

AA18CR33

AS (2018) CR 33

2018 ORDINARY SESSION

(Fourth part)

REPORT

Thirty-third sitting

Wednesday 10 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 3.35 p.m.)

The PRESIDENT* – The sitting is open.

1. Current affairs debate on the future of the Council of Europe

The PRESIDENT* – The first item of business this afternoon is a current affairs debate on the future of the Council of Europe. I remind colleagues that the duration of the debate is limited to 90 minutes. Speaking time is limited to three minutes for all members, except the first speaker, chosen by the Bureau, who is allowed 10 minutes. He was among the initiators of the debate. Without further ado, I give the floor to Lord Blencathra. You have 10 minutes.

Lord BLENCATHRA (*United Kingdom*) – When my group first applied for this debate, we called it “The Council of Europe: an organisation in crisis”. Yesterday morning, I wrote two alternative introductory sentences. The first began: “The Council of Europe has no future because the unelected bureaucrats are in charge and we the politicians have to dance to their tune.” However, the sentence I will use today is: the Council of Europe has a future, because the will of the politicians has prevailed, but we are still in crisis. We have had a major corruption scandal that has damaged the reputation of this august body. Am I the only one who thinks that we did not punish the perpetrators properly?

Then we come to our financial difficulties. The Secretary General’s solution is to get Russian money at any price, but that is a price that the Assembly rightly rejected yesterday. As Sir Roger Gale said yesterday: “The British delegation has taken a united position in stating clearly that the principles of the Parliamentary Assembly are not for sale, that the Assembly will not be held to ransom by the Russian Federation and that it reserves its right to challenge credentials and to impose sanctions when necessitated by nations’ breaches of the Convention.” He continued: “This exercise has represented a gross miscalculation on the part of the Secretary General of the Council of Europe. The Parliamentary Assembly is an elected and representative body that cannot be browbeaten or bought.”

Everyone knows that the use of the word “strengthening” is George Orwell doublespeak when what was envisaged was a weakening of the opportunity for elected members to make decisions on the legitimacy of national delegations. The Russian Federation broke international law by invading a foreign country, yet our bureaucrats commissioned a report suggesting that we exceeded our legal authority by taking sanctions against them. This Assembly of hundreds of legitimate politicians from nearly every country in Europe could have been silenced, gagged and neutered and our decision overturned by a lawyer’s opinion on a technicality of our rules. It is like the scene from the Monty Python film “The Life of Brian” where Christ is arrested and about to be crucified and the various Judean factions are arguing over draft resolutions criticising it. In the “Life of Jagland” version, the Russian Federation invades Crimea in an act of war, but we argue whether we have the legal authority to take action.

Let me make it clear: I want to meet Russian colleagues and hear from them. Coming from the United Kingdom, there are a few things we would like to talk to the Russians about, but we cannot have them here on terms dictated by Mr Putin. So I want to appeal directly to the Russian people: you are a great people who deserve to be heard by all the other representatives of the countries of the Council of Europe. It is a loss to all of us that you are not sitting here at the same table. Please pressure your government and politicians to join us again in the Council as equal partners enjoying all our rights and sharing our responsibilities. Write to the president of the Parliamentary Assembly of the Council of Europe about peace. Make your views known.

In the meantime, the Secretary General must produce a sustainable budget. That means cutting some programmes and not pandering to the big players and big payers just to get more money. We need a fundamental reappraisal of our key roles. We are the Parliamentary Assembly, with the emphasis on the word “parliamentary”. Why then are we spending time, money and resources on the Congress of Local and Regional Authorities of the Council of Europe? The Council of Europe website says that it is: “Composed of two chambers and three committees...it brings together 648 elected officials representing more than 200 000 local and regional authorities.” However, it costs €7.6 million to run. How many of our 2 200 staff are working on its activities?

Then we have the Conference of International Non-Governmental Organisations. Our website says that: “The Conference includes some 400 international Non-Governmental Organisations (INGOs). It provides vital links between politicians and the public and brings the voice of civil society to the Council.” But why do we need NGOs to outreach to European citizens? That is an insult to all the parliamentarians on this

Council. It is the job of elected members to outreach to their citizens and not be bypassed by unelected NGOs.

The Council of Europe is a unique organisation, and Europe needs this Council and this Assembly more than ever before, but we should concentrate on our core responsibilities. There are some things we do exceptionally well. I got here on Tuesday having spent the last week monitoring the election in Bosnia and Herzegovina. That visit was led by our excellent colleague, Dame Cheryl Gillan. Another team from the Assembly will go to Georgia in two weeks' time, and I have been on monitoring visits to Turkey and Azerbaijan this year. The Turkey visit was superbly led by our colleague Olena Sotnyk. I simply cannot begin to tell you how brilliantly our colleagues on those missions do that work, supported by a hard-working, small, highly professional Parliamentary Assembly secretariat.

Everywhere we go, local organisations beg us to send more observers. Opposition politicians in Turkey wanted us to send hundreds more. We should aim to double the numbers we send so that we can check on twice the number of polling stations and do more of what we excel at. There are new massive problems affecting Europe that we are currently ignoring and that we should look at. Over the next few years, we will face tens of millions of Africans coming to Europe, not as refugees escaping war or torture or horrors, but simply looking for a better life. They will bring a culture completely different from the European liberal democratic consensus we have prospered under for the past 500 years.

While we rightly worry about those unfortunate people who die in the Mediterranean, we are doing little to report on solutions that encourage them to stay in Africa and prosper there. On Thursday, we have a debate in this Assembly on empowering women as key actors for the integration of migrants. When will we have a report on empowering women in Africa to get economic and political equality in their own countries? That should be a priority for rapporteurs. We have representatives here from Israel and Palestine sitting in the same committees. What an opportunity for us to make progress on the Middle East. But instead we leave it to the United States, the European Union, the troika, or even Tony Blair.

We should reorganise our week in Strasbourg. We are the Parliamentary Assembly. It is supposed to be a place where parliamentarians from all member countries get a chance to speak and make our voice heard, yet we take second place to so-called celebrity speakers who add little to our deliberations. We waste time hearing set-piece speeches from minor politicians who are not even well known in their own countries. Our debates do not get the attention that they deserve, and far too many parliamentarians are frozen out from making a speech because the time has expired. There is no point in a parliamentarian being here unless he or she can speak in a debate.

The free debate on Monday must be sacrosanct and longer. There is no need for a Secretary General progress report on a Monday, nor some of the other routine information. That should be held over till Tuesday or done last thing at night. It is not urgent. There should be two emergency debates, one on a Wednesday and one on a Thursday, in prime time. We should abandon the nonsense of a rushed rapporteur report done in 48 hours with recommendations on every emergency debate. Those emergency debates should be on a "take note of situation X" basis and permit as many people as possible to participate. The only vote should be, possibly, that the Assembly authorises the relevant committee to go away and prepare a report for the next Strasbourg plenary, when rapporteurs will have had ample time to prepare a proper report.

We have far too many reports on irrelevant issues that take up debating time. With all due respect, can anyone tell me what the debate this Friday morning is about? It is called "Deal-making in criminal proceedings: the need for minimum standards for trial waiver systems". No wonder only one person has signed up to speak on that earth-shattering subject.

In summary, we should cut our spending to match our income. We should tackle the new issues facing Europe. We should concern ourselves with the human rights of those who might come to Europe; they are equally as important as the human rights of those who have come here. We should give parliamentarians the central role in the plenary. We should have fewer rapporteur reports and more time for debates on important subjects. To borrow a phrase from the British Brexit referendum, it is time for parliamentarians to take back control. Let us give the Council of Europe a bright new future once again.

The PRESIDENT* – Thank you, Lord Blencathra.

I now call Ms Kavvadia.

Ms KAVVADIA (*Greece, Spokesperson for the Group of the Unified European Left*) – Dear colleagues, it is right that the title of today's debate was changed to reflect a more positive light on the

prospects of our Organisation. However, the previous title, which characterised the Council of Europe as “an organisation in crisis”, is also an accurate description of the situation that we face. Of course, it would be far more correct to say that it is not the Council of Europe itself that is in crisis but Europe as a whole – especially the institutional framework of European integration created after the Second World War to ensure peace and promote democracy, human rights, the rule of law and economic prosperity. Is that framework adequate for the challenges facing our continent today, in the 21st century? Can we hide the fact that the European Union has suffered a violent amputation in Brexit, that the eurozone is in a state of constant disequilibrium that casts doubt over its viability, that Europe has failed to deal with the refugee and migrant issue in a manner consistent with its values and interests, and that the extreme right is steadily becoming mainstream, along with racist, xenophobic and fascist rhetoric and policies in many European countries?

The Group of the Unified European Left has consistently held a position of principle, offering arguments on the reasons for this great European decline, as we might call it: neoliberalism, social and economic inequalities, the exclusion of vast parts of our populations, the tearing of the fabric of social cohesion, and the use of nationalism as a tool to divert popular anger. However, as a political power in favour of European solidarity, peace and democracy, we offer proposals that are linked to the debate that took place in the Ad Hoc Committee on the future of the Council of Europe and of this Assembly. Most colleagues would agree that our proposals went a long way towards strengthening both our Organisation, an alternative engine of European integration, and our Assembly, which has rightly been called “the democratic conscience of wider Europe”. We must safeguard our unique system of human rights protection, founded on our main conventions, particularly the European Convention on Human Rights and the European Social Charter.

Do we honestly believe that our Assembly can have an impact as a forum of interparliamentary diplomacy if it fails to live up to that title? The great advantage of the Council of Europe is that it includes the vast majority of European States. If we forget that advantage and start excluding member States, the only thing that we will achieve is to accelerate the decline of our own Organisation as well. Do we really want to be responsible for that?

Mr VAREIKIS (*Lithuania, Spokesperson for the Group of the European People’s Party*) – This time, I promise to speak not about the Russian Federation but about the Council of Europe and the Parliamentary Assembly. The Organisation is 70 years old. Being a specialist on strategic studies I know that, after 70 years, different international organisations are coming to a crisis. If you look at history, you will see that even countries can go through crises in 70 years. It is time for change.

We are really in crisis. What happened this week shows that we are not happy with our Organisation, so we have to look for solutions. There is nothing wrong with change and improvement, but we need to recognise that the Organisation is not functioning properly. Did the people who created this Organisation 70 years ago ever dream that we would have a sub-committee on the conflicts among member States? Instead of a gentlemen’s club, we have an Organisation in which countries fight each other. We do not have a post-war situation anymore; unfortunately, we are working in a war situation. We can give more examples of how things are not going right.

We need reform, so we need to think what we have to do. This time, it is not enough to organise someone to write a Rules Committee report on how to improve the situation. The problem is not the rules; the problem is the principles and values. We probably have to organise some specialist “wise man” group to dream up a new Council of Europe – not to work out how to change the old one, but to invent a new one. We had clever, strong and brave men 70 years ago; we also have them now, so let them think what we need to do. There can be lots of different ideas. We are on a battlefield, but we should work out how to be in the discussion room so that we can have clever discussion.

I agree with Lord Blencathra that we are writing many small reports instead of doing things right. We have to change. Where is our place between universality and effectiveness, between values and geography, between values and virtues? My proposal is to think about a completely new, brave and fresh Council of Europe.

Mr COAKER (*United Kingdom, Spokesperson for the Socialists, Democrats and Greens Group*) – It is about time that we, as members of the Council of Europe, had some confidence in ourselves. Yes, we face challenges and issues, and sometimes our debates bring us into conflict with one another, but it is great that the countries of Europe are here together.

For inspiration we should go back and talk to the founding fathers. I apologise for the term, but the founding fathers, as they are described on our website, are Churchill, Bevin, Adenauer, Schuman, Spaak

and de Gasperi. We say that we have problems, yet at the end of the Second World War – with millions killed, Europe destroyed, countries ruined and human rights abuses that we had never seen before – those men, and there were women with them too, stood together and said, “We will find a better way.” Their words should inspire us now. Rather than a counsel of despair, we should look to overcome the present situation.

Spaak said, “because it is here that all of Europe comes together, and because there are occasions like today’s when problems arise...and need to be examined by all the countries of Europe.” Churchill said, “The dangers threatening us are great but great too is our strength, and there is no reason why we should not succeed in achieving our aims”. Konrad Adenauer said, “And it is also greatly significant that here, at any rate, there is a place where almost the whole of Europe gathers together”.

Those are words from 1949, and here we are in 2018. Those words should echo down the ages to us, as though those men were speaking to us today. Of course there are issues and problems, including the Russian Federation and migration. Everybody here could speak of those things, yet we stand here together to discuss and debate how to overcome those problems. This is not the Europe of old that fought with itself and in which armies battled over ideas. It is in this Chamber and others like it that such ideas are battled for. Whether it is freedom of association, freedom of the press, LGBT rights, ending imprisonment without trial or freedom of religion, all those things are the principles on which this Assembly is based.

We are at a crossroads. Either countries turn inwards and look to themselves for their own solutions, or we have the confidence to say that we are established according to principles that believe that, by co-operating and working together, countries can deliver much better than if we seek to pursue our own aims and fight one another. That should be our inspiration. Let the words of the past echo down the ages and speak to us today. We can overcome these challenges, but we will do it better by working together. That is the message we should be sending out to the people of Europe.

Mr SEYIDOV (*Azerbaijan, Spokesperson for the European Conservatives Group*) – I am grateful to Lord Blencathra for his excellent introductory remarks and for his ideas about the future of this Organisation. I agree with the previous speakers that this discussion is not only about the future but about the crisis that we unfortunately face. Without analysing where we are it will be impossible to understand in which direction we should go.

We frequently hear that the way out of this crisis is to change the procedures or financial arrangements, but it is impossible to do that without thinking about our values and attitudes. We should look at ourselves. Could we have an Organisation in which seven or eight countries out of 47 are at war with each other? Could we imagine member States of this Organisation fighting each other? That would be very difficult. Could we have an Organisation in which 10, 11 or 12 countries are under strict monitoring and in which the “old democracies” have very different attitudes?

We frequently discuss – even today – Islamophobia and anti-Semitism. We should understand that without changing our attitudes to each other, we are not able to think about the future of this Organisation. We should immediately create a special ad hoc group to think about how we can find the way out of this crisis. We should seek new ideas that are acceptable to all 47 member States. Only in that way will we be able to be together. Otherwise the future of this Organisation will be in question.

I hope we will be able to find the future. We should use our limited time to understand each other, to listen to each other and to respect each other.

Mr BECHT (*France, Spokesperson for the Alliance of Liberals and Democrats for Europe*)* – No one can deny that the Council of Europe is experiencing a profound crisis. This was the first European institution to be created after the Second World War. How could it not be affected by the crisis in Europe? After two world wars our elders took the tremendous gamble of uniting their States around the powerful dream of peace, prosperity and the common values that came from the age of enlightenment – human rights, the rule of law and democracy. Seventy years later, that dream has become a reality for our citizens.

European institutions, relying on their success, have been in management mode and have not looked forwards. This legal Europe has its own *raison d’être*, but it has lost the strength of its ideals. In the face of issues such as globalisation, terrorism and mass migration, Europe is not able to find effective answers that will help us to overcome our fears.

Let us be realistic. If Europe takes a strictly legal and technocratic approach, it will die at the ballot box, rejected by our citizens. The deconstruction of Europe will see the return of the wars of the 20th century. We need to protect the bedrock of the Council of Europe – human rights, democracy and the rule of law –

but to guarantee our values we have to reawaken the European dream. We have to motivate our citizens and give them a new reason to believe in Europe. In order to do that, Europe must take up the challenge of interesting people and renewing their enthusiasm, which is why I suggest that we proceed without further ado to a profound reform of our institution.

Let us overcome our quarrels and let us imagine concrete projects that will unite our States and our citizens. Let us try to improve health and find therapies that will rid us of cancer and free us from disease. Let us find a circular economy and let us stop using and exhausting our resources. Let us find new forms of transport and not leave the conquest of space to America and China. The Council of Europe would then find renewed strength.

This proposal is not a pipe dream. We do not have to recast our Statute, because Article 1b says clearly that the Council of Europe should pursue agreements on “economic, social, cultural, scientific, legal and administrative matters” while developing human rights. The time has come to recover the audacity, faith and courage of our founding fathers. That is what will save Europe and the Council of Europe. Peace will thus be saved.

The PRESIDENT* – Thank you, Mr Becht.

Ms Katsarava, let me point out that you are not seated in your place. Exceptionally, I will give you the floor, but in future please note that speakers are to speak from their assigned place, otherwise it is too difficult to manage the microphones.

Ms KATSARAVA (*Georgia*) – Thank you, Madam President.

I wish to make three points regarding our vision of the future of the Organisation and what should be done to make it more effective and result-oriented. First, the Parliamentary Assembly of the Council of Europe should focus and give its attention to its core mandate. With the available resources we have, we should focus more on our key priorities, which resonate with each member State.

My second point is on keeping the foundation of this Organisation strong and resilient. It is my strong belief that the future of the Council of Europe should be defined by the values and high standards it stands for, which are about credibility, effectiveness and building resilience. To touch briefly on yesterday’s debate, if changes are to be made to the Rules of Procedure, they should primarily serve the purpose of strengthening the principles and core values and should not undermine them. Calling those values into question will serve as a bad signal to Europe as a whole and jeopardise the integrity of this Organisation. I was happy to see the decision yesterday, which resonated with key principles of the Parliamentary Assembly of the Council of Europe. Decisions and actions of that kind are exactly what increases the trust in and credibility of the institution, which should continue to set an example to its member States.

In that light, I cannot avoid mentioning corruption, which is a concern not only for the Council of Europe. Corruption is the most destructive type of social deformation. It distorts good governance and the management of funds. I represent a country with a solid track record of significantly reducing corruption and building effective, transparent and accountable institutions, which has been vital for us. If the Council of Europe wants to restore its credibility, priority should be given to fighting corruption within the Organisation. There is no cure for this disease other than applying a zero-tolerance policy against corrupt practices. Anti-corruption reforms should be at the heart of the Council of Europe agenda and a top priority for member States.

My final point is on financial obligations. It is important that all member States implement the Council’s shared standards and live up to their obligations, including financial ones. The fulfilment of the latter commitment by all member States is vital for the functioning of the Council. No country should be allowed to use it as a leverage. The Organisation should use available financial resources more effectively, although I understand that that requires more thorough revision.

Another important obligation that we share is a comprehensive observation of the rulings of the European Court of Human Rights. It is our duty to implement the judgments in good faith in order to ensure that international law is upheld. We should come up with specific mechanisms to respond jointly and effectively to cases of non-compliance with the obligations that member States undertake.

In conclusion, those are three major areas with considerable space for improvement. It is critical that we ask the right questions and discuss the issue in a comprehensive manner. However, the more important and a more challenging part – acting on these challenges – is yet to come.

The PRESIDENT – Thank you, Ms Katsarava. I call Mr Usov.

Mr YEMETS (*Ukraine*) – On a point of order, Madam President. I am before Mr Usov on the speakers list.

The PRESIDENT* – Yes, but you are not in the place you should be in, so I could not know that you were in the Chamber. As I said earlier, if you speak, you should do so from the place where you are supposed to be, otherwise it is not easy for me to conduct the session. That is why I give the floor to Mr Usov.

Mr USOV (*Ukraine*) – Yesterday, I started to have deep doubts about the future of our Assembly. I had the feeling that the very core of the Organisation came close to cracking, which was surprising. Yesterday, that core, which was forged from political principles and dignity, and was designed by Winston Churchill and some of the most prominent minds of the post-Second World War period, hardly survived blunt and primitive financial blackmailing. How could that happen? Is there a problem with the basis of the Council of Europe, or are the high branches of our multinational tree being poisoned?

In facing the challenges of this fast-changing world, Europe needs a strong and powerful human rights defender. That much is obvious. We spend our time and energy here to ensure that the Council of Europe works, and so that it is the real watchdog of the European Court of Human Rights, and not just a fancy puppy that entertains top officials and brings them tasty Russian bones.

To be strong and to get the Organisation to work, we have to achieve just four goals. First, we have to defeat corruption inside and clean all the political mud off under-the-table money and shady agreements with special interests, which can destroy any political body. Secondly, we have to develop immunity from the virus of parties that try hard and get far in degrading this Organisation from within. Thirdly, we must lessen our dependence on some of the bureaucrats in the Council of Europe, particularly those who think that their job is not to be a tool of democracy, but to influence democracy. We saw that yesterday. Fourthly, we must never forget why we are here and what we are here for. What is our supreme goal and what is our role in achieving it? We have to defeat corruption inside, develop immunity against those who erode us, lessen our dependence on bureaucrats and money, and never forget what we are here for.

The PRESIDENT – Thank you, Mr Usov. I will now call Mr Yemets.

Mr YEMETS (*Ukraine*) – Thank you. I would be happy if today I could say that the crisis has passed, that we are united as never before and that we continue to work for the benefit of the citizens of our countries, Europe and the whole world, but I cannot. The future of the Parliamentary Assembly of the Council of Europe and the civilised values on which our Organisation is built are under threat, and we all know the name of the aggressor who is doing everything it can to crush our community.

The Russian Federation is set on changing the world order with its hybrid war. It is not satisfied with a format in which everyone has equal rights. It is not happy that large and rich the Russian Federation, with its nuclear weapons and large army, has the same rights as a country without nuclear weapons, oil and gas. It wants to change the rule of law to the rule of power. Our Organisation, yesterday and today, remains at the forefront of this struggle. When I say yesterday, I mean, to be exact, the day before: the day we chose what will prevail – our values or Russian money.

There is good news: values are still important, at least for the majority here. The bad news is that the leadership of the European institutions is not on this side. I consider it unacceptable when the Secretary General of the Council of Europe takes the floor, contrary to our rules – no position gives him an unlimited right to speak – and unacceptable when the President of the Parliamentary Assembly, contrary to the rules governing the rights of the President, begins to abuse his right of presiding. I have evidence. Paragraph 20.2 directly prohibits the President from speaking on the subject that is being considered, but yesterday the President allowed herself to comment on the speech of our colleague, Mr Goncharenko, who spoke in protective gloves. Those gloves were an integral part of his speech. Moreover, at a time when the Russian intelligence services use poisonous substances that lead to the death of random people, these security measures do not seem so extreme. A British woman who died from Novichok poisoning would not find such measures ridiculous or excessive.

As an Organisation that builds its work on the principles of equality and the rule of law, we must respect our rules and remember that they are a reflection of our values. Of course, if the values are

changing, then the rules are changing too – but not today. Today the Parliamentary Assembly of the Council of Europe is still guarding human rights, and I believe that this will continue.

The PRESIDENT* – Mr Yemets, can I ask you to put your headphones on so that you can understand what I am saying? You are not respecting the rules of this Chamber. I recall that the code of conduct says that members of the Assembly shall have a courteous, polite and respectful demeanour between themselves and with regard to the President. Anybody who takes the floor in this Chamber should do that. You have not respected that behaviour, and I would ask you to do so in future.

Ms D'AMBROSIO* (*San Marino*) – It is fundamentally important at this point in time – at this historic moment – to discuss and confront the future of the Council of Europe and our Assembly. There are problems: that cannot be denied. But the Council of Europe has always had to confront problems, and we have succeeded in guaranteeing the values upon which it is based. It is not just a question of one country doing this and another not. The Council of Europe has managed to guarantee the values upon which it is based. It is important always to have this in mind. We will resolve problems. We can roll up our sleeves and pick up the values that were the origin of this Assembly – the founding fathers' values, as our colleague just recalled. Only in this manner can we find satisfactory solutions on a par with our ideals. We can make errors and mistakes, and fail as politicians, but we can never refrain from respecting the mandate given to this Assembly. Some years ago, a colleague said, "I don't have political ideals but values."

We have to bring forward dialogue and joint projects to consolidate democracy, the rule of law and human rights here and in our countries too. Our task, and our honour too, is to find the path for a new, inclusive effort. It is not just a question of the results of the Council of Europe's decisions. What we want to provide is of fundamental importance for the millions of citizens of the countries that we represent here. This new effort is not just a political matter; it is a matter of rights and guaranteeing these rights. As I said, the Council of Europe is not a country; it is a community. It is an Assembly of persons, parliamentarians in our case, who have decided to work together for rights and equality so that we achieve the absolute value of democracy and the guaranteeing of the rule of law. We must not reduce things to a purely political confrontation. The value of this Assembly is to bring together people who come from different political horizons and experiences but work together in order to guarantee a future for this Assembly. Thus I would invite us to have a fresh, renewed dialogue. This is an opportunity for us to do that, and it would be silly to abandon that opportunity.

Ms SOTNYK (*Ukraine*) – What are the main challenges today for our Parliamentary Assembly? Of course it is about trust, about unity, and about a commitment to the idea of our founding fathers who created this Assembly, created the Council of Europe, and created the European system of protecting human rights. What should we do today with all these challenges? How can we proceed? There are several ways, and they are all very important. First, we need to stop the practice of double standards – rules for competitors and excuses for friends. That is unacceptable on any level. We also need to become more transparent, because for our citizens, as I can witness from my experience, and for our member States, the effectiveness of what we are doing here, and how much it costs, is still not clear. Our budgets, and the organisation of the entire financial system of the Council of Europe, should be more transparent, and linked to results.

Of course we need to stick to our principles and our official documents. Perhaps one of the biggest parts of our activity is not taking decisions – it is the implementation of those decisions in member States. We have had many discussions with our colleagues about how to correct the problem or improve the situation, perhaps by finding some kind of equal standards for member States, not just monitoring, to see how they follow up our decisions and implement them on the national level. It would be a new challenge but also create new possibilities for this Organisation to become stronger and to have more meaning in our member States.

If you ask me about vision, I think we do have vision. It did not change for 70 years, and there is still vision, because today democracy is under threat. There is no difference between liberals, socialists and left-wingers. We have one and the same values, and we are united: democracy is very important. What we really need is strategy. That strategy should be focused and based on a very realistic estimation of what we can really do and how we can be united. We need timelines to bring back the meaning of this Organisation to our citizens.

Mr KANDELAKI (*Georgia*) – When great Europeans like Winston Churchill and Konrad Adenauer established this Organisation in 1949, they were guided not only by the horrors of the Second World War but by an understanding derived from this catastrophe that democracy is a fragile system of government – that democracy always needs protection, that democracy is a work in progress, and that democracy is always under attack by agents of non-freedom. As Edmund Burke, one of the great thinkers of the enlightenment,

said, all it takes for evil to prevail is for good men to do nothing. Good people always have to work hard here against those who want to undermine democracy.

For decades, this Organisation has addressed many burning issues. Indeed, as has been said, there are many burning issues other than the Russian Federation in various member States, including in my own. I am having a very hard time attracting attention to the issues in my country, including that of democracy, but a vigorous and concerted effort, including in the literature about this Organisation, to grant an exception from the rules to the Russian Federation has undermined the Organisation's ability to scrutinise other important issues. A great example of the dramatic erosion of the Council of Europe's ability to monitor and scrutinise other issues is the surge in the number of irrelevant topics under discussion. These are topics of second or third-rate importance. I remember well that we had a debate once on some insects, yet somehow the Council of Europe and this Assembly does not find the time to discuss burning issues of democracy, freedom of expression, scrutiny of the Executive or political figures in jail, as is the case in my country.

Scrutiny is one key word, but the inadmissibility of exceptions is also key. The great news yesterday was that such exceptions are not possible. If we have rules, they should be the same for everyone, without exceptions. I want to end with another great quote, from Benjamin Franklin, which applies to this whole saga: "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

Mr KITEV (*"The former Yugoslav Republic of Macedonia"*) – This topic is especially current and it gives us a good opportunity, through argument and debate, to identify weaknesses and propose alternatives for the future action of the oldest international Organisation. We must continue to work tirelessly to promote human rights, democracy and the rule of law, both on the European continent and beyond, in the face of rising extremism, violence and repression, and in a context in which migration and security are very strained.

The Parliamentary Assembly is at the heart of the institutional framework of the Council of Europe. The European Court of Human Rights and the reinforced role of the Parliamentary Assembly constitute the most interesting specific aspects of the Council of Europe, compared with other regional organisations, and give it added value. The difficult institutional and financial context in which our Assembly finds itself also requires us to strengthen our values of transparency, responsibility and commitment to the democracy that we defend. We must all strengthen together and not abandon the idea of closer unity between all the like-minded countries of Europe in order to safeguard and realise the ideals and principles that make up their common heritage and to facilitate their economic and social progress. It seeks to uphold and develop common democratic and legal principles based on the European Convention on Human Rights and numerous other treaties that have been negotiated and adopted within the Organisation's institutional framework.

In future, parliamentarians can take a more active role in holding their governments to account on the implementation of court judgments by establishing special review commissions, holding hearings, allocating funds for implementation measures and proposing relevant legislation. Upholding human rights is not only an obligation, but an opportunity for parliamentarians. As much as we have different concepts and political differentiations, we must maintain unity. The unity of the Parliamentary Assembly will fight all attempts to destroy the principles of the Council of Europe. From here – from the temple of democracy – let us repeat that we will fight against corruption at all levels among institutions. The fight is eternal but the Council of Europe, together with the institutions inside it, must win dominantly.

Even today, the words of Václav Havel are remembered: "I see these twelve stars as a reminder that the world could become a better place if, from time to time, we had the courage to look up at the stars."

Mr MARQUES (*Portugal*) – I would like to take a moment for self-evaluation, which we should do frequently. The role of the Council of Europe and the Assembly is to promote peace, human rights and the rule of law, but sometimes we spend more time discussing the differences between right and left, or the Russian Federation and Ukraine, or Armenia and Azerbaijan. At other times, discussion is spread across so many topics that we forget human rights and the rule of law. Human rights and the rule of law have no left or right. When we are promoting these values, we cannot use the words that our colleague from Ukraine used in discussing "excuses for friends" or talk about punishment for our enemies. If we are here to defend human rights, we should always be on the same side, whether we are from the left or the right. Sometimes we spend too much time trying to excuse our friends or punish our neighbours or enemies.

This should be the place to promote these values and not to try to do something back home to cause problems for other Governments. We should be seen as people who come together from different parties in our Parliaments to work for the same purpose. Too often, we talk about topics that are not quite important

enough for human rights and the rule of law but just fulfil private agendas. In speaking about this, I have probably made those same mistakes. However, the Council of Europe's most important values have been shaken because of recent events. It is time to see the Council of Europe again as the main institution to protect human rights. We also cannot be a second Chamber of the European Union and use this floor to blame the European Union for all our mistakes or to ask it to solve all our problems. The European Union is not the place to solve all our countries' problems, but if we work together with European Union institutions, we can protect human rights and the rule of law more effectively.

Mr GONCHARENKO (*Ukraine*) – I wanted to speak more about our Organisation's strategy, but now I need to change my topic a little. We are feeling emotional – I was very emotional yesterday, and so are my colleagues from Ukraine. We are all emotional. Why? Dear colleagues, please realise that our voters often come to us not to solve economic problems or to change legislation, but to say, "My son was killed yesterday." "My daughter was killed yesterday." "My house has been destroyed," and that this has been done by another Council of Europe member State. Do you understand? If people think about that, they will understand our emotions clearly. In Ukraine, we have almost 2 million internal refugees. The population of some member States is smaller than that, and we have been dealing with those refugees ourselves.

We do not ask for your money – quite the opposite. Ukraine recently gave one more voluntary tranche to the Council of Europe budget. Why, given our difficult situation, are we sending money here? It is because we believe in this Organisation. It is the only Organisation in the world that has at its source the highest standards of human rights, written into conventions for which we all are fighting – standards such as the rule of law and democracy. We call ourselves the watchdog for the rule of law, democracy and human rights, and we are – that is why yesterday we were fighting.

Who wants a watchdog that cannot bite but can only lick? Nobody wants such a watchdog. We want to be a watchdog. Hundreds of millions of people on our continent, including these people sitting here listening to us, want this from us. Look at our agenda for the week – it is extremely important: nuclear safety, issues facing women, human rights, and so on. These are extremely important things, and we are dealing with them here, so do not underestimate our Organisation. Let us fight for it. We can be a powerful force, and I believe in our future.

Yesterday, we were debating some very big challenges, including the corruption scandal and, for the first time in our history, the annexation of the territory of one member State by another member State – I am talking about Ukraine and Crimea. Despite all of this, I believe in our Organisation. The election of a new Secretary General next year will give a new impulse to what we are doing, so please let us not underestimate ourselves, but be firm and go ahead. The people of Europe need us.

Mr WHITFIELD (*United Kingdom*) – I am grateful to follow such an emotional speech that ties into something that makes this debate so important. We have rules and regulations, and morals and beliefs, but we each also have emotion, and it is that emotion that we bring from those who elect us to this Chamber to talk about the things that are important to us.

Today is the 16th World Day against the Death Penalty – a day that highlights human rights, democracy and the rule of law. Seventy years ago, this Organisation rose from the catastrophe and wreckage of World War Two. The road it has travelled in those 70 years has not been easy – we have faced many crises – and sometimes people will say we took the wrong road or made the wrong decision, but we have moved forward, and together we took those decisions. We have never ended up in a cul-de-sac where we could not solve a problem. It might not have been the best solution, but it was a solution. We will find ourselves at crossroads again, and we will be faced with crises – some we will anticipate, some will take us by surprise – but it is only by sitting, talking, debating and listening in this space that we will find an answer. It might not always be the best answer, but it will be an answer that we can all get behind.

We live in a time when many people are taking an insular approach to solving problems, but this is a venue where we can look outwards and see beyond our borders and current conflicts. That is important because it means that we can provide moral leadership to nations, the continent, indeed the world, and we can defend those who cannot speak for themselves, including those we have talked about this week, from the Palestinian minors to women and the LGBTI community – in fact, every single living person.

I will finish with a quote, not from one of our ancient parliamentarians, but from Sir Roger Gale. I found this quote just today, while looking around the Václav Havel exhibition, and it is about Murat Arslan, when he was unable to be here to receive the award. Sir Roger said: "We applaud their efforts to build a more just and peaceful society, as Václav Havel himself advocated; to prompt us to reflect on what we are,

or are not, doing; and to guide us, like a moral compass, in the right direction.” That is why we gather here four times a year.

Ms DURANTON (*France*)* – The Council of Europe is not in good health, and a debate entitled “The future of the Council of Europe” is a very broad-ranging debate. Our discussions yesterday were a good example. We have recently faced many problems, including a corruption scandal within the very bosom of our Assembly.

The Council of Europe is in a paradoxical situation: it has a legitimate ambition to become a pan-European Organisation, but it is suffering from the effect of its dilution following an enlargement that was too rapid and lacked sufficiently stringent requirements. In the euphoria of a supposed new world order, we sometimes did not want to see the immense difficulties in certain member States – we naively thought that they would adopt our values without blinking – and today we see the results. Some member States do not respect the commitments they gave when they became members, despite assistance from the Council of Europe and our Assembly. That is sometimes deliberate – after all, democracy and human rights are not priorities for all European leaders.

Can it be said, however, that the Council of Europe has no future? I do not believe that. Human rights, democracy and the rule of law are the common heritage of our States and continent, and ensuring respect for these values is the *raison d'être* of the Council of Europe. That is why we must remain united. In the greater Europe that emerged after the fall of the Berlin Wall and Soviet totalitarianism, the Council of Europe played an essential role in bringing together States too long divided by murderous wars.

Europe today must resist attempts to divide it – attempts that sometimes come from without. Let us not fool ourselves: beyond the economic, commercial and trade aspects, Europe is a target also because of its values. At a time when narrow identity politics, protectionism, brutality and even violence are being used to resolve disputes, European values are being attacked and their universal scope questioned, and the blows are coming from both radical Islamism and major – and usually undemocratic – powers. Since the beginning of last year, we have even come under attack from our great natural ally. I regret that profoundly.

Promoting our values in co-operation with the United Nations and the European Union and developing a counter discourse, particularly on the Internet and social networks, to combat fake news – those must be the thrust of the work of our Organisation in the years to come. It has a great future indeed.

Ms FIALA (*Switzerland*) – As Chairperson of the Committee on Migration, Refugees and Displaced Persons, I feel a personal obligation to express my opinion in this important debate. I am convinced that our future depends on how strongly we can defend our common values. To sustain our original idea – an Organisation created to prevent war, promote democracy, protect human rights and safeguard the rule of law – we must be independent and self-sustainable financially. Our financial sustainability should not depend on one or another country. If it does, our values can be easily hijacked, as we see now, and our resolutions become just pieces of paper.

The logical solution to our financial problem, created by financial shortages in some member States, is to take a common responsibility and to show that member States can jointly cover the lack of resources and ensure the future activities of this Organisation. It needs to find innovative solutions to problems and be able to react quickly and effectively. I will give you an example: an idea inspired by a committee meeting in Jordan, where we saw blockchain solutions helping refugees by providing them with digital identity documents, allowing them to use humanitarian funds for their everyday life without using real money and with full transparency, and giving them job opportunities, as blockchain can.

In Europe, we promote migrants' and diasporas' direct investment in the economies of their countries of origin and encourage intellectual capital transfer and the creation of job opportunities thanks to diaspora-supported projects. Those projects, due to the unique blockchain technology, could permit this Organisation to finance its own activities. I initiated a motion for resolution, which for the last six months has had a problem being referred to the committee for the report. Meanwhile, the European Parliament, the World Economic Forum, the OSCE and other progressive organisations have already started to work on blockchain. Just two hours ago we had a statelessness organisation asking for the same help. We need to be more effective and innovative to ensure that the Council of Europe can defend its values and be an independent and prosperous Organisation.

Mr GAVAN (*Ireland*) – There is no doubt, as other speakers have alluded to, that Europe is in crisis today. We are witnessing a Fortress Europe, an unprecedented refugee and migrant crisis, and unfortunately

we are hearing the shrill voices of intolerance, dark voices from the past that we thought would never come back. To me, all that emphasises why the work of the Council of Europe is so important, now more than ever.

As a relatively new member of this Assembly, I must say I take great pride in and inspiration from the work carried out here: the tremendous work of Ms Fiala and the Migration Committee, the tremendous campaign against the detention of children and the debates on Palestine. We need greater publicity in our own parliaments about what happens here – we need to bring that back to our own parliaments – but we also need to reaffirm our core values, the European Court of Human Rights and the Social Charter.

We must also remember that, in the light of Brexit, this Chamber becomes more important again. For my country Ireland and our near neighbours Britain, this will be the European forum where we get to meet, discuss and make progress. I refer to the Irish peace process in particular because for years there were voices of exclusion telling us that Irish Republicans could not be spoken to. For years, that delayed the peace process. We now have a peace process embedded and a peaceful path to a united Ireland. That did not happen through exclusion.

I say to you all that the core values that we all must embrace here are the values of inclusion and dialogue. We need to be able to hold people to account, and we cannot do that if they are not in this Chamber. While we may disagree with each other or even dislike each other, we must always show respect. That respect must begin with remembering that this Council is always stronger when everybody is in it. My message is one of inclusion and dialogue; let us build a stronger future for the Council of Europe.

Mr ZINGERIS (*Lithuania*) – I will start with what I said yesterday about my mother's experience in the concentration camp. She is still alive. She is 97 years old, and she told me about her experiences before the Second World War and how Europe became ruled by Adolf Hitler and Josef Stalin. She always told me, "You should feel it; you should have a sixth sense for when they are coming to silence us." She told me about the elections in Germany in 1933 and the silence of Europe after the Molotov-Ribbentrop Pact and, of course, after a shameful agreement in Munich.

In this case, we face a huge problem of the radicalisation of Europe, so please tell me, colleagues: how will we behave when the applicants from all possible parties based on hatred make applications to be our members? How will we discuss with them our new realities? How will we implant our values in the consciousness of these new colleagues? We should organise ourselves, be on top of the new problem and learn from the terrible lessons of the Second World War. That was my message about priority number one, radicalisation. Who is on the side of stability in Europe and who is on the side of radicalisation and hatred?

In this case, I will mention that we now have a remembrance established in this Organisation. The people who were here in the 1990s from the mid-European countries after their revolutionary journeys are now in this fantastic Organisation under the name of the Council of Europe and the Parliamentary Assembly. I remember Miguel Ángel Martínez, who was from the opposite party from me, said a fantastic phrase: "We former leftists – even leftists from Latin America – congratulate you, centre and centre-right party guys from Polish Solidarność and the Lithuanian Sąjūdis, on standing for democracy." That was their vision, implemented in the abolition of capital punishment and the death penalty. I was Chairman of the Human Rights Committee when that was done successfully, in other countries that were prior applicants up to 1991. I encourage you to remember our fantastic success in building Europe, to defend our current house and to strengthen parliamentary democracies.

Mr KIRAL (*Ukraine*) – This is a very important debate and long overdue. I endorse what some of the speakers here have referred to: one of the key issues and principles that we must start with and secure is trust and confidence. We must be frank among ourselves, first of all – not lying to each other or manipulating information. That said, I reiterate that we have not excluded anybody from this body. The Russian Federation, as one of the member States, chose not to participate. That is an extremely important point, because I hear that in some groups there is still a debate about that.

As far as the Organisation is concerned, all organisations consist of two major elements. The first is the nature, core values and mission of the organisation; the other is the institutional capacity and whether the organisation is operating effectively as an institution, with the right bodies, the right procedures and so on and so forth. Is there a problem with the first element? I do not think so. I think what the founding fathers wanted this Organisation to be is still relevant. We still need to protect democracy, and I support Mr Kandelaki here; it is an internal process. We need the rule of law, including in my own country, and we need this Organisation to help us to build a proper judiciary and the rule of law, reform our prosecutors' office and so on and so forth. We need human rights. There is nothing wrong with that.

Where we have a problem is with the institution. The institutional capacity is not adequate for the current environment. The world has changed in 70 years, but how much have we changed? How much have our procedures and internal bureaucracy changed? Are the departments and units not overblown, a legacy from the times when everybody was happy and we had a lot of money?

Maybe we should start looking into that and stop following the destructors that distract our Organisation. We should stop following Russian policy, trying to get them back. It has already been four years, and we have made enough efforts to demonstrate our willingness for them to be part of this Organisation. It is enough. If they want to exclude themselves further – if they want to leave the Council of Europe – that is fine; we have a lot of other things to be getting on with. The institutions are not yet led by artificial intelligence, but by human beings. All of the leadership is present right here in front of us – Secretary General Jagland, for example. I would like all of you to join me in calling on Mr Jagland to present a reforms and contingency plan covering what we are going to do without Russian money next year, by 10 December, which is the next meeting of the Committee on Rules of Procedure, Immunities and Institutional Affairs, so that we can all discuss those plans.

The PRESIDENT* – Thank you, Mr Kiral. The Secretary General, Mr Jagland, would like to respond.

Mr JAGLAND (*Secretary General*) – I will respond to that right away. I have said in this Assembly and in the Committee of Ministers time and again that I will come forward with a new budget if the Russian Federation leaves the Council of Europe. I think it is pretty clear that that will happen and therefore I will inform the Committee of Ministers of my plans about how that will be done. I have said that time and again here.

I will also inform the Committee of Ministers about my view on Article 9 of the Statute, which states that if a member State fails to pay, the Committee of Ministers may apply Article 9, which would mean suspension of the representation rights. There is a rule – I also said this yesterday – that the Committee of Ministers established: if a member State fails to pay for two years, Article 9 applies. Two years will be in June next year. My view is that the Committee of Ministers not only may apply Article 9, it must apply Article 9, because it will be completely intolerable to have a member State that does not pay but is still here – that is half in, half out. That would be a catastrophe for the whole European Convention.

We should remember that the European Court of Human Rights was in a huge crisis 10 years ago because of an overload of applications. We carried out deep reforms of the Court and it is now on safe ground. We also deployed resources to member States to help them to reform legislation and judicial practices. We had the biggest representation and action plan ever in Kiev, in Georgia and in the Republic of Moldova, to help them to reform so that not so many applications were coming to the European Court of Human Rights. Only a few weeks ago, I signed a letter to President Poroshenko, who had asked us to provide experts to pick new judges, so that they could get a big loan from the International Monetary Fund. They would not get that loan without expertise to safeguard the process. We did that. We have taken action in many member States. We have mobilised €60 million in addition to the budget in assistance to many member States, where we now have bigger representations. The European Convention and the European Court is very strong today. As a result, it can also deal with the many applications that are coming from Turkey. It is the last resort for many of those who are in prison in Turkey today.

I reiterate once again what I have said here for two or three years. If it becomes clear that the Russian Federation is out, I will immediately present a budget based on the fact that we do not have that money. I will inform the Committee of Ministers about that on Friday.

The PRESIDENT – Thank you, Mr Secretary General. I give the floor to Mr Kiliç.

Mr KILIÇ (*Turkey*) – I had prepared a speech on this subject, but as the discussion has evolved and Mr Jagland has made some comments, I will not make my prepared speech. Instead, I ask myself whether we are doing enough to work against all kinds of racism, intolerance, xenophobia and hate speech in Europe. We have problems in Europe and problems here, but are we doing enough to address what is happening in our countries? We are the representatives of our people. We are elected, and our constituents expect certain things from us. They want to know what we are doing here. They want to know whether their ideas and voices are being heard, and whether their rights are being addressed.

Some of our friends mentioned displaced peoples. There are 3.5 million Syrian refugees in Turkey, the highest number of refugees in a single country in the world right now. We are dealing with that. I ask you to consider the issues we are discussing here. Are we addressing the right problems? Yes, we have a crisis in the Organisation, but should we not look into what we are doing and concentrate on the issues? Should

we not consider the overlapping use of our resources? We will be able to find a way out of particular crises, but what are we doing to address the real problem that is arising, which is that of the voices that are coming from the past? I like that phrase. This Organisation was founded so as not to hear those voices again. In Europe, unfortunately, voices raised against beliefs, against colour, against heritage or where somebody comes from, are being heard.

We believe living together, being together and being in dialogue is the right way forward. We have problems in this Organisation right now, but dialogue is the way out of them. Some of you will not like what I am saying, but we must address hate speech and intolerance and call it plainly what it is. It is not populism. It is racism. We do not want to have to relive the background to the founding of this Chamber again.

Mr OEHME (*Germany*) – In the 70 years of this Organisation's history, the Council of Europe has experienced many highs and lows, and in every crisis, solutions have been found. I am not trying to minimise the major tensions and the danger of further political pressure being brought to bear by one State or another, but I hope that it will be possible for the Council of Europe to overcome this serious situation.

I would like to air some thoughts about the Council of Europe's future. I hope that the report being prepared will mention the need for national delegations in the Parliamentary Assembly to be given official status, with certain rights – for example, the right to be consulted by committees of national parliaments. The time is ripe for finding solutions so that all member States can work constructively in all the bodies of the Council of Europe and fulfil their financial obligations. Yesterday's debate about credentials would have been a step in the right direction. Without the Russian Federation, there can be no security on the old continent and no common European future.

Britain's exit from the European Union will test that country's relationship with the Council of Europe and the OSCE, which were both formed at a completely different time, in different political circumstances. The Council of Europe should not have to live with a Statute designed for the period between 1949 and 1951. The Statute ignores completely major changes in the European architecture and progress in international parliamentarianism. It is, therefore, understandable and logical that Russian President Putin wants a new Helsinki agreement.

Leaving aside its contribution to democratic stability, the Council of Europe no longer has a political project. In the past, it played an important role as a forum that received and acted as an instrument of stabilisation for European countries outwith the institutions of Brussels and Strasbourg. However, leaving aside the special status of Kosovo, no country has joined since 2007. Furthermore, any enlargement of the European Union and any growth in the powers of Brussels have a direct effect on the Council of Europe and weaken its legitimacy.

In the future, European Union countries in the Council of Europe will form a two-thirds majority on its most important bodies, especially the Committee of Ministers, which is where all countries come together, and the monitoring process of the Council of Europe will grow in influence, but the States on which it focuses will reject it, and true co-operation of the 47 – the added value of Council of Europe membership for non-European Union countries – will be diminished.

The PRESIDENT* – Thank you, Mr Oehme. I now call the last speaker, Mr Whalen.

Mr WHALEN (*Canada, Observer*) – It is such an honour to appear in this Chamber as an observer. Of course, Canada respects all of our relationships with all the member States.

It is in that spirit of respect that I will make some observations about what is being referred to as the crisis. Of course, a crisis is also an opportunity. I was not in this Chamber at the time of the reunification of Germany and glasnost, perestroika and the dissolution of the Soviet Union, but I am sure that those who were here felt that that represented a crisis. A Chamber such as this exists to deal with the opportunities and crises that arise from time to time. That is the primary reason we are here – to discuss the important motions of the day.

There have been calls today for unity, as if unity is an important aspect of a democratic Chamber. I would argue that unity is not important for this Chamber. In fact, we want to hear dissenting voices. It is a sign of a healthy democratic institution where people disagree but ultimately are able to move forward with the decision made by democratically elected representatives in a democratic Chamber. We have experienced that today and in yesterday's debate. From Canada's perspective, a crisis that has arisen is being dealt with appropriately, with thoughtful, democratic debate in an open forum. In order to protect and

respect those values, an institution such as this needs to accept the consequences of exercising its liberty in accordance with its values.

We would like all people of Europe represented in this Chamber because their governments adhere to the values and principles of human rights and peace, with which we all agree. I include in that the Russian Federation and Belarus, should they adhere to the values. Some believe that a cynical or indirect solution to the crisis was proposed yesterday, and some have said that there is a better way; I am sure that this Organisation will be able to find that better way.

That is not the only challenge, however. During the three years that I have been attending as an observer with the Canadian delegation, we viewed as something of a crisis our initial inability to get the comprehensive economic and trade agreement, which is an important multilateral relationship between Canada and member States and the European Union. Of course, Brexit presents a crisis but also an opportunity to this Organisation. As the United Kingdom separates from the European Union, this Organisation will provide the principal opportunity to have dialogue and interface with British parliamentarians.

In conclusion, Canada should continue to observe what happens here and to share with this Organisation our commitment to peace and human rights not only in Europe but throughout the world.

The PRESIDENT* – Thank you, Mr Whalen.

The list of speakers has been exhausted. The Assembly is not called on to vote after the current affairs debate, but that has made it possible for an interesting exchange of views among members. The Bureau may propose that the matter be sent to the competent committee for report.

2. Private and family life: achieving equality regardless of sexual orientation

The PRESIDENT* – The next item of business this afternoon is the debate on the report titled “Private and family life: achieving equality regardless of sexual orientation”, Document 14620, presented by Mr Jonas Gunnarsson on behalf of the Committee on Equality and Non-Discrimination.

On Monday morning, it was decided to limit the speaking time to three minutes. I call Mr Gunnarsson, rapporteur. You have 13 minutes in total, which you may divide between presentation of the report and reply to the debate.

Before I give you the floor, Mr Gunnarsson, I would like to underscore that you are presenting your last report in plenary, because this is your last session at the Assembly. I congratulate you on the work you have done, thank you for your involvement in the service of our common values, and wish you all the best for the future.

I call Mr Ghiletschi on a point of order.

Mr GHILETSCHI (*Republic of Moldova*) – On a point of order, Madam President. In accordance with Rule 37.1, I ask for the report to be referred back to the committee. I believe that deeper reflection is needed on this very important topic. The hearings and conferences that took place were always one-sided, with the experts present supporting only one view concerning marriage.

Lord FOULKES (*United Kingdom*) – On a real point of order, Madam President.

The PRESIDENT – Let Mr Ghiletschi finish.

Mr GHILETSCHI (*Republic of Moldova*) – I want to move my proposal, in accordance with the Rules. I anticipate that one argument against my proposal will be that the resolution was unanimously adopted, but if I am not mistaken, Ms De Sutter’s report, which had also been unanimously adopted, was yesterday referred back to the committee. In accordance with Rule 37.1, I propose that the report be referred back to the committee.

The PRESIDENT* – I need to ask you, Mr Ghiletschi, if you want your proposal to refer the report back the committee to be submitted to a vote now or at the end of the debate. It is for you to decide.

Mr GHILETSCHI (*Republic of Moldova*) – I want to submit it to a vote now. If the Assembly decides otherwise, we will of course have a debate.

The PRESIDENT* – May I remind members of the procedure? The only members who can be heard are the author of the motion, somebody who speaks against it, and then the rapporteur or the chair of the committee. Given that Mr Ghilechi would like to have the vote now, that is how we will proceed. If the motion is carried, we will not have a debate today. That is the decision that the Assembly is called upon to take. Does anyone wish to speak against the motion?

Mr Mogens JENSEN (*Denmark*) – There is absolutely no reason whatever for sending the report back to the committee. It has been produced under the normal procedure for all resolutions and reports. Everyone has had the chance to put forward their proposals. We have produced a single proposal, so why should the report be referred back to the committee? It is crazy. This is a balanced, ordinary, good report that we can take a decision on today.

The PRESIDENT* – Thank you, Mr Jensen. Can I have the view of the committee on the proposal to refer the report back to the committee?

Ms KOVÁCS (*Serbia*) – The timetable for the report was agreed a long time ago. We had six committee meetings where we discussed the report. We had a conference in Copenhagen at the beginning of March this year. With six committee meetings, there was plenty of time for additional input and to add things. The procedure was normal from beginning to end. At the last committee meeting in Paris in September, we adopted the report unanimously.

The PRESIDENT* – The opinion is clear.

The Assembly will decide on a simple majority on the proposal to refer the report back to the committee. Those who want to send it back to the committee should vote yes. Those who would like to reject the proposal should vote no.

The vote is open.

The proposal is rejected.

We can now move on to the debate. I call Mr Gunnarsson.

Mr Jonas GUNNARSSON (*Sweden*) – Thank you, Madam President, for your kind words. It has been a privilege to work in this great Organisation for the past seven years. It has been very rewarding, and I wish all my colleagues as parliamentarians could have the opportunity.

I am very proud to be able to stand here in this Chamber today, as the issues at hand are at the core of this great Organisation's responsibilities. How societies treat LGBTI people has really become a litmus test for their overall ability to grant and protect fundamental rights. It is eight years since the Assembly last addressed these issues, with the Gross report. That report was crucial for this Organisation's ability to understand the importance of the questions we are now dealing with. Additionally, it set things in motion.

Since 2010, we in this Chamber have taken huge and important steps on the rights of LGBTI people through the work of the Committee on Equality and Non-Discrimination and its courageous members. This Chamber is a good reflection of the political situation across Europe. It is evident that the overwhelmingly positive shift that is going on in many member States is also seen in decisions and debates here. This, as well as the fact that the case law of the Court in matters like these has evolved greatly, shows that it is time for us through this resolution not only to politically confirm what has been going on, but also to be part of the change.

I know that many people – colleagues and citizens across Europe – have a hard time accepting this change and want to preserve how things were. I want to stress that this change – this shift from discrimination and oppression – is not dangerous. It is no threat to families or individuals. It really is as simple as recognising that people are different and that how they want to live their lives differs from person to person and from family to family. Recognising that will not take away rights from others; it will only strengthen our societies, as more will be able to live their lives in the manner they desire.

As we all know, safe and secure families are important for building societies that prosper. I am very grateful for the work and effort that the Danish chairmanship of the Committee of Ministers did on this matter. The conference organised by the chairmanship in Copenhagen in March this year gave an important opportunity to discuss these issues in a deeper way with politicians, scholars and experts, as well as with

NGOs and activists. All of us who were there with warmth in our hearts remember how the teenager Gabriel Santos from Spain bravely took the floor and spoke about his life growing up with two fathers. He gave us evidence of what we all already know: families, regardless of how they are constituted, foster strong, able and loving members of our societies through the guidance and love they give to children.

At the same conference where Gabriel spoke, our former colleague and current Minister for Children and Youth Affairs in Ireland, Katherine Zappone, stated: "When confronted with the stories, experiences and families of members of the LGBTI community, the Irish people were accepting, fair and just". That quote and the outcome of the referendum in Ireland say a lot about the mechanisms of the human mind and how we function as people. We need to confront our fears, prejudices and misconceptions instead of using them as tools for building societies that are not inclusive. When the Irish people did that, change was inevitable. We should applaud the Irish and all other nations doing the same thing.

Sometimes I hear that not so much energy and effort should be put into such issues as granting rights to LGBTI people, gender equality or the rights of minorities. I hear that these are fringe issues or that they push away more urgent and pressing things from our agenda. That stance is not only sad, but dangerous. Societies that are not inclusive and not accepting of difference and diversity will create groups who feel that they do not belong and who are legal prey for discrimination and even violence.

If you have read my explanatory memorandum, you will see that we are discussing issues that are close to people. It is about the right to visit and make decisions when one's partner or spouse is rushed to the hospital. It is about a child's right to its parents. It is about pension rights in case your partner or spouse dies. It is about having the right to stay living in the house you and your partner lived in for ages when you become a widow or widower. It is about all the things we as politicians have chosen to regulate when it comes to love and living together.

We should also remember that these issues concern many people. LGBTI people are everywhere. It is about your sons and daughters. It is about your colleagues. We are your parents or friends. LGBTI people are everywhere and have the right to be treated fairly, without discrimination and with respect and love. Anything else is just cruel and will only harm individuals, families and their children. We must all remember that, regardless of what we do here today or how we choose to regulate this issue in our respective countries, LGBTI people will still be around. They will love, will move in together and will move apart. Rainbow families will be formed and children will be born regardless of regulations.

I have tried as well as I can to describe what the report is all about, but of course I have not been able to cover everything in it, so I look forward to the debate and to answering questions. However, before I stop I want to say something. I have heard that people think the draft resolution, if adopted, will result in us demanding marriage equality. That is not the case, as will be clear if you read the report. However, I personally believe that marriage equality is the right way to go if you would like to create an inclusive society for all.

Thank you for having listened to me. I really look forward to hearing what you have to say.

The PRESIDENT – Thank you, Mr Gunnarsson. You have five minutes and 11 seconds remaining for the end of the debate.

In the debate I call first Mr Shehu.

Mr SHEHU (*Albania, Spokesperson for the Group of the European People's Party*)* – Dear colleagues, first I thank the authors and rapporteurs for having raised some problems that need to be confronted. I come from an ex-communist country and am against any type of discrimination. In 1991, in my parliament I requested that we abolish the paragraphs in our penal code that condemned homosexuals. Then I tabled an Albanian law against discrimination based on the criteria of the Council of Europe.

However, I do not agree with some of the interpretations and conclusions of the resolution, which are not compatible with some of our universal values, particularly that of the family, which is the pillar of our society. Family is sacred. It is made up of a man and a woman and, with God's blessing, children will come. That cannot be changed through law or decisions. The concept of family cannot be made simpler. Family is linked to our very existence as a species and a human society. The resolution talks about adoption by gay couples, but there are problems with that. The life of children must be compatible with the concept of family, so rules for adoption should take that into account.

I understand the good will of the majority of homosexual couples who want to adopt children, but some principles are indispensable and profound and need to be respected. I do not want to offend anyone, but things cannot operate in this way. A child should be able to call his parents mummy and daddy, as has been the case for thousands of years. Those are our values. They are at the very basis of our existence and culture, and they must be defended.

With regard to financial aspects such as inheritance, other laws can be established for homosexual couples, as for heterosexuals who are in partnerships, but they should not be mixed with the family code.

Because of all the contradictions, I shall vote against the resolution as I deem it inappropriate.

Ms GURMAI (*Hungary, Spokesperson for the Socialists, Democrats and Greens Group*) – We are here to discuss an important aspect of equality in our society, that of the rainbow families. Since 1989 and the first legal recognition of same-sex couples in Denmark we have seen immense developments in granting equal rights to same-gender couples. Today, 25 countries in our political community provide legal recognition to them, either through marriage or a civil union with a similar set of rights. As we started to tear down the wall of prejudice, more members of the LGBTI community came out of the closet and lived a life authentic to their identity. That new freedom translates into a higher number of rainbow families. Their existence proves to us every day that the most critical element of family life is love and compassion – nothing more.

As the Gunnarsson report rightly notes, however, our job is not finished yet. The legal developments in all those societies happened through intense debate, and no nation is safeguarded from the possibility that those developments could be turned back and taken away. One striking example of such an action is the new United States State Department visa policy for LGBT diplomats, under which it will require the marriage certificate of United Nations employees' spouses for visas to be approved. A talented diplomat from, say, Denmark can become a United Nations representative regardless of their sexual orientation. LGBT people may marry in Denmark, therefore enjoying full equality of the law with heterosexual couples. However, the same opportunity is not open to 22 countries of our Council of Europe. That is an unfortunate reality in 2018. LGBTQ citizens of those 22 countries will suffer the consequences of their sexual orientation in their careers. No matter how great they are in their professions, they will be denied the possibility of bringing their partners with them because marriage as a legal institution in their country is not open to them.

The case I have outlined is only one recent example of how our regulations can help or hinder many aspects of the lives of minorities. Inclusive and non-discriminatory policies benefit us all. They benefit the members of minorities by letting them be who they are, and they benefit society as a whole as we do not lose talent and dedication by closing doors on our own people. Therefore, I strongly support the Gunnarsson report and suggest that my fellow representatives make an effort to make a more inclusive European space for all of us, no matter what sexual orientation we have.

Mr EVANS (*United Kingdom, Spokesperson for the European Conservatives Group*) – I congratulate Jonas Gunnarsson on his excellent report, which I read today; it is absolutely fantastic.

The Council of Europe is a human rights body. We believe in equality, that we should not have hate or prejudice in our societies, and that we should respect all human beings and diversity. That is what the legislation in our countries should aim to do in employment, health, death, pensions, marriage, partnerships and adoptions. Equality is not an à la carte decision; you either believe in it or not. The simple rule of thumb should be one of non-discrimination. If heterosexual couples can do it, gay couples should be able to do it as well.

In the United Kingdom, we were on a long journey. It started with Tony Blair and civil partnerships, and then David Cameron took it up so that we could get married. We still have not finished; we still have a little way to go. I am a Christian but I cannot get married in the Church of England. It appears that I am a first-class gay but a second-class Christian; that cannot be right. There should not be discrimination in the church either. As Jonas said about the Irish referendum, sometimes politicians can be behind public opinion. People were surprised when Ireland voted 62% in favour of gay marriage. Australia is a macho country, yet it voted 61% in 2017 to have gay marriages. Three countries have gay leaders at the moment: Ireland, Luxembourg and Serbia. Belgium and Iceland recently had gay prime ministers. We have more gay members of parliament in the British Parliament than in any other parliament in the world. I am proud of that, and proud to be one of them.

The record of non-discrimination policies in the Council of Europe is a mixed bag, to say the least. The good thing to say about it is that the direction of travel is right, which is important because countries from all over the world look to our Organisation because they respect our values and beliefs. In a number of

countries throughout the world, especially in Africa and the Middle East, people do not respect diversity and equality, and the effects on individuals must never be underestimated. There, people are forced to live a lie, in misery, to live through rejection, to confront self-loathing, and to live in isolation and repression. Some even contemplate suicide.

For the first time in this Assembly, I will quote Judy Garland: "Somewhere over the rainbow, skies are blue, and the dreams that you dare to dream really do come true." We have an opportunity not to stand in the way of people's dreams but to make their dreams come true. Come with me and make sure that we act on what we say. We believe in equality and diversity for all, whether they are heterosexual or LGBTI.

(Sir Roger Gale, Vice-President of the Assembly, took the Chair in place of Ms Maury Pasquier.)

Ms STIENEN (*Netherlands, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – I compliment Mr Jonas Gunnarsson on this important report, which gives meaning to the idea of a modern family in 2018. As I read the report I thought of the opening scene of my all-time favourite movie "Love Actually", in which we see images of the arrival gate of Heathrow Airport and we hear a voiceover from Hugh Grant – this is probably also the first time he has been quoted in this Assembly – "Whenever I get gloomy with the state of the world, I think about the arrivals gate at Heathrow Airport. General opinion makes out that we live in a world of hatred and greed, but I don't see that. It seems to me that love is everywhere. Often it's not particularly dignified or newsworthy, but it's always there – fathers and sons, mothers and daughters, husbands and wives, boyfriends, girlfriends, old friends. When the planes hit the twin towers...none of the phone calls from the people on board were messages of hate or revenge – they were all messages of love. If you look for it, I've got a sneaky feeling you'll find that love actually is all around."

In this Assembly we say that we want to protect human rights, and one of those fundamental human rights is the right to respect for private and family life, as enshrined in Article 8 of the European Convention on Human Rights. In many member States, including the Netherlands, enormous progress has been made in eliminating laws that prevent greater equality for rainbow families. Many countries have also made progress on the social acceptance of rainbow families, but I would like to call them normal families, even though I like the rainbow metaphor.

My political party in the senate, the socially liberal D66, is looking forward to congratulating our leader Annelien Bredenoord and her wife, Ayla Schneiders, on the arrival of their child later this month. Our Deputy Prime Minister, Kajsa Ollongren, and her wife, Irene Van den Brekel, have two sons together. In 2018 they consider themselves to be normal families. They and many other same-gender couples know that they will be treated equally when they want to rent or buy a house, get health insurance or, in an emergency, access a hospital.

I reiterate that my group believes that all citizens of Council of Europe member States should be able to enjoy the same rights. We therefore urge the Assembly to vote in favour of this report.

Ms KAVVADIA (*Greece, Spokesperson for the Group of the Unified European Left*) – LGBTQI people are often vulnerable to prejudice and discrimination, so it is important that their families are protected and acknowledged by the law in order to minimise social scorn and to facilitate their acceptance and incorporation into society. Until recently, there were few, if any, targeted laws for the protection of rainbow families, but that does not mean that rainbow families did not exist. It meant only that such families went under the radar, making the most of what the general legislation had to offer. In that context, rainbow families have for years experienced problems and demands from the State.

The Greek State, under the Syriza government, has made a substantial effort in the past few years to advance the social and family rights of LGBTQI people by updating the relevant legislation to introduce civil partnerships between people of the same sex. The gender identity Bill has helped rainbow families and families with LGBTQI children or teenagers. Those Bills reflect the principles of the UEL.

Our group favours policies that will bring rainbow families and LGBTQI life partners out of the closet, making them visible to member States by acknowledging tax, inheritance, divorce and alimony rights, as they apply to all other couples. As these people and their rights become respected by the State, they will gain respect, pride and equality. In that context, a lot more needs to be done. First, parenting remains a challenge for LGBTQI couples in many member States, including my own. Secondly, refugee LGBTQI couples should enjoy the same privileges as straight couples. Complex issues become even more difficult in times of crisis, yet State laws and governments need to lead communities to tolerance and progress. We must sustain our efforts to advance family rights for all families and to advance the right of belonging – the right for all people to belong in a couple.

I congratulate Mr Gunnarsson on this important report.

The PRESIDENT – Thank you, Ms Kavvadia. We now move on to the general speakers' list.

Ms ÅBERG (*Sweden*) – I thank the rapporteur for his excellent and important report. I underline that I strongly disagree with Mr Shehu's opinions.

At a time when referendums on forbidding same-sex marriage are taking place in member States of the Council of Europe, it is of great importance to defend all people's equal human rights and their right to love and marry whom they desire, and to start a family with whom they want. The question of rainbow families' rights is a question of justice. No human being or family should be discriminated against due to their sexual orientation.

It is disheartening that so many countries lack policies that cater for all types of family. It is the state's duty to help people to live a dignified life and to organise their families after their own preferences, regardless of their sexual orientation. It is reprehensible when colleagues in the Council of Europe refer to religion or tradition to deny LGBT people their fundamental rights.

Changing public opinion takes time and needs great effort from us politicians. It is our duty to promote equality and inclusion. We should be on the frontline to defend human rights and combat prejudice and hate. Some may think that is easy for a Swedish politician to say. Well, Sweden has come a long way on the rights of rainbow families and LGBT people, but a lot remains to be done. Too many young LGBT people of immigrant origin are subject to violence and oppression because their relatives want to maintain what they consider to be their honour.

As this is Mr Gunnarsson's last debate in this Assembly, I thank him for his unremitting struggle for human rights, for his collegiality and for his co-operation beyond party divisions and country borders.

Mr TORNARE (*Switzerland*)* – We have heard that rainbow families exist everywhere in Europe. Are they to be condemned to live in shame or should they live in dignity? Who is bothered if someone is allowed to live in dignity? I sometimes get the impression that, in our societies, people are more bothered by love than by war.

As the rapporteur said, there has been progress, but it has been slow. There are still disparities, which is worrisome. Our German colleague told us that he regrets that we do not have more European projects, but all member States moving together without exception would be a strength for Europe and would be brilliant.

We talked this morning about the founding fathers. The strength of Europe is respecting differences. Why should those differences bother us? The report says that case law coming from the European Court of Human Rights is not yet perfect, but that it has evolved in the right direction. Europe should speak with one voice and avoid legislative backsliding. Parenthetically, we saw what happened in Romania on homosexual marriage. It was not a pretty picture. We need to put in a place a stable legal framework and enjoin member States to vote in the right laws everywhere without exception.

Our rapporteur gave examples of improvements for rainbow families in respect of medical care, property inheritance and so on – I will not give the whole inventory – but there is progress. I have one example to give that pleases me very much as a Swiss citizen. Some 20 years ago, the Swiss people voted in a referendum on the criminal code to punish any public expression of anti-Semitism or other forms of discrimination. Just a few weeks ago, both Chambers of the Swiss Parliament added homophobia to the list. Homophobic statements in the media or in public places can result in imprisonment of as much as three years and a fine of 50 000 Euros.

I will close with a tribute to our rapporteur. As the Vice-Chair of the Committee on Equality and Non-Discrimination, I very much regret that he is leaving the Committee, of which he was a pillar. He embodies everything that is best about human rights in Scandinavia.

Ms CHRISTOFFERSEN (*Norway*) – Last month, I received an email: "We are writing to you in your capacity as a delegate to the Parliamentary Assembly of the Council of Europe. During the forthcoming Parliamentary Assembly session, the Assembly will debate a resolution by Mr Jonas Gunnarsson titled 'Private and family life: achieving equality regardless of sexual orientation'. The importance of this subject was underlined in a conference on this topic organised by the PACE Equality and Non-Discrimination

Committee and the Danish authorities in Copenhagen in March. As the presentations at this conference showed, in Europe discrimination in this field can have serious consequences for millions of lesbian, gay, and bisexual people in same-sex partnerships, and their children. Mr Gunnarsson's resolution will be the first by the Council of Europe, or indeed by any international human rights body, to address this subject in such depth. It is therefore of the greatest significance to Europe's LGBTI community. Regrettably, it is likely to be met with intense and well organised opposition that will seek to weaken or even nullify its recommendations. We would be very grateful if you could make every effort to be present for the debate and support Mr Gunnarsson's resolution."

I am more than willing to support the draft resolution in the report. It is my pleasure as well as my duty as a member of this Assembly. Three important points in that email deserve to be highlighted. First, even in our member States, commitment to the Convention of Human Rights and equality in private and family life regardless of sexual orientation is not guaranteed. Discrimination against rainbow families is widespread, ruining the quality of life for both adults and children.

Secondly, I am proud that the Council of Europe is in front, and that it is the first international human rights body to address this subject. Thirdly, I hope the person who sent the email is wrong for the longest possible time in anticipating an intense and well-organised opposition in this Assembly against obvious human rights.

Progress has been made towards greater equality for rainbow families but, as Mr Gunnarsson shows in his report, more efforts are required. Let us take yet another step forward by supporting the report and by underlining the principle of non-discrimination in all aspects of life.

Ms ENGBLOM (*Sweden*) – For what reason does one take up politics in the first place? My own story is short and simple. I became angry and fed up with politicians spending hard-earned taxpayers' money on various inexplicable projects and bureaucracy, and taking decisions way over the heads of citizens. I wanted personal freedom for myself and others to form our lives around our dreams and abilities. If you can't beat them, join them, and here I am – that is an old and well-known strategy.

Why on earth do I share that with you and what does it have to do with this report? It has everything to do with the report. The report is essentially all about why I joined politics. It is about the individual's right to live their own life and fulfil their dreams, and their freedom to fall in love with whomever, and to form a family and be treated and respected just like any other citizen, regardless of whether they are European, Asian, African or anything else; regardless of whether they are Catholic, Jewish, Buddhist or Muslim; and regardless of whether they are a man, a woman, transgender, heterosexual, homosexual or bisexual.

The rainbow families in my circle consist of both close friends and family members. They are people who have the same dreams – the same longing for love and family life – as anyone in this distinguished Hemicycle. Women live with women and men live with men. They get married and bring up children. The children of rainbow families are just as loved and cared for as any other children – maybe even more. They should not be met with prejudice. Children are not born biased. It warmed my heart to hear the interaction between two four-year-olds on my kids' first day in kindergarten. One said: "How cool! You have two mums. Lucky you! Double the fika!" If colleagues do not know about the wonderful Swedish tradition of fika, I will be happy to tell them.

From my point of view, and from the point view of my party and my country, the draft resolution should be self-evident. The report is about fundamental human rights, equal rights and individual freedom. It is about the very foundation of this distinguished Assembly, as Mr Evans said.

Thank you Jonas, and thanks to Ms Kovács and the Committee on Equality and Non-Discrimination, for a very important report. I encourage colleagues to honour it.

Ms ÆVARSDÓTTIR (*Iceland*) – First, I congratulate Jonas on his excellent and historic report. It is great to be debating it here in the Chamber today.

A few decades ago, homosexuality was considered a mental illness and defined as such in medical handbooks. Just as we have moved on from that ludicrous approach, so have we, by and large, moved on from punishing and imprisoning people for who they love – with a few horrible exceptions, I am afraid, in the Council of Europe. Just as we moved on from these discriminatory practices, so will we move on from outdated and discriminatory views such as those expressed by the representative of the EPP, who harbours some misunderstandings about human biology and love that I believe we can work together to rectify. Our colleague said that family is sacred. What I say in return is that, yes, family is sacred, but family is also who

we choose, and our choice of our family should also be sacred. I believe that this will become a common truth before we know it.

However, this progress will not come for free and it will not come easily. In my home country, Iceland, it was tireless campaigning and outreach, and endless conversations with many, many stakeholders, that resulted in public opinion shifting so that it went from being overwhelmingly negative towards LGBTI people to being overwhelmingly positive, in just a few decades. Among other things, this resulted in our country not too long ago, in 2009, appointing the first openly gay prime minister – Ms Jóhanna Sigurðardóttir. But yet again I remind you that this progress is not certain. It is not permanent unless we keep moving the line forward, just as this report does, and we always remain vigilant against backlash – a danger that all progressive movements face. We also see this happening, right now, with regard to women's rights.

I believe that all of us here believe that every person has the right to pursuit of happiness and to love whomever they wish to love – as long as that is also the case in reverse. Only ignorance and fear stand in the way of all our colleagues here accepting this as a fact and as a given right with regard to LGBTI families. I also strongly believe that this report is a step in the direction of informing people that rainbow families are just like any other families and deserve the same rights and the same recognitions as everyone else.

Yet again, I congratulate Jonas on his great report. I thank him for putting all this work in and for a great and excellent collaboration in this Assembly.

Ms RODRÍGUEZ HERNÁNDEZ (*Spain*)* – I thank the rapporteur for this report. We often say that reports are unnecessary, but there are countries represented in the Council of Europe where people are perceived according to their sexual orientation and the rights of LGBTIs are not respected. The Rainbow Index says that rights need to be protected 100%. Eight countries are represented at the Council of Europe whose percentage is below 20%, and three countries whose percentage is lower than 10%. This is an objective justification for supporting the *raison d'être* of this report. We have recently seen different persecutions of LGBTIs in certain countries that are represented here in the Council of Europe. It is incredible that we should have to continue to debate this, because defending human rights means defending people independently of who they love, with whom they go to bed, or with whom they decide to live their lives.

With regard to rainbow families – I am not sure about the adjective, “rainbow” – people who do not believe in equalities say that they are not families. There are all types of families. Who is going to tell us how our families are going to have to be? Families are very important. Love and respect are the essences, and not the sexual orientation of people belonging to these families. Equality means defending the rights of the whole family. Negating an obvious reality does not mean that that reality will disappear. Society constantly gives us examples and lessons as to how we advance, and prejudices make us lag behind. We are working for the rights of people. When you meet somebody, you do not ask them who they love – who they sleep with – in order to say whether they are doing good or wrong. We want to create greater equality, but we have to understand the *raison d'être* of the Council of Europe, which is to defend the rights of all of us, and above all to defend individual freedoms. I do not have the power to tell anyone of you what you should do about your private life; it does not define you. The excess of labels means that our society becomes inward-looking and we are losing the very soul of things. We are persons independently of whom we decide to share our lives with. I believe in different models of family. It is much broader and goes beyond what many people still believe, unfortunately.

Mr MULLEN (*Ireland*) – I am sorry to have to break with the apparent near-consensus in this Chamber this afternoon, because listening to the debate, I see everywhere evidence of a false dichotomy. It appears to be the case now that you are either in favour of every single thing, including same-sex marriage and same-sex adoption, or you are homophobic and against gay people's right to a private life, to respect for their personal situation, and indeed to respect for their family life. That is both illogical and unfair. It is evidence of a new intolerance, and it operates from a very weak evidence base. It actually shows a lack of respect for diversity, because there are lots of sophisticated, intelligent, compassionate and kind people on both sides of this argument.

I heard my friend Nigel Evans, for whom I have the highest regard, say today that he even thinks that churches must bend to the new orthodoxy. I have to say that I disagree with him profoundly on what he said in this debate. He mentioned the Irish referendum. I would like to tell you something about the 38% of people who voted against the new definition of marriage in 2015. They were not homophobic people. They were people who believe that marriage as it has always been understood serves a particular social purpose, and that there is something about the complementarity of men and women that deserves particular support as the basis of a family foundation. That was not to say that they wanted to put every other family through the

social services system or to deny the fact that there are many other de facto family situations where children and adults need to be respected and protected, but it was to say that children are, all things considered, best being brought up by a father and a mother, and ideally their own genetic father and mother.

Everything I hear today suggests that such views are the product of ignorance and fear, and other such patronising terminology. I have to tell you, colleagues, that that is no way to promote the respectful exchange of ideas, the absence of which so many of us lament in the United States at the moment. We have to wake up the fact that, if you are going to promote human rights, democracy and the rule of law, you cannot be looking down your nose at countries who want to promote the democratic human right of their people, when consulted, to decide how they wish to define marriage. I will support you when you invoke the European Court's jurisprudence to say that there must be recognition of same-sex relationships, but the European Court has held that it is not the case that there is a right to same-sex marriage.

There is a margin of appreciation. Are you not, in effect, disregarding and disrespecting the legitimacy of the European Court of Human Rights when you say, "Oh yes, there is margin of appreciation on the one hand, but on the other hand, we're going to use all our other institutions to criticise any country that interprets that margin of appreciation in the traditional fashion"? I have to reject this report and think that we have an awful lot more thinking to do if we are going to attain genuine diversity and a respectful debate.

Mr McGINN (*United Kingdom*) – I think we are all acutely aware in this forum of the difficulty of life for many LGBT people who face not only discrimination, but in some countries, threats of and actual violence and criminalisation. It is the duty of this body and its members to highlight and challenge countries who continue to deny LGBT rights and those who seek to regress rights that have been hard-won over many years. I fail to see how we cannot robustly challenge those who ascribe what is and is not "normal" to relationships. Who do they think they are? Where do they get the authority to tell people in a loving, stable relationship of the same sex that they are somehow abnormal or less than equal? I do not come here to Strasbourg as a proud member of this institution to stay silent on those issues and to tolerate that level of ignorance and bigotry.

As an Irish-born, British Member of Parliament, I am incredibly proud that Ireland and the United Kingdom have led the way on LGBT rights and ensuring equality for LGBT families, but one stain remains on that record: the continued denial of marriage equality to people in Northern Ireland. In Scotland, Wales and England, same-sex couples can be married. They can too in the rest of Ireland, but not in Northern Ireland. This is an anomaly, and it is wrong. The irony is not lost on those of us who hear our Prime Minister talk about ruling out any border in the Irish Sea when it comes to the United Kingdom leaving the European Union while also being prepared to erect what is a pretty thick border when it comes to human rights in Northern Ireland, vis-à-vis the rest of the United Kingdom and Great Britain.

I have introduced a Bill to the British House of Commons that would see this anomaly end. It has the support of the overwhelming majority of people in Northern Ireland and the majority of the political parties there, too. It has received unanimous support from across the House of Commons. I will continue to put my Bill forward and to use any opportunity I can to raise this fundamental issue of human rights, because if we demand that other countries treat LGBT citizens equally, we must do so ourselves. Fundamentally, this is not about being gay or even about being married; it is about people being equal.

Mr GHILETCHI (*Republic of Moldova*) – Mr Gunnarsson, in the last eight years, we have crossed swords many times in this Assembly. We have agreed a few times – for example, on the amendment today. In most cases we disagreed, but I hope that we disagreed well. Since it is your last report in the Assembly, I thank you for your commitment and hard work and wish you well in your future career.

I think we all agree that Article 8 of the European Convention on Human Rights protects families, and that includes marriage and parental rights over children. At the same time, the European Court of Human Rights considers the definition of marriage and associated rights a matter of state legislation within their margin of appreciation. According to the case *Hämäläinen v. Finland*, member States retain the legal prerogative to define marriage and legislate accordingly. In the case *Oliari and Others v. Italy*, the Strasbourg Court clarified that member States need not institute same-sex marriage. Although the report draws attention to this case law, the draft resolution goes beyond the Strasbourg Court's scope of interpretation of Article 8. Indeed, the draft resolution calls on member States to take many actions, all of which are aimed at accepting same-sex marriage across member States. In doing so, it undercuts member States' competence to regulate in these areas and goes beyond the rulings in the cases that I mentioned.

Paragraphs 4.1 and 4.2 also undermine member States' important deliberative legislative processes by asking them to refrain from any legal action to impede the normalisation of same-sex marriage. When we

have referendums – Mr Tornare mentioned the referendum in Romania – people criticise one referendum that they do not like but then support other referendums in other countries. We need to be respectful of one another and of this democratic instrument that we have in our member States. I believe that the Parliamentary Assembly should encourage strong, deliberative democratic procedures in each member State regarding the regulation of marriage and family. This rightfully falls within member States' own competence.

As I said at the beginning, I respect the opinions of Mr Gunnarsson and others here, but I believe that this is a one-sided report. It oversteps the limits established by case law and by the Convention. Because of that, I call on Assembly members to reject the report and in so doing, to respect the legal boundaries in interpreting Article 8 and recognising the concept of marriage and associated rights as set by the Convention and the European Court of Human Rights.

The PRESIDENT – Is Mr Xuclà here? I cannot see him in his seat. He is not, in which case, I call Violeta Tomić from Slovenia.

Ms Violeta TOMIČ (*Slovenia*) – When we talk of rainbow families, it sounds like some kind of fairy tale, but the real life of LGBT people is far from that, as today's debate shows. Homosexuality was decriminalised in Slovenia in early 1977 as the first of the former Yugoslav Republics. After 1991, independent Slovenia adopted several legal provisions for protection against discrimination on the grounds of sexual orientation. Slovenia has one of the most wide-ranging anti-discrimination laws. Discrimination on the basis of sexual orientation is banned in a variety of fields, including employment, education, housing, the provision of goods and services, personal data protection and so on.

The civil struggle for recognition of same-sex relations was started in the 1990s by NGOs. The 2016 Civil Union Act was adopted, granting equal marital rights to same sex couples, except the right to mutual adoption of children and the right for medically assisted artificial insemination for lesbian women. The legislative initiative for the Civil Union Act came from my parliamentary party, The Left. However, the biggest problems are weak implementation of the law, under-reported discrimination, hate speech, homophobic media and public discourse.

Although Slovenia provides a solid legal framework for protection against discrimination and is obliged to follow European Union and international human rights standards, there is a huge lack of implementation of the laws. The reason is citizens' distrust of the legal system and the state of law, and LGBT victims' fear of negative consequences if they report violations and discrimination. The victims remain silent, do not report their cases and do not stand up for their rights. Public opinion towards LGBT minorities is divided between the attitudes in the more open and inclusive capital city and the much less inclusive, and even hostile, attitudes in rural parts of the country. Also, because of the large impact of the Slovenian Roman Catholic Church on state politics – and right-wing parties – the human rights of LGBT people and other minorities are constantly under attack.

We have recently witnessed several violations of the human rights, dignity and integrity of LGBT citizens and communities, including politically active individuals and MPs, the aim being to humiliate them and discredit their political parties. Initiating intolerance and spreading public hate speech are prohibited under the law, but the authorities take practically no action when they happen. That is why I fully support the resolution.

Ms BLONDIN (*France*)* – I echo the praise for the work and commitment shown in defence of people's rights, and I wish Jonas every success for the future. His final report recalls the obligation on member States to safeguard respect for private life under Article 8, which applies to all groups, whatever their sexual orientation, and the jurisprudence of the European Court of Human Rights, which recognises the existence of family life in a homosexual couple.

Listening to some colleagues' comments, however, I thought that I was living through the fraught debates in France in 2012-2013 on marriage for all. There were major demonstrations and clashes, and we were told that society would fall apart, but it never happened. It never created much upheaval. There are still difficulties and discrimination out there, however, and homosexual couples do not necessarily get the same safeguards during the hazards of life, such as death or illness – I will not go through all the examples in your report, Mr Gunnarsson. We must safeguard this equality of rights.

Parenthood is a crucial point. As we discuss whether homosexual couples are fit to bring children up, many children are already growing up with same-sex parents, and it is necessary to provide them with the same legal protection enjoyed by other children. The absence of such protection, rather than having LGBTI

parents, is what poses a risk to their future. Legal recognition of the second parent allows that parent to continue to care for the child if the biological parent dies.

With the growth in populism and hate speech against homosexual couples – in some countries, they are accused of trying to spread homosexuality as a means of limiting the birth rate and encouraging immigration and of trying to pervert our young people – we must ensure freedom for all these families.

Ms ESTRELA (*Portugal*)* – I congratulate the rapporteur, Jonas Gunnarsson, on the quality of his report on such an important subject. There are couples of the same sex and rainbow families right across the world. Since 1989, when Denmark gave legal recognition to homosexual couples, in the form of registered partnerships, and since 2001, when the Netherlands allowed couples of the same sex to marry, much progress has been made. Some 27 member States now provide some form of legal recognition to homosexual partnerships. I am proud to be a member of a party – the Portuguese Socialist Party – whose government adopted a law recognising homosexual marriage and allowed for co-adoption by same-sex couples. This is tremendous progress for our civilisation.

On the other hand, there are other member States that deprive these families of their rights on the grounds of sexual orientation. While countries such as Portugal have taken significant measures to guarantee the rights of homosexual couples, in others we have seen backsliding. In 2012, Hungary limited marriage to heterosexual couple, while in the Russian Federation a law was recently enacted prohibiting so-called homosexual propaganda. Such discrimination and prohibitions against the LGBTI community contravene the European Convention on Human Rights. I regret that today, in democratic and civilised countries, there are still governments that have done nothing to eliminate this prejudice and which even allow discrimination and hate speech against the LGBTI community. Member States must eliminate this discrimination and ensure equality in private and family life. It is a basic human right.

Mr BATRINCEA (*Republic of Moldova*)* – In the last few decades, the Council of Europe has passed a series of resolutions promoting the rights of sexual minorities, from transgender people to intersex people, but that is not enough for the authors of today's resolution.

We can observe the progress of events. In the beginning, the Council of Europe promoted a decision to make it easier to remove a child from their family. It was provided that the interests of the child should prevail over the organic rights of their biological parents, even though a child cannot always take a decision in their own interests. The next step was a resolution asking the 47 member States to promote the registration of single-sex marriages and recognise their right to adopt. In the Republic of Moldova, the constitution states that marriage is a union between a man and a woman. The authors of the resolution, referring to a ruling by the ECHR, are saying that our constitution has to be changed, but the Court never said that, in order to protect a minority, you can ride roughshod over the sovereign right of a country to determine its own constitution. It is surely a basic right of a country to define its own constitution.

The World Congress of Families met recently in the Republic of Moldova. These are the values of our constitution, but now the Council of Europe says we must turn away from our constitution. The authors of the resolution refer several times to the ECHR and say that member States should bring their constitutions into line with the rights of sexual minorities and refrain from adopting changes to their constitutions or legislation that would prevent the recognition of same-sex marriage.

We think this is a very one-sided report. You cannot expect 47 countries to all do the same thing. That is putting them in a difficult situation. We think it is time to stop this orchestrated attack on the institution of the traditional family. Many countries are fighting for democracy; many people who do that have been born in love to a man and a woman and been brought up in that way, and they are fighting for democracy throughout the world. We think the institution of the family also needs to be protected. We can see the demographic situation now in Europe and see that for every two adults there is now only one child. That is what the statistics are telling us. We think we need to call a halt to this, because otherwise, in 50 years' time, Europe will just disappear. If there are no Europeans left, then maybe Europe will even be called something different, because there will be other rules, other principles and a completely different approach.

The PRESIDENT – I do not want to labour this point, Mr Batrincea, but Madam President has indicated that she will not call speakers unless they are sitting in their own seats. I am not quite so fierce, but it makes life easier for the President or the person in the Chair if you are in the right seat. We nearly did not call you.

I now call Ms Gorrotxategui.

Ms GORROTXATEGUI (*Spain*)* – Throughout this debate we can say there has been some common ground. We more or less all agree that sexual freedom is a consequence of the recognition of human rights. In other words, people have the faculty for self-determination, sexually speaking, which includes the possibility of living according to our sexual orientation and gender identity. But freedom is not freedom unless it is accompanied by the recognition of rights, and in this case, if one does not recognise the right to sexual equality, the recognition of liberty otherwise would be hypocritical if it cannot be expressed in rights to sexual equality. That means one cannot discriminate against persons on the grounds of their sexual orientation.

There is still much work to be done in order genuinely to achieve this sexual equality, but this report is an important step toward achieving it – in other words, toward recognising that the person to whom we address ourselves does not determine our place in this world, our rights or our security. Mr Jonas Gunnarsson, I thank you infinitely for your report and I am sure it will pass.

Mr Mogens JENSEN (*Denmark*) – I also thank Jonas Gunnarsson for the excellent work he has put into this important report. It follows in the historic footsteps of other reports emphasising the core value of the Council of Europe and of this Assembly: that no person should be discriminated against because of their sexual orientation. The right to, and the respect of, private and family life is a fundamental right enshrined in Article 8 of the European Convention on Human Rights. The right is of equal importance in everyone's lives, yet we know that progress toward achieving equality regardless of sexual orientation has often been slower in this field than in other areas.

With this report, we can and should urge governments in Europe to take further steps toward equality regardless of sexual orientation. That is indeed necessary, because we still see in a number of European countries that the intolerance existing within societies toward people's sexual orientation or gender identity is being actively misused by governments and authorities as a justification for discriminatory treatment and to legitimise violations of human rights. With this report and resolution we can urge member States to work clearly and directly to combat the prejudice that enables discrimination to persist, in order to fulfil the government's responsibilities to protect and promote human rights and eliminate discrimination on all grounds, including sexual orientation or gender identity.

As Mr Jonas Gunnarsson has rightly said, this report is not about abstract, theoretical debates. It is about real human beings of flesh and blood: LGBTI partners and parents and their children, whose lives are harmed every day by the failure of societies and laws to provide adequately for their needs. It is therefore crucial to continue working at national level to ensure that rainbow families benefit from the protection they need to guarantee their wellbeing in daily life, because the reality is that throughout Europe many children are growing up in rainbow families and they need their relationships with their parents to be recognised and protected by law, as all other children's are. This report and resolution bring us further toward that goal. I thank Jonas Gunnarsson for the hard work he has done on human rights here in our Assembly, especially in the field of defending and protecting the human rights of LGBTI people. Thank you, Jonas.

Mr DE BRUYN (*Belgium*) – Dear colleagues, as your general rapporteur on the rights of LGBTI people, I would like to congratulate Jonas Gunnarsson on his outstanding report, which is well balanced and focuses on the essence of our commitments. As Members of Parliaments from the 47 member States of the Council of Europe, we all support the idea of promoting and protecting equality in our societies, but when it comes to implementing this in our own countries, we must admit there remains a gap between the political idea of equality and the daily praxis.

At the high-level conference on private and family life for LGBTI people, organised by the former Danish chairmanship, the Danish Parliament and our Assembly in Copenhagen in March, many speakers and panellists illustrated how different the approach towards rainbow families is within our Europe. Although the right to respect for private and family life is enshrined in Article 8 of the European Convention on Human Rights, over the past decade we have witnessed a standstill in many countries in achieving equality regardless of sexual orientation.

There are not only differences in the legal recognition of same-sex partnerships, but also differences in the access to substantive rights that are taken for granted most of the time by different-sex couples. For example, Mr Jonas Gunnarsson rightly refers in his report to some very basic rights: being able to visit one's partner in emergency or not losing one's home when one's partner dies. This kind of inequality is still a reality in the daily lives of many same-sex couples in Europe. Quite a substantial part of the report and the resolution deals with the situation of rainbow families with children. We should be aware at all times that many children are growing up in rainbow families and that they need and deserve their relationship with their

parents to be formally recognised and adequately protected. This fundamental right is crucial for all families, regardless of the sexual orientation, gender identity or sex characteristics of the parents.

I refer at this stage to our hearing held in Paris in June, where we looked at the situation of children in rainbow families from a scientific rather than a political angle and came to the conclusion that recent Finnish research on the wellbeing and experiences of children in rainbow families is fully in line with many other studies carried out in the past decades, consistently showing that it is not same-sex parents that harm children in these families, but societies that do not accept diversity.

For all these and many other reasons, I sincerely hope this resolution will be adopted by a large majority, as it deals with the very essence of the values of the Council of Europe in appealing to all member States to protect and promote the human rights of all their citizens and to eliminate discrimination on all grounds, including sexual orientation.

Ms GALVEZ (*Canada, Observer*)* – I thank Mr Jonas Gunnarsson for the report. We humans all have the same rights; discrimination is not allowed. The Universal Declaration of Human Rights expresses that position and promotes universal respect for the observance of human rights and fundamental freedoms, and underlines the importance of equality for all. The declaration encourages individuals and societies to strive through education to promote respect for the rights and freedoms.

Among the rights guaranteed by the declaration is the right to marry and to start a family. In Canada, our human rights laws reflect the principles of the declaration. The Canadian charter of rights and freedoms provides that every Canadian is equal before the law, without discrimination based on identity factors such as race or gender. In 1995, the Supreme Court of Canada concluded that discrimination on the basis of sexual orientation is in violation of that charter. The following year, the Canadian Human Rights Act was amended to protect Canadians from discrimination on the basis of sexual orientation. Denying the extension of employment benefits to same-sex partners that would otherwise be extended to opposite-sex or common-law partners is discriminatory. The courts have decided that to deny same-sex couples access to marriage is in violation of the charter and of Canadians' rights to equality without discrimination. Canada's Civil Marriage Act 2005 guarantees equal access to marriage for civil purposes, to both opposite-sex and same-sex couples.

Like many of your countries, Canada has made great strides over the years towards protecting the rights of same-sex couples and their families. Implementing further changes around the world and encouraging acceptance of those changes in our populations is possible through education. Indeed, through education, we can help people to understand each other, we can promote the importance of human rights and fundamental freedoms, and we can take steps to achieve equal rights for all.

Ms RAUCH (*France*)* – In Strasbourg, the 2018 weeks of equality are currently taking place, which are subtitled, "To discriminate is to destroy – let's learn to live together". With that in mind, I congratulate our colleague, Mr Gunnarsson, on his excellent and very important report. I am very happy that our Assembly included it on its agenda today.

The report allows our Assembly to look again at matters of discrimination on all grounds, including sexual orientation. That subject was last tackled in 2010. Fortunately, important progress has been made in member States over the last eight years, but the report allows us to take stock of the situation in each country, as well as to examine the evolution of European Court of Human Rights case law.

The legal recognition of same-sex partnerships continues to move forward, with 16 out of 47 member States now recognising same-sex marriage. France was mentioned. There were large demonstrations in France in 2013, challenging the introduction of marriage for all. On 17 May 2013, with the introduction of the law for marriage for all, France became the ninth European and the 14th country in the world to allow same-sex marriage. That law provides new rights for marriage. Five years later, about 7 000 gay and lesbian marriages take place every year, but there are few adoptions. Adoption procedures are complicated in France, and even more so abroad. Priority is given to couples with a father and a mother, which means that some associations are demanding anonymity in adoption files.

We should condemn the fact that there are still many instances of homophobia in our country. A 2018 report from SOS Homophobie notes that after several years of falling numbers, physical attacks are on the increase again, as are the number of reports of anti-LGBT acts. That is despite the fact that France's national ethics committee is favourable towards fertility treatment for all women, including lesbian couples or singles. I hope that we will not revisit the violent debates we experienced in 2013.

I thank our colleague for his excellent report, which allows us to put the rights of LGBT persons and the discriminations they have to face back on the agenda. Those rights have evolved over 20 years, but there remain divergences in member States, notably on same-sex marriage or adoption. It is increasingly clear that a law is not enough. There are all sorts of discrimination on a daily basis. We should never stop talking about equality and combating discrimination and making sure that young people everywhere are made aware, so that rights and protections can be harmonised throughout Europe.

Ms BARDELL (*United Kingdom*) – My sexuality was “a source of deep anxiety that I couldn’t understand or comprehend for many years. I persistently and doggedly rejected who I was for a long time and whilst I can reflect now on how happy and content I am, the anxiety I suffered for many years does have occasion to creep in when I least expect it.”

I wrote those words about 18 months ago about my own experience with mental health and coming out. Today is World Mental Health Day, and tomorrow is National Coming Out Day. Mr Gunnarsson’s report comes at a very timely moment in our calendar. I cannot tell him or the Assembly what it means to me and to others in the LGBTI community to see such a comprehensive analysis and assessment of the very real challenges that still face LGBTI people across member States. Even in Scotland and the United Kingdom, where we have equal marriage and our rights are by and large protected, there are still challenges.

It fills me with deep sadness to hear members be so offensive. Mr Shehu said at the start of the debate that he did not want to cause offence to anyone. He has caused me deep offence and I am certain that he will have caused deep offence to other LGBTI members in this Chamber, and those who are watching. The world is watching, because this is a democracy and human rights Organisation to which we are all signed-up members, and we absolutely must remember that when we come to this Chamber and when we vote on the report this evening. The values that we hold so dear across all of our member States could not be better encapsulated than they are in this report.

There are those who are scared of the threat to marriage and to family life. I hope to have a family at some point in the future. I hope to have children with my girlfriend. I do not understand what would make me any less able to be a good parent than somebody who is heterosexual.

I grew up in a single parent family. I have never met my father. That has not held me back in life and there is no research or proof that children from rainbow families are anything but healthy and happy. As another member said, it is society that holds them back.

I am sorry that Jonas will not be here to produce further reports; this report is so welcome. It means a great deal to me and to people across the LGBTI community. I hope that everybody will support it this evening.

The PRESIDENT – That concludes the list of speakers.

Mr Gunnarsson, you have five minutes to reply to the debate. The floor is yours.

Mr Jonas GUNNARSSON (*Sweden*) – I am overwhelmed by all the thanks that have been sent my way in the Chamber this afternoon. I am so very glad that my committee, the Committee on Equality and Non-Discrimination, has been able to present a unanimous report. We all agreed that it was an important report to deliver to the Chamber, so I regret to hear that representatives from parties who took part in the deliberations when we decided on the resolution and report in committee think that it is biased and unreasoned. They had every opportunity in the world to contribute to the report. We had six meetings in which they could have raised their voices and asked for other experts and input, but that did not happen. The legal experts and others we consult are unbiased; they come from the academic world and I would not accuse them of being biased. This Assembly’s texts use the knowledge and expertise that they share with us. That is a very good way to work, so members who say otherwise undermine the way in which we work.

I cannot address everyone who has spoken. As I have said, I am overwhelmed by all the kind words. However, I need to respond to a few things. On demographics, it has been argued that granting rights to gay couples and LGBTI people will hinder childbirth, but that is simply wrong. The childbirth rate per woman in my own country, Sweden, is among the highest in Europe, and we are quite an equal society: we have granted gay people the right to get married, to adopt and to have children. The childbirth rate is not an argument for restricting gay people from being able to have a family. Childbirth rates, kindergartens and woman-friendly labour markets are not affected by the proposal.

It has also been argued that traditional values should give people the right to discriminate against others. That is wrong – there is no right to discriminate against people on the basis of tradition. Our Convention says no such thing. It is the Convention that is the basis of our proposal, not what we did 100 years ago. If that was our constitution for deciding rights, men would still be allowed to rape their wives and hit their kids. Society evolves, which is good, and we should be very proud of that.

It has also been argued that we need to value and cherish traditional marriage because that is the environment into which children should be born. Some may think that, but children are still born outside marriage, including to LGBTI people and to single women. People should be aware of the fact that marriage is not the only way to create children. If they look at their own societies, they will see as much. People need protection and that is the core issue, not tradition or whatever others might think. This is about people's needs. We cannot prevent people from having children; we cannot forbid or restrict them from doing so. It will happen, whatever we think, and we need to give these children a safe and secure environment in which to grow up, and we do that by granting rights to their parents and to them as kids.

Once again, thank you for the years I have worked in this great Assembly and for the great support for this report. I also thank the committee's secretariat, who helped me draft this excellent text. Thanks a lot.

The PRESIDENT – Thank you, Mr Gunnarsson. I am sure that we all wish you well in whatever the future holds for you.

I call the chairperson of the committee, Ms Kovács. You have two minutes.

Ms KOVÁCS (*Serbia*) – It is a great honour and pleasure for the Committee on Equality and Non-Discrimination to present this report.

On 2 March, at a conference in Copenhagen co-organised by the Danish Parliament and the Danish chairmanship of the Committee of Ministers, the Irish Minister for Children and Youth Affairs, Ms Katherine Zappone, told us, in a powerful and moving speech, about how being recognised and accepted had made an enormous difference to the lives of rainbow families.

Sexual identity is a profound part of the identity of each and every one of us, and it should not result in anyone being treated differently. For that reason, the Assembly has called on member States to ensure that their laws prohibit discrimination on the grounds of sexual orientation and give LGBTI people the same freedom of assembly enjoyed by the majority of the population, and that each person, regardless of their sexual orientation, has equal access to employment, education, health, goods and services, housing and social benefits.

In 2010, the Assembly acknowledged the importance of issues relating to private and family life, such as the rights and obligations of same-sex couples with regard to taxation, next of kin status, and the residence rights of couples of different nationalities. However, it left it to member States to legislate in that field. At the same time, it called on States to provide for joint parental responsibility, bearing in mind the interests of the child. Since then, the European landscape in this field – the rainbow map, as some call it – has changed greatly, but progress, especially in private and family life, has not always been linear, as we have heard. We should always keep in mind those affected by the issue in their everyday lives.

I thank the committee's rapporteur, Mr Gunnarsson, for all his work and activity, and I must say that we are all sad that you are leaving us. I also thank everyone for a mostly respectful debate.

The PRESIDENT – The Committee on Equality and Non-Discrimination has presented a draft resolution, to which one amendment has been tabled. I remind you that speeches on amendments are limited to 30 seconds.

I call Ms Rodríguez Hernández to support Amendment 1.

Ms RODRÍGUEZ HERNÁNDEZ (*Spain*)* – I was not able to defend this amendment in the committee, because I am not a member of it; I was active in another one. As I have said before, to deny reality does not mean that something goes away. Many families, including in the LGBT community, choose a different form of family. Protecting these children is part of progress in society, which means that the amendment is essential. I hope it will get the necessary support.

The PRESIDENT – Does anyone wish to speak against the amendment? I call Mr Jonas Gunnarsson.

Mr Jonas GUNNARSSON (*Sweden*) – My reason for opposing the amendment is simple: I do not think that the scope of the report should cover surrogacy. This Chamber has already debated surrogacy; it is part of a broader debate and I do not think that the report should be tarnished by the issue.

The PRESIDENT – What is the opinion of the committee?

Ms KOVÁCS (*Serbia*) – The committee is against.

The PRESIDENT – The vote is open.

Amendment 1 is rejected.

We will now proceed to vote on the whole of the draft resolution contained in Document 14620. A simple majority is required.

The vote is open.

The draft resolution in Document 14620 is adopted, with 67 votes for, 14 against and 5 abstentions.

3. Unlimited access to member States, including “grey zones”, by Council of Europe and United Nations human rights monitoring bodies

The PRESIDENT – The next item of business this afternoon is the debate on the report, “Unlimited access to member States, including ‘grey zones’, by Council of Europe and United Nations human rights monitoring bodies”, Document 14619. It will be presented by Mr Frank Schwabe on behalf of the Committee on Legal Affairs and Human Rights. I remind all members that there is a three-minute limit on speeches in this debate. I call Mr Schwabe, rapporteur. You have 13 minutes in total, which you may divide between presentation of the report and the reply to the debate. The floor is yours.

Mr SCHWABE (*Germany*) – Are human rights exclusively a national issue? Mr Zeid Ra’ad Al Hussein, then United Nations High Commissioner for Human Rights, asked that question when he addressed the Human Rights Council in Geneva in September 2016. This was his answer: “Governments have the responsibility to uphold their human rights obligations and to respect the standards. But the human rights of all people, in all countries, also require – unquestionably – our collective attention.” Mr Al Hussein asked the question because a growing number of States seemed not to accept the principle. More and more countries were failing to co-operate with the High Commissioner and other United Nations human rights monitoring mechanisms. They were refusing to allow visits, setting unacceptable conditions or even rejecting their legitimacy. I was there when he gave that speech, and I was alarmed to hear him mention a number of Council of Europe member States.

The High Commissioner returned to the theme in two subsequent speeches to the Human Rights Council. The most recent was in June this year, on the same day that I met him in his office in Geneva. Council of Europe human rights monitoring mechanisms – including our Commissioner for Human Rights and the European Committee for the Prevention of Torture – have had similar problems. When it comes to Council of Europe member States, those concerns usually relate not to the State as a whole, but to certain parts of its territory. With the exception of south-eastern Turkey, these problematic territories are so-called “grey zones” administered by unrecognised de facto authorities. They include South Ossetia, Abkhazia, Transnistria, Nagorno-Karabakh and Crimea. All are within the internationally recognised territory of a Council of Europe member State, but outside the effective control of its central government. They are also either occupied by or under the strong influence or control of a foreign State. I remind you that the report is not about the legal status of a territory. It is important that we refrain from trying to decide the legal status of member States. The more we are able to do that, the more we are able to insist on human rights and the obligations of all countries.

It is very difficult for international human rights bodies such as the United Nations, the Council of Europe and the OSCE to visit these territories. It is especially difficult for Council of Europe treaty monitoring bodies. What is the legal basis for visiting a territory whose authorities are not recognised under international law? What standards apply to an administration that has no treaty obligations? Who should one talk to when making practical arrangements? How should one refer to the de facto authorities? These are not only technical issues; they are almost always highly political and emotional questions that are difficult to answer.

As I prepared my report, I was reassured to see how much had been done to answer those questions. Mr Christos Giakoumopoulos, the Council of Europe's Director General for Human Rights and the Rule of Law, described to the Legal Affairs Committee how functional relations between monitoring bodies and unrecognised de facto authorities could be established. There are two essential conditions for that to happen. The central authorities must allow a proper dialogue to develop between the monitoring body and the local de facto authorities. The de facto authorities must accept monitoring visits that take place in full compliance with the mandate of the relevant monitoring body.

Effective monitoring in "grey zones" requires a constructive attitude from both the central de jure authority and the local de facto authorities. Thanks to constructive attitudes by the de jure authorities of Transnistria and the de facto authorities of the Republic of Moldova, the European Committee for the Prevention of Torture has been able to visit places of detention in Transnistria. It was also able to visit Abkhazia thanks to the constructive attitude of the local de facto authorities and the Georgian de jure authorities. We should welcome and encourage that, as well as criticising other situations.

Political exploitation of a potential monitoring visit often prevents one or the other side from having a constructive attitude. Instead of accepting the visit as being intended only to ensure respect for fundamental rights, it is exploited in terms of the legal status of the "grey zone". The draft resolution proposes that the Assembly take a position on the issue. Paragraph 3 states that the "activities of human rights monitoring bodies with respect to territories under the control of de facto authorities...do not constitute and should not be presented as recognition of those authorities' legitimacy under international law." The paragraph continues to explain that, even though the acceptance of international human rights monitoring has no implication for the legal status of de facto authorities, they still have a duty to respect fundamental rights. By taking on the powers of the de jure authorities, de facto authorities should respect those rights to the same degree. They cannot assume the powers of the legitimate authorities without also accepting the responsibilities. The draft resolution also calls for an approach whereby States are presumed to have consented to visits by human rights monitoring bodies in certain specific circumstances.

Where there is reason to believe that serious violations of fundamental human rights are taking place, such as threats to life, torture, inhuman or degrading treatment or the denial of basic humanitarian needs, monitoring bodies should have the immediate right to visit. That principle is already established by the Committee for the Prevention of Torture, but it should not be limited to that body. Instead, the principle should apply to the situation, not the monitoring body. Where a particularly serious situation exists, any monitoring mechanism whose work could help improve it should be able to visit immediately. That proposal is also contained in the draft recommendation to the Committee of Ministers. The Committee of Ministers would be able to implement it on behalf of all member States, for example through a resolution.

We also propose two more recommendations to the Committee of Ministers. The first is to hold an urgent discussion whenever a member State denies access to a Council of Europe human rights monitoring body or allows access only under unacceptable conditions. Human rights monitoring is a core activity of the Council of Europe, and the monitoring mechanisms were established with the express consent of all member States. There is no excuse for not co-operating with them fully, and no excuse for the Committee of Ministers not taking those challenges to the Organisation's authority seriously.

The recommendation also calls on the Committee of Ministers to undertake a detailed and systematic review of the state of co-operation between the Council of Europe and United Nations human rights monitoring bodies. There is always room for improvement in these things, especially in today's rapidly changing world. As recently as June this year, for example, the Council of Europe's committee for the prevention of torture and the United Nations sub-committee for the prevention of torture agreed to work together more closely, especially on countries where there have been serious failures of co-operation.

Mr Al Hussein asked another question when he spoke to the United Nations Human Rights Council, which underlines why we must insist that states allow access. He said that "Human rights violations will not disappear if a government blocks access to international observers and then invests in a public relations campaign to offset any unwanted publicity. On the contrary, efforts to duck or refuse legitimate scrutiny raise an obvious question: what, precisely, are you hiding from us?"

(Ms Brynjólfssdóttir, Vice-President of the Assembly, took the Chair in place of Sir Roger Gale.)

Mr SCHENNACH (*Austria, Spokesman for the Socialists, Democrats and Greens Group*)* – I give a warm welcome to the rapporteur for the report, which shows that we need action on institutional co-operation between the United Nations, the Council of Europe and the OSCE. We sent rapporteurs to countries that in many cases suffer under so-called frozen conflicts, which is to say that the rapporteurs are able only to

observe and conduct talks in those parts of the country to which they have access. For that reason, three years ago we formed the sub-committee on conflicts between member States, so that we could also talk to de facto authorities. We succeeded in Transnistria.

There is also a great need for us to go to other areas, such as Crimea. The sub-committee prepared such a suggestion, and it was decided on in the monitoring committee. The same applies to Abkhazia, South Ossetia and Nagorno-Karabakh. We discuss these things but options are limited, and it is important that a recommendation was sent to the Committee of Ministers so that it could also deal with them.

In those areas access to prisons, and to get a picture of the real state of the rule of law in what the rapporteur calls “grey zones”, is a matter of human rights, but those are areas to which we have no access. The three institutions could all pull together. We need access to such areas and to let the de facto authorities realise that there is a need for international monitoring, particularly as regards human rights in those grey areas and war zones.

This is a splendid initiative, and I hope that as many members as possible will lend their support to it and to the draft resolution and recommendation.

Mr MOLLAZADE (*Azerbaijan, Spokesperson for the European Conservatives Group*) – A basic issue for the Council of Europe is respect for the rule of law, including international law. The territorial integrity of countries of the former Soviet Union has been violated. The so-called “grey zones” are actually occupied territories – 20% of Azerbaijan, 20% of Georgia, 20% of the Republic of Moldova and now Ukraine has joined our club. This is war as a punishment for those young countries. In many cases, the occupation has been brutal. For example, in Karabakh, the city of Khojaly was completely destroyed. A hundred children and women were killed and burned brutally because, for ethnic cleansing, horror is important.

Now we have a proposal for the legitimisation of the occupying regimes. If you would like to know what has happened to the Crimean Tartars, it is not necessary to go to Crimea; Mustafa Jemilev lives in Kiev. Access to the occupied territory of Ukraine, Georgia and Azerbaijan is impossible without consent, and the United Nations and Council of Europe have enough mechanisms and contact with the member countries for such a decision. In many cases, the so-called de facto authorities are occupation forces, and most of them have committed military crimes. For the Council of Europe, respect for the territorial integrity of all member States is vital, otherwise tomorrow we will see the so-called de facto authorities legitimised by all the international organisations. It is a great danger.

There is a strange situation regarding South-East Anatolia. That territory is not under occupation, and Turkey is a member State. I have a suspicion about the territorial integrity of Turkey and violations of the international legal system.

The document should be rejected because it violates all the values and principles of the Council of Europe. There are a lot of different mechanisms for protecting human rights.

Ms SOTNYK (*Ukraine, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – First, I congratulate the rapporteur. This is an extremely important topic, and his job was not easy at all. The term “grey zone” also applies to legal certainties in the draft resolution, and to many definitions. Nevertheless, our group believes that citizens who live in such territories need our help and attention more than anyone else. They do not have even minimum standards of human rights, and have a total absence of basic guarantees to defend those rights. Those people should have at least some hope that there are institutions that can protect them and, in a crisis, intervene.

One of the main problems is that our institutions and commissioners are denied access to these “grey zones”. Human rights defenders in the Crimean peninsula have issued several reports on the severe abuse of the rights of minorities, especially Crimean Tatars, including persecution, illegal deportation and the banning of the Mejlis. Civilians who do not agree with the occupying administration have no chance to express their views, because their life and health will be threatened.

The situation is the same in the occupied Donbass, which is a total “grey zone”. There is no justice and no respect for human life. There have been numerous reports of civilians being tortured and of punishment without trial or even simple investigations.

That is why it is important, if we do not have access to a particular territory, at least to set up a remote mission and to base conclusions on the testimony of witnesses, citizens, victims and human rights defenders. We also need to implement the decision of the Monitoring Committee on separate regular reports

on Crimea. It is important that our Commissioner for Human Rights, Dunja Mijatović, should update the 2014 report as soon as possible. We need to apply more pressure and to be very direct in our demands of the Russian Federation.

The report does not mention other organisations, such as the OECD. We need more co-operation with that organisation because it also seeks to protect human rights, especially in “grey zones”.

Mr OVERBEEK (*Netherlands, Spokesperson for the Group of the Unified European Left*) – My group thanks the rapporteur for this thorough and thoughtful report. The issue is relevant and urgent, and it should concern us all. The complexities of contemporary international politics have created “grey zones”, as carefully and neutrally defined in the report, to protect human rights. International human rights monitoring bodies experience serious difficulty in gaining access to these territories to do their work. The issue’s urgency was once again underlined when the last remaining opposition parliamentarian in Transnistria was stripped of his immunity and thrown in jail.

Whereas the member States of the Council of Europe are legally obliged to co-operate with international human rights monitoring bodies in their own territories, the existence of “grey zones” undermines the simplicity of that legal obligation. The resolution and recommendations before us propose to improve the situation. There are three concrete recommendations.

First, the rapporteur proposes that the Committee of Ministers should introduce the presumption of consent, thus raising the bar for the State or local authority that exercises de facto control of the territory in question to block access – that is the most fundamental recommendation. Secondly, the rapporteur recommends that the Committee of Ministers holds an urgent discussion whenever a Council of Europe monitoring body is denied access. Finally, the rapporteur calls on the Committee of Ministers to undertake a detailed, systematic review of the state of co-operation between the Council of Europe and the United Nations human rights monitoring mechanisms with a view to enhancing international co-operation.

Those recommendations, modest as they are, make excellent sense and, if implemented, would improve access for international human rights monitoring bodies. However, not all problems will be resolved. I call particular attention to three problems. First, when monitoring bodies enter territories on the basis of this presumption of consent, they will bear a heavy responsibility for the safety and immunity of their personnel and local collaborators; secondly – this is recognised in paragraph 3 of the draft resolution – we must ensure that communication with de facto authorities, which is unavoidable, can in no way be construed as implying recognition. Equally, care must be taken that human rights monitoring is, or can be, in no way abused by third parties as a pretext for partisan interference in ongoing conflicts, whether frozen or defrosted.

With those caveats, the group will support the resolution and recommendations.

Mr MULLEN (*Ireland, Spokesperson for the Group of the European People’s Party*) – I agree very much with the points on which Mr Overbeek concluded. I commend the sentiments of the report of our colleague from Germany, Mr Schwabe, and I largely agree with its contents.

In the modern world there is little excuse for any State to deny access to United Nations or Council of Europe human rights monitoring bodies. Member States of both the United Nations and the Council of Europe have implicitly signed up to such monitoring, which ought to be uncontroversial in the normal course of events. The only legitimate reasons for denying entry to monitoring bodies relate to national defence, public safety or a risk of serious local public disorder.

It is self-evident that there is a particular need for vigilance on human rights standards in the “grey zones” mentioned in the report. Mr Schwabe touched on Crimea, and there have been serious ongoing problems with the treatment of religious communities of all denominations in Crimea since its illegal annexation by the Russian Federation. Christians, Muslims and smaller religious communities, such as Jehovah’s Witnesses, have all fallen foul of Russian laws restricting public expression of faith and freedom of assembly that have been extended into Crimea in recent years. Members of minority faiths have been prosecuted for producing banned literature. Catholic priests visiting the area on holiday visas have been prosecuted for ministering while in Crimea. Those examples show why the monitoring of human rights in such “grey zones” is so important. The report correctly notes that each “grey zone” is very diverse and that there is no one-size-fits-all solution.

Extreme sensitivities can surround monitoring visits. For example, questions are often raised about whether such visits could be seen as implicit recognition of de facto regimes, such as the Russian-backed regime in Crimea, which could elicit tension and resistance from the de jure governments, such as the

Ukrainian government in Kiev. The fact remains that there is a particular need for human rights monitoring in any place that can be called a “grey zone”.

The report touches on one fact that perhaps deserves more focus. Mr Schwabe notes that there appears to be especially strong resistance to visits by United Nations Human Rights Council monitoring bodies to Council of Europe member States. In contrast, he notes that visits by Council of Europe bodies appear to be better received and have more success. Why is that? Perhaps the creeping politicisation of United Nations human rights bodies in recent years, with a particular ideological creep in evidence, needs to be acknowledged. Is that giving States the excuse they need to resist visits by United Nations monitoring bodies?

The United States recently withdrew from the United Nations Human Rights Council, and Nikki Haley, its now former ambassador to the United Nations – she is respected and seen as a moderate – said that “The world’s most inhumane regimes continue to escape scrutiny and the council continues politicising and scapegoating of countries with positive human rights records in an attempt to distract from the abusers in their ranks.” Is the United Nations reaping what it has sown? That needs to be carefully considered, but it is not in the report.

The PRESIDENT – Thank you, Mr Mullen. The rapporteur will reply at the end of the debate, but does he wish to respond at this stage?

Mr SCHWABE (*Germany*) – No.

The PRESIDENT – In that case we move on to the main speakers list. I call first Mr Farmanyan.

Mr FARMANYAN (*Armenia*) – I join the congratulations to Mr Schwabe on this excellent report, which is on a difficult topic. The general goal of the report is maximising the impact, efficiency, synergy and effectiveness of the human rights mechanisms of the Council of Europe and the United Nations.

Human rights are universal by nature. Human rights should be monitored and assessed in every territory or State, regardless of its political status. When it comes to protection for human rights monitoring, there should be no forgotten lands in the Council of Europe area. It is promising that the report and the Assembly welcome the willingness of the “grey zones” to co-operate with the office of the United Nations High Commission for Human Rights and other human rights monitors, which aim to offer better protection for human rights monitors in conflict zones.

The report also concerns Nagorno-Karabakh, which is not internationally recognised. Armenia and Nagorno-Karabakh have always supported the so-called State-neutral approach of Mr Jagland, the Council of Europe Secretary General, and of the United Nations High Commissioner for Human Rights. The general perspective is that there should be no territory in the Council of Europe – it does not matter whether it is a conflict area – where human rights are not observed and monitored. There are two examples of successful projects: the project implemented by the Council of Europe in Kosovo and fact-finding missions in “grey zones”.

The Nagorno-Karabakh authorities have expressed several times their openness and readiness to engage fully with international human rights monitoring mechanisms. The international human rights bodies should seize the opportunity. The last call was made after the April 2016 war when the Nagorno-Karabakh authorities applied to Council of Europe and the United Nations to monitor the situation after Azerbaijan unleashed a large-scale military aggression against the people of Nagorno-Karabakh, which led to atrocities, including ISIS-style atrocities such as the beheading of military personnel and civilians.

I wholeheartedly congratulate Mr Schwabe on his successful report. My last point is that the human rights approach could be the key to finding political solutions. When human rights are recognised and observed, and when there is respect, political solutions to conflict could be easier to find. I recommend that our Azerbaijani colleagues should be governed by those standards as well.

The PRESIDENT – I remind members of the Assembly that the time limit for speeches is three minutes.

Mr WHITFIELD (*United Kingdom*) – I echo the congratulations to the rapporteur on his report and proposals. This is the second time today I have used this quote: “Human rights are universal and indivisible.” That encapsulation sits like a shield over this continent, but we need effective monitoring mechanisms, which means that member States need to engage fully, unconditionally and quickly. When co-operation is not

unconditional, and when it is delayed, the question of why will arise. Refusal to co-operate is increasing among member States of the United Nations and of the Council of Europe. The issue of “grey zones” is fundamental in this increase in the failure to co-operate. As the report makes clear, human rights monitoring is not equivalent to a one-off, ad hoc humanitarian visit. Monitoring is about governance, rights and the implementation of legal standards and remedies. If it is to work, there must be close collaboration between the Council of Europe and the United Nations among others. Bringing co-operation together and joint visits are fundamental to success, particularly in disputed “grey zones”.

We have heard that visiting those de facto authority areas may give legitimacy to governments who lay claim to them. I disagree fundamentally with that. Visits to “grey zones” allow monitoring to ensure that human rights are maintained and that evidence can be gathered. Those operating the de facto authority are not given legitimacy simply by the arrival of a monitoring group.

I fully support the report and its conclusion. I once again congratulate the rapporteur on his work.

Mr ZSIGMOND (*Hungary*) – I congratulate Mr Schwabe and his team on this report. Governments have the responsibility to uphold their human rights obligations and respect standards, but establishing human rights in all countries unquestionably requires our collective attention. Human rights violations do not disappear if a government blocks access to international observers and invests in a public relations campaign to offset any unwanted publicity.

Hungary’s Government has responded to the human rights-related inquiries of the United Nations. Since March 2001, the Hungarian Government has maintained a permanent invitation to the special procedures of the United Nations Human Rights Council. Hungary supports the work carried out by the Council of Europe with respect to States affected by conflict. It also highly appreciates the confidence-building activities between parties.

We can focus on so-called “grey zones” in countries that are in conflict when there is a main battleground, but there might be a side aspect that is hidden from the eyes of the world. Ukraine has a conflict with the Russian Federation, which is the focus of the international community. However, there is another aspect of the conflict – the violation of the human rights of the Hungarian minority in Ukraine. Violent attacks against and intimidation of national minorities are increasing in Ukraine. The headquarters of the largest Hungarian association was set on fire in February, and on 23 June, when a Roma settlement in Lviv was attacked, one person was killed and several others were injured.

Atrocities against the Hungarian minority and Hungarian diplomats serving in Ukraine have become regular. Representatives of the Hungarian national minority face persistently growing pressure from the Ukrainian security services. The Ukrainian harassment of our diplomats recalls Soviet times. On 19 September, the Ukrainians went further and broke all the existing written and unwritten rules of international law and diplomacy. They executed a covert operation in the Hungarian consulate, the representative in Ukraine of a NATO and European Union member State.

Hungary is committed to maintaining friendly and neighbourly relations with Ukraine. We are interested in resolving tensions in Hungarian-Ukrainian bilateral relations through a compromise that would renew our support for Ukrainian and European integration efforts. Hungary is fully committed to co-operating with international human rights monitoring mechanisms, and insists that any member State should engage in full and unconditional co-operation without delay. We support the report.

Mr YENEROĞLU (*Turkey*) – I thank Mr Schwabe for his work on this important issue. We welcome the efforts of the Assembly on human rights access to “grey zones” but, with regard to Turkey, the report is distorted and the reader gets a wrong picture of the situation, which is why I have given a dissenting opinion.

The report mistakenly implies that the former United Nations High Commissioner for Human Rights was not granted access to South-east Turkey. Mr Zeid Ra’ad Al Hussein was invited to visit Turkey on many occasions. We also announced publicly that we would be delighted to host him in our country, including a visit to the South-east of Turkey. Unfortunately, we did not get a positive response. It is important for our delegation to stress that there is no restriction on paying visits to any part of our country.

In support of this, we can give many examples of international stakeholders having visited Turkey over the past two years. Let me name a few examples of visits by international organisations operating in the field of human rights. In March 2016, the United Nations Working Group on Enforced or Involuntary Disappearances, and in April 2016, Nils Muižnieks, the former Commissioner for Human Rights of the Council of Europe, came to south-eastern Anatolia. Having been one of the 116 countries offering an open

invitation to the United Nations special procedures since 2001, Turkey co-operates closely with all thematic rapporteurs and has accepted all recent visit requests. As a party to the main United Nations conventions in the field of human rights, it is needless to say that Turkey maintains its uninterrupted constructive co-operation with all United Nations mechanisms. In this context, Turkey submits its country reports to the relevant committees and pays special attention to upholding interactive dialogue with all United Nations committees. I believe that these issues have been overlooked in the report and should be reconsidered by the rapporteur.

Mr Espen Barth EIDE (*Norway*) – I warmly congratulate Frank Schwabe on an excellent report. This is really crucial and very central to what the Council of Europe is all about. The Council of Europe is first and foremost about the rule of law and human rights. Together with the United Nations, we have the strongest conventions and instruments of observation of human rights in the world. If we want to measure the clout of this Organisation, we should not look at what the standard is in the most successful, most democratic and most law-abiding member States. We should of course do that too, but the most important measurement of our clout is whether we are able to deal with the most difficult places and the people who live in extremely complicated circumstances in these “grey zones”.

The report eloquently spells out the crucially important difference between applying the universal principle of human rights on the one hand, and the question of legitimacy and recognition under international law on the other. I heard our distinguished colleague, Asim Mollazade, raise this. I want to say to him that nobody here wants to implicitly move into recognising what should not be recognised. The point is that we cannot leave spaces without any kind of observation and human rights protection. That distinction is made very clear. It is important that it is made clear so that people will not get confused and think that such an implicit recognition is taking place.

I very much appreciate the strong message of partnership with the United Nations, with collaboration to find the most effective means of working together in an increasingly complicated and difficult world. I also recognise the essential point that one will simply declare a presumption of consent, meaning that a State – a de jure State or a de facto authority, whichever it is – is simply assumed to be willing to allow observers to come in, and if they do not allow them in, they have to make explicit why not. The situation has to be temporary and explained, and it will lead to a process in this Organisation that will check whether those arguments are good enough. This is a very important step. It is very good that these things are spelled out. I think they are already universally true, but saying them makes sense. I warmly support this report.

Mr MARUKYAN (*Armenia*) – I thank the rapporteurs for this extraordinary report – they have done really great work.

I wonder whether Mr Mollazade is speaking on behalf of the European Conservatives Group, because he represents a totally Azerbaijani position regarding this issue. I hope that the ECG will vote for this resolution. I am not surprised that Mr Mollazade is speaking against the resolution, because Azerbaijan is totally violating human rights and fundamental freedoms by attacking civilians in Nagorno-Karabakh. They are beheading Nagorno-Karabakh soldiers in an ISIS-style way, and saying that they are against any monitoring in “grey zones”. You know, maybe there are “grey zones”, but there are no grey human beings. Human beings are equal. Human beings should be protected. Human rights and fundamental freedoms are vital. We cannot yield from these standards.

According to the Freedom House report, Nagorno-Karabakh is considered to be partially free whereas Azerbaijan is considered to be an unfree country. That is another indicator by which we understand why Azerbaijan is against this kind of human rights standard. The Council of Europe has a total mandate for this. It is in the mandate of the Parliamentary Assembly to protect and promote human rights and to encourage people to have access to international human rights mechanisms. I would like to inform this Chamber that Nagorno-Karabakh unilaterally ratified many, many human rights treaties adopted by the United Nations and by the Council of Europe. These treaties are applicable in Nagorno-Karabakh, so they apply international legislation. This is a very important step that the Nagorno-Karabakh authorities made. In that situation, how can we say that we are against this kind of resolution? We totally support the resolution and I hope that it will be adopted. I also hope that no zone, whether it is grey, red, green or has another colour, will close access to human rights protection – the protection of fundamental freedoms.

The PRESIDENT – Ms Hopkins is not here, so I call Mr Kitev.

Mr KITEV (*“The former Yugoslav Republic of Macedonia”*) – I congratulate Mr Schwabe on this crucial and successful report.

All Council of Europe member States have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member States. It is enough to read the preambles of the 1945 Charter of the United Nations and the 1949 Statute of the Council of Europe, both of which confirm a commitment to peace, democracy, human rights and the rule of law, to see the parallels between the two organisations' essential missions. Human rights, democracy and the rule of law in Europe now face a crisis unprecedented since the end of the Cold War. Serious violations, including corruption, immunity from prosecution, impunity, human trafficking, racism, hate speech and discrimination, are on the rise throughout the continent. People's rights are also threatened by the impact of the economic crisis and growing inequalities.

The Council of Europe and its member States must act urgently to stop this erosion of fundamental rights. As a result of recent reforms, the Council of Europe has achieved significant progress in several areas. The number of cases pending at the European Court of Human Rights has been reduced. The individual right to petition to the Court, which five years ago was threatened by an overload of cases, is being safeguarded. More focused project-based co-operation programmes are being implemented in several member States. The accession of the European Union to the European Convention on Human Rights is on track.

We must use the opportunity provided by this report to strengthen our unique conventions system. I find the constructive bilateral dialogue with member States to be a very constructive sign in the context of this report. Together, we can put Europe back on the path of unity and co-operation based on common values, standards and legal obligations.

Ms GAFAROVA (*Azerbaijan*) – Today, we are discussing the very sensitive topic of so-called “grey zones”. In the report's introduction, the rapporteur mentioned territories that could be called “grey zones”, one of which is part of my country, Azerbaijan. This is the territory of the Nagorno-Karabakh region and the seven regions around it. It was occupied by Armenia more than 25 years ago and these lands are still under occupation. The territory consists of 20% of the internationally recognised territory of Azerbaijan.

The terrorist and separatist regime created by Armenia in the occupied territories of Azerbaijan uses this territory to carry out various illegal activities. It is used for nuclear and radioactive waste disposal. There are numerous examples of human trafficking, illegal settlement, plundering and the illegal exploitation of natural, material and non-material wealth. All this shows once again how dangerous the transformation of the Nagorno-Karabakh region and the surrounding seven regions is – the territories of Azerbaijan occupied by Armenia and turned into a “grey zone” – and how dangerous the consequences can be. There is no doubt that these circumstances will exist in Nagorno-Karabakh as long as the occupation policy of Armenia continues. The separatist regime created in the occupied territories of Azerbaijan is trying to legitimise the fact of the occupation with every visit of any foreigner, and it presents such visits as recognition by the international community.

In order to eliminate the problems that I have mentioned in these territories, we should first of all eliminate the reason for the “grey zone”. I repeat that in the case of Nagorno-Karabakh and the surrounding seven regions, the only reason for the transformation of this land into a “grey zone” is the occupation of it by Armenia and ethnic cleansing of the local Azerbaijani population.

My country has 1 million refugees and internally displaced persons, whose homeland is the so-called “grey zone”. They cannot live in Nagorno-Karabakh because they were forced from their land by Armenian military forces. They cannot go to Karabakh. They cannot visit Lachin, Shusha and Kalbajar where they lived and where their ancestors lived. I want to ask a question: with whom in the “grey zone” in Nagorno-Karabakh are the representatives of the United Nations High Commissioner going to speak – with occupants, or with the separatist regime? What about the local Azerbaijani population? Perhaps it would be better if they speak with IDPs and refugees from Nagorno-Karabakh.

Visits to “grey zones” will be used, or perhaps it would be better to say “misused”, by the separatist regime and will be presented as some kind of recognition by the international community. Therefore, such visits will not help to eliminate the reasons why these territories became “grey zones” and instead will lead to the further existence of such “grey zones”.

The PRESIDENT – The next speaker on our list is Lord Don Touhig from the United Kingdom. He is not here. I call Mr Vogt.

Mr Günter VOGT (*Liechtenstein*)* – Thank you very much for your report, Mr Schwabe. The existence of territories to which human rights monitoring bodies of the Council of Europe or the United Nations have no access is incompatible with the European Convention on Human Rights. Under the Convention, all member States of the Council of Europe have committed themselves to enabling all persons within their jurisdiction to enjoy the rights enshrined within that Convention. Monitoring bodies therefore have to have the possibility of forming a view for themselves on to what extent these rights are complied with throughout the territories of Council of Europe member States. Any denial of such access on the part of a member State is unacceptable.

At the same time, it is clear that a visit from monitoring bodies has to be co-ordinated with authorities on the ground. Of course, that does not mean the recognition of the jurisdiction of contested territories, nor can it be construed as supporting an illegal claim or recognising the status of a given territory as belonging to one or other party to a conflict. It is to be welcomed when ways and means are being sought to further consolidate co-operation between bodies within the Council of Europe and the United Nations in the human rights area, in particular, when it comes to the existence of so-called “grey zones”.

From the perspective of small States, it should be welcomed if monitoring bodies of the Council of Europe, the United Nations or the OSCE with similar mandates are encouraged to work closely together and to share information. Reporting in the context of international human rights agreements or conventions brings with it, for small administrations, considerable expenditure. Liechtenstein therefore calls for synergies to be tapped into – synergies that exist not only at a State level, but at the level of international organisations, where there seems to us to be considerable potential for saving resources.

Ms ŞUPAC (*Republic of Moldova*) – There is no doubt that the Council of Europe should have unlimited access to member States, including “grey zones”, but such contact in some cases could have different interpretations. In January this year, for example, a round-table on the Transnistrian settlement was held in Paris. It was organised by the PACE Sub-Committee on Conflicts between Council of Europe Member States. The discussions were quite interesting – they were held in camera and not open to press. I can affirm this as one of the participants representing the opposition from the Republic of Moldova. How do you think that the representatives from Transnistria have presented this event in their media? Exactly – they have presented it as a “great success of Transnistrian diplomacy and the first time for the last 15 years that there has been the possibility to present to the Council of Europe their view on their own independence”.

I can give you another quote from the news agency from Transnistria: “The chair of the Supreme Council of Transnistria Alexandr Sherba has underlined in the Parliamentary Assembly that the independence of Transnistria is based on the objective historical and juridical premises. He said Transnistria is ready to participate in the Parliamentary Assembly as an observer”. On the other hand, neither I nor the representatives of the Moldovan parliamentary majority could react or comment publicly on the content of our discussion in Paris, because we, as Assembly members and as members of certain Assembly political groups, are obliged to respect the rule of in camera Assembly meetings. That is why I welcome the first part of the paragraph 3 of the draft resolution. It states that contacts with de facto authorities and “visits to the territories in question, do not constitute and should not be presented as recognition of those authorities’ legitimacy under international law.”

It is very important that in future, when events are organised by the Assembly such as the one in Paris that I just mentioned, it is clearly stipulated in the official Assembly communication that this is not about recognition and no one should present it in this way. If that condition were respected, the Parliamentary Assembly could become a good platform to discuss the human rights issue within the Transnistrian settlement, but we should all be aware that the violation of human rights is taking place not only on the left bank of the Dniester river. The last case involved the detention of the leader of the Communist party from Transnistria, Oleg Khorzhan. Violations of human rights also take place on the right bank of the Dniester river, the last example being the kidnapping and deportation of seven teachers from the Republic of Moldova to Turkish prisons.

Mr COAKER (*United Kingdom*) – I start by congratulating Mr Schwabe on his report, and the other rapporteurs – it is an excellent report. It is a shame that we are debating it right at the end of the day and the Chamber is not packed, because it deserves a huge audience. Hopefully people will read the recommendations and what is being said.

Often in disputed areas – “grey zones”, as we call them – there will be competing narratives about the truth; they are almost competing facts. We saw that in Ireland and Northern Ireland. The report seems to say that if respect for human rights is at the forefront of people’s minds, it can help resolve the problems.

If there is no respect for the rule of law, freedom of association, religious tolerance – if those things are contested – it makes a resolution much more difficult. That is why unfettered access to “grey zones” is so important. Human rights are right at the heart of everything we do.

I want to draw the Assembly’s attention to the committee’s recommendations. Three of the four draft recommendations in particular relate to the responsibility of the Committee of Ministers to pursue the issues raised in the report. It is important that the Committee of Ministers hear loudly from the Assembly that it has a responsibility to work with the United Nations, the Assembly and the monitoring bodies and to make demands at their Committee meetings of their fellow Ministers to ensure that human rights are at the heart of this. This is an example of where the Assembly should not just request but demand that the Committee of Ministers do something. It should demand that it read the report and not just welcome it but act upon it. If it does, we will go some way to resolving some of these issues.

Ms FATALIYEVA (*Azerbaijan*) – I appreciate the original idea of the report – the protection of human rights – but I do not agree with its proposal to do so in so-called “grey zones”. I remind you again that, according to the State border regime, to visit a country one must obey certain procedures, particularly around the observance of a special regime – the regime of the state border, as recognised by international law. The State border regime is established by national legislation and international treaties. According to international law, part of Azerbaijan, Nagorno-Karabakh, is an inseparable part of Azerbaijan, and Azerbaijan, like any other State, has the right to make demands from individuals crossing the border under established norms and rules. We do not demand anything extraordinary. If we allow violation of the regime, we cannot demand compliance with it in other issues.

The idea in the report of monitoring human rights is great, but whose rights will you monitor in Nagorno-Karabakh? Correct me if I am wrong, but usually being monitored are those whose rights are being violated. For more than 20 years, Nagorno-Karabakh has been under Armenia’s military regime. The native population was expelled under a policy of ethnic cleansing. Under Armenia’s occupation, hundreds of thousands of people had to leave their homes and become refugees. Whose rights are you suggesting we monitor – those of the military forces? Let us agree that it is not logical. Such proposals cause an escalation of conflict and do not contribute to a peaceful resolution.

Another reason for the escalation of conflict is the series of initiatives by the Armenians in organising trips of various people to Nagorno-Karabakh. Under one such recent initiative, the wife of the Prime Minister of Armenia arranged a trip by several women from Armenia and other countries. The purpose is supposedly peace-making diplomacy. As a woman and a mother, I agree that women all over the world are more concerned about peace because we care about children and their future, but of what kind of peace making can we speak when Armenian military forces shoot innocent Azerbaijani children on the border? Peace cannot be achieved in this way. It is nothing more than provocation.

Even with good intentions, visiting occupied territories without the permission of the State will never improve the situation or resolve conflict. You have to think of productive and effective mechanisms for monitoring the human rights of those suffering from violations.

Ms BLONDIN (*France*)* – I, too, commend this detailed report drafted by our colleague, Mr Schwabe, and I support the draft resolution and recommendations. In particular, I support the proposal to introduce a presumption of consent.

Sadly, the report shows us once again the extent to which respect for human rights is dwindling throughout the world and within member States. It is rather discouraging to say so, but it is difficult to deny its truth. The United Nations High Commissioner for Human Rights, Mr Al Hussein, has said he will not seek a second term because many States are not particularly concerned about upholding their obligations and because political support for human rights work from the international community is rather weak. That is very worrying for future generations. Many States are actually contesting the idea of respecting human rights. In doing that, they are taking relativist positions and thereby weakening the universal scope of human rights. Some great powers, such as China, are trying to promote a different model, and that model is far from democratic. It is talking about introducing democracy without western values.

Our values are being turned upside around the world and in many ways the West is no longer in the forefront of things, but our values are things that can unite us and which we can share with the world. If we are to build a unified European continent on the basis of our values, we need to co-operate between ourselves and with others. It is particularly important that we co-operate with monitoring mechanisms and fully implement their recommendations. Sadly, that is far from the case today. Some States apply them only

in part, others ignore them altogether. Collectively, there is nothing to be gained by sapping the credibility of monitoring mechanisms and a great deal to be won by building stronger synergies with the United Nations.

I am delighted to say that France has always been actively committed to the work of the United Nations Human Rights Council and is fully involved in discussions around making its work more effective, and we know that there is to be a general review of the HRC in 2021.

Ms PASHAYEVA (*Azerbaijan*)* – As you know, 20% of Azerbaijani land is under Armenian occupation, and Yerevan has still not withdrawn from occupied Azerbaijani territory, notwithstanding resolutions of the Parliamentary Assembly, the United Nations Security Council and other international organisations. Through its ethnic cleansing politics in the occupied Azerbaijani lands, which the rapporteur calls “grey zone regions”, Armenia forcibly displaced all Azerbaijanis from these territories. For almost 25 years, 1 million Azerbaijani refugees have not been able to return to their homes.

International human rights defenders – representatives of the United Nations and the Parliamentary Assembly – should meet with internally displaced persons living in the different regions of Azerbaijan, not with the invaders, separatists and terrorists who settled in the so-called “grey zone” and displaced these people internally. It is against international documents and Azerbaijani legislation to visit the occupied Azerbaijani lands without Azerbaijan’s permission, but you can see the names and the number of visitors to the “grey zones”, who were in these occupied lands without permission, on the website of the Ministry of Foreign Affairs of Azerbaijan. Many of them are the representatives of European countries, and if you get closely acquainted with their activities in these occupied lands you will understand that most of them are occupation-supporting in nature. Among them were also some members of our Assembly, but what measures have been taken by our Assembly against their acts? No actions have been taken. After all that, we worry about the serious problems that the adoption of such a document will bring in future.

A few years ago the OSCE created a mission group to research the case. That mission group visited the occupied territories and prepared the report. That report contained calls and challenges to the separatist Armenian regime and Armenia, but Armenia did not follow up any of those challenges. Armenia continues to hold hostage two Azerbaijani citizens, Dilgam Asgarov and Shahbaz Guliyev, who went to visit their homes in Azerbaijani lands occupied by Armenia, and is refusing to free them regardless of the calls from the Secretary General of the Council of Europe. If the Armenian Prime Minister Pashinyan sends his son to do his military service not in Armenia but in the occupied Azerbaijani lands, strict steps and measures should be taken. The Parliamentary Assembly should take a firmer position in this case. That is why we should strengthen our efforts against occupiers.

Mr GATTOLIN (*France*)* – Like previous speakers, I congratulate the rapporteur on the report. On first reading, setting aside the spirit that reigns within the Chamber, I found it almost redundant because the proposals he comes forward with are so self-evident, bearing in mind the commitments entered into by any member State that is part of this Organisation.

Listening to the debate, I was a little bit surprised. I would have been willing to give up my three minutes’ speaking time so that the rapporteur had more of an opportunity to dot the i’s and cross the t’s, as it were. However, when I hear that monitoring missions in “grey zones” would be construed as an act of recognition of an authority that enjoys no international recognition, in spite of all the precautions and the legal provisions that govern the working of this Organisation, to be found in the European Convention on Human Rights, then I wonder whether some people are making a mockery of this situation and using the kind of arguments put forward by the Chinese Ambassador to the United Nations, who, following the retaliatory measures taken by the United States administration vis-à-vis some number of Chinese officials, said that it was possible to visit Tibet, but there were those who were susceptible to problems that had to do with the climate in Tibet, and that was the reason they did not visit the region.

We in this Chamber represent our national Parliaments and it is for us to ensure that the conventions that we have signed up to and ratified are actually being implemented, rather than called into question with some kind of subterfuge. So, rapporteur, we will be voting wholeheartedly in favour of both your draft resolution and draft recommendation.

Mr CANDAN (*Representative of the Turkish Cypriot Community*) – The effectiveness of human rights mechanisms depends to a considerable extent on State parties’ willingness to co-operate with human rights monitoring bodies. The issue of monitoring can be a disputed one, especially in regions with conflicts. Therefore, concentrating on the core of the issue, rather than politicising the conflict, is crucial to sustaining the effectiveness of human rights mechanisms.

Before commenting on the reference to North Cyprus, I bring the following to your attention: as the Turkish Cypriot community, we seek to take our well-deserved place within the international community and concentrate our efforts toward a comprehensive settlement for the reunification of the island. In that vein, we have been working toward the harmonisation of the Turkish Cypriot legislation with the European Union *acquis*, which will ease the reunification of the island, as well as the adoption of human rights conventions.

As is well known, this cannot be a one-way street. Communication and co-operation with the relevant international organisations is crucial. Therefore, we have always welcomed both the Council of Europe and those United Nations monitoring bodies that have an interest in reporting on North Cyprus. In fact, past reports by the Commissioner for Human Rights of the Council of Europe and certain United Nations monitoring mechanisms have reflected on the situation in North Cyprus. We not only accept the inquiries by the monitoring bodies, but invite and encourage the rapporteurs to visit North Cyprus. It is the Greek Cypriot side that is trying to hinder international organisations' access to North Cyprus. Therefore, referring to North Cyprus as a "problematic territory" in the context of the current report is rather misleading. Overall, it is the status quo on the island that is problematic.

The so-called "Republic of Cyprus" – it claims to be the successor to the 1960 Republic of Cyprus, which was based on partnership between the two communities – is a failed State. Several fundamental articles of the 1960 constitution are suspended and Turkish Cypriots have been out of the system since 1963. As the Turkish Cypriot side, we are determined to end this status quo. The acceptance of the United Nations settlement plan in 2004 by the majority of Turkish Cypriots is the most tangible proof of that determination. It was the Greek Cypriot side that opted for the continuation of the status quo by voting against the plan. We also saw a similar attitude from the Greek Cypriot side last year at the international Cyprus conference in Crans-Montana. The Greek Cypriot side has recently been playing with the so-called new idea of a loose federation, and that might be another attempt to play for time. I hope it does not undermine the progress made in the recent negotiation process and the framework proposed by United Nations Secretary-General Guterres in Crans-Montana.

The Turkish Cypriot side expects to resume the negotiations in a result-oriented manner and reach a comprehensive settlement as soon as possible, so that Cyprus can become a normal country in the European Union and in the Council of Europe. I take this opportunity to invite all future rapporteurs of the Assembly reporting on the situation on the island and the monitoring bodies of the Council of Europe to pay a visit to North Cyprus. We are ready to facilitate that.

The PRESIDENT – Thank you, Mr Candan.

That concludes the list of speakers. I call on the rapporteur, Mr Schwabe, to reply. You have three minutes remaining of your 13 minutes.

Mr SCHWABE (*Germany*) – I thought I had got some minutes from Mr Gattolin, but never mind.

(The speaker continued in German.)

Many thanks to all those who have made such constructive contributions. I will respond to three questions and then share some general thoughts. Ms Sotnyk mentioned the OSCE. The OSCE encounters similar difficulties to the Council of Europe, as does the United Nations. Many of the things we have mentioned today also apply to the OSCE. Mr Overbeek asked about the people who provide support on the spot to such missions. We have received information that thus far there have not been problems with security for Council of Europe missions, but we need many other different circumstances to be met so that people can play their appropriate roles on the ground.

My Turkish colleague mentioned south-east Turkey. We have looked at a report from the United Nations High Commissioner for Human Rights, and he said that there was insufficient access to that part of the country. I could imagine that that is one of the reasons why we called for full co-operation and did not accept that limitations be imposed.

Coming back to the principles, I did not really want to talk about specific countries, but many colleagues from Azerbaijan do not accept the core of the draft resolution. I understand that you do not want to accept it, but it is the very crux of the matter. I refer again to paragraph 3, which says "activities of human rights monitoring bodies with respect to territories under the control of de facto authorities...do not constitute and should not be presented as recognition of those authorities' legitimacy under international law." That is what we are talking about. It is a question of who allows the access – the de facto authorities, the de jure authorities or certain third countries.

Let me say something in support of the United Nations Human Rights Commissioner. He was accused of exerting influence, but he has been criticised by all countries, from completely different quarters. I think that makes it clear that he is trying to defend human rights and we should defend him within the United Nations mechanism. We ought to insist upon that. We need to support the principles.

The PRESIDENT – Does the chairperson of the committee wish to speak? You have two minutes.

Ms ÆVARSDÓTTIR (*Iceland*) – This is one of those reports that at first glance may look technical but actually goes to the heart of the mission of the Council of Europe. It touches on our Organisation's vocation as a pan-European Organisation promoting and protecting universal human rights across the continent for everyone who lives here. It touches upon our role as a human rights monitor, ensuring that member States fulfil their obligations. If States refuse to co-operate with human rights monitoring mechanisms, whether throughout their territory or only in part, they are creating gaps in the coverage of our human rights standards. The problems I have described are serious ones, which require a response from the Parliamentary Assembly.

The most common situation where human rights monitoring bodies are unable to operate is in "grey zones". By "grey zones", we mean parts of countries where the central government is unable to exercise its authority, but which are instead under the control of de facto local authorities. Responsibility for those authorities is contested between the sovereign States and an internationally unrecognised entity. It is all too tempting for both sides to exploit the application of human rights standards and the activities of monitoring bodies to pursue their own political goals. Our report makes clear that that approach is fatal to human rights monitoring. If we are to provide a service that can improve the situation of the people living in "grey zones", we have to take the politics of status out of the equation. That principle is at the centre of our report.

We also make two innovative proposals for the Committee of Ministers to consider. The first is for the Committee of Ministers to systematically hold an urgent discussion whenever a monitoring body is denied free access. The second is to introduce a presumption that member States consent to visits by monitoring bodies where the most serious human rights violations are at stake. There would be a presumption of the acceptance of visits. With that approach and those two measures, we hope that gaps in the implementation and monitoring of human rights can be filled. We want the Council of Europe to more fully achieve its statutory mission and for human rights across Europe to be better protected.

The PRESIDENT – The Committee on Social Affairs, Health and Sustainable Development has presented a draft resolution to which six amendments have been tabled, and a draft recommendation to which one amendment has been tabled.

We will first consider the amendments to the draft resolution. I understand that the Committee on Equality and Non-Discrimination wishes to propose to the Assembly that Amendments 2 and 1 to the draft resolution, which were unanimously approved by the committee, should be declared as agreed by the Assembly. Is that so, Mr Schwabe?

Mr SCHWABE (*Germany*) – Yes.

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

Amendments 2 and 1 are adopted.

We come to Amendment 3. I call Ms Chugoshvili to support Amendment 3. You have 30 seconds.

Ms CHUGOSHVILI (*Georgia*) – With this amendment, we propose to bring the text in line with previous resolutions adopted by the Parliamentary Assembly and replace the word "Abkhazia" with the words "occupied Abkhazia, Georgia".

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

What is the opinion of the committee on the amendment?

Ms ÆVARSDÓTTIR (*Iceland*) – The committee rejected it.

The PRESIDENT – The vote is open.

Amendment 3 is rejected.

We come to Amendment 4. I call Ms Chugoshvili to support the amendment. You have 30 seconds.

Ms CHUGOSHVILI (*Georgia*) – I do not want to move the amendment.

The PRESIDENT – Does anyone else wish to move the amendment? That is not the case. The amendment is not moved.

I call Ms Chugoshvili to support Amendment 5.

Ms CHUGOSHVILI (*Georgia*) – As with Amendment 3, we seek to replace certain words and bring the text into line with previous resolutions adopted by the Parliamentary Assembly. We also seek to add the words “occupied Tskhinvali region/South Ossetia, Georgia”.

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

I call Mr Schwabe.

Mr SCHWABE (*Germany*) – I am against the amendment, first, because I do not want to change the language about the areas mentioned, and secondly, because the report makes it very clear that in a lot of situations one member country does not have full control over territory. We refer to the de facto authority, so we should not adopt the amendment.

The PRESIDENT – What is the opinion of the committee?

Ms ÆVARSDÓTTIR (*Iceland*) – The amendment was rejected with a large majority.

The PRESIDENT – The vote is open.

Amendment 5 is rejected.

I call Ms Chugoshvili to support Amendment 6.

Ms CHUGOSHVILI (*Georgia*) – I do not wish to move the amendment.

The PRESIDENT – Does anyone else wish to move the amendment? That is not the case. The amendment is not moved.

We will now proceed to vote on the whole of the draft resolution contained in Document 14619, as amended. A simple majority is required.

The vote is open.

The draft resolution in Document 14619, as amended, is adopted, with 39 votes for, 6 against and 4 abstentions.

We will now consider the amendment to the draft recommendation. I remind you that speeches on amendments are limited to 30 seconds.

I call Ms Chugoshvili to support Amendment 7.

Ms CHUGOSHVILI (*Georgia*) – I do not wish to move the amendment.

The PRESIDENT – Does anyone else wish to move the amendment? That is not the case. The amendment is not moved.

We will now proceed to vote on the whole of the draft recommendation contained in Document 14619. A two-thirds majority is required.

The vote is open.

The draft recommendation in Document 14619 is adopted, with 43 votes for, 7 against and 1 abstention.

4. Next public business

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

The sitting is closed.

(The sitting was closed at 8.20 p.m.)

CONTENTS

1. Current affairs debate: The future of the Council of Europe

Speakers: Lord Blencathra, Ms Kavvadia, Mr Vareikis, Mr Coaker, Mr Seyidov, Mr Becht, Ms Katsarava, Mr Usov, Mr Yemets, Ms d'Ambrosio, Ms Sotnyk, Mr Kandelaki, Mr Kitev, Mr Marques, Mr Goncharenko, Mr Whitfield, Ms Duranton, Ms Fiala, Mr Gavan, Mr Zingeris, Mr Kiral, Mr Kiliç, Mr Oehme, Mr Whalen

2. Private and family life: achieving equality regardless of sexual orientation

Presentation by Mr Jonas Gunnarson of the report of the Committee on Equality and Non-Discrimination, Document 14620

Speakers: Mr Shehu, Ms Gurmai, Mr Evans, Ms Stienen, Ms Kavvadia, Ms Åberg, Mr Tornare, Ms Christoffersen, Ms Engblom, Ms Ævarsdóttir, Ms Rodríguez Hernández, Mr Mullen, Mr McGinn, Mr Ghilechi, Ms Violeta Tomić, Ms Blondin, Ms Estrela, Mr Batrincea, Ms Gorrotxategui, Mr Mogens Jensen, Mr De Bruyn, Ms Galvez, Ms Rauch, Ms Bardell

Draft resolution in Document 14620 adopted

3. Unlimited access to member States, including "grey zones", by Council of Europe and United Nations human rights monitoring bodies

Presentation by Mr Schwabe of the report of the Committee on Legal Affairs and Human Rights, Document 14619

Speakers: Mr Schennach, Mr Mollazade, Ms Sotnyk, Mr Overbeek, Mr Mullen, Mr Farmanyan, Mr Whitfield, Mr Zsigmond, Mr Yeneroğlu, Mr Espen Barth Eide, Mr Marukyan, Mr Kitev, Ms Gafarova, Mr Günter Vogt, Ms Şupac, Mr Coaker, Ms Fataliyeva, Ms Blondin, Ms Pashayeva, Mr Gattolin, Mr Candan

Draft resolution in Document 14619, as amended, adopted

Draft recommendation in Document 14619 adopted

4. Next public business

Appendix / Annexe

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.

ÅBERG, Boriana [Ms]
 ÆVARSDÓTTIR, Thorhildur Sunna [Ms]
 ALTUNYALDIZ, Ziya [Mr]
 APOSTOL, Ion [Mr] (*GHIMPU, Mihai [Mr]*)
 ARIEV, Volodymyr [Mr]
 ARNAUT, Damir [Mr]
 BADEA, Viorel Riceard [M.] (*PLEȘOIANU, Liviu Ioan Adrian [Mr]*)
 BARDELL, Hannah [Ms]
 BARNETT, Doris [Ms]
 BARTOS, Mónika [Ms] (*CSÖBÖR, Katalin [Mme]*)
 BATRINCEA, Vlad [Mr]
 BAYR, Petra [Ms] (*ESSL, Franz Leonhard [Mr]*)
 BECHT, Olivier [M.]
 BERGAMINI, Deborah [Ms]
 BERNACKI, Włodzimierz [Mr]
 BESELIA, Eka [Ms] (*KVATCHANTIRADZE, Zviad [Mr]*)
 BEUS RICHEMBERGH, Goran [Mr]
 BILDARRATZ, Jokin [Mr]
 BLONDIN, Maryvonne [Mme]
 BÖKE, Selin Sayek [Ms]
 BRUYN, Piet De [Mr]
 BRYNJÓLFSDÓTTIR, Rósa Björk [Ms]
 BÜCHEL, Roland Rino [Mr] (*MÜLLER, Thomas [Mr]*)
 BUDNER, Margareta [Ms]
 BURES, Doris [Ms]
 BUSHATI, Ervin [Mr]
 BUSHKA, Klotilda [Ms]
 BUTKEVIČIUS, Algirdas [Mr]
 ČATOVIĆ, Marija Maja [Ms]
 CHRISTOFFERSEN, Lise [Ms]
 CILEVIČS, Boriss [Mr] (*LAIZĀNE, Inese [Ms]*)
 COAKER, Vernon [Mr] (*WILSON, Phil [Mr]*)
 D'AMBROSIO, Vanessa [Ms]
 DURANTON, Nicole [Mme]
 EBERLE-STRUB, Susanne [Ms]
 EIDE, Espen Barth [Mr]
 EMRE, Yunus [Mr]
 ENGBLOM, Annicka [Ms] (*SVENSSON, Michael [Mr]*)
 ESTRELA, Edite [Mme]
 EVANS, Nigel [Mr]
 FARMANYAN, Samvel [Mr]
 FASSINO, Piero [Mr] (*FLORIS, Emilio [Mr]*)
 FATALIYEVA, Sevini [Ms] (*AGHAYEVA, Ulviyye [Ms]*)
 FIALA, Doris [Mme]
 FOULKES, George [Lord] (*MASSEY, Doreen [Baroness]*)
 FOURNIER, Bernard [M.]
 FRESKO-ROLFO, Béatrice [Mme]
 GAFAROVA, Sahiba [Ms]
 GATTOLIN, André [M.] (*MAIRE, Jacques [M.]*)
 GAVAN, Paul [Mr]
 GERMANN, Hannes [Mr] (*HEER, Alfred [Mr]*)
 GHILETCHI, Valeriu [Mr]
 GILLAN, Cheryl [Dame]
 GOGUADZE, Nino [Ms] (*PRUIDZE, Irina [Ms]*)
 GONÇALVES, Carlos Alberto [M.]
 GONCHARENKO, Oleksii [Mr]
 GOODWILL, Robert [Mr] (*GALE, Roger [Sir]*)
 GORROTXATEGUI, Miren Edurne [Mme] (*BUSTINDUY, Pablo [Mr]*)
 GRAF, Martin [Mr]
 GRIMOLDI, Paolo [Mr]
 GRIN, Jean-Pierre [M.] (*FRIDEZ, Pierre-Alain [M.]*)
 GUNNARSSON, Jonas [Mr]
 GURMAI, Zita [Mme]
 GUZENINA, Maria [Ms]
 HAIDER, Roman [Mr]
 HAJDUKOVIĆ, Domagoj [Mr]
 HEINRICH, Frank [Mr] (*VOGEL, Volkmar [Mr]*)
 HEINRICH, Gabriela [Ms]
 HERKEL, Andres [Mr] (*TERIK, Tiit [Mr]*)
 HONKONEN, Petri [Mr] (*KALMARI, Anne [Ms]*)
 HOWELL, John [Mr]
 HUNKO, Andrej [Mr]
 JENIŠTA, Luděk [Mr]
 JENSEN, Mogens [Mr]
 JONES, Susan Elan [Ms]
 KANDELAKI, Giorgi [Mr] (*BAKRADZE, David [Mr]*)
 KASIMATI, Nina [Ms]
 KASSEGGGER, Axel [Mr] (*AMON, Werner [Mr]*)
 KATSARAVA, Sofio [Ms]
 KAVVADIA, Ioanneta [Ms]
 KILIÇ, Akif Çağatay [Mr]
 KIRAL, Serhii [Mr] (*BEREZA, Boryslav [Mr]*)
 KITEV, Betian [Mr]
 KOÇ, Haluk [M.]
 KOPŘIVA, František [Mr]
 KOVÁCS, Elvira [Ms]
 KOX, Tiny [Mr]
 KYRIAKIDES, Stella [Ms]
 LANGBALLE, Christian [Mr] (*HENRIKSEN, Martin [Mr]*)
 LEITE RAMOS, Luís [M.]
 LINK, Michael [Mr] (*JENSEN, Gyde [Ms]*)
 LOGVYNSKYI, Georgii [Mr]
 LOUHELAINEN, Anne [Ms] (*PELKONEN, Jaana Maarit [Ms]*)
 MARQUES, Duarte [Mr]
 MARUKYAN, Edmon [Mr] (*RUSTAMYAN, Armen [M.]*)
 MAVROTAS, Georgios [Mr] (*ANAGNOSTOPOULOU, Athanasia [Ms]*)
 MCGINN, Conor [Mr] (*SHARMA, Virendra [Mr]*)
 MEIMARAKIS, Evangelos [Mr]
 MERGEN, Martine [Mme] (*HETTO-GAASCH, Françoise [Mme]*)
 MOLLAZADE, Asim [Mr] (*HAJIYEV, Sabir [Mr]*)
 MONTILLA, José [Mr] (*GUTIÉRREZ, Antonio [Mr]*)
 MULLEN, Rónán [Mr] (*COWEN, Barry [Mr]*)
 MUÑOZ, Esther [Ms] (*BARREIRO, José Manuel [Mr]*)
 MUNYAMA, Killion [Mr] (*POMASKA, Agnieszka [Ms]*)
 MURRAY, Ian [Mr]
 NENUTIL, Miroslav [Mr]
 OEHME, Ulrich [Mr] (*KLEINWAECHTER, Norbert [Mr]*)

OHLSSON, Carina [Ms]
O'REILLY, Joseph [Mr]
OVERBEEK, Henk [Mr] (*MAEIJER, Vicky [Ms]*)
PASHAYEVA, Ganira [Ms]
PAVIĆEVIĆ, Sanja [Ms] (*SEKULIĆ, Predrag [Mr]*)
PISCO, Paulo [M.]
PODERYS, Virgilijus [Mr] (*TAMAŠUNIENĖ, Rita [Ms]*)
PSYCHOGIOS, Georgios [Mr] (*TZAVARAS, Konstantinos [M.]*)
RAMPI, Roberto [Mr]
RAUCH, Isabelle [Mme] (*GAILLOT, Albane [Mme]*)
REISS, Frédéric [M.] (*ABAD, Damien [M.]*)
RIBERAYGUA, Patricia [Mme]
RODRÍGUEZ HERNÁNDEZ, Melisa [Ms]
ROJHAN GUSTAFSSON, Azadeh [Ms] (*KARLSSON, Niklas [Mr]*)
RUSSELL, Simon [Lord] (*DONALDSON, Jeffrey [Sir]*)
ŞAHİN, Ali [Mr]
SCHENNACH, Stefan [Mr]
SCHNEIDER-SCHNEITER, Elisabeth [Mme] (*LOMBARDI, Filippo [M.]*)
SCHOU, Ingjerd [Ms]
SCHWABE, Frank [Mr]
SEYIDOV, Samad [Mr]
SHEHU, Tritan [Mr]
SIDALI, Zeki Hakan [Mr]
SIRAKAYA, Zafer [Mr]
ŠIRCELJ, Andrej [Mr]
SMITH, Angela [Ms]
SOBOLEV, Serhiy [Mr]
SOTNYK, Olena [Ms]
STIENEN, Petra [Ms]
STROE, Ionuț-Marian [Mr]
ŞUPAC, Inna [Ms]
TARCZYŃSKI, Dominik [Mr]
TOMIĆ, Violeta [Ms] (*ŠKOBERNE, Jan [Mr]*)
TORNARE, Manuel [M.] (*MAURY PASQUIER, Liliane [Mme]*)
TOUHIG, Don [Lord] (*PRESCOTT, John [Mr]*)
TRUSKOLASKI, Krzysztof [Mr]
USOV, Kostiantyn [Mr] (*GERASHCHENKO, Iryna [Mme]*)
VAREIKIS, Egidijus [Mr]
VARVITSIOTIS, Miltiadis [Mr] (*BAKOYANNIS, Theodora [Ms]*)
VEN, Mart van de [Mr]
VOGT, Günter [Mr] (*WENAWESER, Christoph [Mr]*)
VOVK, Viktor [Mr] (*LIASHKO, Oleh [Mr]*)
WASERMAN, Sylvain [M.]
WHITFIELD, Martin [Mr] (*McCARTHY, Kerry [Ms]*)
WIECHEL, Markus [Mr] (*NISSINEN, Johan [Mr]*)
YEMETS, Leonid [Mr]

YENEROĞLU, Mustafa [Mr]
YILDIZ, Zeynep [Ms] (*GÜNAY, Emine Nur [Ms]*)
ZINGERIS, Emanuelis [Mr]
ZRINZO AZZOPARDI, Stefan [Mr] (*MALLIA, Emanuel [Mr]*)
ZSIGMOND, Barna Pál [Mr]

Also signed the register / Ont également signé le registre

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

ANTL, Miroslav [M.]
BLENCATHRA, David [Lord]
CORREIA, Telmo [M.]
DOUBLE, Steve [Mr]
KATSIKIS, Konstantinos [Mr]
LOPUSHANSKYI, Andrii [Mr]
PALLARÉS, Judith [Ms]
RUSTAMYAN, Armen [M.]
SHEPPARD, Tommy [Mr]
VICKERS, Martin [Mr]

Observers / Observateurs

GALVEZ, Rosa [Ms]
HARDER, Rachael [Ms]
WHALEN, Nick [Mr]

Partners for democracy / Partenaires pour la démocratie

AMRAOUI, Allal [M.]
EL MOKRIE EL IDRISSE, Abouzaid [M.]
LABLAK, Aicha [Mme]
NYSHANOV, Saidulla [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