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REPORT

Fourth sitting

Tuesday 22 January 2019 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. Election of judges to the European Court of Human Rights in respect of Italy and Sweden (reminder)

The PRESIDENT* – I must remind you that the vote is again open for the election of judges to the European Court of Human Rights in respect of Italy and Sweden. The list of candidates, as well as their CVs, is in Document 14776, Document 14663 and Document 14796 Addendum 2.

The poll was suspended at 1 p.m. and is now reopening. It will close again at 5 p.m. I invite all those who have not yet voted to do so. The count will be held immediately after the vote closes. We have four tellers, appointed by the drawing of lots; they are Ms Leyte, Mr Emre, Ms Muñoz and Mr Murray. They should go to the area behind the President's Chair at 5 p.m. If possible, the result will be announced before the end of the sitting this afternoon. The vote is open once more, as of now. We will continue with our business in the meantime.

2. Communication by Mr Thorbjørn Jagland, Secretary General of the Council of Europe

The PRESIDENT* – We now come to the communication from Mr Thorbjørn Jagland, Secretary General of the Council of Europe, which will be followed by questions from the floor. Secretary General, allow me to welcome you here for your annual communication. All of us here are fully aware of the challenges facing the Council of Europe in 2019, which marks the celebration of our Organisation's 70th anniversary. Our Organisation needs a clear road map to make sure that its statutory bodies and all other Council of Europe bodies can speak with one voice, particularly on issues concerning its future. That is why we are particularly keen to hear your proposals for what we, individually and collectively, might do to overcome the difficulties we face. Thank you very much. Sir, you have the floor.

Mr Thorbjørn JAGLAND *(Secretary General of the Council of Europe)* – Madam President and honoured members of this Assembly, as you know, 2019 is the 70th anniversary of the Council of Europe, so I begin this, my last January address, by wishing each of you a particularly happy and successful year. I also want to congratulate you, Liliane, on your re-election this week. You have already proved to be a dedicated, strong and talented President.

Over my 10 years here as Secretary General, we have worked together on challenges old and new to human rights, democracy and the rule of law. From the very beginning, a personal priority for me was to bring the European Court of Human Rights on to safe ground. Back in 2009, the Court was struggling with a growing backlog of more than 130 000 applications. The credibility of the convention system was in question, but by the end of 2018 that backlog had been cut to 56 000 and the number of pending cases before the Committee of Ministers had also fallen sharply.

The reform process began at the Interlaken Conference in 2010. Interlaken was where the Russian Federation ratified Protocol No. 14, which then came into force, enabling faster and more efficient procedures in the Court. Following Interlaken, there were milestone conferences in Izmir, Brighton, Brussels and, most recently, Copenhagen. On each occasion, our member States reaffirmed their strong commitment to the convention system and to the Court. Each paved the way for new initiatives that increased the productivity and efficiency of the Strasbourg Court, including, in 2015, the Brussels Declaration on shared responsibility. This made it clear that everyone must take their share of the strain in defending and upholding the convention system, first and foremost at the national level.

The European Convention on Human Rights obliges member States to implement the Convention's standards in their national legislation and practices. The Strasbourg Court was always meant to be a court of last resort. As a consequence of this basic principle of implementation at the domestic level, and as a part of the whole reform process, we have ensured a gradual shift of focus and resources to the field where we help member States bring their legislation into line with the European Convention, and where we can help to train judges and lawyers. We sought, first, to reform the internal procedures of the Court and then to put more resources into helping member States to reform their own legislation and implement the Convention on the ground. All that has led to the more effective implementation of the Convention and, therefore, fewer cases reaching the Court. The combined reforms led the convention system out of a deep crisis and upheld the credibility of the whole system.

That is not to say that everything is perfect. I will therefore continue until the very end to focus on strengthening the convention system. We must keep in mind the Court, dependence and all the other bodies around it. In the run-up to the Helsinki ministerial, I will present ideas and proposals on how to make this machinery more efficient – how to get the structures and the statutory bodies to work together more to co-ordinate their efforts, and how to strengthen the monitoring bodies. The Court is very dependent on the monitoring bodies; it uses them in its deliberations. In my report to the Helsinki ministerial, I will also be honest and clear about the weaknesses of the system. Let me give one example of strength and weakness. Last year, Ilgar Mammadov was released from detention in Azerbaijan, which was welcome news for which I had long pushed. That showed the strengths of the Convention, but it took too long a time to get him out of prison – it took several years.

When we come to Helsinki to celebrate the 70th anniversary, my view is that the member States should find a way to recommit themselves to the obvious: when a Court judgment finds that an individual has been detained arbitrarily and, in particular, for political purposes, that person should be released immediately. Bearing in mind that today many are imprisoned in Turkey – journalists, mayors, parliamentarians, human rights defenders and more – I say that this concerns the whole of Europe. I am not a judge, so I cannot say who is guilty and who is not. I do not want to be a judge; judgments shall be made in a courtroom. But what is clear is that the role of the judiciary in Turkey and of the convention system is now being tested. We continue to work with Turkey, and we are happy that Turkey is open to that co-operation. Together, we have an obligation to see to it that justice is served in due time. If it is not, hundreds or thousands of cases may end up in the Strasbourg Court – many are already there. I stress that, if our Court finds that a sentence could not be justified, and it orders one person or many out of prison, this must happen immediately. That is the rule of law, which we have in Europe today.

In my report to the Helsinki ministerial, I will also raise the issue of sanctioning a member State, because we have debated this for such a long time. It is already clear that no State's membership of our Organisation is guaranteed. Membership may be suspended or there may even be expulsion – there are also possibilities short of suspension and expulsion. For instance, I can invoke Article 52 of the Convention and start my own inquiries, as I did with regard to Azerbaijan. The Human Rights Commissioner has a wide mandate and space for action. The Committee of Ministers can start monitoring a specific country, as can the Parliamentary Assembly, and we can invoke Article 46(4) of the Convention, as we did in the Mammadov case. There are possibilities of becoming more assertive if the political will is there, but we must be co-ordinated and see to it that the action we take produces positive results, rather than simply hurting ourselves.

To be blunt and clear with you, dear friends, you were right of course – we all were – to be outraged by the illegal annexation of Crimea in 2014 and to speak out against it. But what we have seen is that depriving the Russian delegation of the right to vote in this Assembly has not led to the return of Crimea to Ukraine or improved the human rights situation in the Russian Federation. It has created a crisis within this Organisation instead. Now we devote much of our time to this crisis, when Europe is full of human rights crises that we should be dealing with.

As you all know, as a result of all this, the Russian delegation has not presented its credentials at this session and we must therefore plan for a situation where by June the Russian Federation will have not restarted paying the contributions it owes to the Council of Europe. Tomorrow, I will meet your Rules Committee to explain what an adjusted budget would look like, and I have already begun consultations on this with all 47 of our ambassadors. While we plan for the worst, we must also work for the best and maintain our efforts to find a way out. I hear the Russian Federation's strategy often described as "exerting economic pressure to achieve its goal", but, together, member States have the power to remove this factor from the equation by contributing more to the budget, thus preventing the deep and damaging cuts that will otherwise be necessary. We are talking about a relatively small amount of money for a big goal. It can be done if the political will is there. If member States do that, the focus can be solely on the legal and political issue or issues.

I am sure that if the Assembly and the Committee of Ministers sit down and work concretely on those issues, they can clarify the rules and the distribution of power between the two statutory organs in a way that will strengthen the authority of the Organisation. That is a good option, instead of continuing to speak about the crisis again and again, nothing happening and being unable to act on the many issues that we witness in Europe today. It is possible to work something out that will mean that we come out of the crisis stronger than before – something based on equal rights and equal obligations.

Personally, I think that it should be an obligation, not an option, for all member States to send a delegation to the Assembly. It should be an obligation to co-operate in good faith with all the statutory organs and bodies established under the Statute; it should be an obligation to co-operate in good faith with the Commissioner for Human Rights; and, of course, it should be an obligation to execute judgments from the

European Court of Human Rights in good faith. I say “good faith” because in the Vienna Convention on the Law of Treaties, it says that those that are party to a treaty should implement that treaty in good faith. There are obligations for all, and if all obligations are respected, all rights must be given. Then we will be stronger.

During my mandate, I have overseen important work on a variety of topics such as migration, human trafficking, data protection, Internet governance, and the fight against terrorism and extremism. We have also acquired two new conventions to protect the integrity of sport, which have attracted a lot of attention from all the international sports organisations, which promote them. We have developed a system for the education of young people about what it means to be a citizen in Europe today. We have adopted the Istanbul Convention on preventing and combating violence against women and domestic violence, which is more important than ever.

Meanwhile, all 47 member States have signed the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. On Thursday last week, I met His Holiness Pope Francis, with whom I was pleased to discuss the possibility of the Holy See acceding to that convention. All the prominent legal instruments that have set the standards for the whole world must be safeguarded and further advanced.

We must also be ready to respond to the fresh challenges and new issues that are emerging. I will give two examples. First, artificial intelligence will develop in a way that we at present cannot fully understand, but we have already started to understand that a number of new human rights issues will appear because of that technological development. Surely and understandably, the European Union will have to set the standards for the functioning of the internal market. We will have to set the human rights and rule of law standards for how artificial intelligence should be used at the European level.

Secondly, under Article 4 of the Convention, forced labour is totally banned – that can never be derogated – but the emergence of forced labour, which some call modern slavery, is an increasing problem in Europe. How can we improve the legal instruments that already exist? Do we need new ones? Those issues will also be on the table at the ministerial meeting to celebrate the 70th anniversary. We have to look for the new horizon of the Council of Europe; strengthen our own structures, the convention system and the assertiveness of the system; and, at the same time, look for the new issues ahead of us.

After 10 years here, my faith in the convention system is unshaken. The European Convention on Human Rights and the Statute of the Council of Europe still speak to us in crystal-clear terms. Article 1 of the Statute sets the aim of the Organisation as the greater unity of Europe. Today, the European Union seeks ever-closer union by means of economic integration – good – but the Council of Europe contributes to that greater unity by harmonising the laws of its 47 member countries. We are binding people and nations together with laws that protect individuals against the arbitrary use of State power. The same rights for all, always and regardless of the circumstances, are a strong unifying force on this continent. That we have equal rights, and a supranational Court to protect them, is unique in the world and part of what it means to be European. We are talking about the soul of Europe, which is enshrined in the Convention and its most important articles – no death penalty, no torture, no punishment without law, no person in prison whom the European Court of Human Rights has said should be free. We must do everything we can to keep all 47 member States in that sphere of values.

Last November, I read an open letter signed by Lyudmila Alexeyeva and 58 other leading human rights defenders from the Russian Federation, whose plea for us to find a solution to the current crisis in the Council of Europe was wrapped in the values and language of the Convention. As you know, Lyudmila Alexeyeva started the fight for human rights in the 1970s. She was one of the closest people to Andrei Sakharov and was always there. I knew her well. She died one month after signing the letter that I referred to. She was not just a matriarch of the human rights movement in the Russian Federation, but an advocate of common legal space from Lisbon to Vladivostok, from the High North to the South Caucasus. The text that she signed perfectly captured a nuanced, balanced, people-centred approach. Its authors state bluntly that they understand the “feelings and motives of representatives of the countries that suffered aggression by the Russian Federation.” They are also clear that they neither support, nor justify, actions by Russian authorities during the course of the current crisis with the Council of Europe. However, they are equally clear that they want all sides to be courageous in seeking a reasonable compromise solution. They believe that under the alternative outcome – whereby the Russian Federation leaves the Organisation – it is the Russian people who would suffer most. I can do no better than use their own words, which state that Russian departure from the Council of Europe “would have irreversible consequences, putting an end to a difficult struggle of Russian society to make the country an important part of Europe on the basis of shared norms and values of democracy, rule of law and respect for human rights…it will turn a large territory in Europe into a legal ‘grey zone’ for decades to come.”

The same would happen if any other country – big or small – were to fall out of the Convention. Members will remember that I was very concerned when the governing party in the United Kingdom said that it would denounce the Human Rights Act, which connects the laws in the United Kingdom to the European Convention. Now the governing party says that the country will stay in the Convention until the end of this term of office. What will happen afterwards? If the membership of a State is at stake – either voluntarily or because of massive violations of the Convention – it will be a very, very bad and serious development for Europe. It will start something unknown.

In this – our 70th year – the Council of Europe has much to celebrate. We can retreat, or we can choose to drive forward in ever greater unity and in the interest of the 830 million Europeans we represent. Let us make the positive choice. I really do hope that the two statutory organs – the Parliamentary Assembly and the Committee of Ministers – will come together and make this happen. If it does happen, it will be a great gift to us and to Europe.

The PRESIDENT* – Thank you very much Mr Jagland.

We will now proceed to questions. I remind members that questions must be limited to 30 seconds and no more. Colleagues should be asking questions and not making speeches.

The first question is from Mr Omtzigt.

Mr OMTZIGT *(Netherlands, Spokesperson for the Group of the European People's Party)* – Thank you, Mr Jagland, for your speech and your work. In October, eight MPs from the four major political groups wrote you a letter. The Independent Investigation Body heard from Mr Arif Mammadov, who stated that years ago, in multiple meetings, he told you about the corruption in our Assembly. Rule 1327, which you signed yourself, asks everyone to report reasonable suspicion of corruption. Will you reply to this letter within two weeks, and tell us whether you will publish the memos of the meetings?

Mr JAGLAND – I have answered this question twice in this Assembly. The fact is that this Assembly appointed an independent commission, which called on the head of my private office in order to ask about this issue, among other things. The commission did not see any necessity to approach me after that because, as the independent commission saw it, the head of my private office gave a good answer– namely, that the man to whom you referred said a lot that astonished us about corruption in Azerbaijan. That is why I invoked Article 52 of the Convention for the first time in 2015, giving me the right to conduct my own special inquiries into a member country. It was also because the Court did not rule on the release of Ilgar Mammadov – on the contrary. I saw that something was wrong, and the man you mentioned talked about this corrupt system. If he had told me about the corruption in this Assembly and said that he was involved in that, as has been indicated since, I would have gone directly to the French police because, as you know, bribery is unlawful. But he informed us about the corruption in Azerbaijan. That is why I responded, long before anybody else, and took the action that I explained earlier.

As I have said time and again, it was an independent commission and I hope you recognise that. However, my feeling is that, time and again, you politicise this issue in a way that is not coherent with the conclusion of the commission. As I have said to you previously, my practice is that of all those involved in diplomatic affairs – that is, when you have one-to-one meetings with an ambassador – you do not take notes, but you do have someone from your private office with you. The man who was always with me in my meetings with all ambassadors was Bjørn Berge, the head of my private office, and he has testified before the independent commission.

Mr SCHWABE *(Germany, Spokesperson for the Socialists, Democrats and Greens Group)* – Thank you very much for mentioning the responsibility of this Organisation to reach adulthood under very difficult circumstances. I would like you to provide more detail on two points.

First, you mentioned sanctions. I think we used the wrong sanctions against one country for a good purpose. Do you see any chance that the Committee of Ministers would be able to share with us the possibility of using the right sanctions in the future?

My second question is about financing. The Socialists, Democrats and Greens Group has started an initiative to write a letter to governments and parliaments to ask for better financing of the Organisation. Do you see a chance for an initiative from you and from the Committee of Ministers?

Mr JAGLAND – On the question of financing, I had consultations last week with ambassadors from all 47 delegations, presenting them with the scenario that the Russian non-payment continues and what the consequences will be for them in terms of paying indemnities to those we want to say goodbye to in the Organisation and the necessary savings we need to make. Several delegations mentioned that there is an alternative, namely that member States could fill the gap partly or entirely. They asked me to work out such scenarios – there might be different scenarios – and come back to them to present them. I will do that. Then, of course, it is possible for Governments to make a choice. It would be appreciated if you could speak to your Governments back home and present them with the alternatives we are facing.

Regarding sanctions, yes that was my point. We already have that in statute. Articles 7 and 8 have been used before. There are different possibilities, but my point was that the Committee of Ministers and the Parliamentary Assembly should come together to speak about all this, so we are co-ordinated and do not take action that is useless or counterproductive, affecting things that one did not want to be affected and affecting bodies in unforeseen ways. Dialogue between the Committee of Ministers and the Parliamentary Assembly is important. It is clear – it is set out in the Statute – that such a dialogue should happen, particularly if one wants to take very concrete action against a member State.

Mr GONCHARENKO *(Ukraine, Spokesperson for the European Conservatives Group)* – We all know that the Council of Europe is under financial blackmail from the Russian Federation. In the light of budget cuts and hundreds of members of staff losing their jobs, will you refrain voluntarily from the golden handshake at the end of your mandate and not accept more than €100 000 yearly for three years?

Mr JAGLAND – There is no golden handshake. The Secretary General, like all those who are employed here, has a contract with the Council of Europe. I can inform you that we have taken very harsh measures, which the staff have accepted, because we have been under zero growth for a number of years. In the past two years, we have frozen salaries completely – of course that also affects my salary. If one individual could do one thing that is followed by all the others, it could help the Organisation, but I do not think the staff will any longer accept continuing with what we have done for so many years. We are beginning to be uncompetitive. There are other organisations to which they can go which have had no such measures in place, so I am not in favour of a policy that will continue to harm the staff and therefore harm the Organisation. That is why I have spoken and tried to move member States to go to zero real growth. That has been blocked by a couple of states, but I hope we can overcome this, so that we can once again be competitive with salaries in other international organisations.

Mr DAEMS *(Belgium, Spokesperson for the Alliance of Liberals and Democrats for Europe)* – Secretary General, ALDE welcomes all the efforts you have made. We also welcome the fact that we are shifting away from the reasoning that non-compliance by one member will hurt the functioning of our Assembly, the Committee of Ministers and the Court. You mentioned that you are working on a number of scenarios that you will propose or at least discuss with the Committee of Ministers. May I ask that you form a working group where the Assembly will be included from the start, and that together we can look for a solution, putting it on the table for the coming part-session in April? By the way, I think the question from the Conservatives was absolutely inappropriate.

Mr JAGLAND – As I said, I think it would be a good idea to strengthen the dialogue between the Parliamentary Assembly and the Committee of Ministers on this issue. I am going to the Committee on Rules of Procedure, Immunities and Institutional Affairs, which is the body the Parliamentary Assembly has said should be the one I should consult with. I will go there tomorrow to inform them of the plans and the options. I hope that the dialogue can continue in the interests of the Organisation and that we can find a solution to the financial situation. This could also contribute, as you said very wisely, to finding a political solution. The crisis is political. There are certain legal issues involved. Looking at all the issues would help us a lot.

Mr HUNKO *(Germany, Spokesperson for the Group of the Unified Left)** – In 2019, we will have the tenth anniversary of the Lisbon Treaty coming into force, which stipulated that the European Union should accede to the European Convention on Human Rights. That, unfortunately, is deadlocked. It would be an important step towards strengthening our human rights machinery, as well as the Court and possibly our financial situation. Is it at all possible that the European Union will indeed accede once and for all in 2019?

Mr JAGLAND – When I came here, I had three goals in my head. The first was to get the Russian Federation to ratify Protocol 14, so I travelled immediately to Moscow to convince them to do that. My second goal was to reform the Court. Without the Russian ratification of Protocol 14, one could not start the reform of the procedures in the Court. The third goal relates to what you mentioned in respect of the Lisbon Treaty. I saw the Russian ratification as being linked to Protocol 14 and reforms of the Court. I did not think that the European Union would accede to a Court that had a backlog of 130,000 cases.

I saw those three goals together, but unfortunately the political arguments from the European Union and the Court of Justice in Luxembourg halted the process. We negotiated an agreement between the European Commission and the 47 member States, but the European Court of Justice suddenly said, “Stop.” That is where we are now, but I have heard that there is some rethinking in the court, which could allow this issue to advance. I do not think that will happen before I leave, but at least there is no longer the problem that there was in 2009-10, namely that the court was not functioning well, so they did not want to accede to it. We must now deal with the political arguments, but, as I said, political will paves the way for political solutions. We must continue to insist that what is said in the Lisbon Treaty will happen. I therefore believe that it must happen.

Ms FILIPOVSKI *(Serbia)* – Mr Secretary General, have you proposed concrete measures by which the Parliamentary Assembly of the Council of Europe can overcome the crisis in which it finds itself?

Mr JAGLAND – I could say yes or no, but I have presented some ideas previously and here today. The only possibility is for the Committee of Ministers and the Parliamentary Assembly to come together and have organised dialogue to identify the problems. The problems are mainly legal, but there are also political problems. I can, for instance, offer our best in-house expertise – it is recognised all over the world and is totally independent of all our bodies – to help them find a way out of this situation. The only thing I can do is to support such a process between the two statutory organs.

The PRESIDENT* – Thank you. Let us take three questions at a time.

Ms DALLOZ *(France)** – Secretary General, the Parliamentary Assembly was behind the parliamentary observation missions in Europe in 1974. The budgetary crisis that our Organisation is facing directly affects that dimension of the Parliamentary Assembly’s work. What is your vision for the future of such electoral observation missions, which aim to ensure free and fair elections throughout the countries of the Council of Europe?

Mr WHITFIELD *(United Kingdom)* – With the forthcoming adjusted budget proposals, are you not in fact restricting the Council of Europe’s horizon planning for the next 10 years by putting the budget before the discussions about where we are going?

Mr HUSEYNOV *(Azerbaijan)* – You have not taken any practical steps to solve the problem of the nearly 1 million Azerbaijani refugees and internally displaced persons during your 10 years in office as Secretary General. Instead of using common words and relating the issue to the OSCE, you could have taken action. You could have taken advantage of the capabilities deriving from the high position that you hold. Do you feel accountable for not taking action, or do you consider this to be normal?

Mr JAGLAND – Election observation must go on, of course. I support that. It is important that parliamentarians, in particular, are present on the ground when the citizens of member countries go to the polls.

The second question was a bit strange. I must deal with the current financial situation, and it may be that we have a huge shortfall in the budget. As you know, you cannot run a private company or any other institution on money that you do not have – it is unlawful to do that – so we must deal with this situation. That should not deprive us of the possibility of looking at the future and thinking about new challenges and issues. When we have clarity about the budgetary situation – hopefully before June – we can decide on the funds that we will devote to this or that purpose.

The Council of Europe is based on its Statute, which defines the budget because it establishes the bodies that we need to uphold: this Assembly, the Court, the Committee of Ministers, the Commissioner for Human Rights and the monitoring bodies. The budget is, to a great extent, already decided. The only question is how much money we spend on those statutory bodies and how much we spend on additional activities. For example, we have local representation out in the field, which is very important, but we have additional funding for that from the European Union and many member States. Although it is important that we look to the future, we must deal with the financial situation.

I do not have any means of solving the problem of the Azerbaijani refugees. If I went to the OSCE or the United Nations High Commissioner for Refugees, I think they would agree that I do not have the means or the mandate to do that. We have a different mandate, which we are trying to exercise. I do not see any way that the Council of Europe can deal with that refugee problem, which is very severe. I will not say anything else. It is a terrible situation for those affected.

Mr GOLUB *(Ukraine)* – Secretary General, in one of your recent communications you said that a member State that does not pay contributions obviously shall not be a member of the Council of Europe. Will you elaborate on what steps you have taken to exclude the Russian Federation, which has not paid its contribution for two consecutive years, from the Council of Europe?

Mr NACSA *(Hungary)* – Secretary General, we would like to express our thanks for the personal attention and careful consideration you have given to the recent happenings with legislation on language rights for the Hungarian minority in Ukraine. In view of the upcoming elections in Ukraine, we urge you to continue to follow closely the developments there and to call on the Ukrainian parties and politicians not to use the issue of national minorities for campaign purposes. In your opinion, what is the likelihood of Ukraine fulfilling the Venice Commission's recommendations on educational law before the elections?

Mr KILIÇ *(Turkey)* – Secretary General, I would like to hear your comments on the achievements of the Council of Europe so far. Efforts to reform the Council of Europe are on the agenda; what would you propose as immediate steps to foster efficiency and the relevance of our common democracy house?

Mr JAGLAND – Thank you for those three questions. On the question of non-payment by the Russian Federation, there are clear rules. One is set out in Article 9 of the Statute. The Committee of Ministers has defined the timeframe and that if a member State fails to pay for two years the Committee of Ministers may apply Article 9, which is about the suspension of rights for that member State. In June, the two-year period will have expired and the Committee of Ministers will then of course discuss how or when to apply Article 9. Let us hope that we can find a solution to the whole problem before we reach that point.

On the question of minority languages in Ukraine, it is important to know that Ukraine is party to both the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. What you said is true, Mr Nacsa: Ukraine has asked for an opinion on this law from the Venice Commission, which was to some extent critical. I had a meeting with the Ukrainian Education Minister some time ago and she said that they will take account of the opinion of the Venice Commission, so let us hope that that will happen when the Verkhovna Rada deals with this. I think it is in the second round of the process now.

I would like to take this opportunity to point out that the protection of languages and minorities is a huge political issue in Europe. It has always been, and that is why we have these two instruments. At a summit in 1993, the question of how Europe could help to stabilise itself after the fall of the Berlin Wall was asked, and the answer was to have the framework convention and the charter. We saw the importance of being educated in your own mother tongue and of protecting minorities, as we had seen atrocities against minorities and what that had led to. We should not consider this a minor issue; it is very important in stabilising Europe and avoiding conflict.

Mr Kiliç asked about the efficiency of the Organisation. We have done a lot over the years, not least to make the Organisation more efficient. It became more efficient because we decentralised over-activity. We pushed out our expertise to where it was needed most – on the ground, to help member countries. That made us much more relevant and attracted more external resources. If we had not been on the ground in Kiev, with 50 experts, for many years, we could not have been competitive in getting resources from other international organisations, the European Union and member States. This decentralisation process made us much more efficient and relevant.

We have suppressed the number of posts in this place by more than 200 over the years – you should know that. It is a lot. And we are working on new initiatives to make the whole shop more efficient. We have focused on reforms and making ourselves more efficient and relevant over a number of years. It must continue, but we cannot continue to reduce the number of staff in the way we have, because now we have reached the bone. If we go further, it will hurt and not make the Organisation better.

The PRESIDENT – Thank you. We must now conclude the questions to Mr Jagland. I thank you most warmly on behalf of the Assembly for the answers you have given this afternoon.

(The speaker continued in French.)

I call Sir Edward Leigh on a point of order, and remind you that it has to be related to the rules.

Sir Edward LEIGH *(United Kingdom)* – The session we have just had is probably the most important of this entire week, given that this Organisation has real issues with corruption and that the financial black hole

has not been dealt with, but you have ended the questions, Madam President. We could still have got them all in, and I should have thought that it would be better if you had exercised your judgment in allowing them to proceed. This sums up what is wrong with this Organisation. We are ranging too widely. We will have a long, discursive debate now. We have had very long replies from the Secretary General; it is the easiest trick in the world, of course, to give long replies, as it cuts down the number of questions. Why did you not allow the session to continue so that we could question the Secretary General?

The PRESIDENT* – I remind you, dear colleagues, that the agenda was adopted yesterday, first by the Bureau and then confirmed by the plenary. I am duty bound to follow the agenda as adopted. We will now move to the next item, with a large number of speakers who want to participate in the debate.

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

The PRESIDENT* – You like to engage in points of order, but they must relate to the rules.

Lord FOULKES *(United Kingdom)* – It does.

The PRESIDENT* – The last one did not and I shall not accept any more.

I must remind you that the vote is in progress to elect two judges to the European Court of Human Rights. The poll will close at 5 p.m. Those who have not yet voted may still do so by going to the area behind the President's Chair.

3. Sergei Magnitsky and beyond – fighting impunity by targeted sanctions

The PRESIDENT* – The next item of business this afternoon is the debate on the report titled "Sergei Magnitsky and beyond – fighting impunity by targeted sanctions", Document 14661, presented by the rapporteur Lord Donald Anderson on behalf of the Committee on Legal Affairs and Human Rights.

I will interrupt the list of speakers at about 5.55 p.m. to allow time for the reply and the vote. I remind members that there is a three-minute speech limit in this debate.

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

Lord ANDERSON *(United Kingdom)* – It is my pleasure to introduce the report in my name, which was passed unanimously by the Committee on Legal Affairs and Human Rights, whose Chair is sitting next to me. We proceeded in a spirit of consensus, with all the proposed amendments accepted by the Committee. Why is that? Because this report deals with something that is dear to the heart of all our members. This Assembly is the core of human rights in Europe, and therefore it is only right that we deal with something that so clearly tackles human rights.

The aim of the report is to encourage member States to follow the example of those who have introduced broad sanctions, including asset freezes and visa bans, against those who commit massive human rights abuses. In my judgment, there is already a tide flowing in favour of this, with more and more countries extending this area against the villains who abuse human rights. The report is a follow-up to the 2014 report by Andreas Gross that examined the Magnitsky case and was also passed with a massive majority.

For those colleagues who are new to it, Magnitsky was a lawyer who stood up against high-level corruption and money laundering in the Russian Federation. He was arrested, placed in custody, tortured over a prolonged period and beaten to death. After a long campaign by Bill Browder, head of Magnitsky's employing firm, the United States Congress passed the Sergei Magnitsky Rule of Law Accountability Act in 2012, which prevents those responsible for human rights abuses and money laundering from obtaining visas.

That Act related only to the perpetrators of the actions against Mr Magnitsky. A 2016 Act broadened the ambit of that law to include all those who are guilty of human rights abuses, with those since targeted including more and more people on a world scale. They include generals from South Sudan, Burmese generals and several malefactors in Latin America. They also include, for example, Kadyrov, the leader of Chechnya, which has figured so largely in the work of this Council.

The report reminds us of the action we took in 2014, after which the Council said that, if there was no response to our recommendations from the Russian Federation, or if it was insufficient, we should consider further recommendations. It is absolutely clear – a predecessor of the President circulated a report to this

effect – that there was no response from the Russian Federation. Absurdly, after the torture and death of Mr Magnitsky, he was posthumously taken to court, while those responsible for the corruption were not only praised but were able to take advantage of their ill-gotten gains by buying property overseas. It is possible to follow the money trail to Dubai, for example, and other areas.

Mr Browder, whom I have already mentioned, has himself been targeted on several occasions. Interpol red notices have been issued against him, the latest being this month. As mentioned in an earlier report by our former colleague Mr Fabritius, that has been a total abuse of the Interpol notice and is another matter that the Assembly has dealt with. The red notice abuse has persuaded me to include in the draft resolution a call for States to refrain from co-operating with any politically motivated prosecution.

What have been the developments since the brutal death of Mr Magnitsky in 2009? In 2012 came the initial United States Act, and in 2016 came the Act that broadened it. Many European countries have already taken action in this regard. In my judgment, the tide is flowing very much in favour of action. The Baltic States have taken action. Canada, which has a partnership link to this Assembly, has taken action. I applaud the initiative of our Dutch colleague Mr Pieter Omtzigt in going to the European Parliament and urging it to take action and to ensure that member countries of the European Parliament also enact similar laws – not only Magnitsky laws but those broader laws taking action against any such abuse. The Committee heard in Reykjavik from a Canadian colleague, who stressed that she had been able to unanimously get through a similar measure in Canada. I stress that each country will have its own procedures. We are not in any way prescriptive. We do not tell countries what to do, save encouraging them to take action along those lines.

The draft resolution calls on all member States of the Council to enact similar legal instruments. It is not prescriptive in any way. We call these smart sanctions, because they target individuals and the corporations behind which individuals may hide. Consistent with the human rights obligations of the Assembly, we ensure that those against whom these allegations are made have an adequate recourse to protect themselves with an appeal procedure.

I hope that we can adopt the resolution in the same spirit of consensus as the Committee, which adopted this resolution so well, and indeed adopted all the proposed amendments. If we do so, we will send a clear message to those concerned about the advancing of the Council's foremost values, in respect of the protection of human rights. This is a challenge for all our member States. I encourage them to follow suit and to rise to that challenge.

The PRESIDENT* – Thank you, rapporteur. You have four minutes and 15 seconds remaining. I now give the floor to Ms Sotnyk, from the Alliance of Liberals and Democrats for Europe.

Ms SOTNYK *(Ukraine, Spokesperson for Alliance of Liberals and Democrats for Europe)* – First of all, I express our gratitude to Lord Anderson for this important, informative and up-to-date report. It is well known that there are several countries in the modern world for whom it has definitely become usual practice to violate human rights and to neglect the basic principles of the Convention and the fundamental freedoms. The main reason for that is the absence of an adequate judicial system in those countries and the complete impunity enjoyed by the main perpetrators of human rights abuses and violations there. One of those countries is the Russian Federation, which a number of international organisations have recognised as being responsible for the most flagrant violations of human rights. The dozens of other examples demonstrate the need to consolidate the efforts of European democratic States to take measures to eliminate the impunity of human rights abusers and the major threat to the rule of the law.

I want to express my gratitude to the British Parliament, which was the first to implement the Magnitsky Act, since when we have seen a wave of other Parliaments – in Canada and the United States, as well as European Parliament – deciding to implement sanctions based on Magnitsky legislation. My colleagues and I have initiated a Ukrainian Magnitsky Act, which includes the names of those connected to other violations, such as the case of Sentsov and other political prisoners in the Russian Federation.

However, my main message, which the rapporteur also mentioned, is that our Assembly, the Council of Europe, passed our own resolution in 2014. I would remind you that paragraph 18 of that resolution called on "member States of the Council of Europe to…resort" to "the example of the United States" and impose personal sanctions on Russian officials involved in crimes against Magnitsky. The best thing would be not for just Great Britain, Ukraine or Latvia to implement such Acts, but for all member States to do so. Colleagues, I call on you to begin similar initiatives in your Parliaments. Everyone remembers the main goal of the Council of Europe: to achieve greater unity among its members for the purpose of safeguarding and realising the ideas and principles that are our common heritage and facilitating economic and social progress. Together, let us take this responsible and important step and protect our citizens from tyranny and impunity for offenders.

Mr OVERBEEK *(Netherlands, spokesperson for the Group of the Unified European Left)* – I thank the rapporteur for tabling an interesting memorandum and for drawing up the clear resolution before us. The members of our group fully share this Assembly's commitment to fight against impunity for perpetrators of serious human rights violations and serious forms of corruption that undermine the rule of law. However, most members of our group have serious doubts about whether the draft resolution on the table is the right way to implement that commitment.

The first reservation concerns the fact that the resolution unfortunately mixes up two partly separate issues: the specific case of the death of Sergei Magnitsky and the call on member States to introduce general, generic legislation. This, in our understanding, is not really due process. As for the specifics of the Magnitsky case, earlier calls to provide more transparency about it have unfortunately been met with characteristically unco-operative Russian responses. Resolution 1966 (2014) addressed this and called for follow-ups by the competent authorities. That resulted in some member States and others adopting national Magnitsky Acts in various forms.

However, as the memorandum by the rapporteur rightly acknowledges, the circumstances of, and background to, Magnitsky's death have so far not been fully and satisfactorily investigated. A 2016 documentary by the Russian film maker Andrei Nekrasov, which could throw new light on the background to the case, has been so effectively banned from public access in the West that anyone trying to locate and access it on the Internet – as I did earlier today – might think that he or she had ended up in China.

That brings us to the issue of legal safeguards, which is dealt with in chapter 4 of the memorandum. This states that the Parliamentary Assembly Resolution 1597 (2008), on the United Nations Security Council and European Union blacklists, is followed in this resolution. Unfortunately, that is not quite the case. Those safeguards have been watered down in paragraph 11.2 of the resolution before us, where "to be notified promptly and fully informed" has become "are informed of the imposition of sanctions and of the full and specific reasons for their imposition"; where the "right to be heard" in the original resolution has become the right "to respond"; where the "independent, impartial" review body has become "an appeals body that enjoys sufficient independence"; and where "any violation of…rights" has become "adequate compensation in case of erroneous sanctions". It is almost the same, but not quite. The devil is in the detail.

What is striking is the lack of serious legal analysis in the memorandum, either of the legal principles involved – for example, the presumption of innocence until proven guilty by an independent court – or of the actual practice in countries where a Magnitsky Act has been adopted and where, with the possible exception of the United Kingdom, there is no provision for proper judicial review or any time limitation, as also required by Resolution 1597 (2018).

In conclusion, although we cannot support the resolution on the table, we would welcome the commissioning of a new report to make an inventory of existing issues regarding targeted sanctions. Such a report could also look in more detail at the place of the International Criminal Court in this context and give more detailed attention to the possible role of non-governmental organisations in maintaining documentary databases, as suggested in paragraph 35 of the memorandum.

The PRESIDENT* – I remind colleagues that there are still five minutes remaining in the ballot for the election of judges to the European Court on Human Rights. Those who have not yet voted still have five minutes.

Mr KANDELAKI *(Georgia, Spokesperson for the Group of the European People's Party)* – As you very well know, symbols matter in politics. The name of Sergei Magnitsky, who was murdered to cover up the theft of $230 million of Russian taxpayers' money, has become a global symbol of how to fight human rights abuses. In fact, Magnitsky legislation, which has now been passed in the United States, Canada, the United Kingdom and the three Baltic States, is emerging as a powerful global tool in the fight against human rights abusers, which has already resulted in consequences for some of them, not only in the Russian Federation but in Myanmar – as noted by the rapporteur, whom I congratulate on doing a terrific job – South Sudan and other places. Surely Magnitsky legislation is now a global tool.

Often, human rights abuses are perpetrated for personal enrichment, and those who commit them bring their money to traditional democracies in the West to secure it. One of the fantastic benefits of Magnitsky legislation is the objective that these people should no longer consider their money secure. This money must no longer be secure. Human rights abusers should not, as so often happens, be able to bring criminal or blood money to the West.

As I have said, Magnitsky legislation has already been enacted in the United States, the United Kingdom and the Baltic States – one of the initiators, Mr Zingeris from Lithuania, is with us. The next step is to create an European Union-wide Magnitsky Act, so that this legislation applies throughout the European Union. The amendment from our colleague Pieter Omtzigt, which was approved by the rapporteur, underscores the importance of retaining the name of Sergei Magnitsky.

Finally, there is also one amendment that relates to Georgia. David Bakradze, my colleague from Georgia, will speak about it and the murder of Georgian civilians in territories currently under Russian occupation in Georgia. The Georgian Parliament has created a legal tool that embraces the philosophy of Magnitsky legislation in this context.

Once again, I thank Lord Anderson for coming forward with this resolution. I very much hope it will pass and that the European Union will go ahead with putting in place European Union-wide Magnitsky legislation. Thank you.

Mr RAMPI (*Italy, Spokesperson for the Socialists, Democrats and Greens Group*)* – First, I commend Lord Anderson for the quality of his report, to which I wholly subscribe. It is worth us all reflecting on the report as we celebrate the 70th anniversary of this Organisation. A Magnitsky Act would constitute a new season for human rights. We have tried to tackle these issues in this Chamber and sanctions have been used to try to clamp down on certain human rights violations, but ultimately they tend to end up affecting the population at large, and they are the victims of these human rights abuses. The sanctions fail to impinge on the people who cause the human rights violations. The Magnitsky case is therefore emblematic; it has come to stand as a symbol. We need to remember someone who had the courage to stand up and defend the rule of law, as well as the principles that underpin this institution, as a lawyer and lawmaker in his country, and who paid the price with his own life and personal suffering. His name has come to stand for the following: people who abuse the rule of law should fear the consequences.

Those who breach human rights tend to squirrel away their money outside their country's borders to keep it safe. We need to change our legislation to make sure that it is no longer the case. If that were so, a Magnitsky Act would make it possible to overturn that approach. It would no longer be possible for offenders to find a safe harbour for their money.

As those who seek to defend the rule of law, we have been working on this matter for several months in Italy. It is by no means straightforward to transform all our different legal systems, particularly my own, which is very different from those of the United States, Canada and the United Kingdom. That is why we would like to see this legislation become a constructive model.

I thank my group for allowing me to speak on this matter and urge you all, from the bottom of my heart, to approve the resolution. Thank you.

The PRESIDENT* – It is now 5 p.m. The ballot for the election of judges to the European Court of Human Rights is closed. I invite our tellers, Mr Emre, Ms Leyte, Ms Muñoz and Mr Murray to count the votes. We hope that the results can be announced at the end of this sitting or, at the latest, the beginning of the next.

The final group spokesman is Mr Howell.

Mr HOWELL (*United Kingdom, Spokesperson for the European Conservatives Group*) – I start by saying that Lord Anderson has produced a very good report. I am glad to see that there is near unanimity in support of him, although, sadly, one group has already fallen out over this. Four out of five is a very good start, however. Despite the differences in our legal systems, there is a common theme here that can transcend those legal systems to maintain a very strong point.

Lord Anderson has raised a very important subject and I congratulate him on bringing it before us and on the way he has done so. The circumstances of Sergei Magnitsky's death are set out in the report. They make for very sorry – and very grisly – reading. Even more sorry is the fact that the crime's perpetrators have not been punished.

As the report says, it is strange how the death of one man can come to symbolise the failure of a whole nation's judicial and prison system, but that is exactly the case here. I am aware that a number of countries have introduced laws to deal with this sort of situation, and I am very proud that the United Kingdom has done so, as mentioned by a number of speakers. We are providing the opportunity to designate individuals for human rights abuses.

The report rightly calls for no co-operation with any politically motivated prosecutions relating to the Magnitsky case. That must be right. The report's emphasis on targeted sanctions against individuals is also the right way to proceed. This is not another attack on the Russian Federation simply for the sake of it, but it shows the Russians up for their inadequate response to this Assembly's recommendations. It also highlights the inadequate way in which the Russians dealt with this case and points to how – adding insult to injury – they have posthumously found Mr Magnitsky guilty of fraud.

The human rights violations set out in the report are fundamentally serious and go to the heart of what this organisation is all about. It is fundamental to our role as the premier human rights organisation in Europe to pursue the course set out in Lord Anderson's excellent report. I recommend it wholeheartedly to the Assembly.

The PRESIDENT – Does the rapporteur wish to respond at this stage?

Lord ANDERSON (*United Kingdom*) – Not at this stage.

The PRESIDENT* – Thank you, rapporteur. We now open the further debate and give the floor to Mr Omtzigt.

Mr OMTZIGT *(Netherlands)* – I join those who have spoken so far in saying that this is an excellent report. It is very important that in this Assembly, when things are not resolved – and the Magnitsky case is not yet resolved – we keep coming back to it until it is. It is quite a shameful case; it is shameful to put on trial someone who was killed in custody. That simple fact should be enough, as should the fact that it has taken more than five years for the Russian Federation to be put in the dock to explain what happened.

I agree with Mr Overbeek that there are two issues here: whether to raise the matter with the Russian Federation and whether we should implement Magnitsky laws. My answer to both is yes. First, we should keep mentioning this case to the Russian Federation and keep asking what exactly has happened there. Secondly, we should move on to new mechanisms for dealing with human rights offenders who were not put on trial in their own country. Of course, that means all kinds of procedural issues. But it would be a great step forward if, in those cases that are internationally recognised, we all moved forward and thought about Magnitsky lists European Union-wide – or, if some previous speakers prefer, European Union plus United Kingdom-wide – to maintain our standards and work together, so that at least the people who have not replied to these serious allegations are unable to go abroad and enjoy the money they got.

As Mr Rampi said, it is a new tool for fighting this kind of impunity and, yes, it transcends the legal systems. On that, I agree with Mr Howell. I really love the fact that we have finally agreed to this. Together with Mr Kandelaki, to whose party I belong, I have proposed a few amendments. We welcome the initiative of the Dutch Government, together with a few others, in starting to implement a real mechanism in the European Union. I hope it will be supported by the other European Union countries.

(Ms Brynjólfsdóttir, Vice President of the Assembly, took the Chair in place of Ms Maury Pasquier.)

Ms HEINRICH *(Germany)** – Developments in human rights policies often deal with the issue of impunity, and for good reason: rapists in Africa, Islamic State terrorists in Syria and criminals in Latin America all too often go unpunished or are protected from punishment by corrupt regimes or officials. I wish to thank my colleague Lord Donald Anderson for his important report, because it shows that impunity is, unfortunately, also an issue for the member States of the Council of Europe.

This report struck a chord with me, because impunity always means the destroying of a State. A State is meant to protect its citizens, and if it not prepared to do so, how much uncertainty and insecurity is that going to cause? If its representatives do not act in accordance with the rule of law, people will be completely at the mercy of the State. The death of Sergei Magnitsky has still not been solved. The report describes aptly that the Russian Government has still not made any progress in prosecuting the perpetrators. This is impunity in its purest form, and it is also a disgrace if criminal proceedings in the Russian Federation are discontinued and the officials who are suspected continue to be praised or even promoted. But the report calls for more and I support that call, too.

Leaving aside issues related to Magnitsky's death, the report recommends various targeted sanctions against perpetrators, because untargeted sanctions often hit the wrong people. Travel bans and the freezing of accounts are measures targeted at those who enjoy impunity through their domestic policies. I particularly like the fact that the report did not overshoot the mark. It goes without saying that the rights of suspects must also be protected. For example, sanctions should be imposed only by means of a transparent procedure.

Suspects must be given the opportunity to express themselves, and people who have been unfairly sanctioned must be compensated. That, too, is the rule of law.

The report calls on us members of parliament to take action. By trying to convince our governments of best practice in other countries and by networking, let us draw on the valuable experience of civil society. Let us do it. We owe it to victims such as Sergei Magnitsky,

Mr GOLUB *(Ukraine)** – First, I wish to thank Lord Anderson for doing an excellent job of work. In September 2018, the Committee on Legal Affairs and Human Rights recommended that the member States of the Council of Europe adopt laws analogous to the Magnitsky Act in force in the United States, with the idea being to apply targeted sanctions against individuals who have been found guilty of violations of human rights but who are enjoying impunity for their crimes in their home country because of corruption.

As a representative of Ukraine, it is important for me that you become familiar with some examples of arbitrariness and impunity practised by the Russian Federation against my State and my compatriots. Today, more than 50 Ukrainian citizens are being held in prison on the territory of the Russian Federation on trumped-up charges, 24 Ukrainian mayors have been detained and someone who is only 18 is in prison. These individuals have committed no crimes, but the Russian Federation is identifying as a crime the fact that they want to live in a democracy and to protect the rule of law and the freedom of expression of others. The most serious crime of these prisoners of the Kremlin consists in the fact that they have had the audacity to refuse to accept dictatorship, tyranny or repression. You have no doubt heard of Oleg Sentsov, a scriptwriter and artist who was on hunger strike for a number of months and was close to dying. In August 2015, he was given a 20-year sentence in a penitentiary colony above the Arctic circle where snow falls more than 200 days a year and a temperature of minus 25 is usual. It takes two days to travel there from Moscow.

I have mentioned these cases in order that we understand how important it is to adopt this resolution. The people who are guilty of putting these innocent people in prison must not enjoy impunity. Of course, we cannot force the Russian Federation to respect human rights, but we must unite our efforts and apply targeted sanctions against the real criminals, for whom dictatorship is a last way of saving themselves, because Magnitsky and the hundreds of other political prisoners could end up being also those who do not accept the law of the jungle and want to live in accordance with the principles and values of democracy and human rights.

Mr GONCHARENKO *(Ukraine)* – First, I wish to say thank you to our rapporteur for not only his great work but his courage, because all the people who worked on the Magnitsky list in different countries of the world were punished with sanctions from the Russian Federation. It is always like this if someone wants to say something truthful about Putin and his regime. I can say that because, like hundreds of my compatriots from Ukraine, I am under sanctions from the Russian Federation just for telling the truth in different places, including the Council of Europe.

Let me remind you of what happened to Sergei Magnitsky. He carried out investigations into big corruption in the Russian Federation. As a result, he was arrested and imprisoned, and subsequently died in pre-trial detention, having been beaten with rubber batons, with the aim of pacifying him when he was screaming from the pain. That is the reality of what happened in the Russian Federation – in its prison. Is Mr Magnitsky the only person to have met with such a fate? No, there are hundreds and perhaps thousands of Magnitskys in the Russian Federation. The only reason we know about Magnitsky's story is thanks to Mr Browder, who raised this issue at the international level. Everything became clear and we now know the whole story, but there are thousands of people who are killed in Russian prisons just because they told the truth.

The first name on the Magnitsky list should be Putin, because nobody can say, "He is the President, but perhaps he did not know about this story." Now the whole world knows about this story. Are these people punished? No, some of them were even promoted in their service; they are civil servants and they feel great in the Russian Federation. That is why we can say that Putin should be the first name on this list.

We see the same story in relation to Ukrainian citizens – for example, film director Oleg Sentsov, who was imprisoned for nothing. He was born in Crimea and grew up there. He was arrested, accused of terrorism and sentenced to 20 years' imprisonment – for absolutely nothing. He has already spent five years in prison. He was on hunger strike for more than 140 days – just imagine that. I want to emphasise to you that you should make this Magnitsky Act in all the parliaments of Council of Europe member States and work for Sentsov's release.

Mr BULAI *(Romania)* – I must confess that it is difficult to speak after the honourable members from Ukraine, who are directly affected by Russian interventions in their country, but I will still express what I have

prepared. I start by thanking Lord Anderson for his thorough work as rapporteur. The Sergei Magnitsky case, which carries on, is one of the most astonishing large-scale violations of human rights on our continent, and it cannot go unpunished. I state my profound admiration for Mr Browder's resilience and efforts during this time in the name of justice, fairness and the rule of law.

Indeed, coming from a country where human rights and the rule of law have been constantly challenged in the last few years, I also believe that, although the legislation is named after a brave fighter and victim, it should not be aimed at a single country. Any person, in any country on the planet, should feel the long arm of the law and of justice when it comes to breaches of human rights, big corruption cases or money-laundering cases that go unpunished locally.

I also believe that such an endeavour – the Magnitsky legislation – needs more than the individual pledges of Parliamentary Assembly of the Council of Europe member States. Those of us who come from European Union countries should do everything possible to ensure that the whole Union, in a co-ordinated manner, adopts the possibility of targeted sanctions against individuals who violate human rights and enjoy impunity in their country of origin.

We, the parliamentarians of Save Romania Union, have already drafted a Romanian Magnitsky law, which we intend to present to our parliament during the next session. I promise that we will fight to have the core principles of the resolution adopted and implemented in Romania, and that we will fight to have them taken into consideration by the European Union as a whole.

Mr VAREIKIS *(Lithuania*) – I congratulate the rapporteur. We are talking about sanctions, so I ask myself whether they are working and whether they are really effective. My answer is yes, because when we implemented the Magnitsky list in my country of Lithuania, I as a member of parliament received a message – a letter – from the Russian Federation stating that I am a persona non grata in the Russian Federation. That means that it reacted and that sanctions are painful for it, so sanctions are working. I do not need to go to the Russian Federation, but the fact that I am a persona non grata in that country means that sanctions are really working, which is a good sign.

What is probably not good, and what I would like to improve, is that we are applying so-called targeted sanctions, which say that this or that person is a bad guy who has committed a crime. That is okay – we are making a list of people who will be shamed by history, because the list will remain for a long time – but targeted sanctions only replace one segment of the system. We are saying that that part of the system is not working, or is working badly, but we are not changing it. We present a list of the people who are committing crimes against human rights, but at the same time we are not changing the system. That is not good; it is bad. We have to go one or two steps beyond that and say not only that one, two, three or four people are guilty of human rights abuses, but that the system itself is criminal and violates human rights.

Again, I congratulate the rapporteur and our Assembly on presenting and, I hope, adopting the report. I ask that we do not stop here but introduce more precise and powerful sanctions.

Mr ZINGERIS *(Lithuania)** – We are dealing with the report of Lord Anderson, which addresses an issue that we discussed today with Secretary General Jagland and the Minister of Foreign Affairs of Finland. We are talking about how we can co-operate with the Russian Federation, given that the entire judiciary and courts system is being used to further the aims and objectives of the regime and of President Putin. Given that situation, what can we do? We have to deal with the facts that have been confirmed by Interpol, the red notice orders that have been issued by Interpol, and the fact that agreements with the Russian Federation are being politically exploited.

Mr Omtzigt, Mr Schwabe and I are rapporteurs for the Russian Federation on the cases of Nemtsov and Chechnya and of the aeroplane that was shot down, but we cannot work with the Russian Federation, because it has declared that most of us are not wanted there and that it will not co-operate with us. That means that the Council of Europe and its Parliamentary Assembly have no further co-operation possibilities. We did not fail with regard to co-operation; it is the Russian Federation that has failed. I do not think that we should feel at all guilty.

We should state clearly that the presence of Russian members is not wanted here, because up to now the Russian Federation has failed to meet the obligations that it signed up to in 1996 when it became a member of the Council of Europe. That also relates to withdrawing from the Republic of Moldova and the 14th Army. The Russian Federation has therefore not implemented those obligations. We also have to ensure that the people concerned are borne in mind and that the different parties have discussed the activities. We should

give the report our support, because it deals with the Russian judicial system and we know what the situation is there – sadly, we cannot trust the Russian judicial system.

Mr HUNKO *(Germany)** – I fully support the position expressed by Henk Overbeek, the spokesman for our group. Our problem with the report is that it talks about three separate processes, which we need to deal with separately. The first, of course, is the Magnitsky case itself. I have no doubt about the fact that he died unjustifiably in a Russian prison. The second issue is the international reaction to that death and the way in which it has been dealt with internationally, particularly by the United States. The third issue is how we deal with impunity when it comes to human rights violations. Henk Overbeek was right to say that the Group of the Unified European Left would support anything that would help us to overcome this climate of impunity, and that we should not muddle all these issues up together. When I first read the resolution, I thought, "You know what? I will probably abstain." But I have dealt with the international negotiations on the case on many occasions, so I subsequently came to the view that, regrettably, I would have to vote against the resolution.

There is also the matter of Andrei Nekrasov, who was commissioned by ZDF and ARTE – two German channels – to make a film on the Magnitsky case, and he worked on the film for a long time. Andrei Nekrasov is a critic of the Kremlin and an award-winning film maker. When he read the original files, he came to the view that the depiction of this case really does not correspond to the reality. I have obviously only seen his report of the transcript of those interviews, but what is most shocking is that the film was not broadcast when it was completed and ready to be broadcast; there was huge pressure because Nekrasov called into question the veracity of the Magnitsky files.

This issue is so complicated because we are looking at how to deal with impunity, but it has become inextricably linked with a controversial case. That is why we have to separate the two from one another. We have to deal with impunity regardless of the Magnitsky case.

Mr BAKRADZE *(Georgia)* – Today we are dealing with an issue that simultaneously has an impact on the past and on the future. It has an impact on the past because it concerns and brings justice to the case of Sergei Magnitsky and other victims of the violation of human rights, and it brings justice to those people – public officials, dictators, strong men – who believe they can violate human rights without paying any price. It has an impact on the future because it prevents such things from happening in the future; and it defends and protects all potential future victims from such abuse of human rights and of their lives. That is why the issue we are considering today is so important.

I thank the rapporteur, Lord Anderson, for putting together a very good report and resolution. He was able to do so in this period of broad consensus at the plenary session as well as in committee, which is always appreciated. The majority of political groups at this Assembly support the submitted document, which is important, given that the matter with which we deal today is not just a political or judicial legal statement; it is a statement from this Organisation that we will not tolerate or accept serious violations of human rights, and that those who perpetrate such violations will pay a price. It is a very serious moral statement, and we should be unanimous in adopting it.

The case of Mr Magnitsky became a symbol of defending human rights. At this time, it is also important to mention the case in Georgia. As members know, there are two Georgian territories currently occupied by the Russian Federation: Abkhazia and South Ossetia. Under international law, the Russian Federation – as the occupying power – is in charge of law and justice in those territories. But it does nothing. Kidnapping peaceful civilians, keeping them in custody and asking their families for ransoms has become a daily business there – business as usual. The killing, murder and torture of innocent civilians happens on a weekly basis in both occupied territories, without any investigation or law, and the murderers and perpetrators pay no price. We therefore support this resolution and believe that the amendment tabled by a group of members to whom we are grateful serves the very spirit of this resolution – to defend the civilian population, to defend and protect human rights, and to prevent such crimes from happening in the future.

We tabled Amendment 4 regarding the Georgian case. The Georgian Parliament established its list, which is in the spirit of and has the same mechanism as the Magnitsky list. We call it the Otkhozoria – Tatunashvili list – named after two victims of crimes in the occupied territories. The objective of this list is to impose targeted sanctions against those who kill, murder, torture and kidnap members of the civilian population without any legal consequences. This amendment fully fits the spirit of the resolution and, alongside the list, was recently supported by the European Parliament, so we are delighted that it has now been brought to the Council of Europe. We hope that it will also enjoy broad support in this Assembly. Thanks again to Lord Anderson for the report.

Mr NICK *(Germany)** – First, I express my gratitude to Lord Anderson for this outstanding report. I and a number of colleagues support the initiative of the Netherlands and the call by other European countries to develop a European Magnitsky Act with global reach, which would make sanctions ”smarter” following the Magnitsky case – targeted at and personalised to those responsible, instead of being directed broadly at entire states and societies.

Secondly, as set out in paragraph 11.2, sanctions under such an Act would be imposed according to the rule of law, which makes a clear distinction between charge and verdict and offers the opportunity for a judicial review.

Paragraph 11.4 refers to the usefulness of international documentation centres. Germany has had an excellent experience with Central Registry of State Judicial Administrations in Salzgitter, which recorded more than 42 000 cases of human rights violations in the former GDR between 1961 and 1992. That was very important in deterring people from committing similar acts and was an important basis for the prosecution of the unification of the State.

However, I would like to distinguish clearly between sanctions under a Magnitsky Act and something we increasingly face as a challenge – unilateral sanctions, which have ramifications on third parties. This raises the issue of the legal basis for such sanctions. If sanctions are based only on economic power, no longer co-ordinated by governments and directed against individuals and companies in a third country, this poses a new challenge.

I remind you of what happened in the case of SWIFT with regard to Iran and elsewhere. Decisions are made because entrepreneurs or members of executive boards are threatened with massive individual sanctions. In Germany, the activities of an ambassador caused significant resistance among the population.

Finally, congratulations on this report. Let us define a benchmark for targeted individual sanctions in accordance with the rule of law.

Mr WIECHEL *(Sweden)* – For a long time, the international community stood helpless when it was confronted with flagrant cases of human rights violations inflicted on so-call whistleblowers, the people whose only action had been to report crimes they had witnessed to the authorities. Meanwhile, the people who were guilty of those crimes or stood to benefit from them went unpunished, while the whistleblowers were to be punished. The Sergei Magnitsky case of 2009 and its follow-up, admirably dealt with in the report drawn up by Lord Anderson on behalf of the Committee on Legal Affairs and Human Rights, has changed all that.

It is perhaps significant that the United States of America was the country that started the ball rolling by adopting a so-called Magnitsky Act in 2012. It was originally envisioned that the Act would punish only the people guilty of crimes in that particular case. However, its scope was widened in 2016, through a so-called global Magnitsky Act, which targeted sanctions against any and all serious violators of human rights anywhere in the world who enjoy impunity on political or corrupt grounds.

Now, more and more countries are following suit with their own global Magnitsky Acts. So far, they are: Estonia, Lithuania, Latvia and the United Kingdom, all of them member States of the Council of Europe, and Canada, an observer State to the Parliamentary Assembly. I would like to think that the link with the Council of Europe may have had something to do with the very advanced co-operation in this Organisation, including in this Assembly. When it comes to fighting economic crime and corruption, however, that includes our very competent GRECO group, a French acronym that stands for Group of States against Corruption.

It is incumbent on both our Assembly and the Council of Europe as a whole to push ever more intensely for more of our member and observer States to adopt global Magnitsky Acts. If that succeeds, it will be a noble way for us to honour Sergei Magnitsky’s memory and his contribution to a world free of corruption and risk to whistleblowers. My party and I pressed for this to happen in my country of Sweden. The rapporteur’s magnificent report and this fine debate gives me new energy to carry on. Thank you for the report and thank you, Madam President.

Mr VALLINI *(France)** – When Crimea was annexed by the Russian Federation, we saw how powerless sanctions were. Of course, those who suffer the most from economic sanctions are ordinary citizens who are used by political leaders to foster nationalism that ultimately strengthens the regime. The excellent report by our colleague Lord Anderson advocates that member States should pass laws that would allow targeted sanctions against individuals presumed to have committed or ordered serious human rights violations. The sanctions might take the form of denying visas or freezing financial assets.

We need to make provision for procedural safeguards to ensure that the principles we champion in the Assembly are abided by. The indictment or prosecution of any person back home would need to be legitimate and fair. We would also need to ensure that we are able to maintain sanctions if national courts exonerate the persons indicted. Secondly, all persons indicted should be able to defend themselves. The right to a defence should be respected. Perhaps the Venice Commission might contribute its expertise on that matter. Thirdly, a body seeking to impose sanctions should be separate from the one that ultimately decides to impose them. It should of course be independent from the Executive branch.

These issues are important. Those safeguards will be utterly fundamental if the resolution we hope to adopt is approved by member States. We very much hope that it will be.

Ms ÅBERG *(Sweden)* – Thank you, Madam President. I too thank Lord Anderson for his excellent report.

The tax lawyer Sergei Magnitsky has become a symbol of the fight against corruption. He died at 37 years old in Prison Butyrka in Moscow, after a year of physical and psychological torture. His crime was that he uncovered the embezzlement of $230 million of state money. Magnitsky's courage to fight against the Russian kleptocracy cost him his life, but after his death he became an even bigger threat to Putin and the Russian oligarchs – such a terrifying threat that the Russian Federation put Magnitsky on trial three years after he died, in the first trial of a dead man in Russian history.

Bill Browder's private investigation traced the disappeared $230 million and found it had been invested in the purchase of private airplanes, yachts, tuition fees for private schools and payments to architects, estate brokers and designers in New York, London, Zurich and Stockholm – yes, even in Stockholm, in Sweden, one of the least corrupt countries in the world. That shows the need to establish a European Union-wide Magnitsky Act. A Magnitsky Act is the answer to the question of how to punish corruption and prevent crimes against human rights in countries that lack democratic institutions and a transparent judicial system.

On 10 December, on the 70th anniversary of the Universal Declaration of Human Rights, European Foreign Affairs Ministers unanimously approved the Dutch proposal for a European Union global human rights sanctions regime. The development of the agreement into legislation will be an important step in the fight against human rights abusers. European Union countries should not be a lawless territory where criminals can seek refuge. We have a legal obligation to stop those who lack respect for the lives and property of others. There can be no impunity for corrupt Russian officials, for generals in Myanmar who hunt down the Rohingya or for rapists in the Central African Republic.

It is said that Putin hates the Magnitsky Act more than anything. He has made its repeal his single largest foreign policy priority. More than anything, he would like to erase Sergei Magnitsky's name from history. Therefore, it is very important that this European Union legislation is named after Sergei Magnitsky – to remember him and to honour his sacrifice.

Mr HERKEL *(Estonia)* – Thank you, Madam President. Dear colleagues, first of all I would like to thank Lord Anderson for this very important report. The Magnitsky case has a double meaning for us: first, human rights abuse; and, secondly, corruption and money laundering. The previous report, in 2014, made concrete recommendations. One was better international co-operation in the field of money laundering, including the fraud made public by Mr Magnitsky himself. Another recommendation was to make a truce with the Russian Federation and involve it in our efforts.

Today, we know much more about money laundering, but we have never had reasonable co-operation with the Russian Federation on this case. I think targeted sanctions are the only solution to this atmosphere of impunity, which is based on political corruption. Parliamentarians from our member States must make joint efforts to convince our governments. In that regard, the European Parliament's initiative is crucial.

I want to comment on some critical remarks that we have heard. Mr Overbeek said that the legal analysis was insufficient, that there are few concrete conclusions about Mr Magnitsky, and that the general reaction to human rights abuses has been mixed. The appendix of the report describes the approaches of countries whose parliaments have approved a Magnitsky Act. In my country, Estonia, the amendment to the law does not include the name Magnitsky. We describe the principle of how to react when those who severely abuse human rights ask for visas, and Magnitsky is mentioned only in the memorandum. Paragraph 11 of the report sufficiently describes the procedure of the right to be defended and the principle of the rule of law.

Mr MAIRE *(France)** – Sergei Magnitsky was a Russian lawyer who gave up his life to combat State corruption in the Russian Federation at the age of 37. His name has become a symbol for combating attacks on human rights around the world, and the Magnitsky case has become known globally. Several countries

have already adopted Magnitsky Acts. The idea is to target sanctions in order not to harm the population as a whole in countries where impunity reigns.

The proposal for a Magnitsky Act is an important idea. It is not an ad hoc effort. It is not important that the word “Magnitsky” is included in the Act; Magnitsky will not be forgotten in any event. I agree with the many colleagues who signed a petition in December to urge our governments to adopt a Magnitsky-type Act at a European level. The debate of 10 December was a first step towards that. It is important that legislation be adopted at a European Union level. It would be more robust, and it would make it possible for there to be a broader consensus about individuals who are responsible for acts of corruption. It would also have more of an impact, because it would enable people to be prohibited from entering the entire European Union territory.

I fully support the recommendations of the report of our British colleague, Lord Donald Anderson, who called for a good balance to be struck between applying sanctions and protecting the individual freedoms of the persons concerned. Our Parliamentary Assembly is an honourable institution and a defender of human rights. We can protect human rights further by adopting a European Magnitsky Act.

Ms SANDBÆK *(Denmark)* – I congratulate Lord Donald Anderson on his report. When I saw Sergei Magnitsky’s name on the agenda, I was very excited because I strongly support smart sanctions. I then studied everything written about the Magnitsky case, and I must agree with what my colleague, Henk Overbeek, said on behalf of the group – namely, that the report unduly mixes a call for generic legislation, which I support, with a specific, controversial case that has not been fully clarified. I will therefore limit my speech to the difference between targeted sanctions and sanctions against entire countries.

I fully agree that this Parliamentary Assembly must fight against the impunity of perpetrators of serious human rights violations and against corruption as a threat to the rule of law. I also agree that targeted sanctions against individuals are preferable to general economic or other sanctions against entire countries, which, as we have seen in many cases, mostly hurt ordinary people, as stated in paragraph 9.2 of the report. They hurt least of all the ruling elites who are responsible for the actions that gave rise to the sanctions.

I have witnessed the catastrophic consequences that sanctions can have on ordinary people. In 2003, I went to Iraq a few weeks before the war with a delegation of members of the European Parliament. What we saw there was heartbreaking. Starving people were selling their meagre food rations to buy clothes and medicine. They removed the doors of their apartments to turn them into fire wood. Items with dual use were sanctioned, which meant that vital medicines falling under that category were no longer available in hospitals. Many children were deformed. In a hospital in Basra, we were shown a three-year-old boy who was no bigger than a newborn baby because the medication he needed had dual use. A huge number of children died. Hopefully, such sanctions will never be applied again.

We are being asked to persuade our governments to replace sanctions against entire countries with sanctions against individuals by adopting Magnitsky laws – legislative and other instruments that will enable them to impose targeted sanctions, such as visa bans and asset freezes, on perpetrators of serious human rights violations who enjoy impunity in their own countries on political or corrupt grounds. I agree with that. The Magnitsky laws that have been adopted in four member States of the Council of Europe and two States with observer status include the possibility of targeted sanctions against any serious violators of human rights, who enjoy impunity anywhere in the world. The call for targeted sanctions against human rights violators is meant to promote respect for human rights, and must not give rise to new human rights violations.

(Mr O’Reilly, Vice-President of the Assembly, took the Chair in place of Ms Brynjólfsdóttir.)

Mr GATTOLIN *(France)** – I sincerely congratulate Lord Anderson on his report, which is remarkably accurate and informed. In 2011, the French Parliament dealt with the first case involving human rights that fell into my lap – the Bill Browder case, which related to a client of Sergei Magnitsky. People told me that we needed to produce a Magnitsky-type law in France. In 2012, such a law was passed in the United States. I did the rounds of colleagues in the French Parliament and Senate, and we met again in 2014, but there was dead silence and it was virtually impossible to address the issue.

Things have moved on apace since then. The Russian Federation’s invasion of Crimea, and the cyber-attacks and fake news from that country have made people aware that there are real issues at stake involving the Russian Federation. I am heartened to see that the French Government will now support the Dutch initiative at the European Union, so if it is impossible to find a Europe-wide solution it will now be possible to institute national sanctions through domestic law. To underpin this campaign, we have always been able to rely on human rights organisations and public authority.

I used to be involved in conducting national surveys and was often called on to undertake investigations into how French nationals perceived human rights. 80% of French people have a very negative view of human rights in the Russian Federation. There is also interest in a procedure that might sanction such violations: 73%, almost three quarters, of French people are in favour of that. We need to move to actual acts.

If we look at the arrogant way in which Mr Bill Browder was put on the Interpol red list, I do not think we need to feel a great deal of pride about what is done with these red notices. Indeed, last May I was on the phone will Bill Browder when he went to Spain to testify before a parliamentary committee and he was arrested by the Spanish police. We can no longer speak about reluctance on the part of the Russian authorities, but rather about harassment. We need to speak plainly and encourage all our colleagues to vote in favour of the resolution.

Mr OEHME *(Germany)** – Unlike some of the previous speakers, I do not wish to focus exclusively on the Magnitsky case, because I take a rather different view, similar to that expressed by Mr Hunko. I want to home in instead on the measures being advocated, because the resolution would not only mean that whole populations would be held accountable for failures on the part of individuals in their governments. Sanctions have to be proportionate and we have to look at diplomatic moves.

Let us look first of all at the repercussions of sanctions on individual countries. European Union sanctions were imposed on the Russian Federation following the annexation of Crimea. This is a lose-lose situation. Both sides have lost out, and ordinary people on both sides have paid the price. We have economic damage to the tune of €700 million. Small and medium-sized enterprises in particular are losing access to Russian markets that was hard-won over many years, and they are losing out to China. Foodstuff suppliers are having to be compensated by other countries. As usual, it is ordinary people, not political leaders, who are paying the price and bearing the brunt.

Talking about political sanctions and dialogue, we in this Chamber can see that our sanctions achieve absolutely nothing. Of course, we need to not allow 70 years of peace on this continent to be jeopardised by any denting of our economic prosperity. This Chamber must be preserved as a place in which we can resolve disputes, and sanctions only serve to impede such dialogue. Targeting sanctions against state leaders is one thing, but sanctions against a country are economically damaging. We certainly do not want to see sanctions along the lines being advocated by the United States and China. That is why we have this idea of smart sanctions, making it possible to target sanctions on political leaders. In turn, that sends a clear message to the miscreants. If we adopt this resolution, we will preserve the possibility of dialogue and punish the perpetrators. That is a way of breaking the diplomatic deadlock in this Chamber.

The PRESIDENT – That concludes the list of speakers. I call Lord Anderson, rapporteur, to reply. Lord Anderson, you have four minutes and 15 seconds.

Lord ANDERSON *(United Kingdom)* – I warmly thank all those who have contributed to this excellent debate, and very warmly thank Günter Schirmer, my adviser on this, who did great work with the research. I have been heartened by the considerable unity in response to the report and evidence of other countries that are following the example of countries such as my own, which have latterly introduced sanctions.

The only note of what I concede was partial dissent was from certain of our good colleagues from the Group of the Unified European Left. They argue, for example, that it is wrong to mix the individual Magnitsky and impunity. Well, Magnitsky is there because this whole process began with this brave Russian. He is a symbol – he is emblematic of something that is now much broader. We call the report “Beyond Magnitsky”; if you accept that, surely you will also accept that the subject has broadened.

I am glad that our colleague from Germany, Mr Oehme, accepted that these are smart sanctions, not designed in any way to harm people in general but to harm those who are guilty of gross human rights infractions.

It was only a note of partial dissent, and as far as the point that was made about the filmmaker is concerned, I can give evidence to our German and other colleagues that there was a gross misrepresentation of our colleague Mr Gross, and other colleagues, including Mr Fabritius. When evidence was presented to the *Frankfurter Allgemeine Zeitung*, profuse apologies were offered to those who had been caught by the net of Nekrasov, the documentary filmmaker.

The point about conferring with non-governmental organisations is absolutely right. Several NGOs are active in this field and I would hope that as well as, of course, conferring among themselves, governments will draw on the work done by excellent NGOs, including those mentioned so clearly in the resolution. I am very

much and always have been in favour of the closest co-operation between parliamentarians, governments and human rights organisations.

John Howell, my colleague, talked about the United Kingdom precedent, and the point of that is surely that each of the examples from other countries is no more than a precedent. It is for individual countries within the European Union to adopt and adapt according to their own national circumstances. It is only the parliamentarians in each country who know the relevant procedures.

Other colleagues, including Mr Goncharenko and Mr Bulai, paid tribute to Bill Browder, who wrote "Red Notice". When he wrote that book setting out what had been done by the Russian Federation, he called it his biggest protection against being assassinated as it would be clear who would be behind it. Other colleagues point out the case for a European Magnitsky law.

What heartened me most about the debate was that Mr Gattolin said that the French Government had decided to support the Dutch initiative. I am delighted to share that. Equally, Mr Wiechel from Sweden said that he personally had been given new energy by our debate to follow that example in Sweden. I hope that other colleagues will, in the same way, rise to the challenge and be given new energy to follow this example, which is wholly compatible with the aims and principles of our Assembly and of the Council of Europe. I commend the report to members.

The PRESIDENT – Thank you, Lord Anderson. I now invite the Chairperson of the Committee to speak. You have two minutes.

Ms ÆVARSDÓTTIR *(Iceland)* – Thank you, Mr President. On behalf of the Committee I first thank our excellent rapporteur, Lord Anderson, for his wonderful work. I learned a lot from a meeting that we had in Reykjavik, when we went over the aspects of these kinds of smart and targeted sanctions. As we know, general sanctions, economic or otherwise, are usually applied to the general population, disadvantaging all of them. Our way manages to target the individuals who enjoy impunity in their home countries and would prevent them from using the proceeds of their gross human rights violations in other countries. This way protects the human rights of the population but does not stand for egregious violations of human rights.

The Committee stands wholeheartedly behind the report. We enjoyed the process of learning more about the different countries that are engaged in creating similar laws and hope to see more countries, as well as the European Union, engage in such a venture in the future. On behalf of the Committee, I again thank the rapporteur and the secretariat for their excellent work, which has my full support.

The PRESIDENT – Thank you. The debate is now closed.

We now move to the consideration of amendments. The Committee on Legal Affairs and Human Rights has presented a draft resolution, to which four amendments have been tabled. I understand that the Committee wishes to propose to the Assembly that Amendments 2, 4 and 3 to the draft resolution, which were unanimously approved by the Committee, should be declared as agreed by the Assembly.

The Committee also unanimously agreed to Amendment 1. However, I must call that amendment individually, as a sub-amendment to it has been tabled. Is it the case, Chairperson, that you seek that Amendments 2, 4 and 3 be unanimously approved?

Ms ÆVARSDÓTTIR *(Iceland)* – That is correct. We fully agree with all these amendments. The Committee is unanimously in favour of them.

The PRESIDENT – Are there any objections to the amendments being unanimously adopted? That is not the case.

Amendments 2, 4 and 3 are adopted.

I now call Mr Pieter Omtzigt to support Amendment 1. You have 30 seconds.

Pieter OMTZIGT *(Netherlands)* – We had a report on red notices. We asked Interpol not to issue them, but a red notice was yet again issued against Mr Browder, which we regret very much. It should not have been there. The Committee completely agreed to the sub-amendment, because red notices were issued against Mr Browder not only in 2018 but in 2019. It happened in Spain, which was reported on Twitter, and it happened again this year. We should condone the amendment.

The PRESIDENT – I call Lord Anderson, on behalf of the Committee on Legal Affairs and Human Rights, to support Sub-amendment 1.

Lord ANDERSON *(United Kingdom)* – This sub-amendment was unanimously agreed by the Committee.

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

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

Ms ÆVARSDÓTTIR *(Iceland)* – We unanimously support it.

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

The vote is open.

The sub-amendment is adopted.

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

The PRESIDENT – What is the opinion of the committee.

Ms ÆVARSDÓTTIR *(Iceland)* – We are unanimously in favour.

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

The vote is open.

Amendment 1, as amended, is adopted.

We will now proceed to the vote on the draft resolution contained in Document 14661, as amended.

The vote is open.

The draft resolution in Document 14661, as amended, is adopted, with 95 votes for, 3 votes against and 6 abstentions.

4. Election of judges to the European Court of Human Rights in respect of Italy and Sweden (results)

The PRESIDENT – Before we begin our next debate, I would like to report the election of judges to the European Court of Human Rights in respect of Italy and Sweden.

Italy

Members voting: 197

Spoiled or blank ballots: 4

Votes cast: 193

Absolute majority: 97

The votes were cast as follows:

Mr Antonio Balsamo: 74

Ms Ida Caracciolo: 12

Mr Raffaele Sabato: 107

Accordingly, Mr Sabato, having obtained an absolute majority of votes cast, is elected a judge of the European Court of Human Rights for a term of office of nine years, which shall commence on 5 May 2019.

Sweden

Members voting: 197

Spoiled or blank ballots: 6

Votes cast: 191

Absolute majority: 96

The votes were cast as follows:

Mr Thomas Bull: 24

Ms Katarina Påhlsson: 26

Mr Erik Wennerström: 141

Accordingly, Mr Wennerström, having obtained an absolute majority of votes cast, is elected a judge of the European Court of Human Rights for a term of office of nine years, which shall commence not later than three months after his election.

5. Compatibility of Sharia law with the European Convention on Human Rights: can States Parties to the Convention be signatories of the "Cairo Declaration"?

The PRESIDENT – The next topic for discussion is "Compatibility of Sharia law with the European Convention on Human Rights: can States Parties to the Convention be signatories of the "Cairo Declaration"?"

In order to finish by 8.30 p.m., I will interrupt the list of speakers at about 7.35 p.m., to allow time for the reply and the vote. I remind members that there is a three-minute speech limit in this debate.

I call the rapporteur, Ms Ævarsdóttir, to present the report. You 13 minutes, which you may divide between presentation of the report and reply to the debate.

Ms ÆVARSDÓTTIR *(Iceland)* – Antonio Gutiérrez, our rapporteur, asked me to present his report today. Although he came to Strasbourg yesterday to present his addendum to the report and speak to the rapporteurs of the committees seized for opinions, he was unfortunately required to return to Madrid today to attend some unavoidable parliamentary business. I am here as Chair of the committee.

The report before you was adopted unanimously by our committee. Sharia Law is understood as being "the path to be followed" – that is, the law to be obeyed by every Muslim, according to Surah 5 of the Koran. It divides all human action into five categories: what is obligatory, recommended, neutral, disapproved of, and prohibited. Certain Sharia rules are clearly incompatible with the European Convention on Human Rights – for example, that a woman inherits only half the share compared with a male heir; that her testimony in court is worth only half that of a man; that a woman can be divorced by her husband by his simple say-so, whereas if she wants a divorce, she must convince an Islamic tribunal that she has valid reasons; that in divorce she has no right to maintenance and that custody of the children is systematically given to the husband or his family; that apostasy – that is, abandoning Islam – is punished by death; that a husband has the right to chastise, which is to say "to beat", his wife; and that rape has to be proven by at least four male Muslim witnesses, or else the rape victim is punished for extramarital sexual intercourse. These are just examples. I do not believe I need to go into the detail of which articles of the Convention would be violated by such rules.

In the 1990 Cairo Declaration on Human Rights in Islam, which is a political declaration, not a legally binding instrument, the members of the Organization of Islamic Cooperation said: "All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah", which is considered "the only source of reference for the explanation or clarification of any of the articles of this Declaration." The declaration was referred to in subsequent OIC documents, such as the Statute of the OIC's Independent Permanent Human Rights Commission and the new OIC Charter, which were adopted after the accession to the OIC of Albania and Azerbaijan.

The good news is that the IPHRC has been tasked with updating the 1990 Cairo declaration. We should therefore ask those member States that are also members of the OIC to use their influence in the organisation to ensure the revised declaration's conformity with the European Convention on Human Rights. As a legally binding instrument, the European Convention on Human Rights must be given priority over a political document such as the Cairo Declaration. This should be made clear, as in the draft resolution, by the countries concerned.

We have looked in more detail at the practice of informal Sharia councils in the United Kingdom, in the light of an independent review by Professor Mona Siddiqqui on behalf of the Home Office. In her presentation before our committee, Professor Siddiqqui, herself a Muslim, made some useful proposals to redress some of the abuses that she came across.

The European Court of Human Rights, in its recent judgment on Molla Sali v. Greece, found that Greece had violated the Convention by obliging members of the Muslim minority in western Thrace to abide by Sharia rules, in particular in inheritance and family law cases. The Court welcomed the fact that, in the meantime, Greece had given the members of the Muslim minority a choice of whether they preferred the application of Greek or Sharia Law. As with the Sharia councils in the United Kingdom, this judgment raises the issue of the voluntary character of any choice made to abide by Sharia rather than civil law rules. The woman, especially in closely knit expatriate communities with strong paternalistic traditions, is usually the weaker party in a marriage and is often subjected to substantial pressure from her family and the community at large to "voluntarily" abandon her equal rights in the name of religion. The Court noted that certain fundamental legal principles, which are part of our countries' "ordre public", cannot be abandoned, even voluntarily. In my view, our ordre public includes the principle of equality of rights between women and men. I will stop now to leave time to respond to the debate, which I look forward to hearing.

The PRESIDENT – Thank you, Ms Ævarsdóttir. You have seven minutes remaining. I call Ms Blondin, the Rapporteur of the Committee on Political Affairs and Democracy. You have three minutes.

Ms BLONDIN *(France)** – It is my task, colleagues, to inform you of the opinion of the Committee on Political Affairs and Democracy on the report by our colleague, Mr Gutiérrez, which deals with the coexistence in democratic societies of the Cairo Declaration and the European Convention on Human Rights. It is not the first report on this issue and I doubt it will be the last. The report has been through significant upheaval. I thank Mr Gutiérrez for producing a balanced text on a complex issue, but one that is essential to the organisation of life in our societies.

I remind you that this year we mark the 70th anniversary of our Organisation, which is predicated on the principles and fundamental values of universal rights that must be abided by in our countries. We are clearly talking about the separation of Church and State. That is the very principle of secularism. Religion lies in the private, intimate sphere. In a democratic society, any person is entitled to respect for his or her religious convictions, so long as they do not violate the rights of others. When we are talking of human rights, such as gender equality in all areas – I stress all areas – or freedom of expression, thought, belief or non-belief, there is no place for religious and cultural exceptions.

The Cairo Declaration contains articles that are manifestly incompatible with the European Convention on Human Rights, but there is an additional difficulty. The member States of the Organization of Islamic Cooperation do not apply it in the same way. Some are more radical than others. These acts are problematic, and such cases have been condemned by decisions of the European Court of Human Rights. The last ruling by the Court – which was established on 21 January 1959 and whose 60th anniversary we have just celebrated – was dated 19 December 2018 and addressed the situation in western Thrace. Mr Gutiérrez's report has been amended by an addendum, following that decision and the remarks of Azerbaijan. Even if, technically, there is no signature of the Cairo Declaration, there is more or less robust approval according to the state concerned, without taking into account the fact that acceding to the OIC has a political aspect that means accepting its rules and principles. Our commission has proposed amendments so that the partner States are brought into line with their responsibilities under the Convention.

The PRESIDENT – Thank you, Ms Blondin.

I call Mr Efstathiou, rapporteur for opinion for the Committee on Culture, Science, Education and Media. You have three minutes.

Mr EFSTATHIOU (*Cyprus*) – The Committee on Culture, Science, Education and Media welcomes and endorses the rapporteur's report and would like to add the following. As Plato said, there is no point in talking about law or justice unless you place it in the context of a society. The protection of human rights and the

prevalence of the rule of law are the pillars of our European society, which embraces all Europeans and is based on democracy and freedom. This is, in our opinion, the correct and meaningful interpretation of the prerequisites of a European democratic society. The universal application, recognition and indiscriminate application of the above principles can be established only when there are instruments and institutions to formulate and maintain them, and these are provided only by law.

The rule of law is mentioned in the preamble to the Statute of the Council of Europe as one of the three "principles which form the basis of all genuine democracy", together with individual freedom and political liberty. Article 3 of the Statute considers respect for the rule of law a precondition for the accession of new member States. It is thus, with democracy and human rights, one of the three intertwined and partly overlapping core principles of the Council of Europe.

The question of whether Sharia Law is compatible with the European Convention on Human Rights and whether State parties can be signatories to the Cairo Declaration is crucial for the resilience of our democratic society and its institutions. There is also no doubt that the extended range of human rights enshrined in the European Convention on Human Rights are denied by certain articles of the Cairo Declaration mentioned in this document. Can we therefore accept a parallel society within our own, based on values and principles that contradict and annul the essential values and principles of our European democratic society? The answer must be negative.

The excellent and detailed report of Mr Gutiérrez comes to the same conclusion regarding the incompatibility of Sharia Law with the ECHR, giving pertinent examples from the United Kingdom, western Thrace in Greece and the Russian Federation. It is fortunate that the rapporteur underlines the significance of the cases of the French territory of Mayotte and Turkey, which prove that religion and – if I may – tradition can co-exist with the rule of law and respect for human rights.

The pillars on which the Council of Europe is built are not negotiable. There can be no derogation from the implementation of human rights, nor any challenge to the primacy of the rule of law. Without those, there can be no future for Europe. Our society needs to function with institutions created only by law. Unless there is a firm organisation of justice, there will be "No arts; no letters; no society; and which is worst of all, continual fear". That is, it will be the end of civilisation as we know it.

The PRESIDENT – Thank you, Mr Efstathiou.

I call Mr Tornare, rapporteur for opinion for the Committee on Equality and Non-Discrimination. You have three minutes.

Mr TORNARE (*Switzerland*)* – I have been asked to present the opinion of the Committee on Equality and Non-Discrimination. I thank our staff and Mr Gutiérrez, who cannot be here, for his report. Perhaps I may recall what is said in the report on behalf of the committee. We feel that when it comes to human rights there is no room for religious or cultural exceptions. That needs to be made clear because sometimes people have impugned our motives, saying that we are very lax. I think we all agree that universal rights outweigh any local customs or traditions. Our opinion on the report points out that it has been drafted in the spirit of promoting dialogue and makes a number of proposals or recommendations on education, co-operation and putting across facts in the age of fake news. It is important to note that that is the spirit in which the report was drafted. We need to consider everyone on an equal footing, whether they hold religious convictions or are atheists – whether they are believers or non-believers.

In the opinion we have put forward a number of amendments that seek to be positive in their approach, rather than condemnatory. If we come down too harshly, there is a risk of encouraging underground Sharia, which we have heard about in certain countries. That is certainly something we would like to avoid; we do not want it to go underground. So we appeal to members to support our amendments, which have found favour with some 90% of the committee. Thank you. I shall speak again, in defence of our amendments, later in the debate.

The PRESIDENT – Thank you, Mr Tornare.

I now call, from the speakers' list, Ms Gorrotxategu.

Ms GORROTXATEGUI (*Spain, Spokesperson on behalf of the Group of the Unified European Left*)* – One can say that the Cairo Declaration intends to contribute a vision of human rights in majority-Muslim societies. That is fine, as long as we understand that secularity is a characteristic of Western societies. The normalisation of the integration of minority religions is to be accepted, but the practices of such religions should

be compatible with civil legislation as it exists in the West. Human rights can of course be part of majority-Muslim societies; that is wonderful.

The fundamental element here is of course human rights. Sharia can become a criterion, if you like, of the validity of human rights in these societies. A couple of paragraphs in the Cairo Declaration, for example, state that all rights are subject to the precepts of Sharia and, furthermore, Sharia is the only source of reference for the explanation or interpretation of any article in the present document. The question is: who wrote the Sharia, which is quite different from the legal norms of democratic societies, and legitimises all this? It must correspond to some form of universal truth. These texts are interpreted by experts – elders who, in this instance, are theologians. We must underline that one of the fundamental pillars on which our democratic society stands is secularism. When we separate that from the legal norms we have in the West and subject it to religious norms, we feel that this clearly does not fall within the scope of something that is legally valid. Indeed, we feel that this cannot serve as a pretext to cover or hide discrimination – discrimination based on religious grounds. We can also agree that we need religious precepts that correspond with respect for the very fundamental principles of human rights, economic rights, dignity, physical integrity, health, and reproductive and sexual rights. I simply want to remind the Assembly of a slogan of great importance and meaning: no steps backwards are to be taken in any circumstances.

Ms FILIPOVSKI *(Serbia, Spokesperson on behalf of the Free Democrats Group)* – The Cairo Declaration on Human Rights in Islam was signed on 5 August 1990. The text and style of the declaration, as well as the areas it covers, resemble the European Convention on Human Rights. The important difference is that the Cairo Declaration does not have the slightest intention of breaking the tradition of an Islamic society or even introducing a secular society. On the contrary, the Cairo Declaration is subordinate to Sharia Law and Islamic social traditions. That is already clear in the declaration's preamble, and the whole text reflects it. That means in practice that the Cairo Declaration is subordinate; the criterion is not human dignity, but Sharia Law – the religion. It says that basic rights and universal freedoms in Islam are part of the Islamic faith. That means that all actions relating to religion, politics, society, family or private life are judged according to the divine law based on the Koran and the tradition of the Muslim Prophet Mohammed.

Mr OMTZIGT *(Netherlands, Spokesperson on behalf of the Group of the European People's Party)* – I thank Mr Gutiérrez and Ms Ævarsdóttir for an excellent report and an excellent summary of what is going on. As my colleague from the Group of the Unified European Left said, article 25 of the Cairo Declaration puts Sharia Law above everything else and makes it the unique source of interpretation. Someone who believes it is the unique source of interpretation is clearly at odds with the European Convention on Human Rights. We often talk about relatively minor infringements of the Convention, but under this law women are second or third-class citizens. They cannot get a divorce. They do not get custody of their older children after a divorce – if they can get one. They get to inherit only about half of what men get. That is not equality – far from it. If we really think, having watched television, that we are making great progress in Saudi Arabia just because women now get an SMS message when their men decide to have a divorce – they cannot get one themselves – we are mistaken.

At an interesting side event, we invited one of these women along. She lives in a western European country and was born here, but because of her Pakistani origins her family forcedly married her in Pakistan a few days after she had turned 18. She thought she had a divorce when she finally managed to escape back to western Europe, but the Pakistani authorities did not, and she was sued for having more than one husband. She could escape, but barely and she now lives underground. That is the reality if we accept this declaration, and I think it is fully unacceptable.

Therefore, I completely agree with the European Court of Human Rights that Sharia Law is incompatible with the European Convention on Human Rights. It is incompatible, and this Assembly should say so. There is a long list of places where it is incompatible. It is incompatible with the right to marry and with the right to free speech – if someone can get the death sentence for blasphemy, there is no free speech. That is why I believe you cannot sign the Cairo Declaration and you cannot be in the OIC, which has this in its statute. We should say no to the informal Sharia courts, because they would mean we would help to make second-class citizens of our women. We should not do that. They should be able to get all the rights that they have under the Convention.

Baroness MASSEY *(United Kingdom, Spokesperson on behalf of the Socialists, Democrats and Greens Group)* – I thank the rapporteurs most sincerely for producing this comprehensive and balanced report. My group had a powerful discussion yesterday. There were some differences on how we might address the issue of Sharia Law, but we all felt that violence against, mistreatment of and discrimination against women were totally unacceptable. This is not to be anti-Muslim; we simply cannot condone situations where rulings

are applied that are fundamentally incompatible with the laws, values, principles and policies of the country in which judgments are being made. I cite the British experiences.

Sharia Law denies the benefits of British justice in some cases: divorce; polygamy; custody of children; inheritance provisions; and rules of evidence, where a woman's testimony is deemed to be half that of a man's. Arbitration tribunals may act outside their remit, for example, by deciding cases relating to criminal law, such as those involving domestic violence. A review in the United Kingdom found that some Sharia councils have supported the values of extremists, condoning wife-beating, marital rape and forced marriage. Some women are unaware of their legal rights to leave violent husbands and have been pressurised to return to abusive partners or attend reconciliation sessions with their husbands, despite legal injunctions to protect them from violence. In Britain today, there about 100 000 couples living in Islamic marriages that are not recognised by English law. Women in such marriages believe they are married under the law of the land, only to find that if there is a divorce, they have few rights in terms of finance or property.

In 2008, the House of Lords decreed that Sharia Law was incompatible with human rights. The case involved a Lebanese woman who sought asylum in the United Kingdom to avoid being sent back to Lebanon with her 12-year-old son. In Lebanon, the Sharia Law of custody would have required her to hand over the boy to her violently abusive husband, on the grounds that the male child belongs to his father after the age of seven, regardless of circumstances.

The Cairo Declaration contains statements about equality and human rights, but all rights under the Cairo Declaration are subject to Islamic Sharia Law. The European Court of Human Rights declared in 2003 that Sharia Law is incompatible with democracy and human rights as set out in the Convention, in particular as regards the rules of criminal law and procedure and the place of women. The Cairo convention and the ECHR have incompatible aspects, yet some countries have signed both. The question is: how will they then protect and support women against injustice?

Mr MOLLAZADE *(Azerbaijan, Spokesperson on behalf of the European Conservatives Group)* – One of the biggest achievements of civilisation is the model of the secular State. Such a State has a separation of religion from the State system and, sometimes, from politics. We think that is a great achievement, and I am proud that 100 years ago, my country became the first secular State in the Islamic world.

The most important thing in a secular State is women's rights. One hundred years ago, we gave voting rights to women and the first lady was elected to parliament in the Islamic world. The active role of women in society and politics makes countries stronger; the world changes if women have the same rights as men. I appreciate the discussion about the implementation of Sharia Law in any country, but if we look at the examples, most of the examples of Sharia Law being implemented are in European countries, which is unacceptable. Any use of that law violates women's rights. It is important for all of us to think about that.

People have spoken about the Cairo Declaration. The tone of the document should not be anti-Muslim or anti-Islamic, because there is the Organization of Islamic Cooperation, although most countries that participate in it are secular countries such as Albania, Azerbaijan and Turkey, which co-operate primarily on cultural and economic issues. For us, any damage to the secular system of our country violates the rights of our country. That is why we should mention in the report that after Azerbaijan, the second secular state in the Islamic world was Turkey. Those traditions are very strong in Turkey and there is no doubt or sign of using Sharia Law there.

We should also think about women's rights in other religious systems, because the use of religion in political state systems is a rude violation of rights. After the report, we should think about any form of the implementation of religious factors on state systems. We have to find any form of it being used in European countries or in our partner countries, because for us, every time religion is used, it violates women's rights, and that is unacceptable.

Ms STIENEN *(Netherlands, Spokesperson for the Alliance of Liberals and Democrats for Europe)* – On behalf of ALDE, I thank all the rapporteurs for their work. ALDE underlines the importance of the rule of law, the separation of State and religion, and the recognition of pluralism. Where human rights are concerned, there should be no room for cultural or religious exceptions, and we acknowledge that the Cairo Declaration is not in line with the main international human rights instruments. However, the set-up of the report and the examples chosen imply that we are faced with a trend of Sharia being considered, one way or another, a source of law in Europe, which is obviously not the case.

It is important to note that Sharia is a dynamic concept that is open to interpretation, which is not uniformly applied in all its aspects in countries where it is a source, or one of the sources, of law. In many Muslim majority countries, the interpretation of the role of Sharia as a way to claim exceptions in the

implementation of human rights law is disputed by civil society activists, lawyers and human rights activists. For example, many women's rights activists in Muslim majority countries have campaigned to abolish the exemptions that some States have with regard to CEDAW on the basis of Sharia Law.

The imposition of Sharia is often used by leaders who have no credible democratic legitimacy but who know that it is hard for their citizens to criticise the focus on Islam and Sharia, as they do not want to be stigmatised as unbelievers or apostates. Of course, we should be worried and speak out against parallel informal societies in which decisions are taken regarding marriage, divorce and inheritance, but which are outside the realm of our legal system and contrary to universal human rights. At the same time, there are many citizens in Council of Europe member States for whom Islam is a guiding principle in their lives and who, at the same time, see themselves as law-abiding citizens who support the application of human rights as stipulated in the European Convention on Human Rights.

ALDE supports the ongoing dialogue with Muslim communities within Council of Europe member States, and with governments, civil society and religious communities in Muslim majority countries, about pluralism, tolerance and the spirit of openness as the guiding principle of the European Convention on Human Rights. However, we underline that, where human rights are concerned, there should be no room for cultural or religious exceptions.

We wonder, however, whether the report will be conducive to such a dialogue, as we feel that it tries to do too much at once, based on case studies that are important but that cannot be seen as exemplary for the situation of all Muslim communities in Europe. In the report, we see a blurring of the issues of the universality of human rights, knowledge and awareness of human rights in Muslim communities, the agency of Muslim women and men in Europe, and proper access to justice. If the report is adopted, those topics are possible themes for separate reports.

The PRESIDENT – Thank you. We have now concluded the speakers for the groups. The rapporteur will reply at the end of the debate, but does Ms Ævarsdóttir wish to respond at this stage?

Ms ÆVARSDÓTTIR *(Iceland)* – Not at this stage.

The PRESIDENT – I move to the speakers' list. I call Mr Reichardt.

Mr REICHARDT *(France)** – I thank our colleagues for their thoroughly documented report and their opinions on the complex and sensitive issue of relations between human rights and Islam, because that is what is at stake. Our rapporteur rightly highlighted the incompatibility of the European Convention on Human Rights with a good number of the provisions in the Cairo Declaration, and called for clarification on the former as a binding source of human rights in Europe. I note that, regrettably, several countries respect neither. Over and above the sensitive and substantial differences in content, the Convention and the Cairo Declaration are predicated on different intellectual conceptions – political for the former and religious for the latter.

The question of the compatibility of the universalist conception of human rights with Islamic norms has been the subject of many difficult debates, and it also relates to thinking about the future of Islam. Incidentally, three years ago I drew up a report on Islam in the French Senate. Two main conceptions are pitted against each other. One seeks to apply an Islamic toothcomb to human rights as formulated by international law and to verify their compatibility with religious norms. The other, which we favour in France, suggests a rethink of religious norms in the modern-day context to provide an interpretation that is compatible with the requirements of the modern conception of human rights.

I note, however, that Islamic law is not a corpus of immutable reactionary doctrines either – for example, women increasingly have the right to vote in virtually all Muslim countries. Like all religions, Islam, in our opinion, is not set in stone. Debates on the death penalty, or on the role of women, exercise the global Muslim community.

In 2015, the OIC wished to revise the Cairo Declaration to bring it up to date vis-à-vis international norms and instruments while preserving and strengthening the socio-cultural and religious specificities and aspirations of the member States. This draft resolution, seeking to establish a declaration of human rights of the Organization of Islamic Cooperation, should be submitted and adopted at the 46th session of the Council of Foreign Ministers of the OIC this year. Of course, we should be vigilant about the possible changes.

I conclude by mentioning the recent Molla Sali v. Greece judgment of the Strasbourg Court. The Greek courts had applied Sharia to an inheritance dispute among Greek nationals from the Muslim minority. The Court did not prohibit the principle of the application of Sharia Law, but penalised its application in this case, given its effects. Thus, the question raised did not directly deal with the conformity of Sharia with human rights. This therefore does not constitute an approval of Sharia Law as some people have claimed.

Lord ANDERSON *(United Kingdom)* – I congratulate those involved in drawing up this report. I also congratulate the orator who preceded me, Mr Reichardt, on the understanding spirit in which he spoke on this highly sensitive subject.

For me, two issues arise. First – the clear one – is whether the Cairo Declaration is incompatible with the European Convention on Human Rights. Anyone who studies both must come to a clear view that it is. Perhaps in many ways the more important issue is, if there is – and there is – such a contradiction, what should we best do about it? Do we seek to build bridges or barriers when looking at the issue? That is the spirit in which I hope to speak.

In many ways, the 1990 Cairo Declaration appears without any problems. Article 6 says, for example, "Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform". However, the series of rights are subject to Articles 24 and 25 of the Cairo Declaration, which make everything subject to Sharia Law. I concede from the outset that Sharia Law is a very amorphous concept. Some countries, such as Saudi Arabia, actually allow women to drive nowadays, and countries such as Tunisia seek to draw on Islamic law while at the same time granting as much freedom as possible. On the other hand, in Pakistan Mrs Bibi has just spent eight years in prison under the blasphemy laws, just for being a Christian and being denounced by fellow villagers.

The judgments of the European Court are very clear. As my good friend and colleague Baroness Massey has already said, because of the place of women in the legal order, and the interference in all spheres of public and private life in accordance with religious precepts, there is a fundamental contradiction. She mentioned the House of Lords judgment in the Lebanese case and the clear examples of gender discrimination, including the fact that a woman is only worth half a man as a witness – you need at least two women for every man. That is absolutely wrong, but what do we do about it?

We understand that the Organization of Islamic Cooperation is looking again at these concepts. In the United Kingdom, the matter has been dealt with pretty sensitively. My own judgment is that the Siddiqui report does not go far enough. Our aim now must surely be to seek to convince, educate and encourage our colleagues from Islamic States to work within the OIC to modify that law. Yes, there is currently a fundamental contradiction, but let us hope that the OIC will recognise it and seek to modify that law.

Mr GHILETCHI *(Republic of Moldova)* – I thank the rapporteurs for their hard work, and for presenting their reports and opinions. There are many good conclusions and justified recommendations. However, while efforts to prevent abusive practices in certain religions should continue, we must remember that freedom of religion is a fundamental right, protected both in the European Convention on Human Rights, the United Nations Covenant on Civil and Political Rights and other prominent human rights declarations. Thus, while we cannot allow human rights abuses to hide behind freedom of religion, we must ensure that legitimate religious belief and practice is not mislabelled as abusive simply because we do not understand it or approve of it.

Although the general direction of the report appears fair, the report seems too broad in its disdain for religious practices and traditions in general, and simultaneously too narrow in stressing the authority of the Convention over the Cairo Declaration and the consequences thereof. For example, paragraph 9 of the draft resolution calls on member States to "protect human rights regardless of religious or cultural practices or traditions". This is a logical error. Protection of human rights cannot be played off against religious or cultural practices or traditions in such general terms, because the latter are genuinely protected by Article 9 of the Convention. Freedom of religion or belief is also a human right that needs to be not only respected but protected. Article 9 in particular protects the right to manifest one's religion and to live according to one's convictions. States should seek to maximise the protection of each and every Convention right and not seek to protect certain rights at the expense of others.

When paragraph 11.1 of the draft resolution calls for respect for common values as reflected in the Convention, it must be understood that the protection of freedom of religion is one of those common values and therefore must not be unduly disregarded. I remind members that Article 9 of the Convention states that "Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others." Paragraph 12 of the resolution should be more prominently placed in the light of the fully correct finding of the draft report that the Convention enjoys binding legal status, whereas the Cairo Declaration does not. However, considering the fully correct finding that the Cairo Declaration has symbolic meaning, this cannot be enough. Member States that are signatories to the Cairo Declaration should be asked more pointedly in paragraph 12 not only to consider withdrawing, but to actually withdraw.

Last but not least, paragraph 11.2 of the draft resolution calls on member States to “accept”. However, all member State signatories to the Convention have already accepted, so they must be reminded of the legally binding nature of the Convention and asked to act accordingly.

(Ms Brynjólfsdóttir, Vice-President of the Assembly, took the Chair in place of Mr O’Reilly.)

Ms BARTOS *(Hungary)* – The Council of Europe’s stated aim since its foundation has been to uphold human rights, democracy and the rule of law. While celebrating its 70th anniversary, we must remind ourselves why the system was created, and that is for the protection and guardianship of human rights, which are based on respect for human dignity. With this intrinsic value, we acknowledge that every child – regardless of his or her place of birth – comes to the world with the same hopes and prospects. However, this has not always been the case.

The experience of centuries has shaped the perception of today. Wars, clashes between countries, regional conflicts, humiliation and pain have paved our way. At the cost of hundreds of lives, we learn how to value another person’s life and human dignity. When pronouncing judgment over another person, we must not forget that we could also be the judged ones.

I draw members’ attention to a connected concern. States have a responsibility to grant equal rights to all their citizens. As a basic condition for that, the State should have a transparent, uniform and equally relevant legal order, bearing in mind that that is not just in the interests of the State, but its citizens. Compliance with conflicting legal systems poses a constant tension and is the source of conflict within society. That leads to the development of parallel societies, which can also be a consequence of illegal migration. The report struggles to guarantee human rights and dignity, which we as parliamentarians who are responsible for all our voters must fully endorse.

In conclusion, I must underline that Hungary recognises the provisions of the European Convention on Human Rights. We support efforts that aim to strengthen human rights and dignity, which are one of the most important achievements of European development and are based on Christian roots and culture. Thank you for your kind attention.

Mr HOWELL *(United Kingdom)* – I think already in this debate we have heard some excellent speeches. The two that I would single out are the very well-balanced speeches from Lord Anderson and Baroness Massey.

The report raises some fundamental questions about how human rights are seen in Islamic countries. I know these questions are difficult and I know these questions have to be handled sensitively, but the influence of Sharia Law makes it very difficult to see how these issues can be reconciled. We already know that Sharia Law under theocratic regimes is incompatible with democratic society – many members have already spoken about that. That will not affect the countries of the Middle East where there is only one democracy, which is Israel.

It is worrying to see the application of Sharia Law in the United Kingdom as a form of alternative dispute resolution. It has no legitimacy under the United Kingdom legal system, but how do we deal with it? How do we work with Islamic communities, confident in our own vision and beliefs, to secure the spread of information to individuals, particularly women, and stop them going underground? Those questions are very valid and they need to be addressed.

The role of women, as so many speakers have said, is absolutely crucial. We should stand strong on this issue. The application of Sharia Law to marital, divorce and inheritance situations is utterly despicable and we should not stand for it. Women have not fought for equal rights only to see them taken away by Sharia Law. For me, one of the surprising things the report has brought out is how, among many other countries, the Palestinians fail the test of any human rights activities. I mention them as Palestine is a partner for democracy. They are also, of course, the darlings of the European left. I hope that even they would have to admit that the Palestinian area of the world fails to live up to human rights and discriminates against women.

I agree with the report that the countries that have signed the Cairo Declaration need to think very carefully about the Cairo Declaration and its compatibility with human rights. Personally, I do not believe, for the reasons that have already been set out, that they are compatible. I urge them to think again.

Ms ANTTILA *(Finland)* – I would like to congratulate the rapporteur on his excellent work. This topic is highly important and is at the very core of the Council of Europe’s fundamental values when it comes to respect for universal human rights. Human rights are indivisible – there is no room for religious or cultural exceptions.

The European Convention on Human Rights is an international instrument binding all member States, whereas the Cairo Declaration is a political, non-binding document. The Cairo Declaration has symbolic value and political significance in the Islamic world, but it fails to reconcile Islam with universal human rights. Therefore, the Convention is a superior source of obligatory binding norms.

It is very problematic that some groups in member States maintain Sharia Law as their unique source of reference, because there are clear incompatibilities between Sharia Law and the Convention. In Islamic family law, men have authority over women. In criminal cases, cruel, inhuman and degrading punishments are authorised by Sharia Law, including death by stoning, beheading and hanging. In addition, the Cairo Declaration does not refer to freedom of belief, or the freedom to manifest one's religion.

The Council of Europe was established to protect human rights regardless of religious beliefs, cultural practices or traditions. Freedom of religion is a crucial part of human rights and the rule of law. Pluralism, tolerance and a spirit of openness are the cornerstones of cultural and religious diversity. They are also the foundations of peace and democracy. In the context of human rights policy under Islam, member States should advocate strongly the right to manifest one's religion freely, but without failing to respect other commitments in the Convention.

I agree that we should strive to find understanding between Sharia Law and the European Convention on Human Rights, and realise that the Convention is legally binding on all member States, whereas the Cairo Declaration is a political, non-binding declaration. Member States mentioned in the report should consider performing some formal act, which clearly establishes that the Convention is a superior source of obligatory binding norms. Thank you for your attention.

Mr MADISON *(Estonia)** – I would like to thank the rapporteur for a very informative and good overview. This topic is very important. In the coming decades I think it will become even more important, because the number of Muslims in Europe, unfortunately, is growing. What is particularly worrying is the fact, which was referred to on a number of occasions by the rapporteur, that three members of the Council of Europe – Turkey, Azerbaijan and Albania – have signed up to the Cairo Declaration. In many regards, the Cairo Declaration clashes with fundamental European values, for example on equality and on generally recognised human rights. The Cairo Declaration has also been signed by countries with partner status in the Council of Europe: Jordan, Kyrgyzstan, Morocco and Palestine. The question therefore arises: what values do those countries represent?

Sharia Law is incompatible with the values that this Organisation was set up to protect. It is worrying that Sharia-based justice has been established in Europe, where the number of Muslims has increased. It is incompatible with the fundamental human rights that we in Europe take for granted. It is also a security risk that we need to take seriously. I say security risk, because I think we are seeing the emergence of parallel societies that contradict the values in Europe that have grown over time in what is a Christian cultural area. The report should call on the countries I have just referred to, to decide what values they wish to uphold: those of the Cairo Declaration based on Sharia Law or human rights as defended by the Council of Europe. It is my clear view that those countries that wish to remain members of the Council of Europe have to revoke their signature of the Cairo Declaration.

Mr WIECHEL (*Sweden*) – I am heartened by the fact that our Assembly is addressing one of the most burning issues of our time – namely, whether the growing practice of Sharia in Europe is compatible with the cornerstone of European and Western civilisation, the European Convention for the Protection of Human Rights and Fundamental Freedoms. I am impressed by how fairly the rapporteur, Mr Gutiérrez, and our Committee on Legal Affairs and Human Rights scrutinised the European Convention on Human Rights and the Cairo Declaration on Human Rights in Islam in their excellent report. They found that there are at least a dozen articles in the Cairo Declaration that either fall short of or are in clear contradiction to Convention articles relating to the right to life, the prohibition of torture, the right to a fair trial, freedom of religion, women's rights, freedom of expression and the prohibition of the death penalty – the list goes on. That list appears in Mr Omtzigt's appendix to the report; those issues have been mentioned in this forceful debate. Nobody can say that we did not put our foot down today in standing up for our core values.

In that context, I wish to convey to this Assembly the heartfelt greetings of my colleague from the Sweden Democrats, Johan Nissinen, who has unfortunately left parliament and therefore cannot be with us today to serve as rapporteur for the opinion of our Committee on Culture, Science, Education and Media. He has read the report and opinions with great interest, and congratulates all concerned.

The European Convention on Human Rights is the fruit of centuries of Western political struggle and social evolution. It was drawn up in 1949 – just four years before the Second World War, before which we had

the First World War, with all their unspeakable horrors and crimes. Today, 70 years on, the Convention remains for the defence of our civilisation, values and democracy. I hope that this Assembly will rally behind the report.

Mr YENEROĞLU (*Turkey*)* – I have read Mr Gutiérrez's report very carefully indeed, and I support the view that, in the field of human rights, there is no room for exceptions on religious or cultural grounds. However, I am also of the opinion that the report's intention to build bridges of understanding will unfortunately fail. There is no need to discuss the compatibility of Sharia Law with the European Convention on Human Rights, since, unlike the non-binding Cairo Declaration, the Convention is binding and is implemented in national law. Moreover, no State party to the convention claims exceptions to the European Convention on Human Rights on the basis of culture or religion. The shortcomings presented in the explanatory memorandum relate not to Sharia Law or the Cairo Declaration, but to the lack of implementation of the signatory States' domestic law.

The report discusses a multitude of religiously and culturally based regulations, and makes partial, unnecessary contrasts with the European Convention on Human Rights. It only casually mentions that all forms of Sharia are practised only within the limits of national law and the European Convention on Human Rights. It consistently speaks of Sharia Law as if it were codified, and makes a number of generalisations that go well beyond its stated aim. It presents an extremely narrow and tendentious concept of Sharia, which very few Muslims would sign up to. It does not stand up to scientific scrutiny. It uses quotations from the Koran that do not exist, and cites abbreviated examples to which signatory States, Muslim groups and relevant individuals do not refer.

The Cairo Declaration has a normative effect. It is non-binding, and is limited by the signatory States' constitutions. The report does not mention that the Organization of Islamic Cooperation has begun revising the declaration. In that regard, for logical reasons alone, there is no need to withdraw from the Cairo Declaration or for the Assembly to call for further measures to limit its effects on the constitutions and obligations of contracting States, as it would be calling for measures that have already been taken.

Such an important report on human rights should be unambiguous and strictly scientific. It should not use language that can give illiberal political movements a pretext to undermine the freedoms of minorities. Because of the report's many material shortcomings, its bias and its tendentiousness, I cannot vote in favour of it. I am rather staggered to see how many Islam experts we have here. There seems to be total ignorance about Sharia Law in Europe.

Mr HEBNER (*Germany*)* – Today, we heard the presentation of the Foreign Minister of Finland, who said clearly that human rights, the European Convention on Human Rights, the rule of law and equality between men and women are very important to him, and we heard once again – with great joy, of course – about the founding principles of this Assembly. This very good report on the Cairo Declaration's compatibility with the European Convention on Human Rights makes it clear that certain signatories to the Convention fall under Sharia Law. It is imperative to look at that closely.

The report measures freedom of speech, freedom of expression and human rights, and looks at interpretations of Sharia. The Cairo Declaration seriously limits the capacity to change one's faith, and states that Sharia Law is above national legislation. Under the Cairo Declaration, there is no equality between men and women: it makes it clear that men are superior to women. Article 6 states that women are not of the same value as men. In other words, there is no equality, in terms of family income and responsibility in the family environment. No specific role for women is set out; there is no equality. That all derives from the source law – Sharia.

Article 19 of the Cairo Declaration states clearly that domestic violence against women does not constitute a crime. There is also no moral or ethical equality. It is clearly stated that there is no equality between men and women on numerous fronts. There is a tendency to relativise, but we must tell countries such as Albania, Azerbaijan and Turkey, which have signed the Cairo Declaration, to revoke their adherence to it.

Mr SEYIDOV *(Azerbaijan)* – This is really strange. When someone asks you to do something about steps you have never taken, that is ridiculous.

This discussion is a vivid example of where we are in the Council of Europe. Just 10 years ago, the Council of Europe was proud to be in Azerbaijan with 47 ministers of culture and representatives of 10 ministries of culture in Islamic countries to sign the so-called Baku Declaration on mutual understanding, intercultural relations, a common future and human rights. After 10 years, Azerbaijan, Albania and Turkey are being asked to withdraw our signatures from the Cairo Declaration, which we never signed, my dear friends. Never.

We became a member of what was then the Organisation of the Islamic Conference in 1991; the declaration was adopted in 1990. It is very difficult to be acceptable when nobody will listen to you. The Cairo Declaration was never signed by my country or by Albania. We are a secular State. You can come to Azerbaijan and see that in the centre of the city there is a Catholic Church. The number of synagogues is growing. We are a country with a predominantly Muslim people, and we are proud of our Muslim heritage, but we are a secular State. We have signed the European Convention on Human Rights.

Instead of suggesting a joint committee between the Council of Europe and the Organization of Islamic Cooperation in order to understand our general values of human rights, democracy and the rule of law, you are now thinking just about separation and presenting ideas as some sort of punishment, if I may say it like that, of those who have relations with the Organization of Islamic Cooperation. No. This is not the way to get co-operation. It is much better to co-operate and establish dialogue to find common ground, rather than to confront countries that share the same values and are in this Organisation. I am in favour of co-operation, but not confrontation. Please take into account this essential value: Europe today sometimes tries to present itself in a way that is fashionable rather than reasonable.

Mr VALLINI *(France)** – The European Convention on Human Rights, by which we are all bound, states: "In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law." That is a quote from Article 6. From that legal point of view, it is unacceptable that in some member States we are seeing a parallel justice system arise.

Sharia justice is incompatible with the European Convention on Human Rights. In western Thrace, the rulings of muftis replace the civil courts. It is pleasing to see that the Greek Government have made Sharia Law optional in matters of succession and civil matters. In the United Kingdom, the situation is different. No Sharia-based legal system has been recognised in law, but Sharia councils do exist and some submit to them. We need to ensure that procedural guarantees ensure that men and women will enjoy the same rights and have recourse to the same remedies. Muslim women should not be second-class citizens, unable to have recourse in an equitable justice system in the member States of the Council of Europe. Sharia is manifestly incompatible with our Convention.

Being French, I am profoundly attached to the principles of the secular State. We have a separation between religious matters and public matters and justice – the legal system – is a public matter, so I can only approve the text of the resolution.

Mr BILDARRATZ *(Spain)** – The Turkish representative, Mr Yeneroğlu, said with a certain irony that all he could see was a host of experts on Islam holding forth. With total respect, if anything is lacking that is because of a mistake on my part. No one is perfect in what they say or how they behave, but I would like us to work with good will and the best motivation.

One issue is clear in the Council of Europe and that is that the European Court of Human Rights is the North Star – our moral compass. It has already declared that Sharia Law is incompatible with a democratic society. In the Council of Europe and in all democratic societies, as we were saying yesterday, there should be greater respect for women – that is the campaign we are now witnessing.

The Koran conceptually establishes an asymmetric relationship between men and women. Some have said that it has not been applied perfectly or that the verses quoted were not the right ones, but verse 4:15 says that women who commit adultery should be punished with death.

It is true that we need dialogue between different cultures and it is obvious that we need to respect each other, but there are some things that are particular to the Council of Europe, such as the fact that there is no doubt about non-compliance with the European Convention on Human Rights. For all of us, it is a basic instrument of compliance and those who fail to respect it will clearly have to analyse the fact that they are not in the right place at the right time. Other events need to be forthcoming for them to be in the Council of Europe.

A country or community that does not respect the Convention cannot be in this Council of Europe. There is no doubt about that whatsoever, and that is where we need to act compellingly and without any doubt.

Ms DURANTON *(France)** – I totally approve of the thrust of the report by Mr Gutiérrez, and I thank the rapporteurs for their opinion, including my countrywoman, Ms Blondin. The work of our Assembly throws considerable light on these matters. Religious freedom or freedom of belief is fundamental to democracy. Tolerance and pluralism enable religions to co-exist and guarantee diversity. The separation of Church and State enables us all to live together. I therefore think that the report is right to state that there is an

incompatibility between the European Convention on Human Rights and the Cairo Declaration on Human Rights in Islam, which asserts the primacy of Sharia Law. Several provisions within the text of the Organization of Islamic Cooperation document run counter to the Convention, particularly Article 10, which proclaims the innate nature of the Muslim religion, which is a way of saying that no other religion is possible.

The report explains quite rightly that the Cairo Declaration, unlike the Convention, is not a legally binding instrument but rather is a political text, a symbolic text or even a religious text. Moreover, the 1990 declaration has not been recognised by the United Nations as a regional human rights instrument, unlike the Convention or the Arab Charter on Human Rights. I point out that Turkey, although signed up to the Cairo Declaration, gives pre-eminence to the principle of secularism and does not apply Sharia Law. Nevertheless, the Cairo Declaration presents itself as an alternative to the Universal Declaration of Human Rights, to which it makes no reference, and nor does it mention the Charter of the United Nations.

France is keen to challenge any attempt to call into question the universal, inalienable and interdependent nature of human rights, as embodied in the Universal Declaration of 1948 and the main United Nations conventions in this area. It defends the universal approach of 1948 and will react to attempts to call into question this common bedrock of values and rights by a great number of States in the name of allegedly overriding imperatives, such as State sovereignty, security, the fight against terrorism or cultural religious exceptions. As a result, I wholeheartedly approve of the draft resolution that has been tabled. However, nothing is set in stone, as can be seen in the example of the French territory of Mayotte to which the reports refers. Its becoming a département in 2011 led to an adaptation of local civil law to republican principles, when it had until that point been predicated on Sharia law.

Ms MUÑOZ *(Spain)** – When reading the report I was truly touched, as a woman, as a defender of human rights and as a liberal. There are groups and delegations in this Chamber that have expressed objection to the report, which I find shocking. We have to listen to what is going on here. This afternoon we have heard about several things that are contrary to human rights in countries that are signed up to the Cairo Declaration. I do not understand why they do not just withdraw from the declaration.

Sharia says that men and women are not equal, which is quite clear in the different punishments for adulterers. If a woman is worth half of what a man is, what sort of message is that? What does all of this mean? This is a serious violation, and it is absolutely clear that the Cairo Declaration is totally incompatible with the Convention.

Women have been fighting for our rights for decades. We have been very successful but the cost has been very high. We still have further to go, but we will not forget the vulnerable Muslim women whose rights are not being recognised in Europe. My colleague from Spain, Mr Bildarratz, mentioned the campaign for this week, #NotInMyParliament. I say “Not in Europe”. We women of Europe cannot allow this inequality to exist in Europe. The report does not attack religious freedom or ideology. It is an issue of dignity and of equality.

The PRESIDENT – That concludes the list of speakers.

I call Ms Ævarsdóttir to reply. You have seven minutes left.

Ms ÆVARSDÓTTIR *(Iceland)* – I thank all the speakers for their comments and contributions. First was Ms Gorrotxategui, who pointed out that Sharia is of course interpreted by male elders. I do not think that it would otherwise function in our modern society. This is important, because they interpret the rules in a way that significantly disadvantages women. Such a lack of equilibrium among the enforcers of the rules does not co-exist well in our world of equality and non-discrimination.

I thank Mr Omtzigt for sharing his experience of the speaker at a recent side event and the testimony of the brave woman who shared her story with him and other colleagues. Furthermore, I give special thanks to Baroness Doreen Massey for sharing with us her knowledge and experience of the impact of Sharia Law in her own country, the United Kingdom. Mr Mollazade gave us valuable insight into the thinking and views of Azerbaijan on this matter. I agree that a secular State is an important aspect of a democratic and rule-based State. However, secularism is only one aspect, and it is meaningless if it is not backed up by the entrenched and anchored belief that the fight for equal rights is necessary. For instance, my country does not have a separation of Church and State, yet it is committed to ensuring equal rights for all. That separation is not necessarily necessary but it is a reasonable requirement.

Ms Stienen reminded us of the importance of open dialogue and acceptance without compromising on fundamental rights. She encouraged us to create separate reports on the various challenging issues iterated in the report. That is duly noted. Lord Anderson asked the important question of how to deal with this conflict.

Should we build bridges or apply sanctions? I agree that we should encourage betterment and avoid judgment or punishment. At the same time, we cannot accept, or build bridges over, violence and discrimination.

Nevertheless, I object to the approach taken by Mr Madison, who chose to imply that Muslims are a security threat and a threat to some sort of Christian culture and values. I object to the idea that any kind of religion guides Europe as a whole. I am agnostic myself, but a multitude of religious groups co-exist and believe in the fundamental values or norms of democracy, human rights and the rule of law in Europe.

I also note the comments of Mr Yeneroğlu. I welcome the revision of the Cairo Declaration, as I mentioned in my speech earlier. I encourage him to transmit his comments and criticisms, and also the status and the progress of the revision, to the Committee, so that it may include it in the follow-up progress report that this report requests and requires.

Finally, I remind Mr Seyidov that we have in fact proposed amendments, in an addendum to the report, to update the language of the report, to reflect his criticisms. We will not refer to Azerbaijan as signatories, as he stated, but we maintain that it endorses, either explicitly or implicitly, the declaration by ascribing to the new statute of the Organization for Islamic Cooperation, which explicitly refers to the Cairo Declaration. We listened, Mr Seyidov. I hope you hear me too.

On behalf of myself and Mr Gutiérrez, I again thank all members who participated in this interesting debate. I feel that there is not much left to say. There are quite a few suggested amendments to the report, and I would like to give the Assembly the time to discuss and process them. I thank members for listening and for supporting the report.

The PRESIDENT – Thank you, Ms Ævarsdóttir. Ms Sotnyk, vice-chair of the Committee, wishes to speak.

Ms SOTNYK *(Ukraine)* – The Committee on Legal Affairs and Human Rights adopted Mr Gutiérrez's report just last December. I will be brief, because our chairperson perfectly presented the report in more detail on behalf of the rapporteur.

In a nutshell, the committee considers that the 1990 Cairo Declaration on Human Rights in Islam, while not legally binding, has symbolic value and political significance for human rights policy under Islam. However, the declaration fails to reconcile Islam with universal human rights, especially as it considers Sharia Law to be the sole source of reference and does not recognise essential rights.

Where human rights are concerned, there should be no room for religious or cultural exceptions. Member States should continue to bolster pluralism, tolerance and the spirit of openness through proactive measures taken by governments, civil society and religious communities while respecting common values as reflected in the European Convention on Human Rights. The addendum to the report adopted by our committee yesterday takes particular note of the revision process of the Cairo Declaration that is currently underway in the Organization of Islamic Cooperation's Independent Permanent Human Rights Commission. All Council of Europe member States and Partners for Democracy should be encouraged to engage in this important process to ensure that the future of the Organization of Islamic Cooperation's Independent Permanent Human Rights Commission's declaration on human rights is compatible with the European Convention on Human Rights and other universal human rights standards.

The PRESIDENT – The debate is closed.

The Committee on Legal Affairs and Human Rights has presented a draft resolution to which 29 amendments have been tabled. We will first consider the amendments to the draft resolution. I understand that the Committee on Legal Affairs and Human Rights wishes to propose to the Assembly that Amendments 10, 7, 20, 6, 26, 21, 28, 23 and 5 to the draft resolution, which were unanimously approved by the committee, should be declared as agreed by the Assembly.

Amendment 11 was also agreed unanimously by the committee but must be taken individually because it is affected by other amendments and sub-amendments. Is that so, Ms Ævarsdóttir?

Ms ÆVARSDÓTTIR *(Iceland)* – Yes, but I believe that Ms Sotnyk should answer on behalf of the committee.

Ms SOTNYK *(Ukraine)* – It is so.

The PRESIDENT – Are there any objections? That is not the case.

Amendments 10, 7, 20, 6, 26, 21, 28, 23 and 5 are adopted.

We come to Amendment 17. Mr Shehu is not here to support the amendment. Does anyone wish to speak against the amendment? That is not the case. What is the opinion of the committee on the amendment?

Ms SOTNYK *(Ukraine)* – It was rejected by a large majority.

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

The vote is open.

Amendment 17 is rejected.

We come to Amendment 25. I call Ms Ævarsdóttir, on behalf of the Committee on Legal Affairs and Human Rights, to support the amendment. You have 30 seconds.

Ms ÆVARSDÓTTIR *(Iceland)* – The amendment would clarify the text and better reflect the reality that not all the States mentioned in the report are signatories to the Cairo Declaration. However, they do support it explicitly or implicitly, for instance by being members of the Organization of Islamic Cooperation, which explicitly refers to the Cairo Declaration. The amendment responds to criticism of the language in the report to better reflect the realities on the ground.

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 SOTNYK *(Ukraine)* – It was approved by a large majority.

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

The vote is open.

Amendment 25 is adopted.

We come to Amendment 1. I must inform the Assembly that Mr Yeneroğlu has given notice of his intention to withdraw the amendment and move an oral amendment instead. Mr Yeneroğlu, do you wish to withdraw your Amendment 1?

Mr YENEROĞLU *(Turkey)** – Yes.

The PRESIDENT – Mr Yeneroğlu has withdrawn his Amendment 1.

I have received an oral amendment from Mr Yeneroğlu, which reads as follows: “In the draft resolution, in paragraph 4, after the word ‘Turkey’ insert the following words: ‘(with the limitation “so far as they are compatible with its laws and its commitments under international conventions”)’.”

The President may accept an oral amendment on the grounds of promoting clarity, accuracy or conciliation and if there is not opposition from 10 or more members to it being debated.

In my opinion the oral amendment meets the criteria of Rule 34.7.a. Is there any opposition to the amendment being debated? That is not the case.

I call Mr Yeneroğlu to support the oral amendment.

Mr YENEROĞLU *(Turkey)** – The amendment is absolutely necessary; otherwise the text would say that Turkey only has limitations set down by international conventions and the Cairo Declaration, and unfortunately this is false.

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

What is the opinion of the Committee on Legal Affairs and Human Rights on the oral amendment?

Ms SOTNYK *(Ukraine)* – It was approved.

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

The vote is open.

The oral amendment is adopted.

We come to Amendment 8. I call Mr Omtzigt to support the amendment. You have 30 seconds.

Mr OMTZIGT *(Netherlands)* – The European Court of Human Rights was very clear in the Refah Partisi case that the "institution of Sharia law and a theocratic regime" are "incompatible with the requirements of a democratic society". As the rest of paragraph 6 states what the Assembly thinks, we should add that the Assembly fully agrees with that particular statement.

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 SOTNYK *(Ukraine)* – It was approved by a large majority.

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

The vote is open.

Amendment 8 is adopted.

We come to Amendment 12. I call Mr Manuel Tornare, on behalf of the Committee on Equality and non-Discrimination, to support Amendment 12. You have 30 seconds.

Mr TORNARE (*Switzerland*)* – I quote Lord Anderson, in the spirit of building bridges rather than erecting walls. We do not want confrontation; we want dialogue and to promote, within multilateral organisations of which they are members or observers, unilateral values of human rights without any discrimination based on sex, gender, gender identity and support or otherwise for religion. Oh no, I do apologise – I have got that wrong.

In paragraph 8, delete the following sentence: "The Assembly is aware that informal Islamic Courts may exist in other Council of Europe member States too". We feel that that is discriminatory and there is no proof in the report. I am sure we will talk about approved films and so on, but this is not in the report and we would therefore like to delete that sentence. I apologise; I did not have my glasses on at the right time.

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

Mr OMTZIGT (*Netherlands*) – I shall give one example. The Danish public broadcaster had clear and long-term undercover reportage from one of the main mosques, which was clearly making judgments on the basis of Sharia. There are other examples. One could take away the word "may" because informal Islamic courts exist. This is just a statement of fact; it is not against or in favour of any religion. I would like to reject this amendment.

The PRESIDENT – What is the opinion of the Committee on Legal Affairs and Human Rights on the amendment?

Ms SOTNYK (*Ukraine*) – It rejected the amendment.

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

The vote is open.

Amendment 12 is rejected.

The PRESIDENT – We come to Amendment 13. I call Mr Manuel Tornare, on behalf of the Committee on Equality and Non-Discrimination, to support Amendment 13. You have 30 seconds.

Mr TORNARE (*Switzerland*)* – I hope I shall not be wrong this time; I have my glasses on and I am in the right place. After paragraph 1.1, we would insert, “promote, within the multilateral organisations of which they are members or observers, the universal values of human rights without any discrimination based inter alia on sex, gender, sexual orientation, gender identity, and religious faith or the lack of it”. We are convinced that we should promote these universal values and insist on them, without any discrimination. This wording is much stronger and more positive than that in the report. Thank you.

The PRESIDENT – Does anyone wish to speak against the amendment? That is not the case. What is the opinion of the Committee on Legal Affairs and Human Rights on the amendment?

Ms SOTNYK (*Ukraine*) – It approved the amendment by a large majority.

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

Amendment 13 is adopted.

The PRESIDENT – We come to Amendment 22. I call Ms Maryvonne Blondin, on behalf of the Committee on Political Affairs and Democracy to support Amendment 22. You have 30 seconds.

Ms BLONDIN (*France*)* – This amendment would delete the reference to countries that are partners because they are not bound by the European Convention, although they are making efforts with a view to complying with it.

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

What is the opinion of the Committee on Legal Affairs and Human Rights on the amendment?

Ms SOTNYK (*Ukraine*) – It approved the amendment by a large majority.

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

The vote is open.

Amendment 22 is adopted.

The PRESIDENT – We come to Amendment 29. I call Ms Ævarsdóttir, on behalf of the Committee on Legal Affairs and Human Rights to support Amendment 29. You have 30 seconds.

Ms ÆVARSDÓTTIR (*Iceland*) – Amendment 29 simply updates the language a bit. We request that the words “consider distancing themselves from the 1990 Cairo Declaration by” be added. It is quite simple: we just request that people consider distancing themselves from the Cairo Declaration.

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

What is the opinion of the Committee on Legal Affairs and Human Rights on the amendment?

Ms SOTNYK (*Ukraine*) – It approved the amendment by a large majority.

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

The vote is open.

Amendment 29 is adopted.

The PRESIDENT – We now come to Amendment 9, tabled by Mr Omtzigt. I have been informed that Mr Omtzigt wishes to propose an oral sub-amendment to his amendment, as follows: “In amendment 9, replace the word ‘Convention’ with the words ‘Cairo Declaration’.” In my opinion, the oral sub-amendment is in order under our rules. However, do 10 or more members object to the oral sub-amendment being debated? That is not the case. I will now put the oral sub-amendment to the vote. The vote is open.

The sub-amendment is adopted.

The PRESIDENT – We will now consider the main amendment, as amended.

Mr OMTZIGT (*Netherlands*) – We have just said that these countries should consider distancing themselves from the 1990 Cairo Declaration, and the strongest way of distancing yourself from the declaration is to withdraw from it. Therefore, one of the three options that I would give is simply to make an Act and withdraw from the declaration. Countries can still do the other things, but that would be the clearest way of distancing themselves. The idea was rejected by a small majority, but I still hope members will support the amendment.

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 SOTNYK (Ukraine) – It rejected the amendment.

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

Amendment 9, as amended, is rejected.

We come to Amendment 27.

I call Ms Ævarsdóttir to support the amendment. You have 30 seconds.

Ms Ævarsdóttir *(Iceland)* – We propose to delete paragraph 12.1 simply because it would be redundant now that we have approved the paragraph before it saying "consider distancing themselves from the 1990 Cairo declaration"; we would simply be repeating the same sentence twice, and that would look silly.

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

Mr OMTZIGT *(Netherlands)* – I do not want to look silly, but I am silly. They can still "consider distancing themselves" by withdrawing – that is the strongest way to do this.

The PRESIDENT – What is the opinion of the committee?

Ms SOTNYK *(Ukraine)* – We rejected the amendment.

The PRESIDENT – You rejected your own amendment? Well, I shall now put the amendment to the vote.

The vote is open.

Amendment 27 is rejected.

We come to Amendment 2.

I call Mr Yeneroğlu to support amendment 2. You have 30 seconds.

Mr YENEROĞLU *(Turkey)** – I do apologise, but the amendment we have just rejected was in fact adopted in committee, which is why I withdrew my amendment.

The PRESIDENT – So you wish to withdraw amendment 2?

Mr YENEROĞLU *(Turkey)** – No. I was saying that I withdrew my amendment because the committee amendment was carried, although we have just rejected it now. It was not rejected in committee – it was adopted.

The PRESIDENT – But amendment 27 was rejected, so you can decide.

Mr YENEROĞLU *(Turkey)** – Yes, but it was not rejected in committee – it was adopted in committee. Had the committee chair said it had been carried, perhaps members would have voted differently.

Ms SOTNYK *(Ukraine)* – I am sorry, Madam President, but there is a mistake. The result of the last vote was that the amendment was rejected, so Mr Yeneroğlu can present his now.

The PRESIDENT – That is what I have been saying. The last amendment was rejected.

Mr YENEROĞLU *(Turkey)** – I can move it, but I would just like to say that the wrong information was given to us. My amendment refers to the fact that Turkey has said it will implement this OIC declaration in as far as it is compatible with its commitments under international law. In any case, this is not binding in respect of those OIC countries, so I think this paragraph should be deleted.

The PRESIDENT – This is a different amendment. Amendment 27 was rejected. Amendment 29 has been adopted, so Amendment 2 falls. We have already voted on Amendments 27 and 29.

Therefore, we come to amendment 3.

I call Ms Ævarsdóttir on a point of order.

Ms Ævarsdóttir *(Iceland)* – The text before me says that amendment 2 "falls if amendments 9 or 27 are adopted". Neither of those amendments were adopted. As I understand it, Mr Yeneroğlu is free to move his Amendment 2. I think there is a misunderstanding here, but he can move that amendment.

The PRESIDENT – Mr Yeneroğlu, you are free to move your amendment.

Mr YENEROĞLU *(Turkey)** – I withdrew my amendment because in committee Amendment 27 was carried. We need to introduce a positive sentence and say that efforts to revise the 1990 Cairo Declaration need to be accelerated. We are couching things in positive terms. We would not be erecting walls; we would be building bridges. That is the spirit behind this amendment.

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

Mr OMTZIGT *(Netherlands)* – Elsewhere in the resolution we applaud ways of trying to change the Cairo Declaration – I think we should. The problem here is that removing paragraph 12.1 would remove the withdrawing option, which I would like to keep in the report. That is why we should reject Amendment 2.

The PRESIDENT – What is the opinion of the committee?

Ms SOTNYK *(Ukraine)* – The committee rejected the amendment unanimously.

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

The vote is open.

Amendment 2 is rejected.

We come to Amendment 3. I call Mr Yeneroğlu to support the amendment

Mr YENEROĞLU *(Turkey)** – Turkey has said that it will implement the OIC declaration in as far as it is compatible with its laws and commitments under international conventions. The Cairo Declaration is not binding for OIC countries, hence my amendment.

The PRESIDENT – Does anyone wish to speak against the amendment. I call Mr Omtzigt.

Mr OMTZIGT *(Netherlands)* – Turkey is not the only country concerned here. Making this declaration public is still useful, so we should keep the original text.

The PRESIDENT – What is the opinion of the committee?

Ms SOTNYK *(Ukraine)* – The committee rejected the amendment by a large majority.

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

The vote is open.

Amendment 3 is rejected.

We move to Amendment 4. I call Mr Yeneroğlu to support Amendment 4. You have 30 seconds.

Mr YENEROĞLU *(Turkey)** – The Cairo Declaration is to be seen as a minimum consensus, not a binding agreement, and that is stated as such. It does not come into conflict with the European Convention on Human Rights, which is why, legally, it is clear, and why I call for a total deletion of the paragraph.

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 SOTNYK *(Ukraine)* – The amendment was rejected by a large majority.

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

The vote is open.

Amendment 4 is rejected.

We move on to Amendment 14. I call Mr Tornare, on behalf of the Committee on Equality and Non-Discrimination, to support Amendment 14. You have 30 seconds.

Mr TORNARE *(Switzerland)** – I will sit down, because it is better for my glasses. For the Convention to be implemented in an exemplary fashion, all religions should be treated on an equal footing. In the United Kingdom, Christians and Jews may have a civil registration, but that is not the case for Muslims. If we want to be fair and equitable, we should replace paragraphs 14.2 and 14.3 with Amendment 14.

The PRESIDENT – Does anyone wish to speak against the amendment? I call Mr Omtzigt. You have 30 seconds.

Mr OMTZIGT *(Netherlands)* – The amendment puts the obligation only on the celebrant of the Islamic marriage. It should also be on the two people who actually marry at that point, which would be in line with what is required from Christian and Jewish marriages, as stated in paragraph 14.2.

The PRESIDENT – What is the opinion of the Committee on Legal Affairs and Human Rights on the amendment?

Ms SOTNYK *(Ukraine)* – The amendment was rejected by a large majority.

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

The vote is open.

Amendment 14 is rejected.

We move on to Amendment 15. I call Mr Tornare, on behalf of the Committee on Equality and Non-Discrimination, to support Amendment 15. You have 30 seconds.

Mr TORNARE *(Switzerland)** – Amendment 15 replaces paragraph 14.4. In many countries, the legal assistance provided by public authorities is dropping and vulnerable women are being left by the wayside. Those who support the protection of women can only support Amendment 15.

The PRESIDENT – Does anyone wish to speak against Amendment 15? What is the opinion of the Committee on Legal Affairs and Human Rights on the amendment?

Ms SOTNYK *(Ukraine)* – The amendment was approved by a large majority.

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

The vote is open.

Amendment 15 is adopted.

We move to Amendment 16. I call Mr Tornare, on behalf of the Committee on Equality and Non-Discrimination, to support Amendment 16. You have 30 seconds.

Mr TORNARE *(Switzerland)** – In paragraph 14.5, we would replace the words "to encourage Muslim communities to acknowledge and respect women's rights in civil law, especially in the areas of marriage, divorce, custody and inheritance" with the words of Amendment 16, which are much stronger. Again, the amendment steps up aid to women so that there is equality of treatment with other strata of the population.

The PRESIDENT – Does anyone wish to speak against the amendment? What is the opinion of the Committee on Legal Affairs and Human Rights on the amendment?

Ms SOTNYK (Ukraine) – The amendment was approved by a large majority.

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

The vote is open.

Amendment 16 is adopted.

We move to Amendment 11, which is, in the draft resolution, after paragraph 14.6, to insert the following paragraph: "The Assembly calls on the countries (member States and observer States) who are signatories to the Cairo Declaration, on Greece and on the United Kingdom to report back to the Assembly by the end of 2019 on the actions they have taken as a follow-up to this resolution."

I call Mr Omtzigt to support Amendment 11. You have 30 seconds.

Mr OMTZIGT (Netherlands) – The amendment was approved unanimously, but we had two sub-amendments because of suggestions in the committee. It is good that the countries concerned – the three member countries of the OIC; the observer States, if they want to; and definitely Greece and the United Kingdom – have an opportunity to reply to the recommendations. We ask them to write a letter. In the committee, we proposed two oral sub-amendments. The first is to change the word "signatories", because there was confusion, to the words "members of the OIC". The second gives them half a year longer, until June 2020.

The PRESIDENT – As mentioned, we have two oral sub-amendments, on which we will vote separately. We come to Sub-Amendment 1, which was tabled by the Committee on Legal Affairs and Human Rights, which is, in Amendment 11, to replace the words "signatories to the Cairo Declaration" with the following words: "members of the OIC".

I call Ms Ævarsdóttir to support Sub-Amendment 1 on behalf of the Committee on Legal Affairs and Human Rights. You have 30 seconds.

Ms ÆVARSDÓTTIR (Iceland) – Sub-Amendment 1 suggests that we replace the words "signatories to the Cairo Declaration" with the words "members of the OIC", which better reflects the facts and is clearer about who it addresses.

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

What is the opinion of Mr Omtzigt?

Mr OMTZIGT (Netherlands) – In favour.

The PRESIDENT – What is the opinion of the committee?

Ms SOTNYK (Ukraine) – The sub-amendment was approved by a large majority.

The PRESIDENT – I shall now put Sub-Amendment 1 to the vote.

The vote is open.

Sub-Amendment 1 is adopted.

We come to Sub-Amendment 2, which was tabled by the Committee on Legal Affairs and Human Rights, which is, in Amendment 11, to replace the words “by the end of 2019” with the following words: “by June 2020”.

I call Ms Ævarsdóttir to support Sub-Amendment 2 on behalf of the Committee on Legal Affairs and Human Rights. You have 30 seconds.

Ms ÆVARSDÓTTIR (Iceland) – The sub-amendment suggests that the member States and the Partners for Democracy mentioned in the report have longer to come back to us, because we thought that less than one year was a bit too short. In the spirit of co-operation, we have extended it by six months.

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

What is the opinion of Mr Omtzigt?

Mr OMTZIGT (Netherlands) – In favour.

The PRESIDENT – What is the opinion of the committee?

Ms SOTNYK (Ukraine) – The sub-amendment was approved unanimously.

The PRESIDENT – I shall now put Sub-Amendment 2 to the vote.

The vote is open.

Sub-Amendment 2 is adopted.

I shall now put Amendment 11, as amended, to the vote.

The vote is open.

Amendment 11, as amended, is adopted.

The PRESIDENT – We now come to Amendments 19 and 24.

I draw attention to the fact that Amendments 19 and 24 are identical. As amendment 19 was tabled first I will call the mover of that amendment to move both amendments.

I call Ms Blondin, on behalf of the Committee on Political Affairs and Democracy, to support Amendments 19 and 24.

Ms BLONDIN *(France)** – Amendment 19 would replace the title with a title that, as many of our colleagues have said, would establish a bridge for intercultural dialogue. The title would read, “Sharia, the Cairo Declaration and the European Convention on Human Rights”. It is the same as Amendment 24, tabled by the Committee on Legal Affairs and Human Rights.

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

What is the opinion of the Committee on Legal Affairs and Human Rights?

Ms SOTNYK *(Ukraine)* – It was approved unanimously.

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

The vote is open.

Amendments 19 and 24 are adopted.

The PRESIDENT – We will now proceed to vote on the whole of the draft resolution contained in Document 14787, as amended.

The vote is open.

The draft resolution in Document 14787, as amended, is adopted, with 69 votes for, 14 votes against and 8 abstentions.

6. Next public business

The PRESIDENT – The next public sitting will take place tomorrow morning at 10 a.m.

The sitting is closed.

(The sitting was closed at 8.30 p.m.)

CONTENTS

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]
ANDERSON, Donald [Lord] *(McCARTHY, Kerry [Ms])*
ANTTILA, Sirkka-Liisa [Ms]
ARENT, Iwona [Ms]
AST, Marek [Mr] *(BUDNER, Margareta [Ms])*
BAKRADZE, David [Mr]
BARTOS, Mónika [Ms] *(CSÖBÖR, Katalin [Mme])*
BECHT, Olivier [M.]
BEREZA, Boryslav [Mr] *(SOBOLEV, Serhiy [Mr])*
BERNACKI, Włodzimierz [Mr]
BEUS RICHEMBERGH, Goran [Mr]
BEYER, Peter [Mr]
BILDARRATZ, Jokin [Mr]
BLONDIN, Maryvonne [Mme]
BOCCONE-PAGES, Brigitte [Mme] *(FRESKO-ROLFO, Béatrice [Mme])*
BOSCHI, Maria Elena [Ms]
BOUYX, Bertrand [M.] *(TRISSE, Nicole [Mme])*
BRYNJÓLFSDÓTTIR, Rósa Björk [Ms]
BUCCARELLA, Maurizio [Mr]
BULAI, Iulian [Mr]
BUTKEVIČIUS, Algirdas [Mr]
CAZEAU, Bernard [M.]
ÇELİK, Sena Nur [Ms]
COAKER, Vernon [Mr] *(WILSON, Phil [Mr])*
CORLĂŢEAN, Titus [Mr]
COWEN, Barry [Mr]
COZMANCIUC, Corneliu Mugurel [Mr] *(PLEȘOIANU, Liviu Ioan Adrian [Mr])*
CSENGER-ZALÁN, Zsolt [Mr]
CUC, Alexandru Răzvan [Mr]
DAEMS, Hendrik [Mr] *(DESTREBECQ, Olivier [M.])*
DALLOZ, Marie-Christine [Mme]
DE TEMMERMAN, Jennifer [Mme]
DURANTON, Nicole [Mme]
EBERLE-STRUB, Susanne [Ms]
ECCLES, Diana [Lady]
EFSTATHIOU, Constantinos [Mr] *(KYRIAKIDES, Stella [Ms])*
EIDE, Espen Barth [Mr]
ESTRELA, Edite [Mme]
EVANS, Nigel [Mr]
FASSINO, Piero [Mr] *(BERGAMINI, Deborah [Ms])*
FIALA, Doris [Mme]
FITZGERALD, Frances [Ms] *(HOPKINS, Maura [Ms])*
FOULKES, George [Lord] *(PRESCOTT, John [Mr])*
GAFAROVA, Sahiba [Ms]
GALE, Roger [Sir]
GATTI, Marco [M.]
GATTOLIN, André [M.] *(GOUTTEFARDE, Fabien [M.])*
GAVAN, Paul [Mr]
GHILETCHI, Valeriu [Mr]
GOGUADZE, Nino [Ms] *(KATSARAVA, Sofio [Ms])*
GOLUB, Vladyslav [Mr] *(LABAZIUK, Serhiy [Mr])*
GONÇALVES, Carlos Alberto [M.]
GONCHARENKO, Oleksii [Mr]
GORGHIU, Alina Ștefania [Ms]
GORROTXATEGUI, Miren Edurne [Mme] *(BUSTINDUY, Pablo [Mr])*
GRAF, Martin [Mr]
GRIN, Jean-Pierre [M.] *(MÜLLER, Thomas [Mr])*
GROZDANOVA, Dzhema [Ms]
HAIDER, Roman [Mr]
HAMOUSOVÁ, Zdeňka [Ms]
HEBNER, Martin [Mr] *(KLEINWAECHTER, Norbert [Mr])*
HEER, Alfred [Mr]
HEINRICH, Gabriela [Ms]
HERKEL, Andres [Mr] *(TERIK, Tiit [Mr])*
HETTO-GAASCH, Françoise [Mme] *(GRAAS, Gusty [M.])*
HOWELL, John [Mr]
HUNKO, Andrej [Mr]
HUSEYNOV, Rafael [Mr]
IBRAHIMOVIĆ, Ervin [Mr] *(ĆATOVIĆ, Marija Maja [Ms])*
IGITYAN, Hovhannes [Mr]
JENSEN, Gyde [Ms]
JENSEN, Mogens [Mr]
KALMARI, Anne [Ms]
KAMOWSKI, Catherine [Mme] *(GAILLOT, Albane [Mme])*
KANDELAKI, Giorgi [Mr] *(KVATCHANTIRADZE, Zviad [Mr])*
KILIÇ, Akif Çağatay [Mr]
KIRAL, Serhii [Mr] *(ARIEV, Volodymyr [Mr])*
KOÇ, Haluk [M.]
KOPŘIVA, František [Mr]
KORODI, Attila [Mr]
KOVÁCS, Elvira [Ms]
KOX, Tiny [Mr]
KUHLE, Konstantin [Mr]
LACROIX, Christophe [M.]
LEIGH, Edward [Sir]
LEITE RAMOS, Luís [M.]
LEŚNIAK, Józef [M.] *(MILEWSKI, Daniel [Mr])*
LEYTE, Carmen [Ms]
LOGVYNSKYI, Georgii [Mr]
LOPUSHANSKYI, Andrii [Mr] *(DZHEMILIEV, Mustafa [Mr])*
LOUCAIDES, George [Mr]
LOUIS, Alexandra [Mme]
MADISON, Jaak [Mr] *(TIIDUS, Urve [Ms])*
MAELEN, Dirk Van der [Mr] *(BLANCHART, Philippe [M.])*
MAIRE, Jacques [M.]
MANIERO, Alvise [Mr]
MARUKYAN, Edmon [Mr]
MASIULIS, Kęstutis [Mr] *(TAMAŠUNIENĖ, Rita [Ms])*
MASŁOWSKI, Maciej [Mr]
MASSEY, Doreen [Baroness]
MEHL, Emilie Enger [Ms]
MELKUMYAN, Mikayel [M.] *(ZOHRABYAN, Naira [Mme])*
MOLLAZADE, Asim [Mr] *(HAJIYEV, Sabir [Mr])*
MOTSCHMANN, Elisabeth [Ms]
MÜHLWERTH, Monika [Ms] *(AMON, Werner [Mr])*
MUÑOZ, Esther [Ms] *(RODRÍGUEZ HERNÁNDEZ, Melisa [Ms])*
MUNYAMA, Killion [Mr] *(MIESZKOWSKI, Krzysztof [Mr])*

MURRAY, Ian [Mr]
NACSA, Lőrinc [Mr] *(ZSIGMOND, Barna Pál [Mr])*
NÉMETH, Zsolt [Mr]
NENUTIL, Miroslav [Mr]
NICK, Andreas [Mr]
NOVYNSKYI, Vadym [Mr] *(LOVOCHKINA, Yuliya [Ms])*
OBRADOVIĆ, Marija [Ms]
OEHME, Ulrich [Mr] *(BERNHARD, Marc [Mr])*
OHLSSON, Carina [Ms]
OMTZIGT, Pieter [Mr] *(MAEIJER, Vicky [Ms])*
O'REILLY, Joseph [Mr]
ORLANDO, Andrea [Mr]
OVERBEEK, Henk [Mr] *(MULDER, Anne [Mr])*
PANTIĆ PILJA, Biljana [Ms]
PASHAYEVA, Ganira [Ms]
PAVIĆEVIĆ, Sanja [Ms] *(SEKULIĆ, Predrag [Mr])*
PELKONEN, Jaana Maarit [Ms]
PISCO, Paulo [M.]
POCIEJ, Aleksander [M.] *(KLICH, Bogdan [Mr])*
POMASKA, Agnieszka [Ms]
PRUIDZE, Irina [Ms]
RAMPI, Roberto [Mr]
REICHARDT, André [M.] *(GROSDIDIER, François [M.])*
RIBERAYGUA, Patrícia [Mme]
RIBOLLA, Alberto [Mr] *(GRIMOLDI, Paolo [Mr])*
RIZZOTTI, Maria [Ms] *(FLORIS, Emilio [Mr])*
ROJHAN GUSTAFSSON, Azadeh [Ms] *(HAMMARBERG, Thomas [Mr])*
ROSE, Guillaume [M.] *(BADIA, José [M.])*
ŞAHİN, Ali [Mr]
SANDBÆK, Ulla [Ms]
SCHENNACH, Stefan [Mr]
SCHMIDT, Frithjof [Mr]
SCHWABE, Frank [Mr]
SEYIDOV, Samad [Mr]
SHARMA, Virendra [Mr]
SHEPPARD, Tommy [Mr] *(BARDELL, Hannah [Ms])*
SIDALI, Zeki Hakan [Mr]
SILVA, Adão [M.]
SMITH, Angela [Ms]
SOLEIM, Vetle Wang [Mr] *(SCHOU, Ingjerd [Ms])*
SOTNYK, Olena [Ms]
SPAUTZ, Marc [M.] *(MUTSCH, Lydia [Mme])*
STELLINI, David [Mr]
STIENEN, Petra [Ms]
STRIK, Tineke [Ms]
STROE, Ionuț-Marian [Mr]
THIÉRY, Damien [M.]
THÓRARINSSON, Birgir [Mr] *(ÓLASON, Bergþór [Mr])*
TOMIĆ, Aleksandra [Ms]
TORNARE, Manuel [M.] *(MAURY PASQUIER, Liliane [Mme])*
TÜRKEŞ, Yıldırım Tuğrul [Mr]
URPILAINEN, Jutta [Ms] *(GUZENINA, Maria [Ms])*
VALENTA, Jiři [Mr] *(STANĚK, Pavel [Mr])*
VALLINI, André [M.] *(SORRE, Bertrand [M.])*
VAN QUICKENBORNE, Vincent [M.] *(DUMERY, Daphné [Ms])*
VAREIKIS, Egidijus [Mr]
VEN, Mart van de [Mr]
VERCAMER, Stefaan [M.]
WENAWESER, Christoph [Mr]
WHITFIELD, Martin [Mr] *(JONES, Susan Elan [Ms])*
WIECHEL, Markus [Mr]
WISELER, Claude [M.]
YAŞAR, Serap [Mme]
YENEROĞLU, Mustafa [Mr]
ZINGERIS, Emanuelis [Mr]
ZRINZO AZZOPARDI, Stefan [Mr] *(CUTAJAR, Rosianne [Ms])*

Also signed the register / Ont également signé le registre

Representatives or Substitutes not authorised to vote / Représentants ou suppléants non autorisés à voter
ÅSEBOL, Ann-Britt [Ms]
BRUIJN-WEZEMAN, Reina de [Ms]
CORREIA, Telmo [M.]
FILIPOVSKI, Dubravka [Ms]
HAMMARBERG, Thomas [Mr]
REISS, Frédéric [M.]
TOUHIG, Don [Lord]
TSKITISHVILI, Dimitri [Mr]
VARDANYAN, Vladimir [Mr]
ZSIGMOND, Barna Pál [Mr]

Observers / Observateurs
ZAMORA GASTÉLUM, Mario [Mr]

Partners for democracy / Partenaires pour la démocratie
ALAZZAM, Riad [Mr]

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

CANDAN Armağan
SANER Hamza Ersan

Appendix II /Annexe II

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

ÆVARSDÓTTIR, Thorhildur Sunna [Ms]
ALTUNYALDIZ, Ziya [Mr]
AYDIN, Kamil [Mr]
BILDARRATZ, Jokin [Mr]
BRYNJÓLFSDÓTTIR, Rósa Björk [Ms]
BUTKEVIČIUS, Algirdas [Mr]
ÇELİK, Sena Nur [Ms]
ÇETİN, Cemal [Mr]
DESTREBECQ, Olivier [M.]/ DAEMS, Hendrik [Mr]
DUMERY, Daphné [Ms] / VAN QUICKENBORNE, Vincent [M.]
EIDE, Espen Barth [Mr]
ESTRELA, Edite [Mme]
GÜNAY, Emine Nur [Ms]
GUZENINA, Maria [Ms] / URPILAINEN, Jutta [Ms]
GYÖNGYÖSI, Márton [Mr]
HOWELL, John [Mr]
IGITYAN, Hovhannes [Mr]
KILIÇ, Akif Çağatay [Mr]
KOX, Tiny [Mr]
LOVOCHKINA, Yuliya [Ms] / NOVYNSKYI, Vadym [Mr]
MAEIJER, Vicky [Ms] / OMTZIGT, Pieter [Mr]
MAIRE, Jacques [M.]
MANIERO, Alvise [Mr]
MOTSCHMANN, Elisabeth [Ms]
NAUDI ZAMORA, Víctor [M.]
NÉMETH, Zsolt [Mr]
PLEȘOIANU, Liviu Ioan Adrian [Mr] / COZMANCIUC, Corneliu Mugurel [Mr]
RAMPI, Roberto [Mr]
RUBINYAN, Ruben [Mr]
ŞAHİN, Ali [Mr]
SANDBÆK, Ulla [Ms]
SCHOU, Ingjerd [Ms] / SOLEIM, Vetle Wang [Mr]
SCHWABE, Frank [Mr]
SIDALI, Zeki Hakan [Mr]
SOTNYK, Olena [Ms]
STIENEN, Petra [Ms]
STRIK, Tineke [Ms]
STROE, Ionuț-Marian [Mr]
THIÉRY, Damien [M.]
TÜRKEŞ, Yıldırım Tuğrul [Mr]
VEN, Mart van de [Mr]
ZINGERIS, Emanuelis [Mr]