

AA18CR31

AS (2018) CR 31

2018 ORDINARY SESSION

(Fourth part)

REPORT

Thirty-first sitting

Tuesday 9 October 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.
4. Speeches in German and Italian are reproduced in full in a separate document.
5. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

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

(Ms Maury Pasquier, President of the Assembly, took the Chair at 3.30 p.m.)

The PRESIDENT* – The sitting is open.

**1. Election of judges to the European Court of Human Rights in respect of Albania and Norway
(continued)**

I remind you that we are today electing judges to the European Court of Human Rights in respect of Albania and Norway. The list of candidates and their biographies are in Documents 14605, 14603 and 14632 Addendum 2. I refer you to those documents.

The ballot was suspended at 1 p.m. and will now resume behind the President's chair. The ballot will close at 5 p.m. I ask those of you who have not yet voted to do so as soon as possible. The counting of votes will take place immediately afterwards. The four tellers, who were nominated this morning, are Mr Józef Leśniak, Ms Theodora Bakoyannis, Mr Rafael Huseynov and Mr José Montilla. I remind the tellers that they need to be behind the President's chair at 5 p.m. The results of the ballot will be announced as soon as possible, before the end of the sitting this afternoon. The ballot is now open.

2. Address by Mr Khemaies Jhinaoui, Minister for Foreign Affairs of Tunisia

The PRESIDENT* – We will now hear an address from Mr Khemaies Jhinaoui, Minister for Foreign Affairs of Tunisia. Minister, it is a great pleasure to welcome you to this Assembly, which brings together parliamentarians from around Europe and beyond to support human rights, the rule of law and democracy. I very much appreciated your recent speech at the annual general debate of the United Nations General Assembly held in New York. You brought a message that focused on the importance of peace and the responsibility of the international community to build a genuinely inclusive society in order to strengthen and guarantee sustainable peace everywhere around the world. Your visit to Strasbourg today is highly symbolic. It is testament to the fact that your country is deeply committed to the building of a common area to protect human rights, democracy and the rule of law.

I understand that you and the Secretary General of the Council of Europe just now launched a Neighbourhood Partnership 2018-2021 with Tunisia. As you know, the Assembly has always commended the fruitful relationship between your country and the various organs of the Council of Europe. That co-operation would be even more efficient if we had an even more in-depth parliamentary dialogue. I am confident that your visit to Strasbourg will give new impetus to that dialogue.

Mr Khemaies JHINAOUÏ (*Minister for Foreign Affairs of Tunisia*)* – Madam President of the Parliamentary Assembly of the Council of Europe, Secretary General of the Council of Europe, honourable members, Secretary of State for Switzerland, permanent representatives and consular representatives in Strasbourg, representatives of civil society, your excellencies, ladies and gentlemen, first, allow me to extend my thanks to Madam President, Ms Liliane Maury Pasquier, for her kind invitation. I feel honoured to be able to address your distinguished Assembly. I am particularly delighted to be here today because it reminds me of the very productive discussions I have been holding since 2011 with my friend, the Secretary General Thorbjørn Jagland, which culminated in 2013 with the opening of the Council of Europe office in Tunisia. That is a sign of our wish to strengthen co-operation with your organisation as a direct follow-up to the democratic reforms embarked upon since 2011. It also reflects the interest shown by the Council, in the context of its new neighbourhood policy, to share the experiences of its members with Tunisia and to consolidate the efforts carried out by my country in the fields of promoting human rights, democracy and the rule of law. I am delighted to be able to note that, since the office was opened, co-operation has stepped up significantly, based on the priorities jointly identified.

I commend the Council of Europe for its invaluable support for Tunisia during this period marked by democratic transition, and thank it for its commitment to providing us with additional support in the implementation of our constitutional provisions and in the reform process of the Tunisian legal and institutional framework. The Council of Europe today provides help to Tunisia in particular through the South I, South II, and soon-to-be South III programmes, providing highly appreciated support in a large number of fields, including the implementation of new governance bodies, judicial reform, combating corruption, consolidating the freedom of the press, combating violence against women and protection of children from exploitation and sexual abuse. The specialised bodies of the Council of Europe have also provided invaluable support to Tunisia, such as for instance through the Venice Commission, of which Tunisia is a fully-fledged member, whose experts helped in the drafting of the constitution in 2014, or the European Commission for the Efficiency of Justice, where Tunisia was granted observer status in 2014.

Tunisia has been working tirelessly since 2011 to complete the development of a second democratic civil republic, despite economic difficulties and the current difficult regional context. It has persevered on that path and in May this year it held the first free municipal elections in its history. The elections confirm the essential principle laid down in the constitution of participative democracy to strengthen local governance, to act as a growth driver, to improve living conditions among Tunisians and to reduce developmental inequalities between the regions.

As part of the same reform drive, and as an extension of Tunisia's pioneering policy in promoting the status of women, the President of the Republic, His Excellency Mr Beji Caid Essebsi, launched a key initiative designed to give greater substance to the constitutional principle of full equality between male and female citizens. Tunisia has become one of the leading countries in the region in recognising the rights and role of women. Over the past month a passionate and at times animated debate has taken place in Tunisian society on what progress should be made, with a view to ensuring that those rights are fully enshrined in the new constitution.

In the 19th century, Tunisia became the first country in the Arab world to adopt a constitution, which enshrined the protection of all its citizens, regardless of their religion or race, and abolished slavery, before even Europe did so. It established the principle of equality between men and women in the family unit. Since independence, it has been, and it will remain, a basis for reform and innovation, wedded to the values of human rights that we all share in this venerable Assembly. That pioneering spirit has resulted in us embarking on harmonising our legal-institutional framework with that of the Council of Europe. That has enabled us to make rapid headway in bringing our laws in line with the new constitution of 2014.

In parallel with those efforts on the path of political transition, Tunisia is also seeking to achieve a successful economic transition. It has embarked on a vast programme of reforms designed to boost growth and investment and to stimulate employment, including fostering highly skilled and educated young people. Stimulating an economic recovery is our main challenge, if we are to have a successful democratic transition.

Young Tunisian people, who rose up in 2011 demanding more dignity and more freedom, are now able to develop in a democratic space, which is unprecedented in the country's history. They are playing a full and active part in public matters and making full use of their right of expression and freedom of association. We must, however, convince them that democracy matches their aspirations to have a better life, guaranteeing dignity and laying down the requisite conditions for stable employment and balanced development, thereby avoiding the risks of falling into radicalisation and the temptations linked with uncontrolled immigration.

It was with that in mind that the economic development plan was drafted for the 2016 to 2020 period. The plan sets out a new economic development model, as well as a new social model, based on a multidimensional approach to promote efficiency, equity and sustainability, and designed to boost the attractiveness of the economy and to reduce poverty through a more balanced distribution of wealth. It is predicated on five priority areas: good governance and administrative reform; combating corruption; moving from a low-cost economy to an economic hub; human development and social inclusion; fulfilment of the ambitions of the regions and a green economy.

To put that plan in place, Tunisia requires the considerable support of its partners, including Europe, and that support needs to be commensurate with the challenges of the Tunisian model, because its success will hinge to a large extent on that support. We also very much hope that it will have a positive impact on the stability of the entire region and the Mediterranean. The support given by the Council of Europe has matched our requirements relating to democratic transition in Tunisia, and we hope that we will be able to receive similar support from our European partners. Such support is important and it must be adapted to the imperatives of economic recovery, which is urgent and a sine qua non for social and political stability in Tunisia.

Tunisia has always considered Europe to be a beacon, due to their shared history and geographical and cultural proximity. We aspire to the social, democratic and modern model that Europe represents, and we hope that the transitional process will move us naturally towards it. The model is based on a free, fair and prosperous society. To achieve that, our strategic partnership with Europe encompasses almost all fields of co-operation, ranging from the political to the social, the economic to the cultural, and the financial to the human, as well as mobility, in the broadest sense of the term, which comprises the four freedoms, namely of goods, capital, services and persons. That approach remains at the heart of our joint actions.

We perceive mobility and migration as victors of economic development, as well as of social and cultural development. The fact is that it brings people together. It should not be perceived as a threat or be

used to stoke the forces of rejection and isolationism, which increasingly we are witnessing around the Mare Nostrum. This phenomenon, which has existed since the dawn of humankind, cannot simply be managed with arguments about security. It requires a comprehensive approach and partnership-based logic that extends to all protagonists and that tackles the root causes of problems. We should give priority to developing regions with strong migration potential, to training young people and to facilitating circular migration as part of a win-win vision.

In conclusion, I once again extend my thanks to the President of the Assembly and to all members for this wonderful opportunity to address such a distinguished Chamber, which acts as the collective conscience of Europe. I am sure that you will fully appreciate the exceptional case of Tunisia and understand its aspirations and expectations.

The PRESIDENT* – Thank you very much, Mr Jhinaoui, for your message. I particularly appreciated what you said about the pioneering role played by your country when it comes to equality between men and women, and the work you are doing to fight violence against women. You will be aware, because I have already had the opportunity to tell you, that that issue is particularly close to my heart. I firmly believe that we have shared values, challenges and interests on both sides of the Mediterranean, and I am very grateful to you for coming here to address us. We are counting on you for future co-operation.

Members of the Assembly have questions to put to you. I remind colleagues that they should be asking questions and not making speeches, and that they have 30 seconds in which to do so.

The first question is by Mr Vareikis.

Mr VAREIKIS (*Lithuania, Spokesperson for the Group of the European People's Party*) – For some years Tunisia has been presented to us as a success story of the so-called Arab Spring that could be promoted in the whole region. However, neighbouring countries have not been as successful as Tunisia. Do you have a strategy to become a pioneering country not only in gender equality but in geopolitics?

Mr JHINAOUÏ* – As you know, the Tunisian experience is specific to Tunisia. It is the result of a very specific history that relates to my country alone. What has happened in Tunisia cannot necessarily be transposed to neighbouring countries. As I said in my address, Tunisia has a reformist tradition that does not date back to the Arab Spring, but to the 19th century. What we are witnessing is simply the extension of that experience. We hope that other countries – our friends and brothers – will continue on their own path with a view to developing in the most positive way.

Lord ANDERSON (*United Kingdom, Spokesperson for the Socialists, Democrats and Greens Group*) – Tunisia is rightly recognised as one of the most advanced Arab countries in the field of women's rights. On 13 August, His Excellency the President said that he would back legislation to ensure equality of inheritance between men and women, for those who want it. I understand that that legislation is now in doubt. What are the prospects of the legislation passing?

Mr JHINAOUÏ* – The President of the Republic made a proposal and created a committee with a view to making proposals on fundamental human rights-related issues, based on the 2014 constitutional texts. In terms of equality of inheritance, women play an incredibly important role in Tunisian society. Some 63% of doctors are women. Some 45% of judges are women. Women in Tunisia occupy almost all spheres of society, so it is perfectly normal and understandable for us, following the revolution, to have a national debate on bringing back equality of inheritance. The president said on 13 August that he fully intends to submit a draft bill on the issue. The draft bill has been subject to discussions, including within society, and it is down to parliamentary groups to represent the issue in parliament and ensure that it is adopted. The issue is still being debated. We have never abandoned the idea of having a debate on it.

Mr HOWELL (*United Kingdom, Spokesperson for the European Conservatives Group*) – At the beginning of 2018, there were a number of protests in Tunisia that were seen as economic in origin. To what extent were they really inspired by terrorist groups? How have you gone about persuading people of the need to make underlying changes to their and your benefit?

Mr JHINAOUÏ* – As I am sure you know, since 2011 and in particular since the 2014 elections, some concrete headway has been made in the democratic transition process. Unfortunately, the economy has not followed to the same degree. There have been protests in 2018. The young people going out on the streets were perfectly entitled to do so. They have aspirations for democracy, and they wanted to claim their entitlement and right to employment. We want to continue with our efforts to meet their aspirations. When they rose up in 2011, it was to demand greater dignity. Now they are demonstrating, but unfortunately the

economy is not yet in a position to match their expectations, particularly in regard to employment and social integration. The government's objective is to do everything within its power to revitalise the economy to match those expectations.

Ms RODRÍGUEZ HERNÁNDEZ (*Spain, Spokesperson for the Alliance of Liberals and Democrats for Europe*)* – In the penal code of Tunisia, homosexuality is still a crime. Forty-four individuals were detained last year because of that. A number of different international organisations have pointed out that there has been torture and police persecution of homosexuals. Is the Government now ready to deal with the issue of homosexuality in the penal code?

Mr JHINAOUÏ* – It is among the issues that have been addressed by the committee created by the President of the Republic. Each society moves at its own pace and develops naturally. A number of issues can be debated. It is not only down to the Government to change the law. The parliament has to be involved, vote on the laws and come up with appropriate solutions to answer the question.

Mr LOUCAIDES (*Cyprus, Spokesperson for the Group of the Unified European Left*) – Speaking on behalf of the UEL and in my capacity as a former rapporteur on the political transition in Tunisia, I welcome your presence here today, Minister. It is an opportunity to reiterate our Assembly's commitment to supporting the reform process in Tunisia in line with the principles and values of this Organisation. We welcome the further advancement of the reform process, as can be seen in, among other things, the recent adoption of the law on violence against women and the ambitious proposals of the Individual Freedoms and Equalities Committee. On the other hand, we are worried about the challenges that the country still faces, in particular the harsh economic conditions and the persistent inequalities that fuel social unrest. What are your expectations from the Council of Europe and, more specifically, this Assembly? How can we further assist Tunisia in meeting its challenges and strengthen our partnership and co-operation?

Mr JHINAOUÏ* – I thank the member for the question. Clearly we are at the very beginning of the process of bringing in democracy. Tunisia is a fledgling, young democracy. It needs to be consolidated by the Tunisian people, and it needs to continue with efforts on that path. We need the help, support and understanding of our friends in Europe. Our aim is to develop a democratic system built around the universal values of the 21st century. If we want to succeed in that challenge, we need to do it with our own resources and strength, but we also need the help and support of our partners. Unfortunately, we have to deal with a number of economic institutional challenges, but I have no doubt that Tunisia, through its determination and the support and help of its friends, will come up with adequate solutions to emerge from the problems it is facing.

The PRESIDENT* – Thank you, Minister. That takes care of the group spokespeople. I suggest that we take the various speakers in the general discussion three at a time. We will give the Minister the floor once we have heard three questions.

Mr BÜCHEL (*Switzerland*)* – Minister, I congratulate you on your speech and the progress that your country has made. That progress includes economic advances. Many Tunisians in European countries are not entitled to be there. What about the readmission agreements that many countries have already concluded with Switzerland, as well as with other countries? Are you in favour of new agreements with your own country?

Mr CEPEDA (*Spain*)* – Minister, I wanted to ask about developments in the basic pillars of our democracies, such as freedom of the press, freedom of information and, perhaps more specifically, media communications in your country. I know that efforts are being made, and it is important to take note of what was said at the General Assembly of the United Nations; our President spoke about that earlier. Can you bring us more up to date on the work in your country on that issue?

Mr HUSEYNOV (*Azerbaijan*) – Minister, the Organisation of Islamic Cooperation has adopted resolutions condemning Armenia's aggression against Azerbaijan and demanded that United Nations Security Council resolutions on withdrawal from the occupied territories should be absolutely and unconditionally implemented. Your country has also signed the documents, so will we witness new efforts and challenges by Tunisia to end Armenia's aggression against Azerbaijan?

Mr JHINAOUÏ* – With regard to the readmission agreement, as I attempted to explain in my address, Tunisia wants better control of its borders and to prevent illegal immigration. With its partners, it has developed bilateral agreements with a view to developing regular and controlled immigration. That is designed to help other countries as well as Tunisia, and especially young people seeking employment. Tunisia has never relinquished its responsibility to readmit citizens who are illegally in a number of European

countries. We have signed agreements with several countries, and through them Tunisians are coming back to Tunisia. First, we need to check their nationality; we need to be 100% sure that they are Tunisian citizens, and we have created the technical means to do so. Once we have established that, of course Tunisia fully honours its obligations and repatriates its citizens.

I say to Mr Cepeda that Tunisia is a country in which freedom of expression has developed hugely; it is one of our major achievements since 2011. Tunisians today can express themselves freely. We have approximately 40 TV stations, 60 websites, and large numbers of daily and weekly newspapers. Tunisians can express themselves freely on the radio, in the written press, and in the parliament. We set great store by that. It is a freedom to which we all attach huge importance, and Tunisia fully intends to take all measures necessary to consolidate that achievement.

As we say at the United Nations, of course Tunisia complies with its international obligations and resolutions. It does not want to interfere in the domestic matters of other countries, and does not wish other countries to interfere in its domestic matters. Azerbaijan and Armenia are two countries and friends, and we hope that they solve their issues as peacefully and efficiently as possible, but we will not take one side or the other.

The PRESIDENT* – I cannot see Mr Korodi in the Chamber, so I call Ms Csöbör.

Ms CSÖBÖR (*Hungary*)* – Education is central to the country's development. Every year, my country awards 150 grants to Tunisian students. Minister, how do you think that Europe can contribute to Tunisia's development?

Ms ANTTILA (*Finland*) – Thank you, Minister, for your informative presentation. Tunisia is widely considered the lone success story of the Arab Spring movement, which swept the Middle East and North Africa in 2011. What do you consider the main reason why it did not root democracy in the Middle East in general? What challenges does Tunisia still face on its path to democracy?

Mr SCHENNACH (*Austria*)* – Minister, I am one of the chairman at the Union for the Mediterranean. We have seen major changes take place in the social economy. For the first time, we have a woman as head of the Committee on Legal Affairs and Human Rights. What position do women have in Tunisian society today, and what sort of programmes have been put in place?

Mr JHINAOUÏ* – Education is of course a central topic to everything that Tunisia has done for the past 60 years or so. Ever since the new constitution was drafted, Tunisia has striven to make schooling compulsory for all boys and girls up to the age of 16. The country has fought against illiteracy ever since independence. Roughly 300 000 Tunisians have graduated with masters' degrees but are unemployed. I thank Ms Csöbör for her question. Hungary has indeed awarded 150 education grants to young Tunisian students, which are of invaluable aid to them continuing their university studies there. Youth has been a focus since December 2016, when there was an agreement between the Tunisian President and the three presidents of the European Union in Brussels. The European Union decided to award 1 750 Erasmus grants to Tunisian students, and Tunisia agreed to set up a similar programme with Italy and other Mediterranean states. That is of great benefit to young Tunisians, because they witness the most modern education techniques and become responsible and cultured citizens in our fledgling democracy.

I tried to explain earlier that women play a central role in our societal project. A few months after Tunisia gained its independence in 1956, President Bourguiba, the founder of modern Tunisia, advocated the adoption of a civil status code that was revolutionary in Tunisia and the Arab and Islamic world. It gave full equality to men and women with regard to their personal status, and gave Tunisian women unprecedented rights. The outcome of that is that there is a debate at the moment on the equality of inheritance, and women play an incredibly important role in Tunisian society. They have a number of high-level positions, with high percentages of posts occupied by women. We are proud of it; it is very much a strength of Tunisia and perhaps why our country has been more successful than others in the region. We have introduced education across the board, and promoted the status of women and given them rights to ensure that they are a strong force in society. As I said during my address, Tunisia hopes to continue to develop the rights of women with your help and that of its other partners, so that women can be a fundamental component of our fledgling democracy.

Mr BILDARRATZ (*Spain*)* – You said that your government is working to make sure that young people are not radicalised and do not fall into uncontrolled migration. An important United Nations report says that, between 2000 and 2017, Tunisia contributed more combatants than any other country to the

conflicts in the Middle East. We are talking about a generation. What are the reasons for that phenomenon, and how does your government intend to counter it?

Ms CHRISTOFFERSEN (*Norway*) – As you mentioned in your speech, the Council of Europe, together with Morocco and Tunisia, has initiated a programme aimed at state and institution building to strengthen independent organisations, civil society, human rights, democracy and the rule of law, and my country is contributing. What do you see as the most important added value from that programme?

Mr SABELLA (*Palestine, Partner for Democracy*) – Tunisia has always been a big supporter of Palestine and the Palestinian people. Your message on peace, and on the need to work for it, is contrasted by the impasse in the Middle East peace process and the almost complete loss of the two-State solution. What is your advice on that?

Mr JHINAOUÏ* – I thank the honourable members for their questions. On the radicalisation of young Tunisians who have gone to conflict areas, Mr Bildarratz and the media have both cited figures, but there is no authority in the world that can say exactly how many terrorists there are and how many have been killed on the battlefield.

Migratory flows to those conflict zones, and particularly to Syria, were encouraged by terrorist groups in the years following the revolution, from 2011 to 2014. Tunisia, particularly under the government elected in 2014, has devised a national-level programme with all the relevant departments to promote educational, cultural and security measures to prevent the radicalisation of young people, which is why I emphasised the importance of meeting young people's employment expectations to prevent them from becoming vulnerable to exploitation by terrorist groups that use the attraction of money to get young people involved in radical movements and terrorism. We are very vigilant about the threat we still face, but I do not think Tunisia has a greater number of radicalised people going to those battle zones than other countries have.

Norway continues to provide valuable support to Tunisia on both judicial independence and independence in other sectors. We cannot talk about a modern democracy if we do not have an efficient and independent judiciary underpinning it. Anything our partners can do to help and support us to improve the professionalism and training of our judges, to improve the effectiveness of justice and to drive the independence of the judiciary is very welcome and would help us to consolidate the democratic process in our country.

Palestine is a subject of great concern, and Tunisia has welcomed Palestinian students for twelve years through an exchange programme. Tunisia has played a part in the peace process, which has enabled Palestinians to return to their homeland. Tunisia, of course, deplores the setbacks that the peace process has suffered. Tunisia hopes that the whole international community will join the efforts to promote peace. The only solution is a two-State solution based on the application of the relevant United Nations resolutions, which set out the parameters for peace. The Arab world has adopted an initiative to demonstrate that it is ready and willing to lend its support to any peaceful solution to the Palestinian situation that will enable the region to move itself from the current crisis, marked by war and conflict, and towards a path of reconstruction and prosperity, which is so needed for the region.

Ms ALQAWASMI (*Palestine, Partner for Democracy*) – The Arab region is very proud of Tunisia's achievements on women's equality and human rights. As Minister for Foreign Affairs, what do you have to say about the observance of the individual and collective human rights of Palestinian people by the Israeli occupation?

Mr XUCLÀ (*Spain*)* – Your country has made a wonderful start to the transition towards democracy, and of course the 2015 Nobel peace prize was bestowed in recognition of that. Why has it taken so long to put together a new constitutional court? That should have been done much faster. There have been accusations that torture is happening in various places in Tunisia, which is something that has to be addressed by the government and by some sort of court structure.

Mr Espen Barth EIDE (*Norway*) – We are living in times of increasing polarisation, populism, authoritarianism and simplistic ideas of "us against them". Democracy, as we know, is about institutions and respect for those institutions, but it is also about creating a culture of unity and diversity, of respecting alternative views. That is clearly something Tunisia got right, because you are the only country in which the Arab Spring remained spring and did not turn into harsh winter. What did you get right where others failed? What lesson can the Council of Europe learn from you?

Mr JHINAOUÏ* – The Palestinians have the same laws, the same rights and the same dignity as every other people in the world, and I have every confidence that all members of this distinguished Assembly will support the fact that the rights of the Palestinian people should be fully respected. Tunisia aspires to become a democratic country, and it supports the wish of the Palestinian people to benefit from the rights to which they are fully entitled.

On the efforts to complete the institutional structures provided by the 2014 constitution, Tunisia intends to do everything in its power to implement the constitutional court, which of course is a fundamental component of the constitutional basis of laws. It is the government's responsibility. As part of our task, there will be elections at the end of 2019. We want the constitutional court to have been up and running for a few months by then. Certainly, we want it up and running by 2020 at the very latest.

I can tell delegates that torture is not accepted, and is repudiated, in Tunisia. Cases may have occurred here and there, but from a governmental point of view, and from the point of view of political policy, it is the resolve of all political forces to do everything they can to prevent such practices. If we uncover cases of torture, it will be for us to do everything we can to ensure that the perpetrators of such odious crimes are brought to justice.

Why has Tunisia been more successful than other countries in the region? We do not very much like the term Arab Spring in Tunisia. There was no Arab Spring. Perhaps there was the beginning of a spring in Tunisia, and we are doing everything we can to ensure that it continues and brings with it a pleasant smell from which all Tunisians can benefit. Tunisia has made a number of fundamental choices over the past 60 years. As I was saying yesterday, we have developed proper education and our human resources. We have focused resources on education, and now have educated young men and women. We have a responsible population who are doing everything they can to consolidate the freedom that was secured at a great cost in 2011. The status of women is another important reason why we have succeeded. We should guard against the return of former practices in that respect.

We want Tunisia to be successful and are working very hard. We are dealing with a very difficult national and regional economic context, which is not necessarily conducive to our goals, but I reassure delegates that Tunisia is resolved to continue and to be successful. To a large extent, it will do so thanks to the help of its partners.

The PRESIDENT* – Thank you. That brings to an end questions to Mr Jhinaoui. I thank you most warmly for answering colleagues' questions.

Before we move on to the next item on the agenda, I remind colleagues that the vote is in progress to elect two judges to the European Court of Human Rights. The poll will close at 5 p.m. I invite all of you who have not yet done so to cast your vote.

I call Mr Arieu on a point of order.

Mr ARIEU (*Ukraine*) – Madam President, I would like to inform you and colleagues that I have just been physically insulted by a representative of Russian television here. They tried to block my way when I refused to talk to them – I do not speak to propagandists. They pulled my sleeve and tried to intervene in the room of Ukrainian representatives to the Council of Europe. I am concerned. I call on all responsible persons in the Assembly and the Council of Europe to prevent physical insults to members by Russian television staff here.

The PRESIDENT* – I have listened to your statement, Mr Arieu, and it was not a genuine point of order. We will take careful note of the event to which you have just alluded and do everything in our power to avoid a repeat of that situation.

Points of order are there for a purpose and must relate to procedure. You may make a point of order only if you feel that there has been a contravention of our rules. If people abuse points of order, we will have to be much stricter in future.

I have another request for a point of order. You have the floor, Mr Choje.

Mr CHOJE (*United Kingdom*)* – Madam President, my point of order relates to Rule 13. You will recall that, this morning, I proposed a motion seeking an independent legal opinion on the content of the legal analysis published by the Committee of Ministers on 25 September. It was with incredulity that I saw the tweet that was issued to the whole world at 10.15 a.m. describing that motion as outrageous. The author

of that insulting tweet was none other than Jörg Polakiewicz, the author of the very legal analysis on which I was seeking an independent legal opinion. Is it in order that Mr Polakiewicz, as legal adviser to the Council of Europe and Director of Legal Advice, should publicly condemn a motion supported by 51 members of this Assembly that sought to question his advice? Rule 13 applies to the code of conduct for members of the Assembly. Is there an equivalent code of conduct for senior employees of the Council of Europe? Can you please advise me, Madam President, on how I can seek redress against the calumny of Mr Polakiewicz?

The PRESIDENT* – Once again, that was not really a point of order – it had nothing to do with our rules. Rather, this is a matter for the Secretary General, who is responsible for staff employed by the Organisation. The Secretary General will respond in due course to your question as appropriate.

I call Mr Goncharenko on a point of order.

Mr GONCHARENKO (*Ukraine*)* – I have the same question on the same rule – Rule 13. It is a pity that Mr Jagland is leaving the Chamber. A Council of Europe senior official other than the one Mr Chope mentioned – I am referring to Daniel Holtgen, spokesperson for the Council of Europe – issued a tweet about the same situation.

The PRESIDENT* – I am going to stop you there, sir. That is not a point of order. Indeed it is a problem and you are entitled to raise it, but not in this Chamber and not in that form. Points of order are there if we have problems with our rules – the way that business in the Chamber is being conducted – which is not the case here. That does not mean that you are not entitled to raise the issue, but not here and not now, in the Chamber in this way.

2. *Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting (continued)*

The PRESIDENT* – The next item on the agenda is the continuation of the debate on Petra De Sutter's report entitled "Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting" (Doc. 14621).

The Assembly decided at its session on Monday morning to limit speaking time to three minutes per speaker. In the general debate, I call Mr Liashko.

Mr LIASHKO (*Ukraine*) – Yesterday the Havel prize was handed over. Václav Havel has also spoken here. He said, "We will never have heaven on earth, but I see the 12 stars as a reminder that the world can be a better place if, from time to time, we are courageous enough to look at those stars." Havel meant the 12 stars of the Council of Europe, which embody the rule of law, democracy and human rights. Unfortunately, many people look at the ruby stars of the Kremlin instead of those stars.

Four years ago, the Assembly took a decision about the Russian delegation following the occupation of Donbass and Crimea. What has changed since that time? Putin has not honoured any obligation. His troops have continued to kill Ukrainian citizens. Today – this morning – there was an act of subversion in my home place of the Chernihiv region when there was an explosion at the arms depot. Two million people have been deprived of their right to have their homes, to have their elementary education, and to satisfy other needs. Russians are killing people in the United Kingdom and Syria. Parts of Ukraine, the Republic of Moldova and Georgia have been occupied. There are so many conflicts even on the European continent taking place with the participation of Russian troops.

Now, in the Parliamentary Assembly, which was established 70 years ago in order to stand for principles and values, we are talking about bringing Putin back here. This is not about the rules. That is just sophistry – we are talking about money and about other things. It happened so in the 1930s when the policy of appeasing Hitler led to the outbreak of the Second World War, when 10 million Ukrainians paid with their lives in order to stop Hitler. The League of Nations was silent then. The Parliamentary Assembly of the Council of Europe is looked to by Ukrainians, and we are told on a regular basis that Europe is an example to follow. What should we follow: treason; collusion; prioritising money – not principles? Please do not set a bad example, not just to Ukrainians but to the whole world.

I hope that there will be enough sombre-minded people in this Chamber to understand that the return of the Russian Federation to this Chamber is the victory of Putin in the hybrid warfare that is not just against Ukraine but against the Council of Europe – the very foundation of the Council of Europe. It will mean that the power and the force of money has won instead of justice, human rights and democracy. I look

forward to a wise decision by this Assembly. I think that there are enough people here who will realise that honour is much more important than any money.

The PRESIDENT* – Thank you, Mr Liashko. The next speaker, Mr Bereza, is not in his seat.

I call Sir Roger Gale on a point of order.

Sir Roger GALE (*United Kingdom*) – On a point of order, Madam President. While you are working out who to call next, let me say that the two points of order that were raised earlier are points of order. They should have been responded to by the Secretary General. We do not want to interfere with this debate any further, but would you please give a clear undertaking that the Secretary General will come back at the end of this debate, by which time he will have had time to find out the facts, to make a statement? He made one this morning; we would like another one this afternoon, please.

The PRESIDENT* – As I said earlier, the Secretary General will, in the course of time, reply to these questions. I cannot do so in his stead. I cannot tell you when he will do so, but you certainly will have a response to those important questions.

I call Mr Bereza, who is now in the Chamber.

Mr BEREZA (*Ukraine*)* – It is very good that today we are looking at this report and resolution. Today is the birthday of Boris Nemtsov, an individual who, three years ago, was killed by the Kremlin. Many of you said at that time, “What a pity that that event took place.” What a pity, indeed. Many people said at that time that the Russian Federation – the Soviet Union – defended Europe and defended democracy during the Second World War. We have had other events. Anna Politkovskaïa was also killed. Once again, many people expressed great pity. And today, Sentsov is being killed. Let us not forget the events in England either, and let us not forget MH-17, where many, many Europeans died – there were hundreds of dead. In the same way, many, many Ukrainians in Donbass are being killed. All this is the result of Russian machinations. The Russian Federation does not understand civilisation, culture and the way to behave; it understands the language of power – of force. Let us think of all those who have fallen victim to Putin and to that entire system and are doing so right now – all those people who have been killed. There is the war in the Republic of Moldova and the war in Georgia as well.

One has to understand that this is a serious problem. Let us not forget that the purpose behind this report is the Russian Federation and the Russian Federation’s participation here. We have to say openly and clearly that the Parliamentary Assembly of the Council of Europe, after 70 years defending human rights in Europe, has now cobbled together this report and the proposal for these changes to be instituted. This is not right – it is shameful. Let us not forget who the Russian Federation is supporting. Let us not forget that the Russian Federation occupies Crimea and that Russian Federation is behind the situation in Donbass. Is it correct, I ask you, that the Russian Federation should return here to discuss these issues and to question all the various resolutions that we have already discussed in great detail concerning Donbass and Crimea? Do we want now to enter into discussions with those people who basically want to foster internecine strife in this Organisation – who want to destroy this Organisation in the same way that they destroyed MH-17?

This resolution cannot be supported for one reason: the Russian Federation has not met any obligations whatsoever. This resolution is undermining European democratic standards. If we move forward with it, we will simply be the Russian Federation’s accomplice.

Mr XUCLÀ (*Spain*)* – I would like to use my speaking time to contribute, perhaps with a little less passion, some elements to this debate. I think we need to be a little bit humble, and we also need to abide by the law and what is right.

It is important to recall that this Assembly is an advisory organ. A colleague said yesterday, rather appropriately, that this Assembly is called the Parliamentary Assembly because we are parliamentarians – members of parliament. It is not that we are a parliament. After all, we do not control the Executive branch of power. We do not put questions to the Executive, nor do we appoint or remove members of it. Our real powers – over and above producing reports, which we all enjoy drafting and presenting our ideas in – are to elect the Secretary General, the Deputy Secretary General, the Commissioner for Human Rights and the judges of the European Court of Human Rights. Those are our main powers as a Parliamentary Assembly and it is very important for us to retain them. Nobody should think about taking them away from the Parliamentary Assembly.

I say nobody should even think about it. We like to talk a lot in this Chamber – after all, we are politicians – but there are always some people here who are silent. They sit on the edges of the Chamber and represent member States – in other words, I am thinking about the Committee of Ministers. They have an advisory Assembly here before them with certain powers, which I have just tried to describe. That is the configuration. I am sorry – perhaps my contribution to the debate is not very passionate, but it is important for us all to remember these facts and terms.

What we are really talking about is the essence of a democratic dialogue. Does that mean a discussion among equals, or among people who are close to one another? No, it means people having a dialogue with those who disagree with them. Perhaps that involves talking about the annexation of Crimea, frozen conflicts, and so on, and all those matters are discussed by member States in the Committee of Ministers. That is where views are represented, and then four times a year we come here to discuss matters in this Chamber. We need to discuss things properly and lawfully and ensure that we abide by the tenets of a democratic dialogue among ourselves.

Ms LUNDRÉN (*Sweden*) – I have listened carefully to the debate, but I did not hear about anything in our rules that does not work. I did not find out why the rules need a change now, when they seem to have worked well from 1964 to today without any complaints. The Russians have told us that they will not present their credentials as long as we can challenge them. The Russian Federation has broken several of our rules. It has used military force to illegally annex Crimea, a part of Ukraine. It still has military forces occupying parts of Georgia and eastern Ukraine. It has not presented its credentials, nor is it open to monitoring or election observations. It does not pay its fees. It has not changed its rules or followed any of our recommendations. So, if the Russian Federation is the one breaking things up with its actions and decisions, we should focus on how they should act to comply with our rules. We should not change our rules to make the Russian Federation feel more comfortable.

The saying goes, “If it ain’t broke, don’t fix it.” The rules have been broken by the Russian Federation and not by the Assembly. Of course, every organisation must ensure that its laws are updated, although that must be done for a good reason. Even though the rapporteur went to a lot of effort, and even if some amendments that would improve the report are agreed to in votes later, please vote no to changing the rules that have worked so well for us throughout our history. Do not abstain. Vote, and vote no to changing our rules instead of changing the Russian Federation’s behaviour. They should change, not us. I have heard rumours suggesting that there might not be a vote, with a referral back to the Committee instead. Please do not play with the Assembly in this way, because we will have to deal with this in future, and it is us not us who are broken; it is the Russian Federation’s behaviour.

Mr KNEŽEVIĆ (*Montenegro*)* – I represent the Democratic Front, which is the strongest political party in Montenegro. We play a very important role, and we carried the banner during the Second World War as well. We feel that it is absolutely necessary to look closely at this resolution. If we do not, we will be making a very serious mistake. Let us not forget that the expansion of Russophobia has become a scourge on the planet. It has been raised to unprecedented levels, affecting Parliamentary Assemblies of this nature and other such forums. It has seriously affected how things function in terms of ties between European Union countries and others and the Russian Federation. We have to take a realistic approach.

We are not discussing sanctions or just the situation in Crimea. Let us not forget that Crimea was part of the Russian empire for hundreds of years. The time has come to look at matters seriously. Let us not forget the role that NATO played in 1999 in the destruction, partition and fragmentation of Yugoslavia. That opened Pandora’s box and led to the current situation in Europe. Let us not open such a box again. Let us work together in a concerted manner.

We should look at what has taken place in the former Yugoslavia and the numerous different forms of conflict that have developed between Serbians and other nationalities in the region. It is terrible, and there are similar scenarios in Spain, for example, with the autonomous movement in Catalonia, and elsewhere. It is absolutely necessary to do whatever we can to calm people down, so that they can work together and harmony can exist. Let us not ignore the terrible problems that can emerge as a result of this type of fragmentation. Look closely at what happened in the western Balkans and let us not forget that. The situation was unacceptable, and that has not been considered when looking at the broader issues of fragmentation in Europe.

The PRESIDENT* – I call the rapporteur to reply on behalf of the Committee. You have two minutes and 10 seconds, as well as two extra minutes as chair of the committee.

Ms De SUTTER (*Belgium*) – I have heard a lot of arguments in this debate. I have heard about legal opinion and the institutional divide that could come over us, but that is not a reason to reject the report. I have heard a lot about the Russian Federation, of course. Many people have made a lot of emotional arguments, with sadness and anger, and I fully understand all those emotions. There have also been a lot of rational arguments about rejecting the report. Sometimes the same arguments have been used in regard to voting in favour of it, which illustrates how difficult and complex the situation has become. All the outside interest in this report and the politicisation of what had to be a technical exercise is why we are here today for this heated debate.

Colleagues, the committee decided absolutely on a two-thirds majority, which is not the normal majority for a resolution, because it is such an important change to our rules. Some have argued, “Why rush? Why do this now? Why can’t we take more time?”, while others have argued that we need to vote on the resolution to bring the Russians back, and I have been thinking a lot during this debate, listening to all these arguments. For the past year, the Ad Hoc Committee has worked to bring together the many good proposals put forward by national delegations and political groups, and there was a consensus on that committee in favour of improving the voting and credential procedures in our rules, as well as in the Rules Committee during our meetings in December, and yet here we are today in a divided Assembly.

As rapporteur, I had wanted to bring that consensus here and to change things for the better, for the Assembly itself and for the Council of Europe, but I now realise that that is not going to happen. I have therefore decided to ask that, under rule 37.1.d, we refer the report back to the committee. If there is an elephant in the room, it will be gone come the resumption of this debate at a future part-session – maybe in January – and we will be able to properly discuss what we need to discuss. I am convinced that the recommendations are an improvement on our rules and would make our institution more resilient in the face of future crises, but it is apparently not possible for the Assembly to make these changes today, so I propose that we refer them back to the committee.

The PRESIDENT* – Ms De Sutter, you have moved that the report be referred back to the committee. This being a procedural motion, we can hear only from its author, someone speaking against it and then the rapporteur or chair of the committee. As you are the rapporteur and chair of the committee, I have only to ask whether anyone is opposed to the motion.

I call Mr Kox. You have 30 seconds.

Mr KOX (*Netherlands*) – I understand the rapporteur’s proposal, but this morning we decided to take a decision here and now. This is the end of a long story. I have said that my group wants this resolution passed but that if not enough vote in favour of our proposal, we will accept it – that is democracy. I would not consider it wise, but I would accept it. To refer it back to the committee would go against what we decided this morning. A democrat has to accept the decision of a democratic organ. I would prefer to end the debate today and not refer the report back to the committee.

The PRESIDENT* – I call Mr Arieu on a point of clarification.

Mr ARIEU (*Ukraine*) – If we postpone the vote, when would it be postponed until? Also, I do not think it should be discussed on the Standing Committee, where 40 members make a decision, instead of the whole Assembly. If we postpone the vote, would it be postponed until the next part-session?

The PRESIDENT* – I shall reply to your question, Mr Arieu. In my capacity as President, it falls to me to decide the agenda of the Standing Committee, and I can tell you that the report will not be submitted to it, but I cannot tell you when it will come back, although it will be during a plenary part-session.

The Assembly now has to decide on the proposal to refer the report back to committee. A simple majority is required.

The vote is open.

The motion is adopted (99 votes for, 79 against and 16 abstentions).

(Mr Jonas Gunnarsson, Vice-President of the Assembly, took the chair in place of Ms Maury Pasquier)

The PRESIDENT – Quiet please, colleagues. If you wish to have a chat, please have it outside the Chamber.

It is now nearly 5 p.m. Does any member still wish to vote in the election of judges to the European Court of Human Rights? That is not the case.

The ballot for electing judges to the European Court of Human Rights in respect of Albania and Norway is now closed.

The counting of votes will take place under the supervision of the tellers, Mr Leśniak, Ms Bakoyannis, Mr Huseynov and Mr Montilla. I invite them to go at once to meet behind the President's chair. I hope to be able to announce the results of the election at the conclusion of the current debate.

We will start the next debate in a few minutes. I ask those of you who wish to have meetings to have them outside the Chamber so that the debate can start.

4. The treatment of Palestinian minors in the Israeli justice system

The PRESIDENT – The next item of business this afternoon is the debate on the report from Ms Liliane Maury Pasquier entitled “The treatment of Palestinian minors in the Israeli justice system”, Document 14583, presented by Mr Stefan Schennach on behalf of the Committee on Social Affairs, Health and Sustainable Development.

We need to adjust the speaking time, because we have so much more time since there was no vote. We will allow a speaking time of four minutes in this debate.

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

Mr SCHENNACH (*Austria*)* – The reason I stand before you to present this report is that it was our President's last report for the Social Affairs Committee. As chairman of the committee it is now my great honour to be able to present the report, which addresses the treatment of Palestinian minors in the Israeli justice system.

The committee worked for a long time on this particular issue. Unfortunately, the Israeli delegation did not entertain any co-operation with either the draftsman or the committee, which is something I regret. In the Parliamentary Assembly we nevertheless drafted Resolution 2202 (2018), which speaks about the role of the Council of Europe in the Israeli-Palestinian peace process, so we have that resolution. However, it meant that the rapporteur was not really able to go and see things for herself in situ on this occasion. Notwithstanding that, we received a lot of information from UNICEF, the Red Cross and other non-governmental organisations.

On this occasion I would like to commend Ms Liliane Maury Pasquier on this report, which is very balanced and very detailed. It is not a report that takes a position on the Israeli-Palestinian conflict; no, it is a report that talks about juveniles, youth and minors in the justice system and in prisons. It is a report that talks about the human rights of young people and children. That is its subject matter, and if you have read it carefully you will have noted for yourselves that this report champions one cause – the cause of minors. It is completely independent of the conflict and how the conflict might evolve. Thanks to that independence, this particular report in this particular form was supported by a very broad majority in committee.

A number of amendments to this report have been tabled. I have discussed those amendments with the rapporteur, and later I will touch upon that and explain those particular points. Only three of the seven were put to the vote because we did not have any movers for the others in committee, nor did anybody decide to step into the breach to move them. With regard to the amendments, what I can tell you is that in committee we had a very broad consensus and agreement.

What are we talking about here? First, we are talking about the fact that minors, for various reasons, find themselves in detention, primarily military detention; that is what happens most often. All those who have dealt with this issue will agree that, from the point of arrest, through the public prosecution service all the way up to the court and the hearing, the treatment of minors that we are looking at here is not in line with human rights, nor indeed with the rights of the child. In no way is it compatible with them.

You may remember that I too had a report before this Assembly a while ago, about child-friendly justice, which was broadly supported. I am afraid that child-friendly justice is not something we find in Israeli prisons. In other words, what we see, and this is quite a widespread phenomenon, is a form of abuse. I am afraid we can actually call it abuse – systemic abuse, or systematic abuse if you prefer. We are also talking

about night arrests, about parents not being able to get in touch with their children and being deprived of that contact. Regardless of the conflict and how you look on it, regardless of what is happening there, what we are witnessing is an instrumentalisation of children and young people. That is simply not acceptable in a democratic State founded on the rule of law. On the report on child-friendly justice that I mentioned, you may remember that a broad majority of this Parliamentary Assembly agreed with me. We agreed in saying that we need to pull out all the stops to ensure that children and young people do not end up in prison and to avoid that outcome.

In this particular case, unfortunately the very opposite is happening. We have far too many minors, both children and young people, being held in Israeli places of detention and prisons. Far too many of them are detained by the military forces. In addition, we are talking about these children being located in the occupied territories. They are detained in the occupied territories and therefore parental access is well nigh impossible. There is also the fact that they are deprived of sleep, and there might be abuse.

It is important for the Council of Europe to speak out about any manifestation of such occurrences, whatever situation we are in and wherever young people are involved in conflict. First, minors should never be used in a situation of conflict; secondly, it is important that we guarantee human rights and the rights of the child. We need to have a legal system in place that works against acts of revenge, and that cannot be used for that purpose. This is not a question of revenge. We are here to help with re-integration and that is what it should be about.

Of course, if you have cases of criminality, you need to respond, but you do not respond with torture or the deprivation of human rights, or by stripping children of their fundamental rights and disregarding those rights. That is the spirit in which this report should be read.

I want to highlight a particular passage of importance in the report, because it is something we always encounter with the Israeli justice system. Administrative detention, a system that comes from the British colonial system, is a complicated matter. In addition, when administrative detention is combined with individual detention in this fashion then – how can I express this? – it is a disgrace. I do not think it is necessary. It is not necessary for the justice system of those countries. It is not necessary, full stop.

I ask everyone to work together and to join forces to see how we can handle the situation. I understand that it is a tense, difficult and complicated situation, but this is about juveniles and minors. We need to deal with them in an age-appropriate, apposite way. I urge members to support the report tabled by our President, which I have had the great honour of presenting to the Chamber today.

The PRESIDENT – Thank you, Mr Schennach. You have just under five minutes left in the debate.

I call first Mr Goodwill on behalf of the European Conservatives Group. You have four minutes.

Mr GOODWILL (*United Kingdom, Spokesperson for the European Conservatives Group*) – Thank you, Mr President. It is the responsibility of every State to protect its people first and foremost. Let us not forget that, unlike many of its neighbours, Israel is a democracy and has a long history of upholding our shared democratic and human rights principles. As the report outlines, it is absolutely right that, if those standards slip, we have a duty as candid friends of Israel to ensure the rights of all people, in particular children, are respected.

We should, however, never forget that the main perpetrators of human rights abuses in the region are terrorist groups, such as Hamas, who often use stone-throwing children as cover for their operatives or, most cynically of all, locate their mortar emplacements near schools and hospitals, using children as human shields who all too often become casualties of retaliatory air strikes. We then see harrowing footage of casualties in the media, which Hamas uses very effectively for propaganda purposes.

I am pleased that Israel has made progress in addressing some of the points in this excellent report. There has been a reduction in the number of detainees aged between 12 and 14 years old, an increase in the age of maturity from 16 to the more commonly accepted 18, the establishment of separate juvenile courts and the enactment of a separate statute of limitation for minors.

British Ministers regularly raise the issues with their opposite numbers in Israel. As recently as April this year, our Minister for Human Rights raised the problem of children in detention with Israeli Justice Minister Shaked. The report reinforces the messages that the United Kingdom regularly transmits to our Israeli friends. It is not unreasonable to expect the use of audiovisual recording of interviews, a reduction in the use of single hand ties, alternatives to night arrests – although I can understand how that method may

facilitate the arrest of a specific individual – and a more consistent approach to informing detainees of their legal rights in a language that they can understand. Let us also not forget that children are primarily the responsibility of their parents. To us it is inconceivable that a parent would allow or indeed encourage their own children to put themselves in danger in pursuit of a terrorist organisation's goals.

Finally, we must show solidarity with Jewish people, wherever they are, in the face of anti-Semitism. We do not need reminding of that here in France. As I travelled in on the tram this morning, I saw an armed police guard outside the synagogue here. Sadly, not all political parties in Europe have shown steadfast determination to root out anti-Semitism.

One aspect of the report that could be improved is that not much is made of the difficulty in ascertaining the age of a child. As a former British immigration Minister, I know that that was a great problem for us when children presented themselves as migrants or asylum seekers following the clearance of the Calais camps. I hope that we can make more progress on being able to ascertain that accurately. The amendments tabled improve the report without detracting from its key elements, which we very much support.

Ms de BRUIJN-WEZEMAN (*Netherlands, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – The Israeli-Palestinian conflict has already dragged on for decades, with no prospect of lasting peace. To get out of the impasse, the two sides in the conflict and the international community must continue to work on the peace process. What does not help is that generations of young people are growing up with a stereotype of the enemy that is partly sustained by the way they are treated once they come into contact with justice. There is a Dutch proverb – I believe it is the same in English – that says you reap what you sow. I am not saying that criminal behaviour of minors should not be penalised, but growing up in conditions of conflict, manipulated by adults, influenced by non-objective narratives about the other community, hardens the attitude of young people in a destructive way.

ALDE supports the rapporteur Ms Maury Pasquier's choice not to take a position on the underlying conflict, but to emphasise what is in the best interest of a child and to make a plea for the introduction of child-friendly justice standards in Israel, instead of prosecuting minors in a detention system with systemic abuse and violations, which is not compatible with the basic standards applicable to children. We support the resolution to call on the Israeli authorities to work on an appropriate law to fully protect the rights of Palestinian children in the Israeli justice system.

The report speaks for itself. It recognises the special position of children, and that there is never an excuse for ill-treatment of a child. Children are very vulnerable to indoctrination and false propaganda. When adults do not stick to the promise of respecting human rights for everyone, we are responsible for the generations to come who will not recognise those values. In the Israeli-Palestinian conflict, already too many generations have grown up in a climate of radicalisation and hardened attitudes that feed the underlying conflict and the circle of violence. That must be the concern of all the adults on both sides of the conflict, so I call for us to break the cycle. Children should not be put in a position to fight soldiers. Children should be educated in non-violent approaches of dialogue and respect. Will that end the conflict? I hope so, but I fear much more will need to be done. We owe it to the children to, at the very least, adopt this resolution.

Ms SANDBÆK (*Denmark, Spokesperson for the Group of the Unified European Left*) – First, on behalf of the Group of the Unified European Left, I congratulate Ms Maury Pasquier on this excellent report, which makes it clear that ill-treatment of Palestinian minors in the Israeli military detention system is widespread, systematic and institutionalised throughout the process. I am going to give examples of ill-treatment documented by Defence for Children International.

DCI reports that one child was accused of throwing a Molotov cocktail at an Israeli jeep. He denied it, but, after two hours' interrogation, he was placed in isolation. "It was a very small cell," he remembered, "with a mattress on the floor, a toilet and two concrete seats. It did not have any windows, just a vent for air conditioning. It was very cold because of the air conditioning. I could not sleep because there was a yellow light on 24 hours a day. I was detained in that cell for two days." Sent to another detention centre, he was isolated for five days in similar conditions and then referred back to the first centre for another nine days. "I was in a very bad psychological state," he says, "so I decided to confess. I confessed to throwing Molotov cocktails and stones at army jeeps", even though he did not do it.

Israel treats children, some as young as 10, like adults. Like adults, they are held cells of 2 metres by 3 metres and sleep on concrete beds or on thin, dirty, stinking mattresses on the floor. Meals are passed through door flaps, depriving them of human contact.

One infamous windowless cell, known as “Cell 36”, is used for solitary confinement. Dim artificial light is kept on 24 hours a day and the walls have sharp protrusions, preventing children from leaning against them for support. Some report pain behind their eyes and adverse psychological effects.

In their confessions, these children are forced to come up with names of other children who are claimed to have thrown stones or Molotov cocktails, and they do so in desperation. They may implicate even those they know little about. Those children who are implicated in throwing Molotov cocktails and stones – and who probably did not do it – are then dragged from their beds in the middle of the night, based solely on the word of terrified child detainees.

During the interrogation period, children endure multiple traumas. They may be blindfolded and shackled, beaten, shaken violently, deprived of sleep and subjected to other forms of sensory deprivation. They are given filthy or inedible food, or denied food and water for extended periods. They have no access to toilets, showers or clean clothes. They may be exposed to extreme heat or cold and to very loud noises, held in painful stress positions, and even abused sexually. They are subjected to threats and insults, all of which are intended to extract confessions at any cost.

The well-documented psychological and physical effects of such treatment include severe anxiety, panic attacks, lethargy, insomnia, nightmares, dizziness, irrational, even uncontrollable anger, confusion, social withdrawal, memory loss, loss of appetite, delusions and hallucinations, self-mutilation, paranoia, suicidal thoughts, profound despair and hopelessness. Not surprisingly, many imprisoned children become totally dysfunctional, unable to regain a normal life.

I think that Israel does that in order to prevent those children’s parents from resisting the occupation. For that same reason, I am afraid that Israel has no intention of complying with the report’s recommendations, and unfortunately they are allowed to do that with impunity.

The PRESIDENT – We have already allocated one extra minute for speakers, so please respect the speaking times.

Mr O’REILLY (*Ireland, Spokesperson for the Group of the European People’s Party*) – In approaching this debate, a few core values, principles and policies of our Parliamentary Assembly merit restating: we support and encourage the resurrection of the peace process; we support the two-State solution; and we condemn terrorism and the systematic radicalisation or manipulation of young people.

Having said that, I congratulate Ms Maury Pasquier on an excellent, fact-based, reasoned and pertinent report. It cites evidence from reputable, irrefutable sources, such as “No way to treat a child – Palestinian Children in the Israeli Military Detention System” by the non-governmental organisation Defence for Children International Palestine; UNICEF’s major report of 2013; B’Tselem, Israel’s human rights NGO; the Red Cross and other NGOs. They provide an appalling chronicle of night-time arrests, handcuffing, blindfolding of children, verbal abuse, long, difficult journeys, and interrogation using the methods of fear and fatigue. As a parent, a teacher by profession and a human being, I am unequivocally revolted by all of that.

That treatment all culminates in plea bargains, dubiously obtained in 95% of cases, which of course obviate the requirement to explain torture in detention. Coupled with all of that is the widespread use of administrative detention of children, which is appalling. That all results in the radicalisation of people. Today’s arrested, mistreated and maltreated children are tomorrow’s terrorists, bombers and nonconformists when it comes to democratic norms. As the previous speaker said eloquently and with good testimony, those who are not radicalised tend to be dysfunctional as adults and live with psychological nightmares for the rest of their lives.

To come to the point: I call directly for the end of the torture of children. I call on the Israeli authorities to take note of the moral authority and strength of this international Assembly. I call on the Assembly itself, the Secretary General and its officer corps to pursue this report, its aims and ambitions, and its stated wrongs to the end, with a vigour like no other, and to never, ever let it go below the radar.

The ill-treatment of a child is never acceptable, no matter the context. It is on that premise that I ask, first, that we adopt this approach with unanimity and enthusiasm; secondly, that we pursue its objectives; and thirdly, that the peace process be reassembled and that the Israeli authorities please take note of the moral authority and democratic mandate of this great Assembly.

Ms ÆVARSDÓTTIR (*Iceland*) – I am sorry to say that in reading the report, I experienced déjà vu, and it was not pleasant. As it happens, I wrote my masters thesis in international criminal law on the

treatment of Palestinian minors in the Israeli military court system of the West Bank in spring 2013. In reading the report, I relived the experience of dread, hopelessness and sorrow that I felt while writing my masters thesis. I experienced dread because I could not and still cannot believe that any State proposing to call itself democratic could justify treating children in this way: torturing them, trying them in military courts and destroying their lives and their futures. I experienced hopelessness then and now because this horrible treatment has been systematically employed for years without any effective resistance from the international community.

I experienced sorrow, filled with empathy, for the children who have their homes raided in the middle of the night. They are abducted by military agents and blindfolded. They are often beaten, starved or humiliated in transit to interrogation where, without a lawyer or guardian, they are pressured or even tortured into confessing a crime and implicating their friends. They are then put before a trial in front of a military court – Israel is the only country in the world that tries children in a military court – and sent to prison in Israel, far out of reach of their families and lawyers for months or even years at a time. They return as broken individuals, and their pain and suffering have a ripple effect through to their families and society as a whole.

My conclusion in my masters thesis was that this systematic, widespread and institutional ill treatment of children constituted collective punishment, which is a war crime under international law. It is completely clear that by employing such methods, the Israeli military and the Israeli authorities have absolutely no interest in finding the children who are individually criminally responsible for throwing stones at the Israeli military. That is not the purpose. Rather, the purpose is to punish entire communities by abducting their children, breaking their spirit and destroying their future, thereby breaking the spirit of entire communities.

This report is one of many detailing these crimes, and I fear that nothing will change if we stick to reports and recommendations as a response. What can we do? First, I encourage all member States to take up universal jurisdiction, which would allow them to prosecute persons who commit war crimes and make it difficult for them to travel between countries by issuing arrest warrants against them. That has proven quite effective against war criminals and those who systematically abuse human rights. Second, we can use the recommendations of this Assembly on the Magnitsky laws to implement targeted sanctions against those who systematically abuse human rights in their own States with impunity. I support the report, but much more needs to be done. The international community has failed Palestinian children for years, and it is time for that to end.

The PRESIDENT – Thank you, Ms Ævarsdóttir.

Mr Schennach, you will have the opportunity to respond at the end of the debate, but do you wish to respond at this stage?

Mr SCHENNACH (*Austria*) – No.

The PRESIDENT – In that case, I call Mr Ghilechi from the Republic of Moldova.

Mr GHILETCHI (*Republic of Moldova*) – We all agree in this Chamber that individuals who are introduced into the military juvenile justice system of Israel must be treated with dignity and respect. Children and minors must be protected from any form of abuse or ill treatment. There is no doubt about that, but we should not turn a blind eye to another important aspect of the situation, which I am glad Mr Goodwill mentioned. Young people from these areas are encouraged through their education system and the Palestinian media to participate in violence towards Jewish people. Financial incentives are provided to families who encourage these acts.

There is also widespread glorification of individuals and their families. They become martyrs by committing violent acts. Young people and women get schools, streets and stadiums named after them. For example, last August, the Palestinian Ministry of Education named a new school and kindergarten after Dalal Mughrabi, a terrorist responsible for the death of 37 innocent people in 1978. The school was funded by the Belgian government. When that information became public, the Palestinian Authority removed the name from the school under significant pressure. However, it later became known that the name was transferred to two other schools that were not funded by Belgium.

To be clear, any form of ill treatment of children must stop, but the attitudes I have mentioned must stop, too. A clear message has to be sent that such behaviour will no longer be tolerated. There may be issues concerning the treatment of minors in the military juvenile justice system of Israel – we need to address them – but that cannot be used as an excuse for the promotion of terrorism. When we are

examining this topic, in order to have a balanced and objective picture we should take the full context into account and further examine the influences on young Palestinians.

Mr Schennach assured us that the report is very balanced. On the one hand, I regret that Ms Maury Pasquier was not able to have a fact-finding visit. On the other, how can we affirm that all the information provided in the report is based solely on facts? For that reason, in order to make the report more balanced, I have submitted a series of amendments with other colleagues. Most of those amendments will improve the report and make it more balanced. When the time comes to present amendments, I will do so, but I would like to see the report – it is a golden rule in this Assembly – take a balanced approach. It is not fair to blame one side without admitting the fault of the other. With the hope that my amendments will be adopted, I am willing to support the report.

Lord TOUHIG (*United Kingdom*) – “Young people in the West Bank continue to suffer violations of their dignity on a daily basis, which have become unacceptably normalised by occupation.” That was the view of a delegation of Catholic bishops from across Europe, North America and Africa who earlier this year met young Palestinians. The violation of human dignity is probably starkest when it comes to the detention of children throughout the occupied territories. At the last count, almost 300 Palestinian minors were being held in Israeli custody. All too often they are arrested without being given any reason, interrogated without a lawyer and detained without their basic rights. Children arrested for stone-throwing can face trials lasting several months, with little access to bail, legal representation or even their parents.

I certainly do not condone the provocation of stone-throwing. I believe that parents and others who encourage youngsters to throw stones are the guilty ones, but the youngsters engaged in it naturally seek to avoid the ordeals I have described and the prospect of years in prison. They do so by striking plea deals for crimes they did not commit, as has already been mentioned.

I am a lifelong friend and supporter of the State of Israel but friends – true and real friends – should never shy away from being honest with one another. That is why I say that this iniquitous system – this physical mistreatment of children – is completely unworthy of a democratic society. More, it is unworthy of a great people who themselves throughout history endured the unspeakable yet came through as decent, caring human beings who love freedom and democracy.

In 2013 UNICEF reported that, in flagrant violation of the Convention on the Rights of the Child, young Palestinians in detention were subjected to solitary confinement, sensory deprivation, violence and painful restraint. Some of those individual cases were brought to light in a collection of testimonies from former Israeli soldiers published by *Breaking the Silence*. One recounted some teenagers being held at the West Bank facility where he was stationed. He said that “they were actually children, around 14-15 years old...Blindfolded. And these combatants...came at those kids, threw stones at them, swore at them. And the kids sat as helpless as a human being can be, their hands shackled in those tight plastic bands that don't let them move, blindfolded, total helplessness”.

It appears that very little has changed in 2018, with recent research showing that 80% of West Bank children are detained and prosecuted under the jurisdiction of Israeli military courts – not civil courts – and experience physical violence after their arrest. The situation is not only unacceptable at a human level, but completely short-sighted at a political one. Following the visit of the delegation, the bishops said, “The anger that we witnessed is entirely justified”, and that “For a whole generation the prospect of peace has been made even more remote by morally and legally unacceptable decisions”.

We know that how people are treated when they are young affects their behaviour as they get older. Is it any wonder that boys and girls who are detained, abused and humiliated, sometimes before reaching their teens, are cynical about co-existence with their neighbours? We must therefore continue to defend those young people on human rights grounds, but also in pursuit of a lasting peace that would benefit both the Palestinian and Israeli peoples.

Mr HALICKI (*Poland*) – I also thank Ms Maury Pasquier for the report because it is very balanced, as Mr Schennach said. We are here in Strasbourg in an Assembly that was established to protect human rights; that is the principle that we should have in our minds. We sometimes have to think about the other side. My friend Valeriu Ghiletschi from the Republic of Moldova said that we have to also remember that it is a military conflict with a military justice system – but no. The report concerns kids. It is nothing to do with anti-Semitism or conflict. We have to protect the children. Hundreds of them are sent to prison every year. They are beaten and tortured. This is not the time to look for symmetry; we have to say openly that this is the State's responsibility. It is the Israeli policy, and we cannot accept it.

Some of the amendments are signed by Valeriu and some of my other colleagues, but we should adopt the report without those amendments. We cannot look for an explanation while the kids are in prison. We have to say very loudly: "This is not allowed".

Mr HOWELL (*United Kingdom*) – Let me start by giving some background. In 2011, in the face of riots, more than 3 000 arrests were made and more than 1 000 people were issued with criminal charges. Around half were under 21, and 26% were between 10 and 17. Some 21% were arrested for bottle or stone throwing, and 158 male youths aged 16 or under were given custodial sentences. That is not a description of Israel; it is a description of the United Kingdom. It is a shame that the balance applied to other parts of the world is not applied to Israel.

There is one aspect of the report with which I agree, which is paragraph 41, which states that the report has been described as "one-sided" and ignores the fact that "Palestinian children have been indoctrinated or instrumentalised as fighters for the Palestinian cause". I agree that the report is one-sided and ignores an aspect of what is going on in half the region. You cannot do that. You cannot take one half of a situation and not the other. Just as we take a strong line in many other countries where children are used as soldiers, we should see that as reprehensible in the Palestinian territories. You cannot see a young person as an innocent when they are throwing stones or holding a Kalashnikov. There have already been substantial changes to the system, principally as a result of a number of reports undertaken by those who are friends of Israel. Those changes have already been mentioned by my colleague Robert Goodwill, but they include the reduction in numbers of detainees, separate juvenile courts and the use of Arabic in conducting trials.

To say that a child does not affect his human rights, no matter what, is a false distinction. It does not admit that the majority are young people and that the role they play is to take away other people's human right to life. By concentrating on one aspect of the situation in the Middle East, the report gives only the mildest condemnation of the Palestinians for their actions – using young people as human shields, training young people to attack the Gaza/Israel fence in the full knowledge of the consequences, or getting young people to pull the trigger or detonate the bomb. The key to this is a two-State solution, and better education – not the fake education that the Palestinians generate in their own territory. We should encourage the Palestinians to educate young people properly, in the ways not of hatred but of peace. That would be the quickest and best way to end all forms of detention.

We cannot rely on the United Nations, as the report does. Since the end of the Second World War, it has made almost as many condemnations of Israel as it has of the rest of the world put together. That cannot be right and falls into the hands of the anti-Semites whom, in Europe, we should deplore all too much.

Mr SABELLA (*Palestine, Partner for Democracy*) – The report is excellent and I congratulate those who wrote it. It brings to light the serious infractions against Palestinian minors. The situation cannot go on. We must recognise the overall context of continued Israeli occupation, the impasse in the political process, and the fact that 40% of the population are below the age of 15. What hope do those children have? In a context where conflict and violence is the hallmark of the relationship between the occupier and the occupied, with the subjugation of whole population groups in the occupied Palestinian territory through measures of control and limited mobility, and with the only knowledge of Israelis as soldiers with guns and intimidation methods, are our Palestinian children not affected by all this?

I do not buy the argument that we send our children out to confront Israeli soldiers. Sociologists and psychologists tell us that children, much more so than adults, are affected by such conflict situations. The Israelis have the responsibility to end this situation, and if they do not, we will all pay a heavy price.

I and others, whether in East Jerusalem or in other parts of the West Bank, witness daily how Israeli soldiers stop 10 and 12-year-olds to carry out body searches and to ask them to open their school bags. When I say that to Israelis, they tell me that it has not happened and that it is Palestinian propaganda, but when you see it on the ground, you realise that it is happening. Would Israeli soldiers or law enforcement agents do this to Israeli children? I am sure they would not.

Without hope and without setting a political peace process on the road, hopelessness and despair will continue to affect all Palestinians, especially children. Israeli politicians need to bear the responsibility for the lack of advancement in the peace process. As long as there is occupation, the legitimate national rights of Palestinians are not accepted by Israel. And as long as the ongoing context is one of annexation of Palestinian lands and of more illegal settlements, I am afraid that infractions against Palestinian children and, indeed, all Palestinians will continue. Eventually dire and difficult conditions for human rights and for the

possibility of peace will prevail if Israeli leaders continue to refuse to move towards a viable, sustainable peace process that will lead to the creation of a Palestinian State next to Israel – a State living with peaceful and normal relations with Israel, and not relations of hegemony and continued occupation and conflict.

Mr STIER (*Croatia*) – I also thank the rapporteur and the chairman for this report. A central point of the report is, as article 4 of the resolution says, that “the Assembly would not like to take position on this conflict, but take only the side of children”. I think we all share that view yet, in order to achieve that goal, we need to balance the report.

We heard how Mr Sabella interprets this report as an excellent text in which there are winners and losers. That dilutes the message we would like to send, and it dilutes the impact we would like to have. We need to balance the resolution through amendments in order to achieve the goal of article 4, which the chairman mentioned in his introductory remarks.

Article 6 of the draft resolution calls on the Israeli authorities to do certain things – the resolution makes 11 recommendations. Article 7 also calls on the Israeli authorities “to raise the age of criminal responsibility of children to at least 14 years”. Article 8 focuses on the central issue of education, and it calls on both sides. The centrality of education cannot be overestimated.

As previous speakers have said, Palestinian television is, in a way, controlled by the Palestinian authorities. Television hosts suggest, even to children, that kidnapping Israeli soldiers is a way of serving the Palestinian cause – television is a principal route of violence. If we want to support non-violent approaches, we need to address this issue by singling it out and calling on the Palestinian authorities to address these issues more clearly and firmly. Why? Because in that way we will have a balanced approach, and all the good messages in the text will be heard and received not as biased but as balanced. It will not be a text in which there are winners and losers but a text in which the real winners are the children. That is the approach we should support, and I ask the Assembly to support the amendments that would not weaken but strengthen the message that is already contained in article 4. We should not take sides in this conflict. We should take only one side, the side of children.

Baroness MASSEY (*United Kingdom*) – I thank Ms Maury Pasquier for the report's tenacity. She has been very brave.

The Council of Europe is one of many organisations, including UNICEF and other non-governmental organisations, concerned about Palestinian children in the Israeli justice system. National parliaments are also concerned. There is, of course, a context to this debate. A two-State agreement that guarantees a solid future for both Palestinians and Israelis is the only ultimate solution and must be the goal of the international community.

Peace and reconciliation are the only way to improve the condition of these children. We need to consider why Palestinian children are in the Israeli justice system in the first place. Some of them commit offences, such as throwing stones at Israeli soldiers; some commit worse offences. However, we must not forget the United Nations Convention on the Rights of the Child. Israel is in breach of the articles on discrimination, the child's best interests, premature resort to detention, and complaints and monitoring.

A group of eminent British lawyers has concluded that “A major cause of future unrest may be the resentment of continuing injustice... justice is not a negotiable commodity but a fundamental human right which can itself do much to defuse anger.” Children in Gaza are suffering appalling conditions of health, with tuberculosis, stunted growth and psychosocial disorders, as well as injury and death. Homes are in ruins. Food and water supplies are poor. Schools are being destroyed. It is little wonder that there is resentment and that children are drawn into it. The age of criminal responsibility is 12. The number of children arrested has risen by 156% since 2015. Some of those children – not all – are in military prisons. Many are held in abusive conditions and are denied access to parents and lawyers.

I will now describe the experiences of someone who has seen these so-called trials. There are no witnesses or evidence. The children plead guilty to escape a longer sentence. Once the judge knows he has the right person, he pronounces the verdict and sentence. It all takes around 15 to 20 minutes. Once out of custody, children could well return to homelessness and to neighbourhoods that have been destroyed. Apparently, Palestinian children often take their favourite toy to school in case their home is gone on their return.

As the report states, the Parliamentary Assembly should call on the Israeli authorities to work with UNICEF and the Red Cross, and with civil society organisations, to change laws and practices with regard to

children in the Israeli justice system. That would be at least a step forward in defusing an intolerable situation. The situation demands a response not only on behalf of children, but on behalf of humanity.

Mr GRIN (*Switzerland*)* – The excellent report submitted by Ms Maury Pasquier has pinpointed the serious failings of child-unfriendly justice. A number of findings in the report are very disquieting. Our Parliamentary Assembly is here to defend human rights. As part of that, we defend the right of children and minors.

A minor who has committed a criminal act should of course be punished, but the punishment should be based more on education than on repression. Minors are impressionable. When they carry out criminal acts, we should ask exactly what has motivated them, and what impact adults have had on their behaviour. We are talking about two countries that have been at war for more than 70 years and the adult populations have hard feelings that influence and have an impact on young people.

A number of NGOs accuse Israel of the ill treatment of Palestinian minors. The Israeli military justice system falls short of the standards of the regular application of the law. Military legislation is not compatible with the guarantees and protections provided for in human rights law on the administration of justice. It is therefore important to change the military legislation to put an end to abusive practices, and to treat all minors under the civil law. Why does Israeli civil law apply to all children and minors living in Israel – Palestinians and Israelis – whereas Israeli military legislation applies to Palestinian minors living in the occupied territories? It is unacceptable for a minor placed in custody to be interrogated for a criminal act, or to be forced to make or sign a declaration without the presence of a member of their family or a lawyer. Extracting confessions is dishonest and even illegal as far as human rights are concerned. In London last year, I attended a conference on child-friendly justice with Baroness Massey, who is in the Chamber. We heard from minors who had appeared in court. They all told us that the presence of a parent or teacher was a source of comfort for them – it gave them some form of confidence when making declarations.

To overcome that large number of failings, it is important for Israeli authorities to work with UNICEF and other NGOs and to be transparent in relation to prison visits. All the points in the draft resolution require child-friendly justice as defined by the Council of Europe. That would be a first step in efforts to avoid radicalisation and the hardening of the cycle of violence in this region of permanent war.

Mr COAKER (*United Kingdom*) – This is an outstanding report, but the report and speaking in the Chamber are not sufficient on their own. We want the report to be put into action. That is what is important.

I am sick of seeing the television pictures, which we all see, of Israeli troops and Palestinian youths in conflict. I am sick of reading about young people being shot. The report tries to say how we move forward. The first thing is to take children out of the equation so that they are not used as pawns. Children have rights. As somebody said earlier, children should not indulge in terrorist activity, but they are children, and we need to give them the rights and protections they deserve.

Somebody mentioned the United Nations. It is worth putting on the record the fact that the figures in the report are from UNICEF, a United Nations organisation respected across the world, and not from some pressure group or terrorist organisation. UNICEF says that 500 to 700 children aged 12 to 17, including girls, are prosecuted by military courts each year, with 60% transferred from occupied territories to prisons in Israel. I say this to Israel: why would UNICEF lie? Why would UNICEF make those figures up?

The report also quotes the Israeli Prison Service. IPS figures show that 325 Palestinian children were detained at the end of December 2017, which was a 73% increase on the average between 2012 and 2015. Why would NGOs or UNICEF make those figures up? If Israel does not believe them or wants to question them, it can. I say to the Israeli Government that they should involve themselves with those inquiries and involve themselves when people visit the occupied territories. They should put their point of view.

You cannot have competing facts in conflict situations. There are just facts. The report did really well in saying, "These are the facts. Children are being imprisoned and abused." Israel needs to take responsibility, engage and do something about it. It is my belief that, if Israel speaks to people, argues and debates with them and puts its point of view, a two-State solution would come closer. That is the goal we want.

Mr SHEHU (*Albania*)* – I thank the authors of this difficult report. I can well understand how difficult it is to present such material and to draw conclusions, which is why I read the text of the resolution with a great deal of attention.

It is worth emphasising that although the existence of two independent and democratic States – Israel and Palestine – living alongside each other in peace is problematic, it is the only future that can resolve or reshape today's problems. We are seeing local or more widespread terrorism and the use of human beings, even children, for such ends – for these violent acts. They are used as human shields and propaganda instruments. We must have a future that can lead to greater respect for human rights. Children are suffering from violence, are being used, and are in jail. This is an extremely problematic undertaking that cannot succeed without direct dialogue between Israel and Palestine, as well as close co-operation and collaboration between leading local players and, in particular, international stakeholders – first and foremost the European Union, the United States and NATO.

Although this is a very serious piece of work, I do not think that it is balanced. It is inappropriate because it is pointing the finger at just one party – the democratic State of Israel. I believe that this resolution, as it currently stands, will create more problems than it solves and render dialogue more difficult. It will not be at all helpful in resolving the real problems and will create more problems in future. It will make dialogue more difficult. It will make negotiations more difficult, whereas we should in fact be doing what we can to alleviate the conflict and, by extension, the suffering of the people. If we are to have a resolution, then it has to be very different. The wording has to be changed. It has to be commensurate with the reality of the situation in order to bring peace to the region. That is why I will not be able to vote in favour of this resolution. I do not even think that the amendments can improve it. We should therefore go back to the committee. We need a more multilateral and wide-ranging approach to all these issues. In that way, we will be doing more to really solve the problems and the root causes thereof.

Mr MADISON (*Estonia*) – It has been very emotional here today, as it always is when we discuss the question of Palestine and Israel. I am disappointed that this report is a perfect example of one-sided and hostile treatment of Israel. It tries to prove that Israel is the cause of all problems and that Palestine is merely an innocent victim. Unfortunately, that is neither impartial nor the truth.

First, we need to realise that Israel is the only fully democratic nation in the Middle East. Thus it is very unnerving to read stories about all of Israel's neighbours being democratic and respectful of human rights while Israel is described as the evil one terrorising her neighbour Palestine. That is simply untrue. The report singles out the need for Israel to co-operate with UNICEF and the United Nations. That is true. Ensuring basic rights for children is a just cause, but because Israel is already co-operating, there is nothing new. There is no doubt that the children have to be protected, but in light of the Gilmore report we have to understand the bigger picture – for instance, how Palestinian children are growing up and what is being done to them. Is not the rapporteur worried about the fact that small Palestinian girls are taught about the murderer's blood being the purest? Is not anyone worried that Palestinian children are taught to hate Israel? Is it right to portray terrorists to the children of Palestine as heroes and martyrs? That is exactly the system in which these children are being brought up.

We must emphasise that the occupied Palestinian territory is not completely under Israeli jurisdiction. It is not under the total control of the State of Israel. Thus we cannot make Israel completely responsible for what is going on in that territory. It is a known fact that Palestine harbours terrorists and encourages attacks against Israel. Every nation, including Israel, has the right to protect itself. In March, Palestine released its new state budget, US\$185 million of which was allocated to the families of known terrorists. Is this really the right place for Europe to channel its funds to? Is this Assembly really not scared that Palestine is funding terrorist activity and makes heroes out of terrorists for its children?

This report is clearly and obviously one-sided. It has nothing to do with wanting, naturally, to deal with the rights or protection of children. I shall most definitely vote against it, and I advise all of you to do the same.

Ms LAVIE (*Israel, Observer*) – The report placed before the Assembly is a distorted and selective presentation of reality that does not present distinguished delegates with a full picture of the situation in Israel. There are many cases I could cite for some much-needed context, but the most recent will suffice. On 16 September, just a week after the Jewish New Year, when Jews around the world prayed for peace, Israel suffered yet another terrorist attack. Mr Ari Fuld was stabbed in the back standing outside a shopping mall frequented both by Palestinians and Israelis. He was stabbed by a 17-year-old Palestinian aggressor. In recent years, there has been an increase in accusations by NGOs and United Nations agencies of abuse and false arrest of Palestinian minors, but these accusations are ignoring the context – the involvement of these minors in terrorism. Dear colleagues, let us be clear: these tragedies are not acts of youthful folly; they are carried out by minors following vicious manipulation and incitement encouraged by the Palestinian Authority. Throwing stones at passing cars kills. Stabbing people in the back kills.

Addressing this challenge is not as simple as this resolution would lead you to believe. Before you rush to critique Israel, consider that the Palestinian media routinely display examples of encouraging hatred for Jews. They glorify child martyrdom, name schools after terrorists, urge children to stab Israelis, and use minors as human shields – to cite just a few examples. Likewise, the textbooks used in Palestinian Authority schools promote hatred against Israel, anti-Semitism, and incitement to martyrdom. Those who sacrifice their children – and, most appallingly, the children of others – are training the next generation to perpetuate hate, rather than forging the will to build a State at peace with its neighbours. The terrorist who stabbed the late Ari Fuld studied those textbooks. He grew up in that hotbed of hatred, and apparently he learned all too well. Now, thanks to your unconditional largesse, he is receiving a stipend for his act; a global prize, if you will, for his act of terror – pay for slay. I remind you that administrative detention and other legal tools, for adults and minors alike, are widely used around the world, including by many member States of this body, to prevent terrorism and threats to society.

Approving this report would be another step in the ongoing campaign against Israel, which has been accused of the systematic and widespread abuse of children. Your approval would lend additional support to the international campaign to tarnish Israel, delegitimise our democratic institutions and infringe on our right to self-defence.

Two days ago, while this Assembly was preparing its current session, two Israeli civilians were murdered by a Palestinian co-worker at the industrialised area of Barkan, where Palestinians and Israelis work side by side. The hypocrisy must cease. The double standards must end.

**5. Election of judges to the European Court of Human Rights in respect of Albania and Norway
(Result)**

The PRESIDENT – I interrupt the list of speakers to announce the results of the election of judges to the European Court of Human Rights in respect of Albania and Norway.

Albania

Number voting: 183

Blank or spoiled ballot papers: 13

Votes cast: 170

Absolute majority: 86

The votes cast were as follows:

Mr Sokol Berberi: 13

Mr Darian Pavli: 98

Ms Marjana Semini: 59

Accordingly, Mr Pavli, having obtained an absolute majority of votes cast, is elected a judge of the European Court of Human Rights for a term of office of nine years which shall commence no later than three months after his election.

Norway

Number voting: 183

Blank or spoiled ballot papers: 9

Votes cast: 174

Absolute majority: 88

The votes cast were as follows:

Mr Jørgen Aal: 19

Ms Elizabeth Baumann: 47

Mr Arnfinn Bårdsen: 108

Accordingly, Mr Bårdsen, having obtained an absolute majority of votes cast, is elected a judge of the European Court of Human Rights for a term of office of nine years which shall commence no later than three months after his election.

6. The treatment of Palestinian minors in the Israeli justice system (continued)

The PRESIDENT – We shall now resume the debate. I call Ms Creasy from the United Kingdom.

Ms CREASY (*United Kingdom*) – I begin by agreeing with my colleague from Albania that this report makes for difficult reading. It is difficult because the case that it makes is compelling. Other speakers are right: sadly, there are children in prison and on death row around our world. We know that in Iran alone, 80 children under the age of 18 are on death row. In Egypt, the Maldives and Saudi Arabia, children are put to death, but there is no hierarchy when it comes to our responsibility, as the Council of Europe, to protect the rights of children. We know that the dysfunction, and the anger and resentment that grows among young people, is one of the obstacles in the way of the peace that we all crave for Israel and Palestine. That is why it is right that we, as the Council of Europe, must act in this regard.

UNICEF tells us that the ill treatment of Palestinian children in the Israeli court system is widespread, from the moment of arrest until conviction and sentencing. Whatever a child does – however heinous the crime that they may commit, or what criminal behaviour is involved – it does not absolve them of their rights or our responsibility to protect them. I was very struck by the evidence given by the Israeli human rights organisation, B'Tselem, which has documented not only the increase in Israeli child prisoners, but the ways in which they are treated, whether they have been picked up on the streets or dragged from their beds at home in the middle of the night, handcuffed and blindfolded.

We have talked about the terrors of administrative detention and know that some progress has been made with regard to children being brought before a judge within one day. However, B'Tselem has highlighted how many children then wait post-indictment in detention for months or longer. Those children are then pushed to cut a deal to avoid jail, as the Israeli court system drags their cases out for a year or more. Eighty per cent of Palestinian minors were not told in interrogation about their rights to a lawyer. Children are being detained until the end of proceedings, with courts saying that that is the only way to make sure that they stay for the trial. They are separated from their parents and from support. The rapporteur called this abusive, and I have to agree. Seeing and recognising this does not deny the way in which these children are also being exploited for political gain, as the report sets out fairly.

However, we are here today not just to identify a challenge, but to try to make progress in this difficult situation and to try to handle those children in a way that upholds the best of the Council of Europe's standards on human rights. I want to suggest ways forward that I believe both Israel and Palestine can get behind. We can all agree that the peace process is the best way to freedom and security for Israel and Palestine. Both States need to be recognised and we need to work with both of them, but we should start with the fact that we are talking about children, and we should start with their families.

I support Ms Maury Pasquier's report, which calls on Israel to work with organisations such as UNICEF and others. There must be full access for legal and medical aid groups to these children to protect their welfare. There must be the immediate release of children who have not been charged with a crime within 24 hours and a clear deadline for not just charging, but prosecuting them. The families of these children must be seen as part of the solution and not excluded from but included in their welfare and treatment, as well as being held responsible for their conduct. We know that too many children are being radicalised and are encouraged to see violence as a response to disagreement. We know that the voices of the world have a powerful role to play in challenging this and giving a future to the people of both Israel and Palestine. We in this Chamber can be critical and good friends to both States. This report is a powerful example of just how to do that, and I commend it.

Mr BILDARRATZ (*Spain*)* – I, too, begin by congratulating Ms Maury Pasquier on her excellent work. In contrast with the work done by other rapporteurs, this report does not involve proposing a solution to the Palestinian issue. It proposes something much more humble but not at all unimportant.

We are talking about human rights and respect for children's rights. Ms Lavie told us that there was a distortion of reality in this report. We could speak about numerous different things, including what happened in Gaza in 2014 and other situations. I believe, however, that that is not the purpose of the report. It is about respecting the rights of children. There has been no co-operation from Israel. If Israel wanted to co-operate with the rapporteur, it could have participated by presenting the Israeli authorities' point of view so that that could be included in the report.

We are all aware of two cases. One involves Ahed Tamimi, the 16-year-old girl who was just released, and we all know why she was detained. She was held under administrative detention, which means without any charge, for an indefinite period. She was in detention for eight months, in isolation. Do you feel that a 16-year-old girl in any of our countries should be incarcerated in administrative detention for that period of time, for having kicked somebody or having done something of that nature? I will give another example. On 24 March 2016, an Israeli soldier killed an unarmed Palestinian who was lying on the ground, and the Israeli court condemned the soldier for homicide. He spent nine months in prison – for homicide.

We are talking about respecting the fundamental rights of children, not resolving this protracted conflict. Children are being condemned in military courts. In 2017, more than 500 minors were arrested and taken through the military courts, and 77% of them were kept in detention and blindfolded. Such behaviour has serious reverberations for Palestinian society. What will be the consequences of such flagrant violations of human rights for future generations in Gaza? Funding to UNRWA and other non-governmental organisations is being cut too – there is not enough money to keep the schools open. The key is development and education. The future of Palestine and Gaza is in the hands of children whose rights are being violated. This is a serious issue that we have to contemplate.

Mr GAVAN (*Republic of Ireland*) – “The soldiers led me outside and one of them tied my hands behind my back with plastic cable ties. He blindfolded me with a strip of cloth and then the soldiers led me through the alleyways until we reached the end of the camp. Along the way, the soldiers slapped me, hit me with their hands and rifles, and kicked me with their heavy boots. They hurt me and swore at me.” That is a quote from Abed Sabah, from al-Jalazun refugee camp, in Ramallah, who was arrested when he was 15, and it comes from the B'Tselem report, which I recommend everyone read. I want to enter another quote into the record, from the mother of another victim: “We entered the courtroom and then Malek was led in by two soldiers, with his hands and legs shackled. It wrenched my heart to see him like that, but I held back from crying in front of him. He was about 20 meters away from me, inside a cage.”

I welcome the report and endorse its recommendations in full. It is disappointing to see a small number of parliamentarians trying to water down its conclusions, particularly as they are based significantly on information from Israeli human rights bodies. One of the cohorts of people most affected by Israel's policies is Palestinian minors. Israel is indeed the only country in the world that automatically prosecutes children in military courts that lack fundamental rights and guarantees. The case of Ahed Tamimi recently made world headlines, and thankfully she has now been released, but unfortunately her case is far from unique.

In Israeli civilian courts, detention is always a last resort for a minor, but when it comes to Palestinian minors in Israeli military courts, prison is almost guaranteed. A report published by Israeli human rights group B'Tselem shows that the military court system has a conviction rate that exceeds 95% for minors – for children. I have witnessed at first hand these Israeli military courts in practice, and I can tell you that justice has no part to play in these sham procedures. All proceedings are carried out in Hebrew, so those accused and their families do not even understand what is being said, and the Israeli army appoints a translator who often cannot be bothered to translate. As one witness in the B'Tselem report pointed out, “Most of the time he played with his phone and ignored what was going on in the courtroom.”

At the end of June 2018, 273 Palestinian minors were being held in Israeli prisons as security detainees and prisoners, including three administrative detainees – that, of course, means internment without trial. In addition, minors are routinely held in Israeli army-run facilities for short periods. A report released this year by Military Court Watch found that two thirds of the Palestinian minors who testified about their arrest and incarceration in 2017 reported that they were subjected to violence and physical abuse by soldiers during their custody. This has been backed up by UNICEF reports revealing systemic human rights and child rights abuses by Israel in its detention of Palestinian minors. Colleagues, we are talking about children. Such widespread, systematic and institutionalised abuse of Palestinian children must end.

Finally, I want to address the issue, raised by some speakers, about balance. Would they have called for balance when the white supremacist apartheid regime was in place in South Africa? Unfortunately,

I am old enough to remember when British Conservatives were apologists for that regime. They were wrong then, and they are wrong now.

Ms SMITH (*United Kingdom*) – If this Assembly is about anything, it is about human rights and the ability to speak out against violations of those rights. The Parliamentary Assembly is one of the few institutions that comprises delegations from both the Israeli Parliament, which holds observer status, and the Palestinian Legislative Council, which holds partner for democracy status.

Essentially, this report does not concern itself with the political dimensions of the conflict in the region, although this Chamber in the past has said, quite rightly, that it supports a two-State solution on pre-1967 borders – something I wholeheartedly concur with. Instead, it concentrates on the treatment and rights of the children concerned. It is important to establish that any nation state must focus, regardless of context, on the treatment and rights of children.

For a number of years, many international organisations, including UNICEF, have highlighted concerns about the ill-treatment of Palestinian minors by the Israeli military detention system, which often fails to comply with even basic standards. We have already heard many instances of the abuses perpetrated, and we must stand firm in the view that Israel must act to end the abuse and eradicate its ill-treatment of children. The provisions of international law relating to the rights of children need to be observed in all cases. Cases should be individually reviewed before intervention takes place to make sure that the right course of action is taken. In Israel at present it seems that draconian responses to often minor infringements are applied.

I understand entirely that wrongdoing can never be excused or endured, and we have heard many references today to stone throwing, but this reality does not justify the use of unacceptable practices by the State – in this case, the Israeli State. International standards must be applied. We are not talking either about a small number of children, with even the Israeli prison service saying that 352 Palestinian children were detained in December 2017 – a 73% increase on IPS data from 2012 to 2015. Worse still, UNICEF has affidavit evidence from individuals suggesting ill-treatment and violations that not only fall short of international human rights standards but are in violation of Israeli law too, with many saying they had endured physical violence, verbal abuse, humiliation and intimidation.

The evidence in the report persuades me to support its recommendations. As a friend and supporter of Israel – I am a member of Labour Friends of Israel and fight anti-Semitism at every twist and turn – and because it is important that the State adopt international standards relating to the rights of children, I call on Israel to work with UNICEF, the International Committee of the Red Cross and others to change the laws and attitudes in the country so that Palestinian children, and indeed all children in the country, can be properly protected.

Mr TÜRKEŞ (*Turkey*) – I thank the rapporteur for preparing this important report with great enthusiasm. I call on the Israeli authorities to comply with the 1967 borders and retreat from the occupied territories. Israel is clearly acting against international law and human rights. Israel, despite the warnings of the Parliamentary Assembly of the Council of Europe and many international organisations, is not stepping back from its policies, which are not in line with the universal principles of law.

I strongly condemn Israel's approval of the building of over 2 000 additional units in the West Bank, which is under Israeli occupation. The actions taken disregard international law and relevant United Nations resolutions, and irreparably damage the peace process. Opposing these practices, which violate the inalienable rights of Palestinian people, is an obligation in terms of law and conscience. I call on the members of the Parliamentary Assembly to fulfil that obligation. Moreover, the Jewish nation State law adopted on 19 July 2018 by the Israeli Parliament tramples universal principles of law and disregards the rights of the Palestinian citizens of Israel.

The PRESIDENT – Mr TÜRKEŞ, you are departing from the subject of the debate. Under the rules, I call you to order. You may resume your speech, but you must stick to the subject of the debate.

Mr TÜRKEŞ (*Turkey*) – Well, it is still what Israel is doing. I can, of course, talk about nine years ago, when Muhammad al-Durrah, a nine-year-old child, was killed out in the street. He was not throwing a stone; he was caught in Israeli military fire. He was just hiding behind his father. He did not have a stone in his hand, he had nothing, but he was shot by Israeli military men and nothing was done against them. That is the point when they got away with the crime they committed –

The PRESIDENT – But, Mr Tūrkeş, that is not about the topic of this debate either. The debate is about the Palestinian minors in the Israeli justice system. That is very precise.

Mr TÜRKEŞ (*Turkey*) – Muhammad al-Durrah was a Palestinian minor.

Mr WHITFIELD (*United Kingdom*) – I acknowledge the report and congratulate the rapporteur and the Committee for their thorough work in producing it and in highlighting a great wrong that continues, as it has done for many years.

In 2013, UNICEF produced a report, “Children in Israeli Military Detention: Observations and Recommendations”, which concluded that, “the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process”. In 2012, funded by the British Government, a group of senior British lawyers published an independent study entitled “Children in Military Custody”. Published, it found that Israel was in breach of at least eight of its international legal obligations under the United Nations Convention on the Rights of the Child and the fourth Geneva Convention, due to its treatment of Palestinian children held in military detention. The British report suggested 40 recommendations, ranging from arrest to interrogation, bail hearings, plea bargaining, trials, sentencing, detention, complaints and monitoring. In 2017, Military Court Watch stated that only one of the British report’s recommendations, the separation of children from adults in detention, had been substantially implemented.

The empirical evidence is clear: half a decade after the publication of UNICEF’s and the British lawyers’ reports there has only been very limited implementation by the Israeli authorities of the recommendations. The report today rightly draws on Article 3 of the UNCRC, which states that children are first and foremost children and should be treated as such. Even when a child comes into conflict with the law, be it due to persuasion from others, indoctrination, reward or perhaps even choice, those people who seek to detain, investigate, charge and try the child must base such actions on what is in the best interest of the child.

Child justice, as we have heard today, is no excuse for letting a child off; it is about how to deal with that young person. Military Court Watch reports that, in the 80 testimonies it collected in 2017, 81% of the children reported not having access to a lawyer before interrogation. As a result, most children still consult a lawyer for the very first time in a military court, after the critical interrogation phase is over. Given that context, the British legal charity Lawyers for Palestinian Human Rights has implemented a “Know Your Rights” campaign, in partnership with Defence for Children International, to empower and educate Palestinian children in the occupied West Bank to secure their basic rights if detained by the Israeli military system.

Children are but children once. If they do not witness or experience, or indeed are not nurtured in, a blanket of human rights, how can we expect them as adults to display, promote and defend others’ human rights? We have heard today that there are more facts that have been left out; we have heard about media, leaders and politicians. We have heard that there are two sides to the story; well, there are two adult sides to the story. The children involved, as Article 3 states, are first and foremost children.

Ms ALQAWASMI (*Palestine, Partner for Democracy*) – I thank the rapporteur for this objective report and thank this Assembly for showing its commitment to its values in raising this issue. The violation of children’s rights occurs not only through detention, but in many other ways. The major violation is to their lives, the killing of Palestinian kids and minors assassinated by Israeli soldiers who then accuse them of stabbing – although you very rarely find victims – and the killing of Palestinian minors by settlers. In 2014, Mohammed Abu Khdeir, a 12-year-old boy, was kidnapped early in the morning by settlers and burned alive by them. One day before his killing, the Israeli Knesset member Ayelet Shaked incited the killing of Palestinian children, calling them “little snakes”. In 2015, Ahmed Dawabsheh, a five-year-old boy, was burned at midnight with his family by settlers. His parents and brother died and he was severely burned.

The PRESIDENT – Sorry, Ms Alqawasmi, but you are also departing from the subject of the debate. Under the rules, I call you to order. You may resume your speech, but you must stick to the subject of the report, which is the treatment of Palestinian minors in the Israeli justice system.

Ms ALQAWASMI (*Palestine, Partner for Democracy*) – Okay, but they were also minors, one 12 and one five years old. Minors less than 12 years old, for example eight or 10 years old, in the cities of Hebron and Jerusalem have also been removed from their place of residence to house arrest and to other areas outside the family, prevented from going to school or leaving the house to play, for example.

In the Israeli justice system there are gross and obvious double standards, with Palestinians convicted until proven otherwise, and actions by Israeli soldiers and settler crimes not prosecuted; they are above the law. We need follow-up procedures.

I want to thank those colleagues who have spoken in favour of Palestinian minors and those who have spoken against. I am sure they are not against children's rights, but they did not know the truth.

Mr HEER (*Switzerland*) – I read the report carefully and it is missing the objective view. It is a completely one-sided report, against Israel. I understand the Palestinian side and that people care about young children who are detained. Of course that is not a very nice situation, but we should also ask ourselves why it happens. When we see five-year-old boys in military uniforms who have been given guns by Hamas and the Palestinian leadership on Palestinian television, we should understand that the problem is the education of the Palestinian leadership, who are abusing their own children in making them become child soldiers; they put hatred of Israel in the children's minds. That is why we should not be surprised when they become terrorists and become violent against Israeli civil society. You saw the riots we had in Gaza. Hamas sent children to the fence between Israel and the Gaza Strip. They sent their children there.

The PRESIDENT – Mr Heer, as I have pointed out to other speakers –

Mr HEER – Excuse me: those were children. We are speaking here about children.

The PRESIDENT – We are speaking of children in the Israeli justice system.

Mr HEER – I am explaining to you the reasons why they are sometimes detained. Please take an objective position as chair.

I know that there is a problem here. Everyone says that they did not know that Israel had so many friends in the Council of Europe. Every good anti-Semite starts the sentence with, "I am a friend of Israel" so he can then bash the Israeli side afterwards. I do not agree with that. I think the IDF has to secure the people of Israel. I am sure that there are sometimes problems, and sometimes they do overreact. That is a criticism we should take, discuss and tackle together, but if we produce one-sided reports such as this, we will never find a solution and we cannot be a neutral interlocutor between the Palestinian side and the Israeli side and find a true solution for peace and stability in the region. As you all know, the Council of Europe keeps itself busy for nearly this whole week. If we produce reports such as this, I tell you, one day the Council of Europe will no longer exist, because we will not have any legitimacy or credibility.

Mr KOÇ (*Turkey*) – I thank the rapporteur, Ms Maury Pasquier, for her work on this issue.

Two separate legal systems operate in the territory of the West Bank. The sole factor in determining which laws apply to a person is his or her nationality and ethnicity. Israeli settlers living in the West Bank are subject to the Israeli civilian and criminal legal system. Israeli military law, which fails to ensure and denies basic and fundamental rights, is applied to the whole Palestinian population. In Israeli civilian courts, detention is always the last resort for a minor, but when it comes to Palestinian minors in Israeli military courts, prison is almost guaranteed. Israel is the only country in the world that automatically prosecutes children in military courts, which lack basic and fundamental fair trial guarantees.

A country is supposed to promote the welfare of children and not subvert the principle of the best interest of the child. International juvenile justice standards demand that children should only be deprived of their liberty as a measure of last resort, and only in very rare and exceptional cases. There must be an end to the common practice of detaining Palestinian children and a start to the promotion of the welfare of all children.

The United States has agreed to give Israel \$38 billion in military aid over the next 10 years rather than holding Israel accountable for its violations of international law and human rights. The declaration of Israeli-occupied Jerusalem as Israel's capital by the Israeli Parliament and the Trump Administration's consequent recognition is also unacceptable. The United States should stop enabling Israel in its abhorrent treatment of Palestinians and the international community should take necessary action against the Israeli government.

The PRESIDENT – I really must urge you all to stick to the matter at hand, which is clearly defined in the report. I give the floor to Sir Edward Leigh from the United Kingdom.

Sir Edward LEIGH (*United Kingdom*) – If the Council of Europe wants to preserve its credibility, it must have a balanced view of the Israeli-Palestinian dispute. It is important that this report on the treatment of children by the Israeli authorities should be part of that balanced view. Of course we should be alive to Palestinian suffering, but we also have to recognise that Hamas is involved in a deeply cynical exercise to use children as human shields, which fulfils its purpose very well. The children may be injured, or worse, and that creates hate and suffering in the families back home, and there is then further propaganda for Hamas.

Having said all that, and acknowledging that Israel is a parliamentary democracy governed by the rule of law, as a friend of both the Palestinian people and the Israeli people, and trying as an outsider to be even-handed, I would say to the Israeli authorities that, if children are involved in violence they have to be dealt with by the law, they have to be dealt with fairly, according to international norms. Even if you are a friend of Israel, there is undoubted evidence that Palestinian children, who may be committing offences and may be being misused by Hamas, are not dealt with in the way that we would generally like to see minors dealt with in the court systems in Europe.

I would like for further information to be gathered, and to find out whether what we are told about the treatment of children in Israeli custody is in fact true. There is a report from Defence for Children International that we dealt with in a debate in the House of Commons in 2016. Is it true that 87% of the cases reviewed by that body included instances of physical violence – punching, slapping, pushing and kicking? Is that true? Is it true that children are not informed of their rights when detained or arrested? For instance, we are told that the Israeli authorities have confirmed that children have the right to silence. We would expect that in any fair court system. Can we be certain that that right to silence is acted on when the children are in detention? There is worrying evidence that the overwhelming majority of convictions of children come from confessions. We are told that, while Israeli military courts concede the right to consult a lawyer, that is often conducted over the phone and consultations with counsel are often overheard by interrogators or police officers. We are also told that the parental rights of visitation are rarely respected.

I want to be balanced. I could go on talking about the fact that, undoubtedly, there is unfairness in the system. I appeal to Israel, in what I admit is a very difficult situation with these children being used and abused by Hamas, to ensure, for the sake of Israel and its international reputation, that children are dealt with fairly, according to international norms.

Ms CHRISTENSEN (*Norway*) – This report goes to the core of what our institution is all about. In the middle of a conflict of great international interest, the rights of children are being taken away. As the report states, “The treatment of Palestinian minors in the Israeli justice system tarnishes the image of Israel as a democratic State which respects human rights and the rule of law”.

For years, both Palestinian and Israeli organisations have documented the use of sexual abuse, violence, isolation and fear. B’Tselem has also documented the use of shoot to kill. For a long time, both Palestinian and Israeli organisations have documented instances of children being kept in isolation and attempts to create fear among them. The Israeli human rights lawyer, Nery Ramati, says that the arrests are part of a strategy against the Palestinians – if inhabitants protest, arresting their children is a very effective response.

Israel says that human rights do not count in the occupied areas, but the occupation is not legal and human rights do count. That is why the report is so important. The United Nations has witness statements from 165 children who were imprisoned in military prisons.

The report does not take a stand on the conflict, but it does take a stand on the practice in question, as has this debate to some extent. The most effective way to make a conflict last as long as possible is to ensure that children are victims of injustice. In that way, we inherit fear.

During this debate, some, especially Israeli representatives, have said that the report is selective and have almost implied that it is propaganda from the Palestinian media. I deeply regret such words being used in this Chamber. When it comes to balance, I do not think that the United Nations or the United States are unbalanced, and they have reported on the same issues as those addressed in this report. If Israel does not care about human rights or Palestinian children, it should at least care about Israel, because this practice destabilises not only Palestine but the whole region and it needs to stop.

Ms ÇELİK (*Turkey*) – I thank the rapporteur for her informative report. Its findings and recommendations deserve utmost consideration by the Assembly. The international community should urge Israel to co-operate with the rapporteur in fulfilling its mandate. As the report states, “ill-treatment of Palestinian minors in the Israeli military detention system is widespread, systematic and institutionalised”.

Reports on the issue by several human rights organisations and children's rights groups concur with that finding.

Given that the rapporteur argues throughout the report for the need to divorce analysis of the issue from the underlying conflict, I believe that the report fails to provide a comprehensive understanding of and a meaningful solution to the problem. The sharp increase in the number of Palestinian children in Israeli prisons, and the violations of their rights, cannot be explained only by the shortcomings of the Israeli justice system. It is occurring in the context of Israel's illegal military occupation on the West Bank, the inhuman siege imposed on Gaza, house evictions, home demolitions and the expansion of illegal Israeli settlements. The 12-year blockade has put Palestinians, including children and women, on a deliberate diet plan, in effect producing a manufactured food security crisis. The discrimination and repression of Palestinians by the Israeli authorities also takes its toll on Palestinian children.

As Kate Gilmore, the United Nations Deputy High Commissioner for Human Rights, has said, it is important to understand the asymmetrical nature of the conflict. She has also said that 2018 "saw hundreds of Palestinian children detained by Israel, some without charge under administrative detention...six children have been shot and killed in the context of protests."

The fact that so many children have attended recent protests demonstrates rising social and political grievances. Israel's systematic disregard for international law, its excessive and disproportionate use of force against peaceful protestors, and the increasingly unilateral steps taken by the Israeli Government cannot be separated from the conditions of children.

In that context, Israel's lack of co-operation with international organisations and the lack of improvements despite its earlier promises show that reforming the Israeli justice system in order to improve the conditions of Palestinian children is neither likely nor sufficient. The solution must include improvement of the social, political and economic conditions of Palestinian children, which requires an end to the blockade, and end to illegal settlement activities and, ultimately, an end to the occupation.

I do not want to speak on behalf of Palestinian children. As the recent case of Ahed Tamimi has shown, Palestinian children know very well how to speak for themselves. They are forced to grow up and become adults well before they are of age, as they are subject to daily violence by the brutal occupation. After spending eight months in prison for defending her home against Israeli aggression, Ahed Tamimi said: "Through my arrest, I became the symbol of the occupation, but there are 300 other children in Israeli jails whose stories no one knows...I wanted to become a football player...Instead, I have been involved in demonstrations and confrontations with the Israeli army since I was a child. Many criticize that, but why not criticize the army who places itself in front of children? Under the occupation, everything is a crime. People should not accuse us; it is the occupation that is wrong."

Mr SHEPPARD (*United Kingdom*) – Israel is the only country in the world that automatically and systematically uses the military courts to prosecute and detain children. It does that to about 500 to 700 children each year, but it does not do it to all children – it does it only to Palestinian children. I know from visiting the occupied Palestinian territories and from speaking with international lawyers who are trying to highlight what is going on that the reason that happens is that this process is part of an armoury of administrative policies designed to sustain the military occupation of Palestine and to break the resistance to it.

That is why we have heard stories from other speakers about children being arrested in the middle of the night, 90% of them being handcuffed, 80% being blindfolded and 80% being denied access to a lawyer. They are blatant abuses of civil and human rights. The most pernicious aspect of the system is how built into it is the futility of protesting innocence. Once in that system and denied access to family or lawyers, any young child confronted with the choice of either pleading guilty and perhaps being released in a few months or defending their innocence and being held in detention – perhaps for several years – until they get their day in court is bound to go for the former option. That is why we have statistics that show that 80% of those who sign a confession do so in a language they do not speak or understand.

The most worrying statistic of all is that 99% of the arrests of children in the occupied territories result in conviction. That statistic ought to ring alarm bells. My colleague John Howell from the United Kingdom spoke earlier in this debate, and I disagree with him on this question. He talked about statistics related to English civil disturbances in 2011. He said that of more than 1,000 arrests, there were 168 periods of detention. That is 16% or 17%. Imagine if out of 1,000 arrests in England, 1,000 people went to jail. I think John Howell would be a little more concerned.

We also need to be concerned about the breach of article 49 of the Fourth Geneva Convention and the removal of young people into Israel once in detention. It makes it difficult, sometimes impossible, to get visits or support from their family and friends. That is also a clear breach of human rights.

A lot of people have talked about balance in this debate and not taking sides. Balance means that we apply the same standards and criteria to all parties in an argument. It does not mean that we accept there is an equivalence of claim. The Palestinians claim the right to their homeland. Israel claims it has a right to militarily occupy the same territory. Those are not things that have an equivalence. Nor should we regard them as balancing one another. Anyone who says that is not taking a balanced view; they are taking sides. When it comes to the question of breaches of human rights, we should not be asking whether it is right to take sides, and we should not be getting ourselves into a situation where the world wonders what side we are on. This institution, as it has done for 70 years, should be unequivocal and stand up for the defence of human rights and liberties wherever that is needed, including for the children of Palestine today.

Mr DAVIES (*Canada, Observer*) – I thank the rapporteur and the committee for shining a light on the treatment of Palestinian youth by the Israeli justice system or, more properly, by Israeli occupying forces in the occupied territories. In April, I travelled to Palestine – specifically, the West Bank – where I saw for myself that Palestinian children have their human rights violated on a daily basis. Among many injustices, Palestinian children face disproportionately harsh punishments for small acts of defiance to the occupation of their land. They are dealt with not in civil courts, but in Israeli military courts.

Hundreds of Palestinian children are detained every year. The vast majority are charged with throwing stones. Some are charged simply for being present when civil unrest occurs. Nearly all detained Palestinian children have reported some form of mistreatment, including humiliation, intimidation, verbal abuse and physical violence. Many are arrested in the middle of the night, sleep-deprived and aggressively interrogated without access to their parents or lawyers. All leave their interactions with Israeli soldiers traumatised, often very seriously.

One of the most unacceptable practices of the Israeli military is the detention of children from the time of arrest until the end of their trial, which is a violation of the most fundamental precepts of justice. That results in an astonishingly high rate of compelled confessions, often drafted in Hebrew, a language not understood by most Palestinian children. That occurs because defendants know that, even if they are acquitted, their time in detention awaiting trial would exceed the sentence they would receive in a plea bargain. As a result, the prosecution is seldom required to conduct a full trial on the evidence, and many Palestinian children carry unjustified records with lifelong consequences. Those who are sentenced often serve their time in prisons with adults. As of June 2018, some 300 Palestinian minors were in Israeli prisons.

This treatment is a form of torture. Palestinian children who have experienced this trauma bear lifelong scars physically, psychologically and emotionally. It is part of a deliberate strategy and must be condemned in the strongest possible terms. I say “deliberate”. Those are not my words; they are the words of former IDF soldiers who are members of the group Breaking the Silence. They told me directly in meetings that their orders were to make Palestinians feel like the IDF is everywhere, there is no place to hide and they are being chased at all times.

Israeli authorities claim that special protections afforded to children in the United Nations Convention on the Rights of the Child and the International Covenant on Civil and Political Rights do not apply to Palestinian children. The International Court of Justice disagrees, as do all civilised nations. I am disappointed that the Israeli delegation to this Assembly has refused to engage with their colleagues on this subject. We have heard that promises from Israeli authorities to review their practices have repeatedly gone unfulfilled.

In adopting this resolution, this Organisation advances its fundamental mission of upholding human rights, including the right of children to be treated as children. I cannot think of a more important human right than that which concerns our children. The draft resolution has been carefully crafted to set clear and specific expectations that are within the power of Israeli authorities to meet, and failure to do so is unacceptable. Israel cannot adopt a tone of morality and democratic legitimacy around the world and then act immorally and in violation of international norms. They cannot have it both ways. I thank you for the opportunity to express my support for this important initiative.

Mr LOUCAIDES (*Cyprus*) – I warmly congratulate Ms Maury Pasquier for the work she has done despite the lack of co-operation on the part of the Israeli delegation, which is not in line with the spirit of the Parliamentary Assembly. I would also like to endorse the proposals and recommendations put forward in the

draft resolution. The resolution and the report safeguard not only the principles of this Organisation, but its credibility. More, they upgrade this Organisation's credibility.

I ask all of you who have children or grandchildren or nephews and nieces to imagine them as Palestinian children in the hands of the Israeli authorities. Picture armed soldiers raiding your house in the middle of the night and putting your own children in handcuffs. Think about Israeli soldiers blindfolding their eyes and dragging them out, swearing and hitting them and throwing them in solitary confinement without anyone telling you or the children what they are being accused of. Imagine your child being interrogated without you or a lawyer beside them, being handed a paper written in a language they do not understand and being forced to sign their admission of guilt. Imagine them being sent before a military court and sentenced with express proceedings. A State that is committing all of the above cannot be entitled to call itself "the only democracy in the Middle East". Whatever one's view of the Middle East problem and its solution, we can all agree on one thing: no child can be deprived of his or her basic human rights. There can be no excuse or mitigation for any maltreatment, abuse or humiliation of children, regardless of what they have done or what they are accused of having committed – let alone when the charges against them are simply their resistance to the daily injustice and atrocities that they suffer, and their participation in the just struggle of their people for freedom.

The State of Israel has no excuse to refuse to comply with international conventions that it has signed, such as the United Nations Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and the Geneva Convention. Israel's claim that it is not obliged to apply those to Palestinians living under its occupation is morally outrageous, but also legally unfounded according to the International Court of Justice. Israel must put an end to this widespread, systematic and deeply embodied ill treatment of Palestinian children. In that respect, it must fundamentally change its laws, practices and attitudes.

Instead of threatening Palestinian children with life imprisonment because they have "insulted" Israeli soldiers – as the Israeli Minister of Education has stated – the State of Israel should reflect on the reasons why Palestinian children feel rage and indignation and throw stones. The answer is none other than the ongoing Israeli occupation of the Palestinian territories.

Ms BRYNJÓLFSDÓTTIR (*Iceland*) – I commend the rapporteur – the President of the Assembly, Ms Maury Pasquier – on an excellent and timely report on the rights of children, on the balance and fairness that it shows, and on her commitment to not bring the political situation into it. The report and resolution are firmly rooted in the Assembly's previous work on child-friendly justice. As was the aim of the Parliamentary Assembly's resolution this year on protecting children affected by armed conflict, we should strive to help children to oppose the generational transfer of violence. Children should not grow up to find violence acceptable or natural. That aim is not helped by violating children's human rights.

The report mentions reports by UNICEF, Human Rights Watch, Defence for Children Palestine and B'Tselem, which have all highlighted the systematic violation of the rights of Palestinian children in military detention. In its statement to the committee in the preparation of the report, UNICEF maintained that its organisation collects sworn statements of hundreds of children each year testifying to violations of due process and ill treatment. According to statistics from the Israeli Prison Service, the detainment of children has been on the rise in the past few years. Moreover, since the end of 2015, 26 minors have been subjected to prolonged detention without charges. The practice of blindfolding children and arresting them at night is also widespread, according to B'Tselem.

I encourage the Israeli Government to guarantee that international law and Israeli law is followed to the letter where minors come into contact with law enforcement. We must all agree that blindfolding children and the solitary confinement of children is never acceptable. Children also have the right to have their lawyer or parent present during interrogation and for the proceedings to be conducted in a language that they speak and understand.

The root cause of the issue is of course the current occupation of Palestinian lands by Israel. Although I would not like to confuse the debate by bringing the political into what the rapporteur has tried to maintain as a child welfare issue, I add that the necessary political solution to the Israeli-Palestinian conflict is for both sides to live in peace and security. That is a precondition for the respect of human rights in the region. I sincerely hope for a political solution to the conflict on the basis of a two-State solution, and I am proud of the fact that in 2011 the Government of Iceland recognised the State of Palestine within the pre-1967 borders; my country was the first in western Europe to do so. Both sides to the conflict deserve peace and security, and I sincerely hope that day comes soon.

Mr GOUTTEFARDE (*France*)* – This issue is very delicate and difficult. The exercise of judicial power, which is a sovereign mission of the state, reveals the integrity of the rule of law. Respect for human rights, particularly those of children, constitutes an essential condition for a great nation to ensure. Without wanting to take a position in this terrible conflict – it has oppressed the State of Israel and the Palestinian people for more than 70 years – I would like to mention some fundamental aspects of it. First, children who have committed offences, especially those born in an armed conflict, remain children and must be treated as such. Secondly, the various traumas to which an armed conflict exposes them have to be taken into consideration in their judicial and carceral treatment. Thirdly, States exercise their sovereignty by entering into treaties, and it is important for the integrity of public international law and the order of the international community that everyone fulfil his obligations – *pacta sunt servanda*. Israel has ratified the United Nations Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but it refuses to apply them to Palestinians. That exemption is contrary to the consultative opinion of the International Court of Justice of 2004.

In so far as Israeli law and practice are concerned, I stress the following two points. First, Israeli civil law applies to all minors living in Israel whereas military law applies to Palestinian minors living in the occupied territories, who are mostly judged by military jurisdictions. Secondly, the criminal age of majority does not seem very well established. In the draft resolution, our Assembly calls on Israel to raise the age of criminal responsibility to 14 without discriminating against Palestinians, in accordance with Resolution 2010 of 2014. However, according to some media, in 2011 the age of majority before military tribunals was raised from 16 to 18.

A significant aspect of Ms Maury Pasquier's report is on the memorandum of the military advocate general, which emanated after the publication of the UNICEF report in 2013 and called for there to be no violence when arrests took place. Those directives prohibit us from characterising the judicial treatment of Palestinian minors as resulting from a general criminal policy, despite the persistence of violence.

I reaffirm my confidence in the State of Israel as a great nation of the international community, precisely because it has that duty to conform to international obligations when protecting children. The State of Israel was founded on the horrible persecution and violence suffered by its people at a time that we must never forget, so it is a question of honour for it to make sure that it does not engage in excessive violence against children protected by international conventions. After all, children are the end result of a peace process that has unfortunately failed over the last few years.

Ms KAVVADIA (*Greece*) – I congratulate the President of the Assembly on this excellent report and I mention our former colleague Annette Groth, as it was her motion.

A few weeks ago I had the opportunity to discuss the issue with the Palestinian activist Ahed Tamimi during her trip to Greece. Tamimi was 11 when she was arrested for the first time by the Israeli army. A few months ago I was able to exchange views, on the spot, with the people of Ramallah. The issue is of grave importance, as it constitutes a violation of fundamental human rights. The cases reported by UNICEF and other non-governmental organisations mention the ill-treatment of children and minors.

The root of the problem is the relevant laws of the Israeli State that categorise children according to their nationality and place of origin. Thus, children who reside in Israel are subjected to civic laws, regardless of their ethnic origin, and the same applies to Israeli children who live in settlements and Palestinian children who live in East Jerusalem. However, Palestinian children who live in the occupied territories are subject to martial law. In any case, children are legally liable from the very premature age of 11 years old.

That approach, which legitimises an a priori, unjust and oppressive legal and penal system, violates basic principles of human rights, especially those of children, and it perpetuates the conflict. The Israeli side's unwillingness to co-operate with the Parliamentary Assembly in giving its delegation access to the judicial procedures and penal facilities that detain Palestinian minor and child offenders verifies the human rights violations described by UNICEF and the NGOs that are active in the area. None the less, the death of the 12-year-old Palestinian boy, along with two more dead and 126 wounded by Israeli military fire on Friday, proves beyond any doubt what I have previously said. This Assembly needs to exercise all its influence in establishing a ceasefire, along with a gradual turn in the mentality of both adversaries, but especially on the mightier of the two, the Israeli Government. Unfortunately, this story is not a myth like David and Goliath.

Ms Violeta TOMIČ (*Slovenia*) – I thank the rapporteur for this strong report. Torturing children to discipline their parents is unacceptable. There is simply no excuse for the ill-treatment of children, because

every child should have safety, education and love. Every trauma and injustice suffered by a child will be returned to us as a society when they grow up. Every seed we put in the soil will grow.

What the world looks like in 10 or 15 years' time is our responsibility now. Too many children around the world are suffering at this very moment – not just Palestinian children in the Israeli justice system but millions of homeless children in refugee camps. Many children have disappeared without trace. Calling on the Israeli authorities to work with UNICEF, the Red Cross and civil society is not the way to fully protect the rights of Palestinian children in the Israeli justice system; the only solution is to recognise Palestine as an independent and sovereign State.

The fact is that Palestine is under occupation. For years after my party proposed to recognise Palestine at the end of 2014 our government delayed and shifted the burden on to the national assembly, and vice versa. At the beginning of 2016, after a debate in parliament, it was decided that Slovenia would recognise Palestine by the end of 2017, but that has not happened as the government agreed that the recognition would have greater effect if it were announced together with another European Union member State. No other European Union member State has decided to take that step.

After the announcement, the leaders of the conference of all 48 American Jewish organisations told the Slovenian Prime Minister that the government should not recognise Palestine. The United States Ambassador visited us—

The PRESIDENT – Ms Tomić, you are departing from the subject of the debate. Under the rules, I call you to order. You may resume your speech, but you must stick to the subject of the debate.

Ms Violeta TOMIČ (*Slovenia*) – We cannot save the children without establishing peace. The United States Ambassador said that he is concerned about the possibility that individual countries will recognise Palestine, but the question is not whether to recognise Palestine but when to recognise Palestine.

Our goal should be to do our best in our home parliaments to recognise Palestine as an independent state, which is the only thing that will affect the local justice system and save the children from Israeli jails. Children are our future, and if we want to save the world, we have to save the children first.

Ms CHRISTODOULOPOULOU (*Greece*)* – A few colleagues expressed regret during the previous debate that human rights are not being adhered to in the Russian Federation, but those colleagues have now left the room. We are now discussing the serious subject of children and minors in the occupied Palestinian territories who are being abused and ill-treated. How can we be selective about whether we care about human rights, depending on where they are being infringed?

I have been a member of this Assembly for three years, and I have always been right at the bottom of the speakers list. It should not be that all those from the Group of the Unified European Left who ask to speak are always at the very bottom of the list. Is there some kind of bias against us? I would like to hear an answer to that question, too.

In Israel there is no rule of law for Palestinian minors; there is occupation and arbitrary non-justice for Palestinian minors. Children in every country are given particular consideration and have special rights, not least because they are not as mature as adults, so they cannot necessarily assess the repercussions of their actions. Palestinian minors are taken from their family and from their school. One of the basic principles of law is surely that justice should be equal for all – in other words, that equivalent crimes are subject to the same punishment – but that is not the case in the occupied territories. Twelve-year-olds are thrown in prison and ill-treated, even during the arrest process, and they do not have the right even to insist on a lawyer being present while they are interrogated. These children see Israel as an enemy because it is trampling on their rights all the time. Children who throw stones are being treated as criminals.

Children in the occupied Palestinian territories must receive education, and only in that way can they understand that the future does not lie in constant enmity. Israel's mistake is to continue with this ill-treatment so that the rights of children are constantly breached. What ideology and what motives are behind children becoming the victims of torture and ill-treatment? Our Parliamentary Assembly must condemn Israel's behaviour and call upon it to work together with those who wish to improve children's rights in Israel and Palestine. The United Nations should be involved in this important subject, too, because it is about not just violations of the law but violations of human rights and citizens' rights.

The PRESIDENT – Thank you, Ms Christodouloupoulou. To answer your question, there are clear rules on how the speakers list is constituted. If you want a more specific reply, I refer you to the Table Office, but there is no discrimination against the UEL or any other group when it comes to setting up the lists.

Mr ZADAYIN (*Jordan, Partner for Democracy*) – I congratulate Ms Maury Pasquier on this excellent report. Yes, children are being imprisoned and tortured in Israel. Those are facts. Palestinian teenager Ahed Tamimi spent eight months in prison and has turned into an icon of resistance against the occupation and of the detention of minors by Israeli occupation forces. Thousands of children have been arrested by Israel. As of June 2018, the NGO Military Court Watch reported that 273 minors were detained, 65% of whom were arrested at home between 10 p.m. and 5 a.m. Israeli soldiers invade their homes and snatch them from the arms of their parents.

Two thirds of those children have testified that they have been physically abused during their detention. Some children report that they have remained tied during interrogation. All children continue to be shackled by the ankles during military court appearances. They are slapped, punched, kicked, beaten with objects such as assault rifles, held in stress positions, and pushed into walls and barbed wire. Children also report being strip-searched on arrival at a detention centre. Some children report that they have had to “crouch up and down naked” while being searched.

The authorities continue to ignore UNICEF recommendations on how the searches should be conducted. The children sometimes do not see a lawyer until the day of their trial when they stand before a military court. Israel is the only country in the world that automatically prosecutes children in military courts that lack fundamental rights and guarantees. Children are unlawfully transferred and detained inside Israel in violation of Article 76 of the fourth Geneva Convention of 1949. That practice, which has occurred for over 50 years, is classified as a war crime under international law.

The horrific actions conducted by the Israeli military against Palestinian minors scare them physically and psychologically forever. This horror story that has been ongoing for 50 years cannot be allowed to continue. It is our collective responsibility to put an end to it today. Israel can no longer continue to be untouchable when it blatantly breaks international law, and human rights and norms, knowing full well that it can get away with unthinkable atrocities.

The PRESIDENT – Thank you, Mr Zadayin.

That concludes the list of speakers. I call Mr Schennach to reply. You have just under five minutes.

Mr SCHENNACH (*Austria*)* – On behalf of the rapporteur, I thank colleagues for this lively, exciting and interesting discussion, which shows that delegates from different member States and virtually all different groups appreciate the basic intention of the resolution – we are not taking positions on the Israeli-Palestinian conflict, but considering only the fate of minors.

On a point of principle, we would all agree that the future of both States lies in the hands of the next generations, and therefore in the hands of children, who will become adults one day. They grow up in a traumatised society and traumatised families. They are traumatised over and over again, which is why paragraph 8 of the draft resolution is so important. On behalf of the Assembly, the rapporteur calls upon the Israeli and Palestinian authorities to educate children and young people in their communities on non-violent approaches to ending aggression and conflict, with a view to giving new life to the peace process.

I cannot go into everything that colleagues said, but I must say one thing to Mr Gavan. The explanatory memorandum refers to the Tamimi case. Paragraphs 28 to 35 of the memorandum, to which Ms Maury Pasquier refers, state that it was not administrative detention.

Ms Lavie said that the report does not give a thorough picture. Such criticism is difficult to accept. The Israelis refused any kind of co-operation with the rapporteur. They would have been able to meet her. She is a considerate person and would have consulted them, but her offer was not taken up.

There was an important point about child-friendly justice. We are agreed that people under 14 are children and that under-14s should not be punished or detained. Paragraph 7 calls for the minimum age for criminal responsibility to be at least 14. I have criticised member States of the Parliamentary Assembly because they use a lower age – there are two such member States – but we hope to make headway with them.

Somebody mentioned neighbours, but the report talks only about minors – I emphasise that the focus is on minors. We are not looking at the entire conflict, which is decades long. We are not looking at the entire traumatised community. The human rights of the child and minors should be respected and upheld even under extreme stress and emergency situations.

Many said that the amendments would make the report more balanced. I would say that this report is already fine and dandy. It is balanced, and it does not need the amendments. Indeed, that is what the committee thought.

The PRESIDENT – Does Ms Ohlsson wish to speak on behalf of the committee? You have two minutes.

Ms OHLSSON (*Sweden*) – I thank our President, Ms Liliane Maury Pasquier, and our chairperson, Mr Stefan Schennach, for bringing this report on this very important issue to the Assembly today. I also thank all colleagues who stayed to debate this report tonight.

I am speaking to you in my capacity as vice-chair of the committee. Our committee's mandate includes the protection of children's rights. Our committee's mandate does not include taking a position on the Israeli-Palestinian conflict. I salute the decision of the rapporteur not to take sides, except the side of children. Four years ago, our chairperson was the rapporteur for our committee's report, "Child-friendly juvenile justice: from rhetoric to reality". The main recommendations of that report were directed at member States of the Council of Europe, but they apply equally to our observer and partner for democracy parliaments. The resolution was adopted at the time with only two votes against, underlining the fact that children have unique needs that should be taken into account, particularly when they come into contact with the justice system. I would thus like to underline the central message of this report today: there can never be an excuse for ill-treatment of a child in any justice system, in any country, in any conflict. This is not a biased message: it is a human rights message; a children's rights message. This is the message we should give tonight.

The PRESIDENT – The debate is closed.

The Committee on Social Affairs, Health and Sustainable Development has presented a draft resolution to which 10 amendments have been tabled. Each amendment will be taken individually in the order in which they appear in the Compendium and the Organisation of Debates. I remind you that speeches on amendments are limited to 30 seconds.

I call Mr Ghiletschi to support Amendment 2.

Mr GHILETSCHI (*Republic of Moldova*) – The rapporteur said that the report is focused on children only and not on the solution to the conflict. However, paragraph 1 deals with that, and it mentions the two-State solution. I therefore propose to add the phrase, "should the parties agree on the terms of that solution". You cannot impose a solution. A solution must be accepted by both parties if you want a real solution to the conflict. This phrase will make the language much softer, and we should accept it.

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

I call Mr Schennach.

Mr SCHENNACH (*Austria*) – This is the situation; everybody knows why we are working on that. The basis is the resolution of 2018 on the Israeli-Palestinian peace process. In partnership, based on that resolution, we moved on to this resolution. You want to change the basis of the resolution that we all adopted in 2018. That is not possible.

The PRESIDENT – What is the opinion of the committee?

Ms OHLSSON (*Sweden*) – Against.

The PRESIDENT – The vote is open.

Amendment 2 is rejected.

I call Mr Ghiletschi to support Amendment 3.

Mr GHILETCHI (*Republic of Moldova*) – Amendment 3 proposes to delete the second sentence in paragraph 4 because it uses very strong language. We have talked about being very balanced. We imply through this language that Israel is not a democratic State, which is not true. If you look at the region, yes, there are problems and issues with democracy. There is no perfect democracy. But to imply that Israel is not a democratic State is not fair, and that is why I propose to delete the second sentence.

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

I call Mr Schennach.

Mr SCHENNACH (*Austria*) – The sentence is a statement of fact. The treatment of Palestinian minors in Israel's justice system does tarnish Israel's image. So many spoke today about what they saw, read and heard. I do not understand why you want to delete this sentence, because it is a fact.

The PRESIDENT – What is the opinion of the committee?

Ms OHLSSON (*Sweden*) – Against.

The PRESIDENT – I should point out that if this amendment is agreed to, Amendment 1 will fall.

The vote is open.

Amendment 3 is rejected.

I call Mr Ghiletchi to support Amendment 1.

Mr GHILETCHI (*Republic of Moldova*) – I propose to replace the words “Israeli justice system” with the words “military juvenile justice system”, because “Israeli justice system” is a general term and the system is applied only in Israel and not in the Palestinian territories. Palestinian minors – in fact, the rapporteur and many colleagues mentioned this – are tried within the Israeli military juvenile justice system. It is more of a technical amendment. We should accept it and not talk in general about the Israeli justice system.

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

Mr SCHENNACH (*Austria*) – I am sorry, but this is not a technical amendment – it is an amendment with content. You forget, for example, East Jerusalem, where there is the same justice system, and it is a civilian justice system. The whole report comes under this term as it is used in its title.

The PRESIDENT – What is the opinion of the committee?

Ms OHLSSON (*Sweden*) – Against.

The PRESIDENT – The vote is open.

Amendment 1 is rejected.

I call Mr Ghiletchi to support Amendment 6.

Mr GHILETCHI (*Republic of Moldova*) – As I mentioned in my speech, as did other colleagues, we do not deny that there is a problem here. We have to accept and admit that this problem is part of a larger problem. The amendment says that it is “a symptom of a larger problem”. We cannot ignore this. We must protect those children, but we cannot turn a blind eye towards another, bigger problem that we see in Palestine today.

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

Mr SCHENNACH (*Austria*) – This is a political statement, but in the resolution we need statements of fact. In all the positions she took, Ms Maury Pasquier worked on the basis of facts, and I cannot see that this is a statement based on facts.

The PRESIDENT – What is the opinion of the committee?

Ms OHLSSON (*Sweden*) – Against.

The PRESIDENT – The vote is open.

Amendment 6 is rejected.

I call Mr Ghiletschi to support Amendment 4.

Mr GHILETSCHI (*Republic of Moldova*) – The amendment states, “Israeli treatment of Palestinian minors should be assessed in accordance with the standards of applicable international humanitarian law.” My problem with the existing paragraph is that we as politicians are deciding to be both judges and prosecutors. There are international conventions and laws and everything should be assessed according to those instruments. It is not for us to come forward with the verdict.

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

I call Mr Schennach.

Mr SCHENNACH (*Austria*) – The most important wording in this amendment is “some instances”. That means ignoring UNICEF, the Red Cross and a lot of NGOs who say that the ill treatment of Palestinian minors in the Israeli military detention system is widespread, systematic and institutionalised. There are not only some instances, which is the content of the amendment. I am sorry, but we cannot be in favour.

The PRESIDENT – What is the opinion of the committee?

Ms OHLSSON (*Sweden*) – Against.

The PRESIDENT – The vote is open.

Amendment 4 is rejected.

I call Mr Ghiletschi to support Amendment 5. If this amendment is agreed to, Amendments 8 and 9 will fall.

Mr GHILETSCHI (*Republic of Moldova*) – Before dealing with Amendment 5, I draw Mr Schennach’s attention to the fact that Amendment 4 says that there are “instances”, not “some instances”, so let us be accurate when we make counter-arguments. For balance, I am not moving Amendment 5. It is a more complex amendment, so I believe it is better to withdraw it.

The PRESIDENT – Mr Ghiletschi has not moved Amendment 5 under Rule 34.9. Any other member of the Assembly can move the amendment if they wish; otherwise, it can be withdrawn.

Does anyone else wish to move Amendment 5? That is not the case.

I call Mr Ghiletschi to support Amendment 8.

Mr GHILETSCHI (*Republic of Moldova*) – I have already presented arguments for this amendment, because it is similar to another amendment. It proposes using the words, “military juvenile justice system”, because that would be fair and correct and is a fact. If we insist on using “Israeli justice system”, we will have a paradoxical situation: we will be accepting that that this justice system is applied in Palestinian territories, but they do not accept the Israeli justice system in the occupied territories. So, in a way, this statement would go against the two-State solution.

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

I call Mr Schennach.

Mr SCHENNACH (*Austria*) – Some minutes before, we voted against exactly the same wording in Amendment 1. To keep the same wording in this resolution, I ask you to reject the amendment. Perhaps it tells us, as an excuse, that in the military juvenile system, things are harder – I do not know, but what we voted for on Amendment 1 is correct.

The PRESIDENT – What is the opinion of the committee?

Ms OHLSSON (*Sweden*) – Against.

The PRESIDENT – The vote is open.

Amendment 8 is rejected.

I call Mr Ghiletschi to support Amendment 9.

Mr GHILETSCHI (*Republic of Moldova*) – This is basically the same amendment, with the same arguments. I can only regret that because of political reasons, we do not want to accept reality. Those kids are put on trial in a military juvenile justice system.

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

I call Mr Schennach.

Mr SCHENNACH (*Austria*) – I repeat my argument from two minutes ago. We should keep the wording in line and the wording about the civil system is correct.

The PRESIDENT – What is the opinion of the committee?

Ms OHLSSON (*Sweden*) – Against.

The PRESIDENT – The vote is open.

Amendment 9 is rejected.

I call Mr Ghiletschi to support Amendment 7.

Mr GHILETSCHI (*Republic of Moldova*) – Amendment 7 is similar to Amendment 6. Basically, the amendment says that there is a larger problem, of media, education and financial incentives. In terms of the financial incentives, I would say to Mr Schennach that this phrase is in the 2018 resolution. As the phrase was already mentioned in a previous resolution, for a balanced report, it is correct to accept the amendment.

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

I call Mr Schennach.

Mr SCHENNACH (*Austria*) – The result of the amendment would be to say that this is a statement of fact. I do not believe that it is a statement of fact. It has a political meaning and is a political position, and not a statement of fact. The committee was also not in favour of that.

The PRESIDENT – What is the opinion of the committee?

Ms OHLSSON (*Sweden*) – Against.

The PRESIDENT – The vote is open.

Amendment 7 is rejected.

I call Mr Ghiletschi to support Amendment 10. You have 30 seconds.

Mr GHILETSCHI (*Republic of Moldova*) – This is the last amendment and my last argument. In fact, what I propose is in line with paragraph 5 of the draft resolution. Mr Schennach, you insist on this, but paragraph 5 refers very clearly to “ill-treatment of Palestinian minors in the Israeli military detention system”. This is what we are talking about. The amendment is in line with the text of the resolution. You have one phrase in paragraph 5 and yet insist on another phrase in other paragraphs. This is not a consistent resolution. Again, we must accept the facts.

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

I call Mr Schennach.

Mr SCHENNACH (*Austria*) – Dear Mr Ghilechi, as a former chairman of a committee, you should know that it is unfair to change the title of a resolution at the last minute. There should have been other possibilities. This was the title of the resolution throughout our work on it and was always okay with the whole committee and also the Bureau.

The PRESIDENT – What is the opinion of the committee on the amendment?

Ms OHLSSON (*Sweden*) – The committee is against.

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

The vote is open.

Amendment 10 is rejected.

We will now proceed to vote on the draft resolution contained in Document 14583.

The vote is open.

The draft resolution in Document 14583 is adopted, with 47 votes for, 11 against and 4 abstentions.

7. 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 adjourned.

(The sitting was closed at 8.10 p.m.)

CONTENTS

1. Election of judges to the European Court of Human Rights in respect of Albania and Norway

2. Address by Mr Khemaies Jhinaoui, Minister for Foreign Affairs of Tunisia

Questions: Mr Vareikis, Lord Anderson, Mr Howell, Ms Rodríguez Hernández, Mr Loucaides, Mr Büchel, Mr Cepeda, Mr Huseynov, Ms Csöbör, Ms Anttila, Mr Schennach, Mr Bildarratz, Ms Christoffersen, Mr Sabella, Ms Alqawasmi, Mr Xuclà, Mr Espen Barth Eide

3. Debate continued: Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting

Speakers: Mr Liashko, Mr Bereza, Mr Xuclà, Ms Lundgren, Mr Knežević

Motion to return to the committee, adopted

4. The treatment of Palestinian minors in the Israeli justice system

Presentation by Mr Schannach of the report of the Committee on Social Affairs, Health and Sustainable Development (Rapporteur Ms Maury Pasquier), Document 14583

Speakers: Mr Goodwill, Ms de Bruijn-Wezeman, Ms Sandbæk, Mr O'Reilly, Ms Ævarsdóttir, Mr Ghilechi, Lord Touhig, Mr Halicki, Mr Howell, Mr Sabella, Mr Stier, Baroness Massey, Mr Grin, Mr Coaker, Mr Shehu, Mr Madison, Ms Lavie

5. Election of judges to the European Court of Human Rights in respect of Albania and Norway (Result)

6. The treatment of Palestinian minors in the Israeli justice system (Continued)

Speakers: Ms Creasy, Mr Bildarratz, Mr Gavan, Ms Smith, Mr Türkeş, Mr Whitfield, Ms Alqawasmi, Mr Heer, Mr Koç, Sir Edward Leigh, Ms Christensen, Ms Çelik, Mr Sheppard, Mr Don Davies, Mr Loucaides, Ms Brynjólfssdóttir, Mr Gouttefarde, Ms Kavvadia, Ms Violeta Tomić, Ms Christodouloupoulou, Mr Zayadin

Draft resolution in Document 14583 adopted

7. Next public business

Appendix I/ Annexe I

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.

Liste des représentants ou suppléants ayant signé le registre de présence, conformément à l'article 12.2 du Règlement. Le nom des personnes remplacées suit celui des Membres remplaçant, entre parenthèses.

AGHAYEVA, Ulviyye [Ms]	FIALA, Doris [Mme]
AMTSBERG, Luise [Ms]	FILIPOVSKI, Dubravka [Ms] (OBRADOVIĆ, Marija [Ms])
ANAGNOSTOPOULOU, Athanasia [Ms]	FOURNIER, Bernard [M.]
ANDERSON, Donald [Lord] (PRESCOTT, John [Mr])	FRESKO-ROLFO, Béatrice [Mme]
ANTTILA, Sirkka-Liisa [Ms]	GAFAROVA, Sahiba [Ms]
APOSTOL, Ion [Mr] (GHIMPU, Mihai [Mr])	GALE, Roger [Sir]
ARIEV, Volodymyr [Mr]	GATTI, Marco [M.]
BADEA, Viorel Riceard [M.] (PLEȘOIANU, Liviu Ioan Adrian [Mr])	GAVAN, Paul [Mr]
BADIA, José [M.]	GERASHCHENKO, Iryna [Mme]
BAKOYANNIS, Theodora [Ms]	GHILETCHI, Valeriu [Mr]
BALFE, Richard [Lord] (GILLAN, Cheryl [Dame])	GOLUB, Vladyslav [Mr] (YEMETS, Leonid [Mr])
BARNETT, Doris [Ms]	GONÇALVES, Carlos Alberto [M.]
BATRINCEA, Vlad [Mr]	GONCHARENKO, Oleksii [Mr]
BAYR, Petra [Ms] (BURES, Doris [Ms])	GOODWILL, Robert [Mr] (DONALDSON, Jeffrey [Sir])
BECHT, Olivier [M.]	GOUTTEFARDE, Fabien [M.]
BEREZA, Boryslav [Mr]	GRECH, Etienne [Mr] (CUTAJAR, Rosianne [Ms])
BERNACKI, Włodzimierz [Mr]	GRIN, Jean-Pierre [M.] (FRIDEZ, Pierre-Alain [M.])
BĚRZINŠ, Andris [M.]	GUNNARSSON, Jonas [Mr]
BEUS RICHEMBERGH, Goran [Mr]	GURMAI, Zita [Mme]
BILDARRATZ, Jokin [Mr]	GUZENINA, Maria [Ms]
BLONDIN, Maryvonne [Mme]	HAJDUKOVIĆ, Domagoj [Mr]
BOGDANOV, Krasimir [Mr]	HAIJIYEV, Sabir [Mr]
BÖKE, Selin Sayek [Ms]	HALICKI, Andrzej [Mr]
BOSCHI, Maria Elena [Ms]	HARDT, Jürgen [Mr] (MOTSCHMANN, Elisabeth [Ms])
BRENNER, Koloman [Mr] (GYÖNGYÖSI, Márton [Mr])	HEER, Alfred [Mr]
BRUIJN-WEZEMAN, Reina de [Ms] (MULDER, Anne [Mr])	HEINRICH, Frank [Mr] (VOGEL, Volkmar [Mr])
BRYNJÓLFSDÓTTIR, Rósa Björk [Ms]	HERKEL, Andres [Mr] (TERIK, Tiit [Mr])
BUCCARELLA, Maurizio [Mr]	HOPKINS, Maura [Ms]
BÜCHEL, Roland Rino [Mr] (MÜLLER, Thomas [Mr])	HOWELL, John [Mr]
BUDNER, Margareta [Ms]	HUSEYNOV, Rafael [Mr]
BUSHATI, Ervin [Mr]	IBRYAMOV, Dzheyhan [Mr] (HAMID, Hamid [Mr])
BUSHKA, Klotilda [Ms]	JABLIANOV, Valeri [Mr]
BUTKEVIČIUS, Algirdas [Mr]	JANSSON, Eva-Lena [Ms] (KARLSSON, Niklas [Mr])
ĆATOVIĆ, Marija Maja [Ms]	JENIŠTA, Luděk [Mr]
ÇELİK, Sena Nur [Ms]	JENSEN, Michael Aastrup [Mr]
CEPEDA, José [Mr]	JUHÁSZ, Hajnalka [Ms] (VEJKEY, Imre [Mr])
CHRISTENSEN, Jette [Ms] (MEHL, Emilie Enger [Ms])	KALMARI, Anne [Ms]
CHRISTODOULOPOULOU, Anastasia [Ms]	KASSEGGER, Axel [Mr] (HAIDER, Roman [Mr])
CHRISTOFFERSEN, Lise [Ms]	KAVVADIA, Ioanneta [Ms]
COAKER, Vernon [Mr] (MURRAY, Ian [Mr])	KILIÇ, Akif Çağatay [Mr]
CREASY, Stella [Ms] (SHARMA, Virendra [Mr])	KIRILOV, Danail [Mr] (GROZDANOVA, Dzhema [Ms])
CSÖBÖR, Katalin [Mme]	KLEINBERGA, Nellija [Ms] (LAIZĀNE, Inese [Ms])
DALLOZ, Marie-Christine [Mme]	KNEŽEVIĆ, Milan [Mr]
DAMYANOVA, Milena [Mme]	KOÇ, Haluk [M.]
DE TEMMERMAN, Jennifer [Mme]	KOPŘIVA, František [Mr]
DURANTON, Nicole [Mme]	KOVÁCS, Elvira [Ms]
EBERLE-STRUB, Susanne [Ms]	KOX, Tiny [Mr]
EIDE, Espen Barth [Mr]	KUHLE, Konstantin [Mr]
EMRE, Yunus [Mr]	KYRIAKIDES, Stella [Ms]
ESSL, Franz Leonhard [Mr]	LANGBALLE, Christian [Mr] (HENRIKSEN, Martin [Mr])
ESTRELA, Edite [Mme]	LEIGH, Edward [Sir]
EVANS, Nigel [Mr]	LEITE RAMOS, Luís [M.]
FASSINO, Piero [Mr] (FLORIS, Emilio [Mr])	LEŚNIAK, Józef [M.] (MILEWSKI, Daniel [Mr])
FATALIYEVA, Sevinj [Ms] (PASHAYEVA, Ganira [Ms])	LEYTE, Carmen [Ms]
	LIASHKO, Oleh [Mr]

LĪBINA-EGNERE, Inese [Ms]
LOGVYNSKYI, Georgii [Mr]
LOMBARDI, Filippo [M.]
LOUCAIDES, George [Mr]
LOVOCHKINA, Yuliya [Ms]
LUPU, Marian [Mr]
MADISON, Jaak [Mr] (ZZ...)
MAKHMUDYAN, Rustam [Mr] (FARMANYAN, Samvel [Mr])
MASIULIS, Kęstutis [Mr] (TAMAŠUNIENĖ, Rīta [Ms])
MASSEY, Doreen [Baroness]
MIKKO, Marianne [Ms]
MILADINOVIĆ, Stefana [Ms] (OBRAĐOVIĆ, Žarko [Mr])
MONTILLA, José [Mr] (GUTIÉRREZ, Antonio [Mr])
MULLEN, Rónán [Mr] (COWEN, Barry [Mr])
MUNYAMA, Killion [Mr] (POMASKA, Agnieszka [Ms])
NACSA, Lórinč [Mr] (CSENGER-ZALÁN, Zsolt [Mr])
NĚMCOVÁ, Miroslava [Ms]
NÉMETH, Zsolt [Mr]
NENUTIL, Miroslav [Mr]
NICK, Andreas [Mr]
OEHME, Ulrich [Mr] (KLEINWAECHTER, Norbert [Mr])
OHLSSON, Carina [Ms]
ÓLASON, Bergþór [Mr]
OOMEN-RUIJTEN, Ria [Ms]
O'REILLY, Joseph [Mr]
ORLANDO, Andrea [Mr]
PACKALÉN, Tom [Mr]
PANTIĆ PILJA, Biljana [Ms]
PAVIČEVIĆ, Sanja [Ms] (SEKULIĆ, Predrag [Mr])
PISCO, Paulo [M.]
POCIEJ, Aleksander [M.] (KLICH, Bogdan [Mr])
RAMPI, Roberto [Mr]
RIBERAYGUA, Patricia [Mme]
RODRÍGUEZ HERNÁNDEZ, Melisa [Ms]
RUSTAMYAN, Armen [M.]
ŞAHİN, Ali [Mr]
SANDBÆK, Ulla [Ms] (KRARUP, Marie [Ms])
SCHÄFER, Axel [Mr]
SCHENNACH, Stefan [Mr]
SCHMIDT, Frithjof [Mr]
SCHOU, Ingjerd [Ms]
SCHWABE, Frank [Mr]
SHALSI, Eduard [Mr]
SHEHU, Tritan [Mr]
SHEPPARD, Tommy [Mr] (BARDELL, Hannah [Ms])
SIDALI, Zeki Hakan [Mr]
ŞIRAKAYA, Zafer [Mr]
ŠIRCELJ, Andrej [Mr]
SMITH, Angela [Ms]
SOBOLEV, Serhiy [Mr]
SORRE, Bertrand [M.]
SOTNYK, Olena [Ms]
STELLINI, David [Mr]
STIENEN, Petra [Ms]
STIER, Davor Ivo [Mr]
STRIK, Tineke [Ms]
TOMIĆ, Aleksandra [Ms]
TOMIĆ, Violeta [Ms] (ŠKOBERNE, Jan [Mr])
TORNARE, Manuel [M.] (MAURY PASQUIER, Liliane [Mme])
TOUHIG, Don [Lord] (JONES, Susan Elan [Ms])
TRISSE, Nicole [Mme]
TÜRKEŞ, Yıldırım Tuğrul [Mr]

TZAVARAS, Konstantinos [M.]
VALENTA, Jiří [Mr] (STANĚK, Pavel [Mr])
VALLINI, André [M.] (LAMBERT, Jérôme [M.])
VAREIKIS, Egidijus [Mr]
VEN, Mart van de [Mr]
VESCOVI, Manuel [Mr]
WASERMAN, Sylvain [M.]
WHITFIELD, Martin [Mr] (McCARTHY, Kerry [Ms])
WIECHEL, Markus [Mr] (NISSINEN, Johan [Mr])
WILSON, Phil [Mr]
XUCLÀ, Jordi [Mr] (MATARÍ, Juan José [M.])
YENEROĞLU, Mustafa [Mr]
ZAVOLI, Roger [Mr] (D'AMBROSIO, Vanessa [Ms])
ZINGERIS, Emanuelis [Mr]
ZRINZO AZZOPARDI, Stefan [Mr] (MALLIA, Emanuel [Mr])

Also signed the register / Ont également signé le registre

**Representatives or Substitutes not authorised to vote /
Représentants ou suppléants non autorisés à voter**

BOCCONE-PAGES, Brigitte [Mme]
CORREIA, Telmo [M.]
DOUBLE, Steve [Mr]
EFSTATHIOU, Constantinos [Mr]
EROTOKRITOU, Christiana [Ms]
GILLAN, Cheryl [Dame]
HAMZAYEV, Nagif [Mr]
KATSIKIS, Konstantinos [Mr]
LUNDGREN, Kerstin [Ms]
MURRAY, Ian [Mr]
NOVYNSKYI, Vadym [Mr]
PALLARÉS, Judith [Ms]
PSYCHOGIOS, Georgios [Mr]
TILKI, Attila [Mr]
VICKERS, Martin [Mr]

Observers / Observateurs

DAVIES, Don [Mr]
HARDER, Rachael [Ms]
LAVIE, Aliza [Ms]
SIMMS, Scott [Mr]
WHALEN, Nick [Mr]

Partners for democracy / Partenaires pour la démocratie

ALAZZAM, Riad [Mr]
ALQAWASMI, Sahar [Ms]
AMRAOUI, Allal [M.]
BOUANOU, Abdellah [M.]
EL MOKRIE EL IDRISSE, Abouzaid [M.]
HAMIDINE, Abdelali [M.]
SABELLA, Bernard [Mr]
ZAYADIN, Kais [Mr]

**Representatives of the Turkish Cypriot Community (In
accordance to Resolution 1376 (2004) of
the Parliamentary Assembly)/ Représentants de la communauté
chypriote turque (Conformément à la Résolution 1376 (2004) de
l'Assemblée parlementaire)**

CANDAN Armağan
SANER Hamza Ersan

Appendix II / Annexe II

Representatives or Substitutes who took part in the ballot for the election of a Judge to the European Court of Human Rights in respect of Albania and Norway / *Représentants ou suppléants qui ont participé au vote pour l'élection d'un juge à la Cour européenne des droits de l'homme au titre de l'Albanie et de la Norvège*

ÅBERG, Boriana [Ms]	MADSEN, Rasmus Vestergaard [Mr]
BADIA, José [M.]	MATARÍ, Juan José [M.] / XUCLÀ, Jordi [Mr]
BĒRZINŠ, Andris [M.]	MAURY PASQUIER, Liliane [Mme] / TORNARE, Manuel [M.]
BILDARRATZ, Jokin [Mr]	MEIMARAKIS, Evangelos [Mr]
BLANCHART, Philippe [M.] / SUTTER, Petra De [Ms]	MIKKO, Marianne [Ms]
ČATOVIĆ, Marija Maja [Ms]	MULDER, Anne [Mr] / BRUIJN-WEZEMAN, Reina de [Ms]
EVANS, Nigel [Mr]	MURRAY, Ian [Mr] / COAKER, Vernon [Mr]
FIALA, Doris [Mme]	PELKONEN, Jaana Maarit [Ms] / WALLINHEIMO, Sinuhe [Mr]
GAILLOT, Albane [Mme] / RAUCH, Isabelle [Mme]	PISCO, Paulo [M.]
GHIMPU, Mihai [Mr] / APOSTOL, Ion [Mr]	SHALSI, Eduard [Mr]
GONÇALVES, Carlos Alberto [M.]	SHARMA, Virendra [Mr] / CREASY, Stella [Ms]
GURMAI, Zita [Mme]	SMITH, Angela [Ms]
HAJIYEV, Sabir [Mr]	STANĚK, Pavel [Mr] / VALENTA, Jiř [Mr]
JONES, Susan Elan [Ms] / TOUHIG, Don [Lord]	STIER, Davor Ivo [Mr]
KYRIAKIDES, Stella [Ms]	SVENSSON, Michael [Mr]
LAIZĀNE, Inese [Ms] / KLEINBERGA, Nellija [Ms]	UCA, Feleknas [Ms]
LĪBIŅA-EGNERE, Inese [Ms]	WOLD, Morten [Mr] / SOLEIM, Vette Wang [Mr]
LOGVYNSKYI, Georgii [Mr]	YEMETS, Leonid [Mr] / GOLUB, Vladyslav [Mr]
LOUCAIDES, George [Mr]	