear or anger, they may be left unable to live a normal life, making them aggressive, which has dangerous consequences for them and society.

Armed conflict has significant consequences, not least because a large share of public budgets is spent on arms. Under international law, children should always be sheltered from harm. In armed conflict, children legally benefit from special protection under the fundamental principles of the Geneva Conventions and the United Nations Convention on the Rights of the Child, which aim to protect children from any kind of harm. However, the many grave violations of children's rights in past and ongoing conflicts show that the international community has so far failed in its mandate to protect children. The international legal framework aimed at protecting children in war situations is robust. Nevertheless, children are more vulnerable today than they were 10 years ago. Conflicts have become more international and often involve extreme violence from all sides involved and a shocking lack of respect for international law and the institutions that control it. Our aim is to support children affected by armed conflict through all possible means, including by improving children's living conditions and their level of protection, by supporting their rehabilitation and reintegration into society when returning from conflicts in which they have fought as child soldiers, and by deploying measures for refugee children arriving in Europe and those who are internally displaced in European countries.

We must invest to prevent children's involvement in conflict through the international community and its organisations. We must intervene actively to put an end to ongoing conflicts, however utopian that may sound. Countries not directly affected by conflicts can work towards that goal via their international commitments. We must educate children and young people who have been traumatised by armed conflict or otherwise to prevent the inter-generational transmission of violence, including through child participation. We must reinforce child protection and support mechanisms at all levels, both in conflict areas and in countries that welcome refugees. We must support and rehabilitate child soldiers and other children who have lived through armed conflict. Children who have experienced war and armed conflict should be involved in peace-building action where appropriate. We should promote relevant programmes in all conflict areas in the world. We must welcome and support children and families who have left conflict zones.

Children are among the most vulnerable and defenceless groups affected by the ongoing conflicts across the world. If we do not want to create a lost generation as a consequence of the current wars in many countries, as parliamentarians we must not stop at just expressing our sympathy; we must pay attention to their fate, even though some of those conflicts are taking place in countries that seem far away. We are all responsible for the future of those children.

The PRESIDENT – Thank you, Ms Fataliyeva, for your comprehensive report. You have five and a half minutes remaining. I call Mr Kırkçü.

Mr KÜRKÇÜ (*Turkey, Spokesperson for the Group of the Unified European Left*) – I thank Ms Fataliyeva for her extensive report, which brings one of the most crucial challenges of our times to PACE's attention. The situation of children in conflict areas in 2016 was indeed horrible. According to the United Nations Secretary-General's report "Children and Armed Conflict", in 2016 more than 8 000 children were killed or maimed across the globe. In Afghanistan, the number of children killed or maimed rose to 3 512. In Somalia, the number of children recruited and used in armed conflict doubled to 1 915, and in South Sudan the number was 1 012. The United Nations verified that there were 1 340 child casualties in Yemen, more than half of which were caused by air attacks. More than 2 000 children were killed or maimed in Iraq and Syria.

We can assume that the situation has not improved in one year, because none of those conflicts has waned. Indeed, that list is far from comprehensive: those figures do not include casualty figures in Council of Europe member countries. For instance, in Turkey, according to PACE resolution 2121, adopted on 22 June 2016, between August 2015 and the date of the report's publication 1.6 million people were affected by security operations and the ensuing conflict, which resulted in the displacement of at least 355 000 people, who have been denied access to water, electricity, education and healthcare. Bearing in mind that at least 70% of those who suffered were, predictably, children, we can conclude that the social issue addressed by the report is rather more internal to the Council of Europe than external.

Millions of Syrian kids have been dumped in the slums of Turkey and are forced to beg on the boulevards of Ankara, Istanbul and other big cities. Kids are forced to work for at least 12 hours a day for nothing in remote sweatshops in industrial areas. Underage girls are exposed to sexual harassment and exploitation. The fact that millions of kids do not have access to school, medical care and shelter and are growing up without hope in an environment hostile to their language and culture should be of concern to the Council of Europe. I hope the report will help open the eyes of the Council of Europe countries' leaderships, but I warn you that, unless enormous efforts are put into effect immediately, Europe and the whole global North will become an object of hate for that lost generation.

Mr AKTAY (*Turkey, spokesperson for the Free Democrats Group*) – I thank Ms Fataliyeva for her comprehensive analysis and her very successful report.

When listening to the previous speaker, I thought that I was living in another Turkey. His speech was misleading and contained much misinformation about Turkey. Turkey is not like that. It is introducing many services for child victims of war.

The consequences of war affect mostly children. In war, there is no way to keep civilians and children away from danger. War is bad enough, but children pay the biggest price. A considerable number of children are starving and risk losing their lives because their basic needs are not met in war zones.

The information in the previous speech is unfortunately repeated frequently, but Turkey is currently hosting more than 3.5 million refugees, half of whom are children. It is important to stress that between 2014 and 2015 – in two years – the PKK recruited or kidnapped and then armed more than 2 000 children, who were used as human shields when terrorists were digging ditches and terrorising various provinces and districts of Turkey. Most of those Kurdish children were then moved to the conflict zones in Syria to fight in the ranks of the PYD and the YPG. One of the clearest signs of the ties between the PKK and the PYD is that the children or teenagers recruited and armed in Turkey are sent to Syria to fight among PYD and YPG terrorists. The same militants then fight against Turkey when the PKK needs them. Indeed, this is the most obvious demonstration of the ties between the PYD and the PKK.

Unfortunately, what we frequently hear in this place is propaganda from the PKK, as though they were representative of innocent Kurdish people. I come from the Kurdish region and I represent the Kurds; I hear the words of the Kurds. Despite the actions that I have described, which clearly constitute crimes against children according to all international law, we now see the PKK being treated as brave fighters against terrorism, just because in Syria it has renamed itself the PYD or YPG. This is really not fair.

Mr REISS (*France, Spokesperson for the Group of the European People's Party*)\* – Last December, the André Malraux Médiathèque in Strasbourg exhibited 150 drawings of children in war from 1914 to the present day, as part of a show called “Explosion”. Those drawings show how important this resolution is for the future of our democratic societies. As an Alsatian, I remember the tales that my parents told. They were

children during the Second World War, and their childhoods were marked by fear and bombings – childhoods in which they played in cellars and in shelters, waiting for raids to pass.

In many countries, we have children who are victims of conflicts. In Syria in particular, children are on the front line. Parents therefore choose to send their children, alone, to a world that they hope will be better, or at least at peace. We in this Assembly have talked a great deal about the difficult issue of lone migrant children travelling on the Balkan route. We know that many have unfortunately disappeared. Many have met their deaths in floating coffins or fallen easy prey to human traffickers. The rapporteur is quite right to point out that special care is required for these children, particularly psychological care, as they have experienced violent trauma, particularly those from areas controlled by Daesh. Our democracies must rise to the challenge and manage this flow of children and unaccompanied minors as humanely as possible.

The issue of displaced children fleeing the conflict in Donbass is also crucial. We have witnessed a painful exodus. There are still too many people in our greater Europe being displaced as a result of old and frozen conflicts. Many children are born and grow up in a climate of hatred. That is why it is important to educate people to live together. Again, as an Alsatian, I know that reconciliation is always possible.

In awarding the Europe Museum Prize to the Sarajevo museum, our Assembly was making a symbolic choice. Particularly for those of us who know the tragic history of that city, which was besieged during the Yugoslav war, this is a museum that makes us think about the consequences of armed conflict, because every time that adults wage war, children can no longer lead carefree lives.

Ms CHRISTOFFERSEN (*Norway, Spokesperson for the Socialists, Democrats and Greens Group*) – On behalf of the Socialists, Democrats and Greens Group, I thank the rapporteur for a balanced report. As the report clearly states, in any armed conflict, children are the ones who pay the biggest price for the misdeeds of adults, not only in distant places but on our own continent.

The question is, do we respect our international obligations to protect children traumatised by war? The answer is no. On the contrary, as Ms Fataliyeva outlines, there is a huge gap between obligations and their implementation. She highlights several measures to close that gap, among them preventing and ending conflicts, supporting organisations in the field, providing traumatised children with shelter, education and proper health care, and the rehabilitation of child soldiers. All member States are called upon. As MPs, we are all responsible for the necessary follow-up back home.

Allow me to use my final few minutes to draw your attention to the most vulnerable children of all: children with disabilities, either congenital or inflicted by violence and armed conflict. Some of these children are fleeing war or persecution with their families. Some have been left entirely on their own. One of the main objectives of the Danish chairmanship is to raise awareness of disability. This ought to cover disabled refugees as well. Thus, all member countries of the Council of Europe should either establish or expand resettlement programmes subject to the United Nations High Commissioner for Refugees and pay special attention to the needs of disabled children.

Today, disabled children are hardly seen; rather they are neglected and considered too costly. That should shame us all. Just imagine fleeing falling bombs in a wheelchair, travelling through the jungle on crutches, crossing the Mediterranean blind or being a 16-year-old girl, also blind, alone in a refugee camp, raped and a single mother at the age of 17. These are real stories. UNHCR figures indicate that there are 9 million disabled refugees worldwide. Many of them are children. Adequate health care could have reduced such disabilities by half. However, disabled refugees are the last in line for aid, health care, education and the protection of children. For resettlement in third countries, disabled refugees are not even in the line.

All our member countries have ratified the UN Convention on the Rights of Persons with Disabilities, which obliges us to protect disabled people in armed conflict, and we also have our own “Council of Europe Strategy for the Rights of the Child”, which calls on us to protect children in armed conflicts, so why don't we?

Ms TOPCU (*Turkey, Spokesperson for the European Conservatives Group*) – I thank the rapporteur, Ms Fataliyeva, for addressing such an important topic. In the 21st century, we have faced barbarous wars, conflicts, violence and acts of terror. Sadly, wars have been ongoing all over the world, and children are right in the line of fire. They have been direct victims of wars fought for political interest and hegemonic desires. According to media reports, almost 10 million children have been killed and 300 000 children in 30 different conflict zones, in Africa, the Middle East, Asia and the Far East, have been forced to carry arms over the last quarter of a century.

As we have all witnessed with shame and pain, the war in Syria has been ongoing since 2011. Turkey has been trying to cope with one of the biggest refugee influxes by making use of its scarce resources. There are more than 3.5 million refugees in Turkey, half of them children. According to UNICEF, for the first time since the start of the Syrian crisis there are more Syrian children in Turkey attending classes than there are children out of school. That is a huge achievement for Turkey. However, unless more resources are provided, there is still a risk of seeing a lost generation of Syrian children, deprived of the skills that they will one day need to rebuild their country.

Inside Syria, an estimated 7.5 million children are growing up knowing nothing but war. Across the Middle East, Eurasia and Europe, nearly 2.4 million Syrian girls and boys are experiencing the stresses, adversity and uncertainty of life as refugees. We believe that all this work is a step in the right direction for drawing the attention of the international community to this alarming situation. As members of the Parliamentary Assembly, we should do our utmost to address this humanitarian tragedy.

Mr WASERMAN (*France, Spokesperson for the Alliance of Liberals and Democrats for Europe*)\* – On behalf of ALDE, I pay tribute to the report presented by our colleague, Ms Fataliyeva. It has our wholehearted support, and quite rightly so. It deals with a very sensitive subject: the civilian victims of armed conflicts, particularly children.

I say quite rightly so because the report shows that, unfortunately, the issue is very topical. Failings vis-à-vis children are on a greater scale than 10 years ago, and to a large extent that is due to the complexity of current conflicts and tactics that seek to erase the distinction between combatant and non-combatant; people hide combatants among the civilian population, which is a violation of the Geneva Convention. In spite of that complexity, which we should bear in mind, it is incumbent on parliamentarians from the member States of the Council of Europe to draw the attention of our governments and the international community more generally to this subject.

As our colleague reminds us in her excellent report, I think we are all, to varying degrees, concerned by conflicts somewhere in the world, so I think it is up to us to ensure that the international community does what is required of it, in terms of protecting children. That is an important responsibility because, above and beyond the very many traumas affecting children, there is a real risk that this generation will be a lost generation – a generation that has grown up with the idea that violence is an acceptable means of resolving conflict and one that bears within it the seeds of tomorrow's wars.

More than any other victims, these children need us. ALDE supports the report and calls, as the report does, for the implementation of targeted measures in the areas of prevention, protection and the rebuilding of

our children, taking into account the various levels at which action is possible. I pay particular tribute to the work of international organisations and non-governmental organisations out there in the field, very often under very difficult circumstances, whose contributions enable us to take up this challenge. On behalf of the Council of Europe, we should thank them. You have our wholehearted support.

The PRESIDENT – The rapporteur does not wish to reply at this stage. In the debate, I call Mr V. Huseynov from Azerbaijan.

Mr V. HUSEYNOV (*Azerbaijan*) – I first thank Ms Fataliyeva for her excellent report. Children are the most vulnerable group in armed conflicts and wars. They are at risk of mass killings, human trafficking and sexual exploitation and abuse.

Notwithstanding that there are numerous international documents and protocols in this area to support children's rehabilitation and prevent them from being recruited in armed conflicts, the report indicates that there are still concerns deriving not only from the need to strengthen the enforcement of those documents but from the need to eliminate the gaps. I therefore consider the report an excellent step in that direction. I also welcome the rapporteur's approach in trying to bring peace to the conflicting sides that act as the major source for this grave situation.

One of the main principles of international humanitarian law is the principle of distinction. There should be distinction between the combatant and the civilian, and all attacks should be directed towards combatants, not civilians. Unfortunately, we observe deliberate attacks on civilians. I feel obliged to raise one case, which is noted in the report but which needs highlighting further. As some of you may know, last summer, due to the deliberate shelling of Azerbaijan's civilians, we lost a two-year-old girl and her grandmother. Despite the fact that that is against all the international obligations to which Armenia has signed up, there was no investigation and no questioning of those who committed the crime, which once again indicates that it is the will and essence of the top leadership of Armenia.

We should be frank and speak according to the resolutions and the documents we have adopted. We yesterday gave a warm welcome to Mr Sargsyan, the President of Armenia, who publicly acknowledged that he took part in the killing of civilians in Khojaly in the occupied territories of Azerbaijan, which is increasingly recognised as genocide by foreign legislative bodies and international organisations. Today, we are discussing how we can improve the situation of children in conflict. We therefore are not being very effective, and because of that we start to lose face. There is ongoing talk that we are losing the trust of the people and losing objectivity, and I think that is one of the reasons for that.

We should name the criminal by his name, regardless of the post he holds. I call on you to pay attention to that while voting for the report. I again welcome the report and thank the rapporteur.

Mr COAKER (*United Kingdom*) – I congratulate the rapporteur on an outstanding report. I stand here in my first intervention in the Assembly not only as a delegate but as a father and a grandfather. Many of you will also be mothers or fathers or grandmothers or grandfathers. Some may not need to imagine this, but let us all imagine if it were our own son or daughter caught up in the horrors of war. As the rapporteur pointed out, millions of children caught up in that conflict have been either maimed or killed.

That is why the debate is so important: it is a rallying cry for us all to do more. When we see photographs or TV images of actual children maimed or killed by war, whatever is right or wrong, we are moved to tears, as we were when we saw the heartbreaking pictures of Alan Kurdi cradled in the arms of a Turkish official after washing up dead on a Turkish beach. He was just three years old. Millions of innocent children like Alan

are caught up in armed conflict, so this important resolution needs us to not only be horrified, upset, sad or angry, but to support the recommendations in the report with actions to support the rights of the child, to demand that international rules and obligations are respected and to protect and support children as they flee war.

Almost hidden in the report is this sentence: “Children having themselves experienced war and armed conflict should be involved in peace-building action where appropriate.” What an inspiring thought that is – for where it is appropriate, using the terrible stories of those children to help hasten the end of conflict, to shame governments and warring parties to take action, even where compromise is needed, and to help bring peace and to give hope.

This is my first time at this Assembly. Before I came, some said that it is another talking shop. I have to say that I have not seen a talking shop. I have seen different nationalities, different faiths and different peoples coming together to face difficult challenges. I have seen the Assembly acting as a voice for those who do not have one, like this debate giving a voice to children in conflicts who cannot speak for themselves. I have seen the Assembly acting as a conscience for Europe, calling on us all to do more, whatever the challenge. The challenge today is for us to act to protect more children across our continent.

The PRESIDENT – As Mr Farmanyan and Mr Adam are not here, I call Mr Bildarratz.

Mr BILDARRATZ (*Spain*)\* – Ms Fataliyeva, on many occasions during this Parliamentary Assembly, the point of the Council of Europe has been questioned. And now, too, a new colleague has said that, in some forums, this is referred to as just a talking shop. If there is one issue among those we have dealt with that really does have a point in the Council of Europe, it is precisely the issue that you have brought before us. We are talking about non-compliance with the law.

Inter alia, what we are doing and what we have to do is to ensure that society and public opinion come to realise what is happening. Wars are decided by adults – people beyond the age of 18 – but it is the children who suffer. We have spoken about the Palestinian conflict. Of the more than 1 300 killed in the spring of 2014, 550 were children. During the First World War, some 50% of victims were civilian. That figure was 48% during the Second World War, and the current figure is about 20%. Many of those civilian victims are children. In an age when we are determining people’s futures, hundreds of thousands of children around the world are dying or being maimed. They are being brought up in an atmosphere of hatred. In many cases, these children have machine guns in their hands instead of books and school equipment.

Look at Syria, Yemen and Iraq. What future awaits these countries? What state will their children be in? They suffer not only physical injuries, but internal ones. They face not only death, but the disappearance of their mothers and fathers, and of hopes and futures. Some 80% of the victims of sexual violence in conflict are children, especially girls. Infrastructure is destroyed, including schools and hospitals. In other words: pain, pain and more pain. That is why the Council of Europe has every reason to convey to society what is happening. While there is still even one case like this, we must be duty-bound to continue to enforce the law and, where necessary, to adopt new laws.

Ms LOUHELAINEN (*Finland*) – This year marks the 100th anniversary of the Finnish Civil War. A war in which the citizens of one country are fighting against each other is always a very tragic one. The war still stirs emotions in Finland. Thousands of child soldiers were killed, and about 20 000 children lost one or both parents. The Continuation War between Finland and the Soviet Union is more recent. In my own family, there is a sad example of a disabled, underage girl who was raped during the war by a foreign soldier. She became pregnant and a baby girl was born. That baby’s life ended very tragically. As a teenager, she took her own life

after finding out the truth of her birth. I am telling you this story because many of us currently live in safe countries, but we have memories and experiences that should not be forgotten. Instead, we must use them to build a better world for us all.

The report calls for action in member countries. Children who live in the midst of conflicts can unfortunately fall victim to human trafficking. Finland has already taken steps to prevent this. In the middle of conflicts, Finland has tried to address this issue. Human trafficking is forbidden under Finnish criminal law, and public authorities are guided by the law on the identification and assistance of victims of trafficking. This week, the Finnish Ministry of Social Affairs and Health published new guidance to help social and healthcare professionals recognise victims of human trafficking and find them a suitable support system. Finland has seen cases of human trafficking related to work, sexual exploitation and forced marriage. The country also has a victim support service, which aims to help victims of crime, their families and witnesses of crimes by offering different support and counselling services. This kind of service can also be used for helping immigrant children who have been affected by armed conflict.

Finland has taken the rights of girls and women as the priority of its development policy, and is committed to implementing the goals of United Nations 2030 Agenda to promote gender equality throughout the world. The aims of sustainable development are, for instance, the fight against the discrimination of girls and women, forced marriage and, especially, genital mutilation. As the report mentions, “children are affected by armed conflict in many different ways.” Every child’s experience is different, and no child should be forced to face the horrors of war or terrorism.

Mr GRIN (*Switzerland*)\* – Any armed conflict is one conflict too many. It is the civilian population, particularly the children, who bear the brunt of the consequences. In Europe and throughout the world, children are the victims of war and armed conflict. They suffer violence directly, which puts their lives at risk, or they witness such violence. Very often, they lose their parents and are left to their own devices in a hostile and dangerous environment.

I thank Ms Fataliyeva and congratulate her on her work. Her excellent report shows that, in some countries, children are recruited as child soldiers and forced to participate in hostilities. That, of course, is inadmissible. International law is very clear about this – in particular, the Paris commitments adopted in February 2007 concerning the protection of children. States parties to those commitments need to take all practical measures required so that children affected by armed conflict can benefit from protection and care. It is incumbent on us to remind States of this. Respect of these rules is imperative if we wish to protect children, who are the most vulnerable in armed conflict. Given the trauma that they have experienced, we need to provide support for their rehabilitation and reintegration into civilian society in their own country or in a host country.

Our Assembly is rightly concerned by the short and long-term consequences of armed conflict involving children. The conclusions and recommendations of the report are very much aligned with my own thinking on the subject.

We should not forget that another approach is to invest in conflict prevention in order to avoid having to deal with the trauma suffered by children during war, from which some will never be able to recover. We should also promote the political will to resolve differences between countries by peaceful means before they lead to armed conflict. International diplomacy between countries and within international organisations such as the Council of Europe and the OSCE must play a decisive role in conflict prevention. Prevention is better than cure, as we say, and it is the best way to protect the interests of children.

As the Yves Duteil song puts it so well, “*Prendre un enfant par la main pour le conduire vers demain*” – take a child by the hand to lead them towards the future. The future of children is at stake. I appeal to the Assembly to support the report and the amendments to the resolution.

The PRESIDENT – Ms Alqawasmī and Mr Khader are not present, so we are moving on faster than we expected. I call Mr Rzayev.

Mr RZAYEV (*Azerbaijan*)\* – I congratulate the rapporteur and thank her for her serious work. A lot of effort must have gone into her report. I support it and appeal to colleagues to do likewise, because it affects the future of our whole planet. Our children are the ones who will have to conduct our affairs in the future and ensure that we no longer suffer from the problems that we are currently experiencing.

The war in Syria and the problems in Iraq and Afghanistan cannot leave us indifferent. Children, alongside so many others, are dying and are in no position to fend for themselves. We need to pay due attention to this issue. Children are our future, and protecting them is an investment in our common future. The report states that attention is rarely paid to children. We must pay due attention to them, because otherwise we will keep having the same problems.

I ask the rapporteur to add something to the report. On the border between Azerbaijan and Armenia, children are dying as a result of the continuing occupation of Azerbaijan. More than 700 civilians have died, of whom 92 were children and minors. Why is it particularly important that I call for that to be included in the report? Because the occupying country, Armenia, and the country being occupied, Azerbaijan, are both members of the Parliamentary Assembly. We need to be able to resolve this here, among ourselves, to show that it is possible in this Chamber and in other organisations to overcome these problems for the sake of the future of our children, so that women and mothers and their children do not suffer. We need to consider including this problem between two of our States in the report submitted today.

Baroness MASSEY (*United Kingdom*) – I thank the rapporteur for her passionate and incisive report. I have followed its development as a member of the Committee on Social Affairs, Health and Sustainable Development and now Chair of its Sub-Committee on Children.

We all agree that children – meaning young people up to the age of 18 – should have the rights and protections enshrined in the UN Convention on the Rights of the Child, such as the right to safety, the right to family life and the right to education. For children caught up in conflict or fleeing conflict, such rights are not adhered to. We have all seen horrendous pictures of children in extreme poverty, inadequately clothed, hungry, terrified and without families. Children in armed conflicts are deprived of physical, emotional and mental security, and many will become refugees.

This is a huge issue. In November, on the 28th anniversary of the UN Convention on the Rights of the Child, UN agencies issued a joint statement to remind us of the plight of too many children. Every 20 minutes, 20 people are forced to flee their homes because of violence, persecution or conflict. Although children constitute 31% of the total world population, in 2016 they made up more than half of the total refugee population. We know that refugee children are at risk of trafficking, sexual abuse and loss of family.

The rapporteur calls on Council of Europe member States to invest in the prevention of conflict and of children’s involvement in conflict; to intervene to promote the peaceful resolution of conflict; to educate children and young people who have experienced trauma in armed conflicts; and to reinforce child protection and support mechanisms at all levels. The physical hardship of conflict is bad enough for children, whether they experience it as child soldiers or as innocent victims, but they also see, experience and suffer violence,

which is not a good model for life. Trauma is almost certain to cause long-term mental, emotional and physical health problems. These children need specialist support to be helped to achieve a balance of sanity and respect, but of course not many will receive such services. Involving children in resolving problems is now becoming more common, but what chance will these children have to experience that involvement?

Children in armed conflict need to be enabled to tell their story in whatever form is appropriate. They need to be given a chance to express the horrors that they have faced and then to be rehabilitated, but too often they are left to cope for themselves. This is a crime against humanity, and we stand to suffer the repercussions in our countries for years to come. I commend the rapporteur again for bringing this issue to our attention in such a dynamic way.

Ms GAFAROVA (*Azerbaijan*) – I congratulate my colleague, Ms Fataliyeva, on her important, timely and necessary report. It is well known that in recent years, armed conflicts have blighted the lives of millions, but the negative impact on children is often overlooked. As well as direct casualties, children have suffered indirect consequences including economic and social damage, different forms of violence and displacement.

In this very Assembly, we have discussed migrants, refugees and unaccompanied children several times in recent years. In my speech, of course, I will speak about my country, which became affected by armed conflict in 1992. Armenia's aggression against Azerbaijan has resulted in the occupation of 20% of Azerbaijan's territory and in full-scale war and mass displacement, in which thousands of people, including women and children, have been killed and forced to flee their native lands and homes. The total of 1 million refugees and IDPs in Azerbaijan includes many women and children.

I would also like to mention the long-term challenges for children affected by the Nagorno-Karabakh conflict, which include rehabilitation and reintegration as well as protection. After so many years, not all of them have managed to reintegrate into society. In practice, they are still living the lives of refugees in their own country. Unfortunately, that will continue until their right to return to their homes and live in dignity is guaranteed.

Ensuring the protection of children during armed conflicts is particularly difficult. For example, a large proportion of Azerbaijani rural children live in the conflict zone in the vicinity of the front line and continue to be subject to indiscriminate attacks. Despite the cease-fire agreement, those children's survival is at risk when they are playing in the courtyard, going to school, sitting at home and so on.

It should be noted that because of the Armenian-Azerbaijani Nagorno-Karabakh conflict, 193 Azerbaijani children were killed by Armenian vandals, 61 children are still missing and 27 are in captivity. Despite the announcement of a cease-fire in 1994, 32 children have become victims of Armenian terror in the last period – 13 of them died and 19 were injured. One of them, Fariz Badalov, was killed while he was playing with his friends in their courtyard. In July 2011, Aygun Shahmaliyeva was killed and five-year-old Elshan was wounded, and many other children are victims of this armed conflict. Last year, two-year-old Zahra Guliyeva was killed by an Armenian sniper. She is now a symbol of all the child victims of the Nagorno-Karabakh conflict.

All these examples demonstrate how much Armenia ignores all the international legal documents and essential humanitarian initiatives, and goes on killing children in the most brutal way.

Mr R. HUSEYNOV (*Azerbaijan*) – I congratulate the rapporteur on an excellent report on an important topic. In our childhood and youth, our generation saw real war only in movies. Much time had passed since the end of the Second World War, pains had been forgotten and playing war was one of our childish games.

However, war games are not played as entertainment by kids who reside in conflict zones in Europe and the world. They have tasted the horrors of bloody confrontations and been eye witnesses to the furore of gunfire, the sound of bullets and the ruination of their childhood. The fear of war will accompany them throughout the rest of their lives, and no one will be able to treat them or free them from that fear completely. Perhaps the heaviest blow war hits society with is in stealing children's joy and confidence, and their childhood as a whole.

We are thinking of ways to protect children who are suffering as a result of wars and military conflicts. We should think not about softening the consequences of war and military conflicts, but about eliminating those things themselves. While we are thinking about this, let me tell the Assembly that missiles launched by the Armenian army and the resulting fires they cause are frightening away, injuring and murdering Azerbaijani children as they sleep in the frontier zone. One victim was a pretty little Azerbaijani child called Zahra, who had come into the world happy with everybody. A few months ago, on 4 July 2017, that 14-month-old infant and her grandmother were killed by Armenian armed forces in the settlement of Alkhanli in the Fuzuli region of Azerbaijan. I am holding up a picture of that child – that little angel. If each of us could imagine the face of our own child or grandchild in the place of that of the unfortunate Zahra – this murdered angel – there would be no conflicts, no war and no need for a debate such as this. Why can we not do it? That is the key question.

The PRESIDENT – Thank you. I would like to point out that no displaying is allowed in this Chamber during our discussion, in accordance with the Rules of Procedure.

Ms ZHRABYAN (*Armenia*)\* – This issue of how to protect children in armed conflicts is a sensitive and important problem. We have seen some shocking statistics on the number of children who are killed, tortured and fall victim to all kinds of violence in Syria, Yemen and Myanmar. The numbers of child victims of Daesh are appalling. These children are victims of violence not only in the world's hotspots, but on the territory of states that are locked in cold wars – frozen conflicts.

The report also mentions the conflict in Nagorno-Karabakh, where children, women and elderly people continue to be victims of the conflict. No right-minded person would draw any distinction between the nationalities of child victims of conflict, be they Syrian, Yemeni, Armenian or Azeri. But it was Azerbaijan that triggered the four-day war in April 2016 by deliberately targeting the secondary school in the village of Nerqin Tchartar with Grad rockets at the precise time children were in the playground, killing a 12-year-old, Vaghinak Grigoryan, and injuring two other children. I must ask the rapporteur why Azerbaijan deliberately chooses civilians and regions inhabited by them as targets. Indeed, on the same day, 2 April 2016, Azeri military forces attacked the village of Talish, cruelly assassinating members of the Khalapyan family, cutting the ears of old people, and killing and dishonouring Armenian soldiers. I ask you, once again: is this not the state policy of Azerbaijan?

For years, no burials have been carried out in daylight in Armenian villages on the frontline, because the cemeteries are in the line of sight of Azeri observation posts and there is gunfire every day. Children have to flee and take shelter. Music is played there because otherwise children would be psychologically traumatised by the constant bombardments. I know that the rapporteur will not have the civic courage to admit to Armenophobia and say that this is the State policy of her country, as she would find herself alongside Ilgar Mammadov. However, another Azerbaijani journalist, Ulker Ismayilgzi, has spoken with horror of a textbook “The patriotic education of children of pre-school age”, which has been approved by the Azerbaijani Ministry of Education. It asks children aged five or six: “Who are Armenians and what should our civic duty towards them be?” If we want to protect children, we have also got to protect their souls and spirits. Ms Fataliyeva, you need to safeguard them from the propagation of hatred and xenophobia. I hope that one day you, like your compatriot, will see that there is peace—

The PRESIDENT – Thank you. Once again, I must say that pictures must not be displayed during the session, in accordance with the Rules of Procedure. I call Mr Melkumyan.

Mr MELKUMYAN (*Armenia*)\* – The subject of today's debate is topical and important. We need to try to find the right solutions, but of course that is very difficult. Why is that? How can students continue with their everyday lives when they are recruited in the context of armed conflict? In the areas of armed conflict, the life of every individual is precious, yet it is children who most need our assistance and support, because during military operations they may lose their parents, or be left handicapped or orphaned, and they suffer considerable psychological stress, for example, if they are left homeless. The peaceful resolution of conflicts is as necessary today as it ever has been. As we know, there is no alternative.

In recent years, the problem has been particularly acute in Syria, and the Republic of Armenia has taken in and provided employment for some 21 000 refugees. We should not forget the children who were left homeless and without their parents following the Four Day War in April 2016 in the villages of Talış, Mataghis and others in the Republic of Artsakh. Nor should we forget Vagharshak Grigoryan, the small 12-year-old who died when his school playground was bombed. How can we forget that or his inconsolable parents who cannot resign themselves to their irreversible loss?

Human life should not be gambled with by politicians at the expense of the civilian population. Politicians should be held responsible for the consequences of their acts. Although the logic of the peaceful settlement of disputes remains valid, mechanisms for the monitoring and verification of the cease-fire need to be implemented along the contact line between the Republic of Artsakh and Azerbaijan. If Azerbaijan does not give its consent, it has to be forced to. There is no other choice. Otherwise, Aliyev has to shoulder the responsibility for human losses in the region – not only political but legal and criminal responsibility.

Colleagues, our task is not only to make pronouncements. We have to bring to book the guilty parties, because all our deadlines have run out. Man, and in particular the head of State, is strong when he assumes responsibility and makes good his errors without enabling history, international institutions and neighbouring States to do it in his place. Otherwise, he is discredited in the eyes of his own people and becomes a political corpse.

I appeal to Mr Ilham Aliyev. You have a historic opportunity to make good your errors, and you know that you need to look at the facts and assume responsibility for the historical truths.

The PRESIDENT – That concludes the list of speakers. I call Ms Fataliyeva to reply. You have five and a half minutes left.

Ms FATALIYEVA (*Azerbaijan*) – Thank you, Mr President, and thank you, dear colleagues. I want to thank most of you for your support. To tell the truth, it was very difficult to prepare this report, because I represent Azerbaijan, a country that has a very regretful experience in protecting child victims of war. In order to have a balanced report and to reflect the situation of children all over the world, regardless of their nationality or geography, I decided to leave it as it is.

Since the beginning of mankind, children have died and suffered in wars, but we cannot accept that children are being killed intentionally in sophisticated ways because of their ethnicity or religion or someone's political ambitions. I am sorry, but all the remarks made by our Armenian colleagues should be returned to them.

As Ms Christoffersen said, there is no respect for international law, and that is the key issue. If international law was respected and the resolutions and decisions of the international organisations were

fulfilled and implemented immediately, we would not need to have discussions such as this. Children's rights are violated in an atmosphere of complete impunity, and "impunity" is the key word here.

Our main goals are to strengthen international efforts to protect children in armed conflict and to end impunity for crimes committed against children. We need justice for children who have already been killed or become victims of war, and for those who are going to become victims. We have to stop all kinds of aggression against children. Children must not draw pictures of war, as Mr Reiss mentioned. They should draw pictures of a happy childhood. Children should not listen to the whistle of bullets but listen to fairy tales. I completely agree with the position of Mr Bildarratz. Let us prove that the Council of Europe is not just a talking shop. We can do something. Even if some of our resolutions, decisions and discussions do not have any power to change things, maybe in this case we can change something.

This report was one of the most sensitive and emotional, but it needs political weight and immediate implementation. I strongly ask you, dear colleagues, to support the report, to see the truth and to see what is right and wrong in this world, and who is right and wrong. Our main purpose is to save and protect the children. Otherwise, we will have not just one lost generation; we will have many lost generations in this world that live in fear and cruelty.

The PRESIDENT – Does the Chairperson of the committee wish to speak?

Mr SCHENNACH (*Austria*)\* – In fact, I wanted to say more about the content of the report, but in the light of the debate we have had, I want to make two points of principle. Ms Fataliyeva is a very serious woman. Since I have known her, she has been working untiringly to defend the rights of children, including through the One in Five campaign, and that deserves our respect. The report paints a shocking picture of the way that children are treated in conflict situations.

We have had contributions by members from Azerbaijan and Armenia. In committee, I put forward a form of wording as a compromise on the Nagorno-Karabakh conflict, and for the very first time it was possible for both sides to agree. Why are we now turning the clock back in this debate? Both sides – Azerbaijan and Armenia – managed to accept a form of wording on Nagorno-Karabakh, and that is reflected in the report, but that has not been suggested by the contributions to the debate.

The report depicts an alarming situation in which children can no longer dream, and their dreams turn to nightmares. Children are abused sexually and psychologically, exploited and, in some circumstances, misused as organ banks. Children live in fear and terror and are subject to violence. Essentially, their lives are being stolen from them – that is, if they even survive childhood.

There are no other amendments to the report from the committee, and I urge you therefore to support the report by Ms Fataliyeva unanimously this evening.

The PRESIDENT – The debate is closed.

We will proceed to consideration of amendments. The Committee on Social Affairs, Health and Sustainable Development has presented a draft resolution to which three amendments have been tabled.

I understand that the committee wishes to propose to the Assembly that Amendments 1, 2 and 3 to the draft resolution, which were unanimously approved by the committee, should be declared as agreed by the Assembly. Is that so?

Mr SCHENNACH (*Austria*)\* – Exactly.

The PRESIDENT – Does anyone object? That is not the case.

As there is no objection, I declare that Amendments 1 to 3 to the draft resolution have been agreed.

*Amendments 1 to 3 adopted.*

We will now proceed to vote on the draft resolution contained in Document 14461, as amended.

The vote is open.

*The draft resolution contained in Document 14461, as amended, is adopted, with 39 votes for, 0 against and 2 abstentions.*

I congratulate the rapporteur.

#### ***4. Challenge on procedural grounds of the still unratified credentials of the parliamentary delegation of Andorra***

The PRESIDENT – The next item of business is the debate on the report titled “Challenge on procedural grounds of the still unratified credentials of the parliamentary delegation of Andorra”, Document 14475, presented by Ms Petra De Sutter on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs, with an opinion presented by Ms Elvira Kovács, Document 14481, on behalf of the Committee on Equality and Non-Discrimination.

In order to finish not later than 8 p.m., I will interrupt the list of speakers at about 7.50 p.m. to allow time for the reply and the vote. I remind members that there is a three-minute speech limit in this debate.

I now call Ms De Sutter. You have 13 minutes in total, which you may divide between the presentation of the report and the reply to the debate.

Ms De SUTTER (*Belgium*) – At the opening of the Assembly session on Monday morning, the still unratified credentials of the parliamentary delegation of Andorra were challenged on the ground that the delegation comprised no female representative, in violation of Rule 6.2.a of the Rules of Procedure. Rule 6.2 states that national delegations shall include members of the underrepresented sex at least in the same percentage as in their parliaments and that at least one member of the underrepresented sex should be appointed as a representative. The Committee on Rules of Procedure, Immunities and Institutional Affairs was tasked with verifying whether the credentials submitted by the Andorran delegation were in compliance with the procedural requirements set out in this rule.

The Andorran parliamentary delegation is entitled to two representatives and two substitutes. Interestingly, the Andorran delegation presents perfect parity – two men and two women. However, the female members are substitutes. It is evident that in this way the delegation fails to meet the condition established in Rule 6.2 that national delegations shall include at least one woman as a representative.

Before finalising any conclusions, the committee heard the explanation provided by Mr Jordana, chairperson of the Andorran delegation, whom I thank for his availability and co-operation. He gave the committee assurances that the delegation would be modified in time for the Assembly’s April 2018 part-session. Mr Jordana emphasised the commitment of the Andorran Parliament to promote balanced representation of the sexes, as illustrated by the equal gender composition of the delegation. He also stressed the difficulty for small delegations in complying in their composition with both criteria laid down by the

Rules of Procedure: fair representation of political parties or groups and balanced gender representation. Indeed, the Andorran Parliament found it necessary last week to readjust the composition of its delegation in order to take into account of the internal reorganisation of two parliamentary groups.

The Committee on Rules of Procedure, Immunities and Institutional Affairs looked at precedents as a source of guidance on what action to take. In the recent past, several delegations have seen their credentials challenged on the ground of the absence of at least one member of the underrepresented sex as a representative: Montenegro, San Marino and Serbia in January 2011; Iceland in June 2013; and the Slovak Republic in January 2017. In all these cases, the Assembly decided to ratify the credentials of these parliamentary delegations but to suspend their members' voting rights in the Assembly and its bodies from the beginning of the following part-session if the composition of the delegation had not been brought into conformity with the Rules of Procedure in the meantime.

The Committee on Rules of Procedure, Immunities and Institutional Affairs decided to adopt the same position in respect of the Andorran delegation. It therefore proposes that the Assembly ratify the credentials of the Andorran parliamentary delegation but provide for the automatic suspension of the voting rights of its members in the Assembly and its committees with effect from the beginning of the Assembly's April 2018 part-session if the composition of the delegation has not been brought into conformity with the Rules of Procedure by then and until conformity is achieved.

Challenging the credentials of delegations that fail to fulfil the Assembly's requirement on the representation of women – the presence of at least one woman as a representative – may be seen by the delegations concerned as disproportionate. I would say that, on the contrary, it is regrettable to have to challenge credentials just to remind national parliaments of what is none the less a very minimal requirement as a matter of principle.

The Assembly should take every opportunity to reiterate its strongest commitment to promoting the balanced representation of women and men in political and public decision-making and to applying the principle of gender equality in its internal structures, in particular by encouraging the balanced representation of women and men in national delegations.

National delegations and their parliaments should keep clearly in mind the Assembly's position on gender equality principles. Although national parliaments should ensure that their national delegations to the Assembly comprise a percentage of women in at least the same proportion as in the national parliament, the goal is to achieve, as a minimum, a 30% representation of women, bearing in mind that the threshold should be 40%.

I pay tribute to the work of the Committee on Equality and Non-Discrimination, which produces, on an annual basis, an interesting information report on progress in achieving gender equality in the functioning of the Assembly. That report contains detailed statistics on gender breakdown in Assembly positions. In 2016, women represented 39% of Assembly members and 22 delegations had reached the threshold of 40%. That constitutes an increase compared to the previous years. Progress might be slow, but it is effective, such as in the Assembly's main leadership positions, where significant improvement can be seen.

The PRESIDENT – Thank you, Ms de Sutter. You have six minutes and 41 seconds remaining. I now call Ms Kovács. You have three minutes to present the opinion of your committee.

Ms KOVÁCS (*Serbia*) – Achieving gender equality in all spheres of public and private life is one of the goals of the Council of Europe. Many resolutions and recommendations of our Assembly support this goal

and in the past 20 years the Assembly has also adopted several resolutions aimed at ensuring a better gender balance in its own functions.

One such key measure was the introduction of a rule that requires the presence of at least one member of the under-represented sex, which is, in most cases, one woman, as representatives in delegations to the Assembly. The proportion of women members of the Assembly, as we have just heard, has progressively increased, reaching 39% in 2016. This was a significant achievement for the Assembly, which set an objective of 40% representation of women in Resolution 1585 on gender equality principles in the Parliamentary Assembly. However, the percentage decreased to 37% in 2017 and the challenging of the credentials of the parliamentary delegation of Andorra and, last year, of the Slovak Republic, shows that gender equality cannot be taken for granted. It requires our constant vigilance.

I should like to share with you my own experience. Serbia was once, as we have heard, in this same situation. A few years ago, in 2011, we had no female representatives, only substitutes. Today, however, our committee notes with satisfaction that the Serbian delegation includes more women than men, along with those of Finland and Sweden.

The Committee on Equality and Non-Discrimination fully endorses the draft resolution prepared by the Rules Committee. To strengthen the text, the committee proposes one amendment, underlining that, in order to achieve genuine equality, the principle of equality should also apply to positions of responsibility.

I thank the Andorran delegation for their assurance that they gave us that the situation will be rectified soon and that at our next part-session in April a woman representative will be part of the delegation. I am confident that that will be the case.

THE PRESIDENT – Thank you. The debate is open. I call Mr Coaker to speak on behalf of the Socialists, Democrats and Greens Group.

Mr COAKER (*United Kingdom, Spokesperson for the Socialists, Democrats and Greens Group*) – On behalf of the Socialists, Democrats and Greens Group, I support the resolution and commend the sensible way in which the issue has been handled by the rapporteurs and Andorra. It is a privilege to support this important resolution, and it is also important to stand here as a male member of this Assembly and support a resolution on gender equality. For it is a fact that gender equality is not just about women demanding change but about men recognising that this is about power and the need for us all to demand that fairer, more equal society.

Of course, in demanding that of all of our member countries and all the peoples and nations, this Assembly has to set an example. We have to ensure that we practise what we preach. So the rules of this Council of Europe must be strictly applied even if the situation was the result of a misunderstanding, as with our friends in Andorra. This is a crucial point of principle for us all. Progress has been made but more needs to be done and it needs to be done more quickly.

As the rapporteur just told us, progress has been made in the Assembly, and the representation of women increased progressively from 2012 to reach 39% in 2016. Unbelievably – this is a challenge for the Assembly – that declined to 37% in the year that followed. That shows that the principles and rules that flow from them must be strictly if sensitively applied. It is good therefore that Andorra will ensure that its delegation complies with the rules in the near future.

It is also important that the principle of equality applies to positions of responsibility. The Assembly can also set an example here. There is still so much to be done in so many areas of our life and in so many of our own nations, including my own.

The pursuit of principle and the fight for equality and social justice require us to continue to demand these things. This Council of Europe – this great collection of nations – was set up to fight for and defend human rights. Surely one of the most fundamental rights is that of equality between men and women. By approving this resolution, the Council of Europe sends out a message to all who are still pursuing this fundamental freedom: we stand with you.

Mr THIÉRY (*Belgium, Spokesperson for the Alliance of Liberals and Democrats for Europe*)\* – Mr Coaker, two men! You and I are two men speaking out on this subject. So as not to speak at great length on a question to which we are perhaps attaching too much importance, I want to say on behalf of my group that we believe the report is accurate and objective. It is a mere reflection of reality. I think we all know why the Committee on Rules of Procedure, Immunities and Institutional Affairs decided to take up this issue and I want to stress a certain number of things we would like to pinpoint.

First, the rules are the rules. The principle must apply to all member States. If a State does not abide by the rules, it has to put its house in order to do so. That is the aim of the Andorran delegation, no more, no less. Perhaps I can recall that rather like in the case of Monaco, San Marino or Liechtenstein, meeting all the requirements of the different rules is very complex for small delegations. That is certainly the case as regards gender equality.

The question before us is a consequence of a situation that the Andorran delegation did not seek to bring about. I do not think it should be rapped across the knuckles by us, Andorra's peers. The situation is the result of the internal restructuring of two parliamentary groups that, in itself, posed no problem. There was even agreement in principle between them, but unfortunately that contradicts our rules. I am rather surprised by the situation, especially given that we know that the previous delegation was made up not of two men and two women, as it is today, but of three women and one man, with two of the women being full members in 2015 and 2016, without that situation being denounced by our Assembly.

I regret the fact that the delegation was not consulted before the challenge was made official. Be that as it may, I do not think that the Andorran delegation had any intention of getting around the rules. That is important. The principle that one is entitled to make mistakes should apply to this unfortunate situation. We should stick to the resolution as tabled by the committee, taking into account, as Ms De Sutter said, the precedents of 2011, 2013 and 2017. We need to ensure that the guarantees provided by the Andorran Parliament are honoured and that the delegation is brought into conformity with the rules before the April part-session. We have no doubts that that will be the case.

THE PRESIDENT – Ms De Sutter does not wish to reply now, so in the debate I call Ms Pallarés.

Ms PALLARÉS (*Andorra*)\* – I shall speak in Spanish. Above all, I express gratitude for the report on our situation. As a substitute member of our delegation and as a woman, I will be able to explain what has happened and why. Our parliamentary group covers the coalition, which changed in December, and this caused a change in the balance between members. Our zeal to be as representative as possible in proportionate terms among the four parliamentary delegations, which is very difficult to achieve, meant that we had to make this change very quickly, without thinking that there would be a problem with a group that had previously been under-represented being better represented. It is not my group.

We kept the delegation we had with 50% and 50% but we did not go into the details of how many were representatives and how many were substitutes. All four of us have always come to meetings. We all need to be here, otherwise it would be very difficult to meet our commitments to the Parliamentary Assembly. The president of the delegation may have certain privileges, but the important thing for us is to come and vote – to

press the buttons. So we had agreed on most of the questions before the Assembly as a result.

I would also like to point out that, through a minor amendment, it was not made clear to us what the situation was. We have always tried to ensure that we comply with the rules, and we will ensure that we do so by the time of the next part-session. Our delegation has always been very committed to the Parliamentary Assembly, and we have always met the requirements for representatives and substitutes. Meritxell Mateu was very active in the work of this Assembly, for example.

The Committee on Rules of Procedure, Immunities and Institutional Affairs is right: it has done its work properly and we pledge to put things right. Of course we commit ourselves to what the Committee on Equality and Non-Discrimination has said – that it is very important to have more women representatives and more women in the Assembly in general. But this is a tiny change in the rules, and it has brought about this situation in the plenary. We agree wholeheartedly but we think that other delegations need to do a lot more on two issues – the question of equality, which we are dealing with today, and also the question of substitutes. If you have substitutes, it is to do substituting. If everybody turned up, the Assembly Hall would be full and everybody would hear this report now.

The PRESIDENT – The next speaker is Mr Jordana.

Mr JORDANA (*Andorra*)\* – I address the Chamber in my capacity as a parliamentarian as well as the head of the Andorran delegation. Throughout this whole week, we have been in the news, although we did not really want it that way. We are grateful to Mr Thiéry and Mr Coaker for their statements, but it was an honest mistake. That is what has come out of all of this.

I should explain another mistake that was made. As my colleague Ms Pallarés just explained, we had a complete overhaul in our parliament, which meant that the same members of the delegation switched. So those that were representatives or full members switched to being substitutes, and vice versa. So it was exactly the same delegation, and the mistake we made was to fail to realise that that switch meant that we fell foul of the rules. There are some member States in the Council of Europe who claim that they always respect the rules: we are not doing that.

The Secretariat, however, has confirmed to us that the restructuring that we carried out in our parliament was such that we did not actually need to make the change we did. We were being over-scrupulous, if you like. We were so keen to be in compliance with the rules that we then found ourselves in breach of those rules, because delegations have to be representative to the extent to which that is possible, given their parliaments. We thought that because there had been changes internally within one of our political groups, de facto that member could not be a full member of the delegation. So we overdid it really: we went too far.

Not only would I like to reaffirm my desire to remedy the situation, I would like us to return to where we were before. In other words, substitutes would become members, and vice versa.

The PRESIDENT – Thank you. That concludes the list of speakers.

I call Ms De Sutter to reply. You have six minutes, 41 seconds remaining.

Ms DE SUTTER (*Belgium*) – I will not need six minutes to conclude the debate, but I wish to address a few points in the speeches that we have just heard. Mr Coaker rightly said that the percentage of women in the Assembly has gone down by 2%. We can discuss the significance of that, but it means that we have to address our permanent attention to the issue. We cannot be soft on that. That is why the rules are as they are.

The contribution from Mr Thiéry was very interesting because it points to the fact that maybe in the past this was an issue of women's rights. We do not use that phrase any more: we talk about gender balance. One day, we might have 60% women and 40% men here, and then we would have exactly the same situation in the opposite way. Again, the same principles hold, and we need to protect these principles of gender balance and equality. It is not a matter of women's rights: it is a matter of gender equality, and of women's and men's rights.

*Le droit à l'erreur* – of course we have had that discussion. We fully understand the problems that small delegations have, and what happened in your delegation. That is exactly why we have chosen the solution that was used in the past, which is kind of a compromise – giving voting rights with the risk of suspension if the error is not redressed. We will not suspend voting rights or refuse to ratify credentials at this stage, until the requirement is met. There is a nuance, of course. There is a compromise in what has been decided by the Committee.

The PRESIDENT – The Committee on Rules of Procedure, Immunities and Institutional Affairs has presented a draft resolution to which two amendments have been tabled. I understand that the Committee on Rules of Procedure, Immunities and Institutional Affairs wishes to propose to the Assembly that Amendment 1 to the draft resolution, which was unanimously approved by the Committee, should be declared as agreed by the Assembly.

Is that so?

Ms DE SUTTER (Belgium) – Yes.

The PRESIDENT – Does anyone object? That is not the case.

*Amendment 1 is adopted.*

We shall now proceed to consider Amendment 2. I must also remind you that according to Rule 10.3 of the Rules of Procedure, the members of the Andorran delegation may not vote in any proceeding on this text.

We now come to Amendment 2, which is, in the draft resolution, after paragraph 1, insert the following paragraph: “The credentials of the Andorran delegation were submitted to the President of the Assembly by letter dated 18 January 2018. Following receipt of the credentials, the Table Office of the Parliamentary Assembly contacted the delegation secretariat. On 19 January, a communication from Mr Vicenç Mateu Zamora, Síndic General (Speaker of the Andorran Parliament), sent to the Secretary General of the Parliamentary Assembly, stated that the current composition of the Andorran delegation, approved ‘following an extraordinary election (on 18 January)’, was the result of ‘an internal reorganisation of two parliamentary groups’ and gave an assurance that the Conseil General would take ‘the necessary measures to rectify the composition of the national delegation as soon as possible’.”

I remind you that, according to Rule 10.3 of the Rules of Procedure, members of the Andorran delegation may not vote in any proceeding of this text.

I call Mr Jordana to support the amendment. You have 30 seconds.

Mr JORDANA (*Andorra*)\* – This very simple amendment reflects the fact that, at all times, our president was in contact with the Parliamentary Assembly. We flagged up this mistake right from the outset. It is just to indicate that we have always been determined to remedy the situation. I just want to be clear that, at all stages in this process, the Andorran delegation recognised that it made a mistake and was keen to ratify it.

The PRESIDENT – I have been informed that Ms de Sutter wishes to propose an oral sub-amendment, on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs, as follows:

In Amendment 2, to delete the second sentence.

In my opinion, the oral sub-amendment is in order under our rules.

However, do 10 or more members object to the oral sub-amendment being debated? That is not the case.

I call Ms De Sutter to support the oral sub-amendment. You have 30 seconds.

Ms De SUTTER (*Belgium*) – This is also very technical. The amendment is quite long, and we believe that that sentence does not add to the meaning or the sense of the amendment, so we think it can easily be removed.

The PRESIDENT – Does anyone wish to speak against the oral sub-amendment?

Mr JORDANA (*Andorra*) – May I ask exactly what the oral sub-amendment is about?

Ms De SUTTER (*Belgium*) – We feel that the second sentence – “Following receipt of the credentials, the Table Office of the Parliamentary Assembly contacted the delegation secretariat” – does not add anything to the sense of the amendment. That is why we would like to take it out.

Mr JORDANA (*Andorra*) – It is to stress that we got in touch with the Council of Europe right away – the afternoon of 18 January. As soon as we got an answer from the Secretariat, we issued that letter. It may not be relevant to you, but it is to us because it proves that we did not waste time in reacting.

The PRESIDENT – What is the opinion of the committee?

Ms De SUTTER (*Belgium*) – In favour.

The PRESIDENT – I will now put the oral sub-amendment to the vote.

The vote is open.

*The sub-amendment is adopted.*

We will now consider the main amendment, as amended.

Does anyone wish to speak against the amendment as amended? That is not the case.

What is the opinion of the committee on the amendment as amended?

Ms De SUTTER (*Belgium*) – A large majority was in favour of the amendment as amended.

The PRESIDENT – I shall now put Amendment 2, as amended, to the vote.

[\*Amendment 2, as amended, is adopted.\*](#)

We will now proceed to the vote on the whole of the draft resolution contained in Document 14475, as amended. A simple majority is required.

The vote is open.

[The draft resolution in Document 14475, as amended, is adopted, with 23 votes for, 1 against and 0 abstentions.](#)

### **5. Next public business**

The PRESIDENT – The Assembly will hold its next public sitting tomorrow morning at 10 a.m. with the agenda that was approved on Monday.

The sitting is closed.

*(The sitting was closed at 7.55 p.m.)*

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### 1. Annual activity report 2017 by the Council of Europe Commissioner for Human Rights

Address by Mr Nils Muižnieks, Council of Europe Commissioner for Human Rights

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### 2. The progress of the Assembly's monitoring procedure (January-December 2017) and the periodic review of the honouring of obligations by Estonia, Greece, Hungary and Ireland

Presentation by Mr Preda of report of the Monitoring Committee in Document 14450 Parts 1-5

*Speakers:* Mr Kern, Ms Kavvadia, Ms Filipovski, Mr Arieu, Mr Schennach, Mr Seyidov, Mr Csenger-Zalán, Ms Mikko, Mr Xuclà, Mr Mullen, Ms Kovács, Mr Shehu, Mr Kandelaki, Mr Vlasenko, Mr Németh, Mr Crowe, Mr Kiliç and Mr Sobolev

*Replies:* Mr Preda and Mr Vareikis

*Amendments 13, 14, 2, 11, 12, 1 as amended, 15 as amended, 5 as amended, adopted*

*Draft resolution in Document 14450 Part 1, as amended, adopted*

### 3. Protecting children affected by armed conflicts

Presentation by Ms Fataliyeva of report of the Committee on Social Affairs, Health and Sustainable Development in Document 14461

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*Replies:* Ms Fataliyeva and Mr Schennach

*Amendments 1 to 3 adopted*

*Draft resolution in Document 14461, as amended, adopted*

4. Challenge on procedural grounds of the still unratified credentials of the parliamentary delegation of Andorra

Presentation by Ms De Sutter of report of the Committee on Rules of Procedure, Immunities and Institutional Affairs in Document 14475

Presentation by Ms Kovács of opinion of the Committee on Equality and Non-Discrimination in Document 1481

*Speakers:* Mr Coaker, Mr Thiéry, Ms Pallarés and Mr Jordana

*Reply:* Ms De Sutter

*Amendments 1 and 2 as amended, adopted*

*Draft resolution in Document 14475, as amended, adopted*

5. Next public sitting

## **Appendix**

**Representatives or Substitutes who signed the register of attendance in accordance with Rule 12.2 of the Rules of Procedure. The names of members substituted follow (in brackets) the names of participating members.**

ÅBERG, Boriana [Ms]  
ADAM, Claude [M.] (HETTO-GAASCH, Françoise [Mme])  
AEG, Raivo [Mr] (KROSS, Eerik-Niiles [Mr])  
AKTAY, Yasin [Mr]  
ARIEV, Volodymyr [Mr]  
ARNAUT, Damir [Mr]  
BADEA, Viorel Riceard [M.] (BRĂILOIU, Tit-Liviu [Mr])  
BARNETT, Doris [Ms]  
BARTOS, Mónika [Ms] (CSÖBÖR, Katalin [Mme])  
BATRINCEA, Vlad [Mr]  
BECHT, Olivier [M.]  
BEREZA, Boryslav [Mr]  
BERNHARD, Marc [Mr]  
BILDARRATZ, Jokin [Mr]  
BİLGEHAN, Gülsün [Mme]  
BRASSEUR, Anne [Mme]  
BRUYN, Piet De [Mr]  
ĆATOVIĆ, Marija Maja [Ms]  
CHRISTOFFERSEN, Lise [Ms]  
CILEVIČS, Boriss [Mr] (LAIZĀNE, Inese [Ms])  
COAKER, Vernon [Mr] (WILSON, Phil [Mr])  
CROWE, Seán [Mr]  
CSENGER-ZALÁN, Zsolt [Mr]

DUNDEE, Alexander [The Earl of] [ ]  
EIDE, Petter [Mr] (EIDE, Espen Barth [Mr])  
ENGIN, Didem [Ms] (BAYKAL, Deniz [Mr])  
ESTRELA, Edite [Mme] (ROSETA, Helena [Mme])  
FILIPOVSKI, Dubravka [Ms] (PANTIĆ PILJA, Biljana [Ms])  
GAFAROVA, Sahiba [Ms]  
GERMANN, Hannes [Mr] (FRIDEZ, Pierre-Alain [M.])  
GHILETCHI, Valeriu [Mr]  
GOLUB, Vladyslav [Mr] (GERASHCHENKO, Iryna [Mme])  
GONÇALVES, Carlos Alberto [M.]  
GONCHARENKO, Oleksii [Mr]  
GRAF, Martin [Mr]  
GRIN, Jean-Pierre [M.] (LOMBARDI, Filippo [M.])  
HAIDER, Roman [Mr]  
HEER, Alfred [Mr]  
HEINRICH, Gabriela [Ms]  
HOFFMANN, Rózsa [Mme] (GULYÁS, Gergely [Mr])  
HOWELL, John [Mr]  
HUSEYNOV, Rafael [Mr]  
HUSEYNOV, Vusal [Mr] (HAJIYEV, Sabir [Mr])  
JONES, Susan Elan [Ms]  
JORDANA, Carles [Mr]  
JØRGENSEN, Jan E. [Mr] (HENRIKSEN, Martin [Mr])  
KALMARI, Anne [Ms]  
KANDELAKI, Giorgi [Mr] (BAKRADZE, David [Mr])  
KAVVADIA, Ioanneta [Ms]  
KERESTECÍOĞLU DEMİR, Filiz [Ms]  
KERN, Claude [M.] (GOY-CHAVENT, Sylvie [Mme])  
KILIÇ, Akif Çağatay [Mr]  
KLEINWAECHTER, Norbert [Mr]  
KLEINWAECHTER, Norbert [Mr]  
KOPŘIVA, František [Mr]  
KOVÁCS, Elvira [Ms]  
KOX, Tiny [Mr]  
KÜRKÇÜ, Ertuğrul [Mr]  
LACROIX, Christophe [M.]  
LEITE RAMOS, Luís [M.]  
LOGVYNSKYI, Georgii [Mr]  
LOPUSHANSKYI, Andrii [Mr] (DZHEMILIEV, Mustafa [Mr])  
LOUHELAINEN, Anne [Ms] (PACKALÉN, Tom [Mr])  
MAROSZ, Ján [Mr]  
MASIULIS, Kęstutis [Mr] (BUTKEVIČIUS, Algirdas [Mr])  
MASSEY, Doreen [Baroness]  
McCARTHY, Kerry [Ms]  
MEHL, Emilie Enger [Ms]  
MELKUMYAN, Mikayel [M.] (RUSTAMYAN, Armen [M.])  
MENDES, Ana Catarina [Mme]  
MIKKO, Marianne [Ms]

MULLEN, Rónán [Mr] (COWEN, Barry [Mr])  
MÜLLER, Thomas [Mr]  
MUNYAMA, Killion [Mr] (TRUSKOLASKI, Krzysztof [Mr])  
NÉMETH, Zsolt [Mr]  
NICK, Andreas [Mr]  
NISSINEN, Johan [Mr]  
NORDQVIST, Rasmus [Mr] (JENSEN, Mogens [Mr])  
OBREMSKI, Jarosław [Mr] (ARENT, Iwona [Ms])  
OHLSSON, Carina [Ms]  
ÖNAL, Suat [Mr]  
PALLARÉS, Judith [Ms] (NAUDI ZAMORA, Víctor [M.])  
PAVIĆEVIĆ, Sanja [Ms] (SEKULIĆ, Predrag [Mr])  
PISCO, Paulo [M.]  
PODERYS, Virgilijus [Mr] (TAMAŠUNIENĖ, Rita [Ms])  
PREDA, Cezar Florin [M.]  
REISS, Frédéric [M.] (ABAD, Damien [M.])  
REISS, Frédéric [M.] (ABAD, Damien [M.])  
ROCA, Jordi [Mr] (MATARÍ, Juan José [M.])  
ROJHAN GUSTAFSSON, Azadeh [Ms] (GUNNARSSON, Jonas [Mr])  
RZAYEV, Rovshan [Mr] (PASHAYEVA, Ganira [Ms])  
SCHENNACH, Stefan [Mr]  
SCHOU, Ingjerd [Ms]  
SCHWABE, Frank [Mr]  
ŠEPIĆ, Senad [Mr]  
SEYIDOV, Samad [Mr]  
SHARMA, Virendra [Mr]  
SHEHU, Tritan [Mr]  
SILVA, Adão [M.]  
SOBOLEV, Serhiy [Mr]  
STELLINI, David [Mr]  
ŞUPAC, Inna [Ms]  
SUTTER, Petra De [Ms] (VERCAMER, Stefaan [M.])  
THIÉRY, Damien [M.]  
TOPCU, Zühal [Ms]  
VAREIKIS, Egidijus [Mr]  
VEJKEY, Imre [Mr]  
VEN, Mart van de [Mr]  
VLASENKO, Sergiy [Mr] (BILOVOL, Oleksandr [Mr])  
VOVK, Viktor [Mr] (LIASHKO, Oleh [Mr])  
WASERMAN, Sylvain [M.]  
XUCLÀ, Jordi [Mr] (BARREIRO, José Manuel [Mr])  
YEMETS, Leonid [Mr]  
YENEROĞLU, Mustafa [Mr]  
ZINGERIS, Emanuelis [Mr]  
ZOHRABYAN, Naira [Mme]

**Also signed the register**

**Representatives or Substitutes not authorised to vote**

AGHAYEVA, Ulviyye [Ms]

ATSHEMYAN, Karine [Ms]

CORREIA, Telmo [M.]

GOGUADZE, Nino [Ms]

GUNNARSSON, Jonas [Mr]

MAKHMUDYAN, Rustam [Mr]

MARUKYAN, Edmon [Mr]

RUSSELL, Simon [Lord]

RUSTAMYAN, Armen [M.]

**Observers**

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**Partners for democracy**

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