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## 2019 ORDINARY SESSION

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(First part)

### **REPORT**

Eighth sitting

Thursday 24 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. Urgent debate:**

***The worsening situation of opposition politicians in Turkey:  
what can be done to protect their fundamental rights in a Council of Europe member State?***

The PRESIDENT\* – The first item of business this afternoon is a debate on a report prepared by Marianne Mikko and Mr Nigel Evans, and presented by Sir Roger Gale on behalf of the Monitoring Committee, entitled “The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State?”

I remind you that on Monday morning the Assembly decided to limit the speaking time to three minutes.

I would like to have the consideration of this text, including the vote, finished by 4.50 p.m., so I have to interrupt the list of speakers at 4.40 p.m. so we can hear the reply of the committee and conduct the necessary vote.

The Monitoring Committee has 13 minutes, to be divided between presentation of the report and the reply to the debate.

Sir Roger GALE (*United Kingdom*) – As you correctly say, the Monitoring Committee was seized of the need to prepare an urgent debate report entitled “The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State?” It was submitted following a request by the Group of the Unified European Left.

Madam President, you will understand that these reports have to be prepared at very short notice. Unfortunately, Ms Mikko and Nigel Evans, our two co-rapporteurs for Turkey, have had to leave the Assembly for other business, but they worked very late into the night on Monday to prepare the report that is before you today for consideration. I have the privilege, in their absence, to produce and present it.

I have no desire whatever or any intention to seek to second-guess what the rapporteurs have come up with. The report has my support, and I have great confidence in the rapporteurs’ work. They used their knowledge and fact-finding experience, and Council of Europe monitoring mechanisms, to prepare the document that is before you this afternoon, which the Monitoring Committee has adopted unanimously.

With your indulgence, Madam President, rather than read or present to you a report that every member has already had the opportunity to read, I will leave it to colleagues to take the maximum amount of time available so that as many members as possible have the opportunity to participate in the debate. I will then endeavour to reply faithfully at the end. The only other thing I will say, to be absolutely fair, is that the leader of the Turkish delegation has tabled a dissenting resolution, which, of course, is available, and there are a couple of amendments at the end.

Ms Gyde JENSEN (*Germany, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – Turkey stands at a crossroads: does it want to be recognised as a part of Europe, or does it want to be a country that is not free and that uses State authority to repress freedom of the media and freedom of expression? President Erdoğan’s Turkey has all the characteristics of an illiberal democracy. More than 150 journalists are being detained, as is presidential candidate Selahattin Demirtaş of the HDP, and the media landscape is largely under President Erdoğan’s control.

It is unacceptable that representatives of this Assembly are being intimidated by the long arm of the Turkish regime, and that elected democrats expect punishment for exercising their independent mandate and speaking their mind. For several years, the Council of Europe has been warning that the dismantling of fundamental rights contravenes the principles and values to which Turkey has committed. More than once, the European Court of Human Rights has ruled that the pre-trial detention of journalists on the grounds of suspicion of terrorism violates the human rights of freedom and freedom of expression. We must defend those universal values. The credibility of this institution, with its history and self-imposed mission, is an important part of that. Good relations must always be tied to adherence to human rights and democratic values. For many Turkish people, Europe continues to represent the rules that are being trampled in Turkey. It stands for freedom of the press, citizen participation, gender equality, the separation of powers, and democracy.

On 31 March, there will be local elections in Turkey, and the fear of losses on the part of President Erdoğan and the AK Party is casting a long shadow over them. There are already serious accusations of electoral manipulation through the use of thousands of “ghost voters”, and there has been an increased use of repressive measures against dissidents, physical assaults, mass arrests and inhumane prison conditions – the list goes on. Let us push for the development of a human rights mechanism that ensures the implementation of the Court’s decision. Let us embrace the power of democracy and the necessity of the work of a free opposition. The European Court of Human Rights is only as strong as its decisions. If they are not observed, there must be consequences.

Mr KOX (*Netherlands, Spokesperson for the Group of the Unified European Left*) – I thank our co-rapporteurs Marianne Mikko and Nigel Evans for this report and resolution. It would have been great if we had not had to ask for this urgent debate on the situation of opposition politicians in our member State, Turkey. It would have been great if, after the lifting of the state of emergency and the end of the Turkish derogation from the European Convention on Human Rights, Turkey had normalised the position of politicians who do not belong to the ruling coalition – but, very unfortunately, the situation for these opposition politicians has worsened again.

Politicians from the HDP in particular, but also from the CHP and other political parties, are threatened by politically motivated court cases, and many of them are at this very moment in jail in pre-trial detention or having been sentenced. My good friend Selahattin Demirtaş is still in prison and has been for more than two years, despite a recent verdict of the European Court of Human Rights that he should be released immediately. Leyla Güven is in prison despite the Turkish Constitution, which forbids the imprisonment of members of parliament. Our honorary member Ertuğrul Kürkçü was just convicted and sentenced to two years in jail, despite the respect that all honorary members must receive in all our member States. Returning home could for him mean going to jail.

Our former member, Filiz Kerestecioğlu, was prosecuted for a question she asked here in this very Chamber to Secretary General Jagland on the Turkish invasion of Northern Syria. More than 170 other politicians are in prison and are on hunger strike to protest against inhumane or degrading treatment of those imprisoned at İmralı Island, including Abdullah Öcalan, as was confirmed in the report of our committee against torture. Our member Feleknas Uca risks arrest when she returns to Turkey after her participation in this part-session, even though she is subject to the binding immunity of this Council of Europe. I urge the Assembly to protect our own members and former members, as well as all our colleagues in Turkey from prosecution and imprisonment for statements they make here, in the Turkish Parliament or while being active as politicians who have a full right to take a stance against or in favour of the positions and acts of the Turkish Government.

I applaud the resolution proposed by our co-rapporteurs, which urges the Turkish authorities to deliver on their obligations not to evoke harsher measures against the Turkish membership of this Organisation. I hope that the resolution will be supported by every member of this Assembly, as we are talking about our colleagues. I repeat what I have stated time and again: politicians belong in parliaments, not in prisons. Let us unite today in solidarity and adopt the motion presented by Nigel Evans and Marianne Mikko with the largest possible majority.

Ms PASHAYEVA (*Azerbaijan, Spokesperson for the Free Democrats Group*) – In pluralist democracies, the opposition plays a vital role. Opposition members criticise the political party in power with a view to improving national governments and their role is so essential that a democracy without opposition is inconceivable. That said, however, the opposition also needs to adhere to the principles of democracy, human rights and the rule of law. Any opposition that does not respect these fundamental principles inflicts irreparable damage on a functioning democracy.

In the case of Turkey, some members of the opposition do not play by the rules of democracy. The report refers to the HDP, or People’s Democracy Party, politicians who are charged with terrorism-related offences. Their right to appeal to their national judicial bodies, as well as to the Court are not hindered, so it could therefore be said that they can exercise their legal rights without obstruction.

Does being an opposition politician necessarily entail de facto immunity from being charged with terrorism-related offences? I believe that no member of this Organisation could respond positively to that question. Being a politician does not give one carte blanche to incite terrorism and carry out propaganda for internationally recognised terrorist organisations. How should the Parliamentary Assembly of the Council of Europe address the use of judicial proceedings against opposition politicians? It should strike a delicate balance between safeguarding opposition and not encouraging terrorism. However, this report fails to establish such a balance. It does not only omit facts about the judicial proceedings, but also lacks a constructive approach to Turkey.

The Free Democrats Group are fully aware of the fact that the opposition plays a vital role in democracies, but strengthening democracy in member States does not mean turning a blind eye to terrorism-related charges. We invite other members to approach this issue from a similar angle.

Mr POCIEJ (*Poland, Spokesperson for the Group of the European People's Party*)\* – I congratulate those who have taken the initiative with this report. I thank our rapporteurs and the Committee for having done the work so quickly. As a Pole, it is difficult to talk about Turkey with anything other than a certain affection and long-standing ties of friendship. Turkey was the only country that, when my country was about to be occupied, stood up before it was erased from the map. That being said, I speak today as a representative not of my country but of my party, the Group of the European People's Party, and as a representative of an Organisation that is very much at the heart of human rights, democracy and the independence of the judiciary. I do not think anybody in this room would be surprised to hear me say that, as a Pole, the independence of the judiciary is very close to my heart.

In this Chamber, two years ago, we were shocked by the attempted coup d'état that cost the lives of hundreds of people. That being said, we also need to remember that as of 2015 the state of democracy in Turkey has become a subject of concern for this Assembly. In two reports of this Assembly on the legislative elections in June 2015 and the early elections of November 2015, we noted serious restrictions being placed on media freedoms, as well as assaults on candidates and activists. In May 2016, the parliament lifted immunity from 154 of its members, which was the subject of criticism from the Venice Commission. We do not know to what extent those arrests were a response to the coup d'état. The situation has worsened since then.

Democracy means that those who stand up to power enjoy certain rights, and those rights include parliamentary immunity and the right to freedom of expression. All these things are guaranteed by an independent judicial system. The report shows that the entire system is in the process of being dismantled in Turkey and that the rights of the opposition are not guaranteed.

Mr SCHWABE (*Germany, Spokesperson for the Socialists, Democrats and Greens Group*)\* – This Organisation is one of co-operation between member States, and requires the implementation of the core values of the Organisation. That is what we have and what we must guarantee without compromise. The situation in Turkey involves a number of different challenges. It is on the frontier between Europe and Asia, and that is not an easy situation. One sees that in the history of Turkey and today, and the attempted coup d'état that took place just over a year ago poses additional challenges. That is an issue that we take up in the Council of Europe as well. Turkey was on the right path, developing civil society, supporting democratic institutions against violations of human rights and supporting the rule of law.

Major steps were taken. However, the situation has unfortunately deteriorated, with increasingly dramatic repression and a situation in which fear prevails. When people see that instilling fear works, they unfortunately follow that path. The HDP has been particularly hit by the measures that have been adopted, as has the CHP, which has been seriously hit in the parliament and has been turned into a kind of villain. Civil society has also been particularly heavily struck by this wave of repression, including non-governmental organisations, bloggers and various professionals, including lawyers.

One simply has to underline what has already been said: we have to support our colleagues who have been tossed into prison and are being repressed in Turkey. Let us not forget that the situation in Turkey right now, with so many people in prison, has hit a world record. There are also the cases of Mr Demirtaş and Mr Kırkçü. Mr Demirtaş is in prison right now and has been there for two years. It is absolutely the time to move forward. Let us not forget that the European Court of Human Rights is the body that represents and defends those very principles that we are here for, and it ought to be mobilised to deal with these serious issues. The Committee of Ministers has to be reminded that we have the weapon of Article 46(4) of the Convention, which ought to be activated at this point in time in order to defend these individuals.

Mr SEYIDOV (*Azerbaijan, Spokesperson for the European Conservatives Group*) – The world we live in has become a little bit more secure and stable because of the enormous efforts of the international community in fighting terrorists, including ISIS, the Kurdistan Workers' Party and other terrorist organisations. Turkey's role in this fight against evil is enormous and difficult to overestimate.

Turkey has not only spent billions of dollars to help the victims of this war and resettled millions of refugees from Syria and Iraq but has sacrificed its sons and daughters for peace in the region. Instead of expressing gratitude, some politicians – so-called politicians – do everything they can to try to help those who are killing us. Who are more dangerous: those with Kalashnikovs who try to kill us or those who do everything to support those who try to kill us?

This report is unfortunately another vivid example of the group of people who use privileges, immunities and mandates to try to present themselves as politicians. Although they are equal before the law, somebody who is in favour of terror and openly calls for violence is not a real politician. Politicians are those who try to represent the interests of their nations. Nations are in favour of finding peace, but these kinds of people look at absolutely different matters.

We should ask ourselves whom we are with: those who try to change the world or those who are in favour of democracy, stability and Turkey. If we are not able to support Turkey, we should at least be in favour of European values. Those who try to present themselves as politicians are coming to European parliaments and doing their best to try to take power. They will create more headaches for Europe than there already are.

The PRESIDENT – Does the rapporteur wish to respond at this stage or at the end of the debate?

Sir Roger GALE (*United Kingdom*) – At the end.

Mr von MARSCHALL (*Germany*)\* – Mr Schwabe talked about the long history of positive relations between Turkey and the Federal Republic of Germany. That is now possibly behind us, although hopefully it also lies ahead of us. I am sure that our friendship is not that easily shattered. I pay tribute to the extraordinary achievements of Turkey in grappling with the massive inflow of migrants resulting from the civil wars being waged in countries around Turkey. I think we owe our thanks to Turkey.

Turkey has a right to defend itself against terrorism – I do not think that anybody would contest that – but the anti-terror legislation in Turkey is subject to such broad interpretation, and has been subject to such abuse, that basically almost anybody could be arrested on suspicion of terrorism, which gives rise to considerable concern. I very much hope that, in individual cases, the necessary evidence has to be provided in order to convict someone of terrorism.

When it comes to the lifting of parliamentary immunity, the Turkish Parliament itself decided on the basis of a two-thirds majority. I also recall that the constitutional changes and the adoption of the more presidential system that we now see are supported by the majority of the population. Let us hope that Turkey can set out along the path of greater pluralism within society. That is the most important point. I observed for myself during the parliamentary and presidential elections, when I participated in an election observation mission, how critical it is that we ensure pluralism of the media in Turkey. We need a diversity and a pluralism of information, given the concentration of the media on the AKP and entrepreneurs or individuals close to Erdoğan. We need to ensure a diversity of information, which will be difficult to achieve in the current circumstances.

Apart from that, the Turkish people are very happy to cast their vote in elections; there is a massive turnout at polling stations. Let us hope that they can continue to do that on the basis of information that is readily available. All that is left for us to do is to encourage the Turkish authorities to uphold the rights of citizens and to possibly return to this Assembly as a major contributor.

Ms De SUTTER (*Belgium*) – When I started in this Assembly, Turkey was in post-monitoring. It was an open, pluralistic society in which opposition parties could freely express themselves and openly participate in the political debate. The dialogue between the Council of Europe and Turkey was constructive. Unfortunately, as we all know, the country has changed dramatically in the last four years, and we have witnessed an increasing number of alarming events and developments when it comes to the rule of law, democracy and human rights.

As early as 2015, the Assembly's election observation reports signalled several issues of concern. In 2016, the Assembly was seriously worried about the 154 parliamentarians that were being stripped of their immunity. In May 2016, a state of emergency was declared in response to an attempted coup d'état, and since then several measures have been introduced that, according to this Assembly, are seriously disproportionate. At that time, Mr Preda, the head of the delegation of the observation mission, said that, "a state of emergency should never be used to undermine the rule of law". In Turkey, however, the state of emergency did undermine the rule of law.

On 25 April 2017, this Assembly agreed by a large majority that monitoring was no longer sufficient. We urged taking a very close look at Turkey, because the situation needed to be scrutinised carefully. Even if the state of emergency came to an end in July 2018, the situation did not get any better. As stated by Human Rights Watch in its 2019 world report, any hope for better respect of human rights in Turkey seems to have been dashed.

Despite the Council of Europe and other international actors repeatedly expressing their concerns over the human rights situation in the country, the Turkish Government is unwilling to follow any of our recommendations. Recently, the President even challenged the judgment of the court to release Mr Demirtaş. Today, an elected MP, Leyla Güven, is already 78 days into a hunger strike and hundreds of other political prisoners have gone on hunger strike in solidarity with her, so it looks as though Turkey does not care about the monitoring, which brings us to a dangerous point.

We must be firm and stand strong. The values of the Council of Europe are not negotiable. The Turkish authorities should treat our concerns as a matter of priority and reverse the negative trends that have been occurring in the past years. If 15 years ago, in 2004, things were going in the right direction when Turkey abolished the death penalty to qualify for European Union membership, today things are going in completely the wrong direction. Turkey is putting at stake even its membership of this Council through its treatment of opposition politicians. Let us all hope that this evolution can be reversed as soon as possible.

Mr KILIÇ (*Turkey*) – I had prepared a speech but, after hearing what has been said, I will not stick to it. There is 88% participation in voting in Turkey and the difference between President Erdoğan and the closest opposition politician was 12 million votes. Where is the wrongdoing in the voting?

The European Court of Human Rights has given a decision, which says that “Mr Demirtaş had been arrested and detained on reasonable suspicion of having committed a criminal offence”. In this Chamber today are politicians from the Turkish Grand National Assembly who cannot even say that the PKK is a terrorist organisation, although it is accepted as such by all member States represented in this Chamber. How is it possible to advocate violence, not to speak against people who commit acts of violence and terrorism and then say, “I am immune to everything”?

The Turkish Parliament itself lifted the immunities. When a decision is taken in a parliament with the opposition and the ruling party, how can you challenge this? Fifteen elections have been won by the AKP in which Erdoğan has been returned as Prime Minister or President. We are talking about 12 million votes' difference. I do not usually speak this loudly but it is really getting on my nerves, so I ask again: what would you do in your countries if elected parliamentarians went into the streets, advocated violence and would not say that a terrorist organisation was a terrorist organisation? What would you do if someone said that Daesh or al-Qaeda was not a terrorist organisation? You would ask the courts to act. You would ask your parliaments to strip people of their immunity. That is what is happening in Turkey.

Everybody has responsibility for what they say and do, and we must live with those responsibilities. You do not have *carte blanche* to do whatever you like if you are elected as a parliamentarian. You have responsibilities towards your voters.

There is rising populism in Europe, but we talk only of right-wing populism when there is also left-wing populism. The HDP is not representative of the Kurdish people; it is a leftist populist party with open connections to terrorism. All the people mentioned in this report have never said, “We are against the PKK”. Have them say it to your faces here; they are sitting here. Have them say, “The PKK is a terrorist organisation”. I want to hear it and I am asking them. Mr Tiny Kox, is the PKK a terrorist organisation or not? You tabled this. This is the question. Do not confuse what is being discussed here today.

Ms STRIK (*Netherlands*) – I thank the rapporteurs for this honest report and necessary resolution. The situation in Turkey in respect of human rights, democracy and the rule of law has deteriorated in recent years through the concentration of power and the oppression of groups and civilians who contest that power or simply disagree with the positions and policies of the government. Unfortunately, this has not changed with the lifting of the state of emergency.

The rule of law is seriously flawed: people have no access to impartial justice, and checks and balances are failing. As the Venice Commission rightly concluded, there is no proper balance and effective separation between the executive, legislative and judicial branches of power. We face a “Catch 22” situation, as these flaws are very difficult to attack or repair within that deficient system.

In this context, the report's focus on the vulnerable situation of opposition parties is adequate and necessary. I fully support the measures proposed by the rapporteurs. Restore the immunity of all parliamentarians and ensure fair election procedures. Under current practice, parliamentarians are not only excluded unjustly but prosecuted and detained without due process. I also endorse the request to Turkey to lower the 10% electoral threshold, to give space to minorities in society who need to be heard and to influence decision making.

As well as politicians, civil society is key to a democratic society that abides by the rule of law. Currently, human rights defenders, journalists and NGOs are under constant threat of punishment for their work and opinions. NGOs are framed and treated as society's No. 1 enemy, which creates real obstacles to them doing their work, making public statements, researching and holding authorities to account. So there is an urgent need to restore and protect freedom of expression and the freedom of the media. For this to happen, it is also vital that citizens have unrestricted access to the European Court of Human Rights if it is clear that there is no fair process at a national level. Of course, it is also necessary that those judgments are then complied with.

The Council of Europe, including the Assembly, has advocated and called for these measures for years. Despite these calls, the situation has only worsened, so I really wonder what more we can do. If the European watchdog for human rights and democracy, including our human rights court, is unable to protect the citizens of Turkey, how can we restore their hope and confidence, and offer them a new perspective?

Turkey is becoming more and more alienated from our principles and values. If none of our incentives work, we should consider the use of less positive measures, without affecting the rights of and support for civil society. The resolution on the table is crucial, but we need to think further if it fails to get a positive Turkish response in the form of a reversal of the situation. We cannot give up on democracy and human rights.

Mr TÜRKEŞ (*Turkey*) – I feel obliged to clarify important allegations, which clearly aim to slander Turkey. There is no trial or conviction against the constitutional rule of parliamentary immunity. Deputies' right to immunity does not give them absolute liberty to commit any crime. Parliament can lift this limited immunity.

In the case of Leyla Güven, her speech on Operation Olive Branch, which took place in Northern Syria, was clearly an appeal for revolt and she threatened Turkey with civil war. Furthermore, she started a hunger strike for the release of the terrorist leader Abdullah Öcalan, who, as you all know, was the leader of the PKK terrorist organisation, which is internationally recognised as being responsible for bloodshed and the loss of thousands of lives, including those civilians. I wish to emphasise that the HDP group, including Ertuğrul Kürkçü, benefits from all the privileges granted to members of parliament, such as being able to use upgraded business-class flights.

Another debated issue is the European Court of Human Rights judgment, by a chamber of seven judges, on the Selahattin Demirtaş case. It is not the final judgment and Turkey has a right to appeal to the Grand Chamber. As the judgment has not become final, is it proper to discuss Turkey's failure to comply with the ECHR's decision?

It is well known, in both Turkey and Europe, that aforementioned politicians have made the PKK's propaganda clearly and publicly. What do we expect from Turkey then? Should it ignore these clear crimes and let politicians get away with it? What would we say to the thousands of people who have been suffering as a result of the warmongering of these politicians? For example, after their reckless call for civil unrest a 16-year-old Kurdish child and three other youths were barbarously killed. So-called "immunity" does not protect these politicians in terms of these illegal actions and it does not set them free of their responsibility for what they have done against our people. I also wish to draw your attention to many other decisions where the Turkish courts have exculpated politicians where there was not an element of crime.

Ms UCA (*Turkey*)\* – If all of us in this Chamber had the same view, we would have no parliamentary work to do. Every member of parliament is free not to think just as all other colleagues think; we do not have to think in line with one political orientation, for example, that of the AK Party. Different opposition politicians, journalists, officials, women, youths and trade unionists have been repressed. Members of political parties have been persecuted, arrested and tried. The HDP is the third largest party in the Turkish Parliament, with more than 6 million supporters. Mayors, members of parliament and other officials are sitting in prison, and Mr Demirtaş has been arrested. Mr Erdoğan said that Turkey is not bound by any sort of decision that has been issued by the courts, including the ECHR, to release him.

For 78 days, Leyla Güven, a member of the HDP, an MP and the head of the DTK – the Democratic Society Congress – has been on hunger strike. Why is she in this position? It is because she indicated that the Turkish presence in Afrin was an occupation. She has also called for Abdullah Öcalan to be released from isolation – I stress that the call is not that he be released from prison, but that he be released from solitary confinement. She is weak and, as a result, she is unable to receive her attorney. She is also in terrible health. 300 inmates in different prisons have joined this hunger strike, as have a number of Kurdish activists in Strasbourg, just a few metres away from this building, since 39 days. We have to call for some sort of democratic dialogue to take place on this issue, rather than have imprisonment and persecution.

I call on the Council of Europe, the CPT and the European institutions to ask Turkey to respect the rulings of the ECHR. Turkey must release these prisoners, including Abdullah Öcalan. A delegation of the Council of Europe should be able to visit Leyla Güven. Once again, let us call for the freedom of this woman.

Ms ZOHRABYAN (*Armenia*)\* – I wish to express my discontent with the witch hunt being waged against politicians and parliamentarians in Turkey, including Mr Demirtaş, Ms Güven and Mr Kürkçü. In Turkey, the prosecutors in Diyarbakır have submitted a request to the Turkish Parliament to lift the parliamentary immunity of eight parliamentarians, including the deputy of Armenian origin, Garo Paylan. The president's office of Turkey has also sent a request to lift his parliamentary immunity. Once again, Turkey has abused the iniquitous article 301 of its criminal code, thanks to which this State silences and jails journalists, representatives of the opposition and dissidents. In accordance with that iniquitous article, criminal proceedings were undertaken against Hrant Dink, a famous intellectual and journalist, who, although Turkish, is of Armenian origin. He ended up being murdered because of his Armenian origins.

Bogus criminal trials have been undertaken against several Turkish intellectuals in accordance with this absurd article, which provides for penalties if someone insults "Turkism". The European Court of Human Rights, the European Parliament and our Assembly have, on several occasions, expressed disapproval of this article, one that is tantamount to replicating the inquisition of the Middle Ages, but the Turkish political elite have changed nothing. What did Garo Palyan say in order for it to be perceived by Turkish justice and Erdoğan as an insult against the Turkish nation? He simply described the situation in Diyarbakır, saying that on each corner there one could see armoured vehicles and water cannon, which is reminiscent of the time of Mussolini and Hitler. That is all he said. Dear colleagues, tell me how that simple statement of fact can be deemed to have denigrated the Turkish nation and Turkey? In any case, Erdoğan has decided that the Turkish nation and the whole of Turkey has been denigrated and dishonoured by the statement, and he has demanded that parliamentary immunity be lifted.

In the 21st century, when it had seemed that the medieval inquisition had concluded, we see Turkey trying to muzzle free expression and free thought. Turkey is a member of the Council of Europe and I ask you to ensure – no, I demand that you ensure – that our Assembly prevents illegal actions against Garo Palyan and other political figures by Turkey. We should insist that Turkey rescinds this iniquitous article, thanks to which every day, at any time, free expression, free minds and dissidents are silenced in Turkey.

Ms ÇELİK (*Turkey*) – It needs to be stated from the beginning that unfortunately the report is far from providing an accurate picture of the state of relevant affairs in Turkey. Although the report did not mention this, it is essential to remember that Turkey has gone through a critical and challenging period of its history in the past few years. Three different terrorist organisations have targeted Turkish cities, mosques, nightclubs, airports, and even weddings. Hundreds of Turkish citizens lost their lives in the attacks organised by the PKK and ISIS. An attempted coup in Turkey by another terror group killed more than 200 and wounded more than 3 000 people. In the meantime, Turkey had to bear the consequences of the most dangerous geopolitical fallout in the Middle East: Syria and Iraq turned into failed States and started to export insecurities through the border.

These challenges took place while far-right ideologies and xenophobia were rising in Europe, and while building borders against immigrants and isolationism was the trend in the world. In this historical context, Turkey has become a beacon of hope for the people in the region, including Arabs, Turkomans, Kurds, and Christian minorities, and has fought a hard war to protect its people and the 4 million refugees it is hosting without giving up its commitments in its journey of democratisation. Neither the failure of Western governments to support the Turkish State in the midst of this historical humanitarian and security crisis nor the lack of recognition in the international community of the traumas of the Turkish people have changed that course.

Following those developments, the Turkish State took steps to fight against the threats. Security forces began operations across the border against ISIS and PKK targets, while prosecutors launched investigations against individuals who joined terrorist organisations or aligned with them to render political power. They revealed disturbing and dreadful facts about some politicians who established material relations with terror groups, supported them to carry out attacks, and incited hatred and violence. The legal process is being carried out by the independent judiciary and all remedies, including the right of individual application to the Constitutional Court and the right of appeal to the ECHR, are available to everyone.

An opposition is a vital part of a democracy. All members of opposition parties have a responsibility, regardless of their ideological, political, and family ties with violent groups, to pursue their political goals peacefully within the constitutional order and to separate their activities from those who seek to reach that goal



through violent means. In any member State, those who failed to do so would be held accountable for their actions and that is what has been happening in Turkey.

Finally, it is important to state that, in the presence of many regional security threats and risks, debating the state of democracy in Turkey demonstrates its strong foundations. Even the biased report states that the fundamentals for democracy in Turkey remain strong, including a diversity of opinions in different components of society. There is an ongoing constructive engagement between the Ministry of Justice and the Council of Europe through the informal working group, and a process of judicial reform in Turkey following the adoption of the new government system. We expect the support of the Assembly in that process and its solidarity with the Turkish people in their fight against the terrorist groups that threaten their most fundamental right – to live safely.

Mr ŞAHİN (*Turkey*) – I would like to inform Assembly members about the case of PKK supporter Leyla Güven, but first I will briefly touch on a significant misunderstanding about parliamentary immunity in Turkey. Leyla Güven and the other politicians mentioned in the report who are the supporters of the PKK terrorist organisation are not imprisoned despite having parliamentary immunity. The core purpose of parliamentary immunity is to protect deputies from false accusations and legal cases that would prevent their parliamentary work. However, immunity does not give parliamentarians a free pass to do anything they want, and our parliament can decide to lift that immunity in certain cases in accordance with national legislation.

That is what we are dealing with in Turkey. No parliamentarian has been imprisoned while under the protection of immunity and none has been imprisoned just because they are part of the opposition. It is true that PKK supporter Leyla Güven is an opposition politician, but it is also true that she is an outspoken supporter of PKK, a known and deplored terrorist organisation. She is charged with serious crimes such as establishing and managing a terrorist organisation, disseminating terrorist propaganda and public incitement to hatred. The list of terrorism-related crimes goes on.

Leyla Güven is the co-chair of the so-called Democratic Society Congress which is a political body of the PKK. One of that structure's aims is to disrupt the unity of four different States. On behalf of that structure, PKK supporter Leyla Güven has repeatedly declared that it will use violence without hesitation. In addition, she has openly praised the violent actions of the PKK and Öcalan.

I am from Gaziantep, which is in south-east Turkey. In 30 years, my city has received more than 500 000 Kurdish citizens who left their cities because of PKK killings and terror. We expect the Assembly to question the case of the Kurdish young women who were raped and executed in Qandil caves by PKK terrorists, and the case of the children who were taken from their families by force by PKK members to the Qandil mountains to turn them into terrorists and suicide bombers.

As politicians, we must be held accountable and responsible for our actions and remember that none of us is above or exempt from the law. I urge you to trust the independence of the Turkish courts and support our fight against terrorism.

Mr ÖZSOY (*Turkey*) – I am one of the HDP deputies whom my colleagues accuse of being a terrorist. I will not go into polemics – we are having a serious debate – but I only wish that we had a mature democracy in Turkey so we could have negotiated our differences and resolved our questions at home, not carried them here. Of course, it is useless to defend myself and say that I am not a terrorist. It is really disrespectful to call colleagues that.

I will briefly say something about the situation of Leyla Güven, who has been mentioned several times. She is in prison because she criticised Turkey's invasion of Afrin by calling it an invasion – that is it. She is currently on day 78 of a hunger strike. There is so much misinformation that I do not know what to respond to or correct.

Leyla Güven is on hunger strike to protest against the isolation of Mr Abdullah Öcalan, who was a key negotiator in the peace process between 2013 and 2015. I say to the AK Party delegation, who are now calling the PKK terrorists, that you were negotiating with it for a possible peaceful resolution to the conflict, and that was good. What you are doing now is really bad, because that peace could have saved the whole country and stabilised not only Turkey but Syria, so it was a missed opportunity.

Leyla Güven is on hunger strike simply to ask the Turkish authorities to implement the recommendation of the CPT, which is, "With reference to Articles 3 and 10, paragraph 2, of the Convention, the CPT once again calls upon the Turkish authorities to take the necessary steps – without any further delay – to ensure that all prisoners at İmralı Prison are able...to receive visits from their relatives and lawyers." Her hunger strike is to

invite the Turkish Government to implement the CPT's recommendation – that is all. It has nothing to do with terrorism.

We urge the Turkish authorities to stop the senseless isolation of Mr Abdullah Öcalan and the other prisoners at İmralı. Let their lawyers and family members visit them. Leyla and we hope that the end of the policy of isolation for Öcalan may help to peacefully re-engage the Kurdish issue in Turkey, re-initiate democratic dialogue and resume the halted peace process, which may open the gates of all prisons in Turkey.

Ms GÜNAY (*Turkey*) – As my colleagues have given several details about the legal proceedings of so-called parliamentarians and so-called politicians, I will focus briefly on the recent attitudes of the Monitoring Committee and a couple of facts about Turkey.

The monitoring process was designed to support member States of the Council of Europe on the road to becoming more democratic and freer countries. It is meant to be a constructive, two-way and objective process. Unfortunately, the current system, and especially the Monitoring Committee's reports about Turkey, has lost those qualities. Monitoring has become an efficient tool to target and punish certain member States. Rapporteurs overstep their mission of being objective observers, which is reflected in the way that they conduct their contacts with officials from the monitored country.

I would like to clarify a couple of arguments in the report. The report mentions the disproportionate effect of lifting the immunity measure on the HDP. First, the immunity proposal was voted on in the parliament in May 2016 and was supported by the main opposition party, the CHP, and the other opposition party, the MHP. I could not see any word about the opposition parties' support in the report. The HDP is not the only opposition party in the parliament, and it is not fair to reflect only its views in this report. Secondly, it is not right to state that the HDP has been disproportionately affected by the lifting of immunity. The report puts the figure at 93%, which astonishes me. It is simple maths; I can tell you the ratios now. Out of the 154 MPs whose immunity was lifted, 59 are from the main opposition party, the CHP; 55 are from the HDP; 29 are from the ruling AK party; and 10 are from another opposition party, the MHP. In short, this measure was a non-partisan, joint decision by three parties at the parliament.

The development of a democratic environment contributes to the security of countries, and individuals can express themselves democratically, and isolate themselves from violence and terror. However, in Turkey just the opposite happens. The HDP and its members fail to isolate themselves from terrorism, and maintain their material and moral support for the terrorists who attack civilians and security forces. They praise the terrorist organisation PKK in their speeches and turn the funerals of the terrorists into political demonstrations.

Why is nobody talking about the 12 Catalanian leaders facing jail terms of up to 25 years on rebellion charges for the independence movement – or their supporters, who cannot enter Spain? On 16 January, two elected Catalonia leaders were replaced by government-appointed trustees. Why do we not talk about the freedom of expression of elected politicians and well-functioning democracy in those countries?

Last but not least, every member of this Assembly should know that, despite the use of terrorism as an instrument of politics, Turkey will not back away from its democratic gains and will continue to keep the balance between security and democracy for all its citizens. I strongly condemn this biased and unbalanced approach of the Parliamentary Assembly of the Council of Europe and its double standard on Turkey.

Ms YAŞAR (*Turkey*)\* – Before beginning my speech, I remind members that this Assembly is not a judicial body, but a parliamentary one. It is unacceptable for the Assembly to seek to supplant the Turkish courts.

This report and its accompanying resolution reflect the recent negative attitude of certain members of the Assembly towards Turkey. It disregards the recent challenges with which Turkey has been faced. There is a former member of the Parliamentary Assembly who continues to be prosecuted for publicly inciting hatred and hostility, for being a member of an armed terrorist organisation, for producing propaganda to that end, and for praising crime and criminals. However, he has been acquitted in three cases and his other cases are still the subject of prosecution. The process is being duly applied by independent Turkish courts.

I remind members that the lifting of immunity was accepted in parliament by a majority, with the support of many opposition parliamentarians. As one can understand from the fact that the decision was adopted by the opposition itself, the lifting of immunity is not aimed at exerting pressure on the opposition, but is intended to pass judgment on criminal acts. As Turkish politicians, we are aware that democratic action and speech are essential for the development of a democratic society, and we welcome these democratic developments. However, publicly inciting hatred and hostility is incompatible with political and ethical responsibility.

Parliamentarians must be even more aware of these issues than the man in the street because it behoves us to defend and uphold democratic standards.

Mr AYDIN (*Turkey*) – From the classical period onwards, there have been different definitions of democracy as the most convenient way of ruling, mainly based on fundamental rights. Democracy gives priority to the collective or united way of existence, supported by freedom, the rule of law, welfare and security. At the same time, it repudiates the use of illegal means and vehicles that harm democracy itself, such as forcing people towards public mutiny or revolt, threatening them into supporting a particular group, ideology or political party, and committing crime through terrorism, causing heavy loss of life, as in the case of Turkey.

Turkey, as a young republic, does its best to be the model representative of democracy in a difficult geographical situation and difficult circumstances. And it pays a big, tragic cost, losing thousands of innocent people to terrorist attacks committed for decades by the PKK, and now by Daesh and the PYD from the other side of our southern border. It is very disappointing and sad for Turkey and its people that the PKK – the most wicked and bloody terrorist group, which has been openly subsidised mainly by ransoms collected from Turkish minorities in Europe, and drug and human trafficking all around the world – is affiliated with a political party in Turkey.

Democracy and terror cannot be associated or go together. Terror is infectious and catches anybody anywhere, as is the case all around the world nowadays. Therefore, the first thing to do for the protection of democracy is to state and defend the idea that no excuse can justify killing, and no political existence or political figure can turn their back on terrorism. A hunger strike cannot justify the release of a serial killer.

I have listened carefully to democracy lessons given by representatives of different countries. The most ironic one came from Armenia. Ms Zohrabyan says that political figures in the parliament are not so happy. It is very simple to test that, if she would like to compare democracy in Armenia and democracy in Turkey. I ask her whether Armenia has any representatives of Turkic origin in its parliament, and whether they say anything against their constitution or republic.

Mr HUNKO (*Germany*)\* – I thank the rapporteurs, Marianne Mikko and Nigel Evans, for their important report, which the Group of the Unified European Left will support. I also thank Sir Roger Gale for stepping in to replace the rapporteurs.

This debate is illustrative of the problem. The Group of the Unified European Left reject any form of terrorism – that should be stated quite clearly – but that does not mean that we are of the view that there might not be an abuse of anti-terrorism legislation. What we are seeing in Turkey is an abuse of anti-terrorism legislation which is so broadly interpreted that many people, including possibly many of our colleagues sitting in this Chamber who are not from Turkey, would come under that legislation. A historical example of the misuse of anti-terrorism legislation is the case of Nelson Mandela in South Africa. He was later South African President and a recipient of the Nobel peace prize, but he was still on the United States terrorism list. The substance of the issue is different, but it shows that anti-terrorism legislation can be abused.

I come from Aachen – or Aix-la-Chapelle – and each year on 1 September, the anniversary of the Second World War, it awards the Aix-la-Chapelle peace prize, and some two years ago it went to 1 100 Turkish academics who made an appeal for peace and an end to the conflict in south-east Turkey and beyond and in Rojava, and said that what was needed was not a military solution but a peaceful solution. Many of them ended up in prison, although some have been released. Those academics were awarded the Aix-la-Chapelle peace prize, and it shows that those Turkish academics fell foul of Turkish anti-terrorism legislation. It is clear that that is a case of abuse.

Ms Günay asked why no one says anything about the 12 political prisoners in detention in Catalonia. We do: we have just been sitting in the cafeteria discussing the issue and it may find its way on to the agenda. But we are talking now about Turkey, and the situation there is far more urgent, which is why I very much welcome the fact that the resolution has been put forward and I hope that it meets with broad support.

The PRESIDENT\* – I must now interrupt the list of speakers. The speeches of members on the speakers list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report. I remind colleagues that the type written texts can be submitted, electronically if possible, no later than four hours after the list of speakers is interrupted.

I call Sir Roger to reply. You have 11 minutes.

Sir Roger GALE (*United Kingdom*) – It has been an interesting, informative and contentious debate, and that was to be expected. I think I am right in saying that we have heard from 18 speakers, 10 of whom were from Turkey. Those speakers, not just from Turkey but from other countries as well, were divided fairly evenly between those who support the criticisms in the report and those who take issue with some of them. We all have to recognise the part that Turkey has played in handling a desperate refugee crisis from Iraq and, most recently and sadly, from Syria.

We all also have to recognise that Turkey has faced and continues to face internal attack from a terrorist organisation. Those of us – and I come from a country that has experienced the Irish Republican Army – who have some experience of bombs going off and men, women and children being maimed in our own land have to understand that that is a serious issue. Most of us, happily, do not have to put up with that. That said, we come back to the criticisms, which have been levelled in two main areas, although there are broader issues too.

The two most specific issues are the imprisonment of elected members of parliament and the imprisonment of and restrictions placed on journalists. We say long and often in this place that a free democracy demands a free media, but it is not enough to pay lip service to that. We have to seek to make sure that that is enforced. I take and understand the responsibilities placed on members of parliament. It is not good enough just to say, “I am a member of parliament, therefore I can resort to hate speech, I can resort to the incitement of violence, and I can support a terrorist organisation, with impunity.” With impunity comes responsibility. That responsibility is a heavy burden, but it is a burden on the shoulders of each and every member of this Parliamentary Assembly of the Council of Europe.

What to say and what to do about the report? The rapporteurs summed it up well in one of the opening paragraphs. What we are actually talking about is balance. I do not think that anyone would wish to deny a sovereign nation the right to defend its own internal security, but to take that too far, beyond the point of reason, and to imprison people without charge or trial on trumped-up charges and to curtail the freedom of speech and the freedom of journalists to report faithfully what they see and hear, is not acceptable in any civilised society and it is certainly not acceptable under the terms of the Convention on Human Rights to which every single member country represented here should adhere. So, as the rapporteurs have said, this is a question of balance. Many in the Hemicycle this afternoon – some who have spoken, many who have not – believe that that balance is no longer being recognised in Turkey. Without going into the purple prose that has been used by some critics of a member State, it is right that this Assembly sends a clear message.

We respect the right – indeed, the duty – of member States to protect their own people. We understand that for much of what is happening in Turkey there is not just a parliamentary majority, but a huge popular majority of those voting in elections in that country. But we also have to require adherence to our own principles and standards, and to seek to ensure that they are enforced. I will not quote from any members save one, because the one said something that is relevant and that I hope our Turkish colleagues – both those who have supported the report, and there was at least one, and those who wish to oppose it – will accept. Frank Schwabe said, “It is time to move forward”. That is the message that we should send out from here today and, with that said, this report has my fullest possible support.

The PRESIDENT\* – The debate is closed.

The Monitoring Committee has presented a draft resolution to which two amendments have been tabled.

*(The speaker continued in English)*

I understand that the Committee wishes to propose to the Assembly that Amendment 1 to the draft resolution, which was unanimously approved by the Committee, should be declared as agreed by the Assembly.

Is that so, Sir Roger?

Sir Roger GALE (*United Kingdom*) – Yes.

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

*Amendment 1 is adopted.*

We come now to Amendment 2, which is, in the draft resolution, after paragraph 12, insert the following paragraph: “The Assembly, in the event of non-compliance by the Turkish authorities with the conditions set out in this resolution, commits itself to addressing the Committee of Ministers with a future recommendation for application of the procedure set out in Article 46, paragraph 4 of the European Convention on Human Rights with regard to Turkey. “

I call Mr Frank Schwabe, on behalf of the Committee on Legal Affairs and Human Rights, to support Amendment 2. You have 30 seconds.

Mr SCHWABE (*Germany*) – Dear colleagues, the court ruling to release Mr Demirtaş is a key issue that goes to the core of our Organisation. The sanction mechanism at our disposal with regard to Mammadov, the particular case under Article 46, was not recommended to the Committee of Ministers. It involved determining whether, in the future, this particular procedure would be followed.

The PRESIDENT\* – I have been informed that Sir Roger Gale wishes to propose an oral sub-amendment, on behalf of the Monitoring Committee, as follows:

In Amendment 2, insert the word “relevant” before “conditions set out.”

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.

The vote is open.

*The oral sub-amendment is adopted.*

We will now consider the main amendment, as amended.

Does anyone wish to speak against Amendment 2, as amended?

Mr SIRAKAYA (*Turkey*) – I object to this proposal. It should have been the subject of a recommendation. This goes beyond the context of the resolution and should have been declared inadmissible by the secretariat.

The PRESIDENT\* – What is the opinion of the Monitoring Committee on the amendment, as amended?

Sir Roger GALE (*United Kingdom*) – The Committee accepts the amendment, as amended, unanimously.

The PRESIDENT\* – I want to make it clear, with regard to the objection that was just made, that it was the decision of the President to declare the amendment admissible. It is the prerogative of the President to declare whether it is admissible or inadmissible, and I saw no objection.

The vote is open.

*Amendment 2, as amended, is adopted.*

We will now proceed to vote on the draft resolution contained in Document 14812, as amended.

The vote is open.

*The draft resolution in Document 14812, as amended, is adopted with 72 votes for, 20 against and 8 abstentions.*

*(Mr O'Reilly, Vice-President of the Assembly, took the Chair in place of Ms Maury Pasquier)*

**2. The progress of the Assembly's monitoring procedure (January-December 2018) and the periodic review of the honouring of obligations by Iceland And Italy**

The PRESIDENT – The next item of business this afternoon is the debate on the report entitled “The progress of the Assembly’s monitoring procedure (January – December 2018) and the periodic review of the honouring of obligations by Iceland and Italy” (Document 14792, parts 1, 2 and 3), presented by Sir Roger Gale on behalf of the Monitoring Committee.

I will interrupt the list of speakers at about 5.55 p.m. to allow for the replies and the votes. I remind members that there is a three-minute limit on speeches in this debate.

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

Sir Roger GALE (*United Kingdom*) – Thank you, Mr President. I do not know if anyone else is becoming sick of my voice, but I think I am.

It is a privilege to be able to present the progress report. You have in front of you the Monitoring Committee’s progress report, which consists of three documents.

The first one reflects major findings and concerns of the committee on specific countries under full monitoring procedure and engaged in the post-monitoring dialogue. This report is based on the conclusions of the respective rapporteurs following their visits and reports to the committee. Let me put this very clearly and very bluntly: I have not included in this part any information which would not have been raised by the rapporteurs and discussed by the committee. All the material contained in this document has already been before this House.

Likewise, on my position on the amendments to this part of the resolution: I always follow the respective rapporteurs’ lines and I do not want to go beyond their findings, as considered by the committee. Sometimes, therefore, I am opposed to the amendments which might seem appropriate, but their substance has not been discussed in the committee over the year.

In the same first part of the progress report, I reflect on the conclusions of the committee’s discussion on the ways to increase the efficiency of the monitoring procedure. As you can see, the committee has agreed on a number of measures dealing with the manner in which the periodic reviews are prepared and presented to the Parliamentary Assembly: the creation of uniform evaluation criteria and concepts, as well as, where possible, the preparation of a clear perspective for each of the countries which are part of the formal monitoring procedure or engaged in a post-monitoring dialogue that outlines concrete issues to be addressed and actions to be undertaken in order for that country to move forward in the monitoring procedure.

Mr President, I regard that as being very important indeed. It has too often been the case in the past that, because of a change in rapporteurs, because the goalposts have been moved, because the criteria have been altered, some countries – I can think of one that was drawn to my attention yesterday – have been in monitoring or post-monitoring since 2002. That is not acceptable. Countries have to have the right to understand what is being asked of them and the opportunity to fulfil those obligations, so that, as swiftly as possible, they can be removed from monitoring.

In the second and the third parts of the progress report, you will find our periodic reviews on Iceland and Italy. In contrast to the first part, where the conclusions I have drawn were based on the ongoing work of our rapporteurs, these reports are drawn from the findings of different Council of Europe monitoring mechanisms. They include GRECO, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Commissioner for Human Rights, the Venice Commission and the European Commission against Racism and Intolerance. Each of those mechanisms has its own ways and cycles of reporting. For that reason, it is not always possible to have updated information because some of those reports date back several years.

In some cases, such as Italy, the majority has changed in the interim. This may therefore be seen as a meaningless exercise, but I disagree. The report reflects concerns, and the current authorities have had the chance to comment and to present progress if it has taken place. Those comments were partly taken on board at the committee’s previous meeting. I do not consider it inappropriate to refer to reports that are two, three or even four years old if the concerns outlined still persist – if they have been addressed efficiently, we should have been informed in the comments – so please do not criticise the periodic reports for being out of date.

I hope it goes without saying that where progress is being made, where there has been a change of government and where practices are being improved, those facts will be reported faithfully. To some extent, it is inevitable that this process is retrospective. We cannot look forward and report things that are under way or have not yet happened.

The committee has decided to change the format of periodic reviews for the future. If you have read the first part of the progress report, which refers to the change in the committee's working methods, you will know that from now on we will use a procedure for the preparation of periodic reviews similar to the one we use for all other reports under the full monitoring procedure or involved in the post-monitoring dialogue. I commend the reports to the Assembly, and I look forward to hearing members' comments.

*(Ms Åberg, Vice-President of the Assembly, took the Chair in place of Mr O'Reilly.)*

The PRESIDENT – Thank you, Sir Roger. You have seven minutes and 45 seconds remaining.

Ms BRYNJÓLFSDÓTTIR *(Iceland, Spokesperson for the Group of the Unified European Left)* – I rise to speak on behalf of my political group, but also as the chair of the Icelandic delegation, given that the periodic review is of Iceland's obligations.

I welcome all the suggestions in the report, including the suggestion that Iceland reform its democratic institutions by rekindling the constitutional reform process. That process has sadly been drawn into political fights and years-long delays, driven by political parties' political and economic interests. The democratic will of the Icelandic nation was made clear in an advisory referendum on constitutional change in 2011, but the Icelandic Parliament has not taken it further.

Iceland is still dealing with the aftermath of the economic crash in 2008. I therefore fully agree with the Assembly's call for the Icelandic authorities to develop a comprehensive strategy on corruption and integrity in State institutions that fully addresses GRECO's recommendations, and a strategy to improve the integrity and management of conflicts of interest of persons holding top executive functions in the government and clear and harmonised codes of conduct for them. I am pleased to say that that is already in progress.

I also applaud the recommendation that the rules relating to the secondary activities and employment that people can undertake after leaving government functions be reviewed. There has been a recent example of that in Iceland, and we need to put in place a so-called cooling-off period for former ministers and other top members of the executive when they leave the government.

It is also vital, as the review suggests, that we properly fund law-enforcement agencies. That issue has been debated in recent years in the parliament, but unfortunately our police forces remain underfunded, and the current Minister of the Interior has shown no will to reverse that.

The report also recommends that a national human rights institution be established – I could not agree more. We must adopt without delay a comprehensive anti-discrimination legislative framework – we currently lack one – to enforce, in particular, the rights of persons with disabilities and those who have been involuntarily hospitalised. There is also a lack of protection for LGBTI people.

Iceland is often considered a role model and a champion of gender equality – a topic that I hope you have noticed that I raise here regularly. To some extent, that is true. We have a good track record on women's participation in the work force, but we must work much harder to improve our legislation on domestic and sexual violence against women. We must put the victims' needs first. We must also actively combat hate speech against women and LGBTI persons.

Although I fully support the recent changes to the Assembly's monitoring procedures, which are important to ensure that all member States are treated equally and monitored regularly, I was disappointed by the first draft of the periodic review report in March, as the necessary fact-checking had not been carried out and it had not been updated. However, the rapporteur asked us not to dwell on that, so I will not do so. Let us remind ourselves that even a democratic, forward-thinking country like Iceland still needs to make some major changes.

Mr KANDELAKI *(Georgia, Spokesperson for the Group of the European People's Party)* – On behalf of the Group of the European People's Party, I will make a couple of points about the Assembly's progress report on the monitoring procedure.

I am happy that the attendance for this debate is satisfactory. On previous occasions, the progress reports on the monitoring procedure have received less attention than they deserved. The monitoring procedure is perhaps this Assembly's most important instrument in scrutinising democracy and the democratic development of member States.

The rapporteur touched on several issues, including how the process of reforming the monitoring procedure is evolving. The Bureau has put forward concrete proposals, which are being developed. The monitoring procedure is being made more efficient. In particular, clear benchmarks for the post-monitoring context are being established, and periodic reviews of countries that are not under the monitoring procedure will be considered separately. Rather than that being done in alphabetical order, those reports will be considered on substantive grounds.

I obviously cannot touch on every issue in the report, but it fleshes out some of the most important developments, based on the individual countries' monitoring reports. It lists concerns about several countries and makes recommendations. There have been some positive developments. There have been good, clean elections in Armenia, and there has been a smooth transition in Turkey as the state of emergency has been lifted. The boycott of the Montenegro Parliament by a substantial number of opposition parties has ended – the Assembly has always vigorously supported bringing the political process into parliaments in countries where that is not the case – and the name issue in “the former Yugoslav Republic of Macedonia” has been resolved.

The report raises several concerns. There has been a lack of progress on fighting organised crime in Albania. The democratic elections have been overturned in the Republic of Moldova, and the EPP – our mother party – has strongly condemned that. In Bosnia and Herzegovina, the Venice Commission's recommendation to scrap ethnic restrictions on standing for office has not been implemented. I urge you to read the list of recommendations, which derive from the relevant monitoring reports.

Mr SCHENNACH (*Austria, Spokesperson for the Socialists, Democrats and Greens Group*)\* – When progress reports come before the Assembly, they are a wonderful example of what our monitoring procedure does and of the work done by the rapporteur through concerted efforts over hours and days to conduct monitoring procedures, periodic reviews, and the post-monitoring process.

Of course, we instituted various reforms a couple of years ago – we do not have a two-tier system, with some States being subject to monitoring and others, the old ones, not. In the meantime, Germany, Finland, Belgium, Cyprus, Andorra and a number of other countries have undergone monitoring, followed by Iceland and Italy. Over the past couple of years, that has been upgraded to a considerable extent. It is substantial work and it is very positive. The good thing about the progress report is that we see where we have been successful – in the Caucasus, in Georgia, and in Armenia, for example. We have seen democratic governments, constitutional reform and democratic elections. In Azerbaijan, Ilgar Mammadov has been freed and there are reports about the proceedings against Mehman Huseynov being brought to an end.

Let me return to the periodic review. Italy is a problematic child. On the one hand, it has done so much to deal with the migratory waves with Spain and Greece. Those countries are on the frontline of that problem, but there are a number of difficulties, of course. We must take into consideration the case of Mimmo Lucano, Mayor of Riace, who with his migrants and asylum seekers established a safe haven for these individuals and did the best he could for them. It was a wonderful example of integration. Unfortunately, on the other hand, the government criminalised the mayor and put him under house arrest, and everything he had done for these individuals – all the work he had done to create harmony and peace in his community – was undermined in the most brutal fashion. Mimmo Lucano perhaps ought to be a nominee for the next Václav Havel prize.

I am going over this in a summary fashion, but I should add that the measures that have been taken against the Aquarius ship are totally unacceptable.

Lord RUSSELL (*United Kingdom, Spokesperson for the European Conservatives Group*) – I welcome the report, and I note the largely satisfactory and positive honouring of obligations in Iceland, so I will focus my remarks on Italy. I must declare an interest as I have the great good fortune to be married to an Italian. I have a deep love and affection for both our countries, but that does not make me blind to what is less than perfect and what needs to be changed and improved. In the United Kingdom, we are witnessing a dialogue of the deaf about our relationship with the European Union and we have demonstrated to the world our complete lack of understanding of the use and abuse of conducting referendums.

Italy has one of the richest histories and most admired cultures in the world. Few other countries evoke such a positive response. But that does not mean that it is perfect. The report highlights that Italy acknowledges and is making progress in tracking issues that confront it. Some are embedded in history, such as corruption



and organised crime and the challenge of trying to reform the functioning of democratic institutions. Some are more recent, such as the influx of refugees and migrants that has been caused in large part by Italy's being, in common with Greece and Spain, a natural geographic entry point to Europe, and the growth in racist attitudes and racial and ethnic intolerance, often amplified by the economic and social pressures caused by the presence of these new arrivals.

I acknowledge, understand and share Italy's frustration at the unwillingness of so many European Union member States to recognise that Italy's dilemma is our dilemma, and that turning a blind eye and lending a deaf ear to Italy's many laudable attempts to manage this exceptionally difficult situation is profoundly unhelpful. To inadvertently or deliberately channel that frustration into tactical political point scoring and to always heap blame on others, rather than acknowledging that what is in front of us when we look in the mirror is usually part of the problem, is in my view an abnegation of the responsibilities we bear as politicians.

In both our countries, we need to acknowledge that our words and actions as politicians have consequences and that we bear a heavy responsibility to act judiciously. As Machiavelli said, "Princes and governments are far more dangerous than other elements in society" – "*Principi e governi sono molto più pericolosi di altri elementi all'interno della società*". This report is balanced and fair and I look forward to a future report on my own country with a genuine willingness to accept well intended, carefully researched and informed constructive criticism. I do not wish to live in a country that is perfect; it would be insufferably boring.

Mr HEER (*Switzerland, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – One of the most useful tools of our Parliamentary Assembly is the Monitoring Committee, and we thank the rapporteur, Sir Roger Gale, for this report. The work of the Monitoring Committee and its rapporteurs should be neutral and non-biased and should always have the wellbeing of the people in our countries in mind, as well as respect for democracy, human rights and rule of law. Of course we should and must have it in mind that our Council of Europe consists of different countries. Each and every member State has a different cultural and historical background. Some are small, others are big; some are members of the European Union, others are not; some still have a queen or king as their head of State, others do not. There are different constitutions, parliaments and governments are organised differently, and there are different ways of electing people to the senate or parliament.

The Monitoring Committee must have one task despite the diversity of the systems in our countries: to ensure that every citizen can cast his vote and that it counts, that freedom of media and freedom of expression is guaranteed, that access to courts is granted, that the rule of law is the basis of acts by the State and that corruption does not take place.

The Parliamentary Assembly has the ability to discuss reports by the Monitoring Committee. There should be a dialogue among us and with our member States. We should all have in mind not party politics, power or global strategies but each and every citizen in our Council of Europe States. We must protect their rights as outlined in the European Convention on Human Rights. We must therefore strengthen our Council of Europe and strengthen a fair and open dialogue. I do not want to go too far into the details of the report as that will be discussed by various people later, but as a spokesperson of the Alliance of Liberals and Democrats for Europe, I want to underline the important work of the Monitoring Committee and the responsibility that goes with it.

We know that the Council of Europe faces a crisis, but it also faces competition from the European Union on questions of human rights. We should as members of our Organisation and as a founder body of the European Convention on Human Rights also ensure that we can maintain our important role in human rights all over Europe.

The PRESIDENT – The rapporteur may reply at the end of the debate. However, does he wish to reply at this stage?

Sir Roger GALE (*United Kingdom*) – Not at this stage.

Ms BERGAMINI (*Italy*)\* – These periodic reviews of the compliance of member States that have entered the Council of Europe are useful, and I would even say that they are necessary. We politicians are responsible for enacting legislation, so it is important that we see an assessment of the situations in our countries that is as neutral as possible. However, neutrality is not necessarily easy, from a political point of view. The report talks about important issues – including migration, justice, racism and the independence of the judicial system, and organised crime and corruption – that need to be discussed in the context of Italy.

The constant commitment to respecting and defending human rights is important. That needs to be said. However, I fear that several assessments in the report are a little bit severe and are perhaps stereotypes, which we stand up in other debates to challenge. The Italian delegation has tabled several amendments to the draft resolution, which I hope the Chamber will support. We are all required to look reality fairly and squarely in the face, but our approach should be based on facts and realities.

Much criticism has been levelled at Italy in respect of migration, and I know that my colleagues in the Italian delegation will raise that later. However, as I see it, Italy has pulled off a miracle in recent years in the solidarity and humanity shown when facing up to an unprecedented migratory phenomenon. The problems of Spain and Greece in this respect do not compare. Of course, this is all against the backdrop of the economic crisis, which has compounded the situation.

Italy has been virtually left alone, despite a show of solidarity. Of course there is always room for improvement – we can always do better – but Italy really has done its best to grapple with the phenomenon of migration, which should be acknowledged.

Ms ÆVARSDÓTTIR (*Iceland*) – The report portrays quite a positive image of Iceland – perhaps a bit overly positive, given certain recent developments. It states that the constitutional reform process initiated after the 2008 financial crisis has been on hold since 2013. I know my colleague Ms Brynjólfssdóttir mentioned this briefly, but I would also like to mention that, on 21 January, the parliamentary group of my party, the Pirate Party, presented anew in parliament a Bill for a new constitution.

The Bill is based on a draft by the nationally elected Constitutional Council in 2010, as amended during the parliamentary process in 2013. The Constitutional Society, a non-governmental organisation fighting for the implementation of a new constitution, has been active since 2010, organising meetings, petitions and rallies in support of the drafting of a new constitution. According to a survey last October by a leading market research company in Iceland, the majority of Icelanders are of the opinion that it is important for Iceland to have a new constitution.

There is another recent development that understandably could not be included in the report. In late November, six MPs were recorded in a public bar making sexist, ableist and homophobic remarks about their colleagues. In addition, they spoke about corrupt deals made in the appointment of ambassadors, including of our former Prime Minister, Mr Haarde, who is mentioned in the report. The recording, which was submitted to the media, led to public protests in Iceland. A poll conducted shortly after the event found that up to 91% of Icelanders wanted the MPs to resign. However, there is no sign that they intend to do so.

The report states that women are well represented in parliament, despite a sharp drop in the proportion of female MPs – from 48% to 38% – in the one year between when I first took my place in parliament and 2017. One troubling thing since this sheer drop is the forming of a new government by a declared feminist party in alliance with the party of the former prime minister, Mr Benediktsson, whose father's involvement in the pardoning of a sexual criminal caused the break-up of the previous government. We had a strong and vocal call-out to oust that party because of its cover-up of sexual crimes, and the prime minister's family's participation in doing so. However, the leading feminist party in Iceland chose to form a coalition with that party, which I think is regrettable.

These developments show that we must always be alert and never assume that equality has been finally reached. Iceland, which is often considered a paradise of equality, can also slip backwards, as that example shows. We therefore always need to pay attention to keeping up the pace towards true equality. We must always be vigilant, because the threat of a backlash is ever present.

Mr SHEHU (*Albania*)\* – I thank the rapporteur for preparing this monitoring report, particularly as it concerns Albania. Overall I find it realistic, and it sheds light on some positive achievements. However, I draw members' attention to several key issues that are of great concern to us.

To add to the report, we have tabled two amendments to the draft resolution that are connected to two factors that negatively influence and are a serious burden on our country. The first factor is rampant, profound and deep corruption, and particularly its connections to State bodies. We have proposed a constitutional modification requiring vetting, to establish that politicians are free of any sort of connection to criminals or criminal groups. This sort of vetting ought to take place for judges and magistrates, and all the way down to low-level police as well.

This vetting is so important because these individuals are responsible for the development of the country. We feel that it is absolutely necessary to have clear scrutiny to establish whether there are any sort

of criminal links. We implemented laws on this, which was a very important initiative that took place following the demands of the opposition. It has forced several MPs and mayors, mostly from the ruling party, to leave politics, with some ending up in jail.

The second factor is our serious concerns about our justice system, which is why we tabled the second amendment. At the moment, Albania is the only country in the world without a constitutional court or a supreme court; two fundamental pillars are absolutely missing. This has negative reverberations for the development of our democracy and puts at risk the entire system, particularly in this year of elections. We have serious concerns about this and feel that it ought to be focused on within the framework of a monitoring report.

Furthermore, I draw members' attention to the importance of monitoring Albania, which is extremely important for the development of the country. It would be very interesting to see what the conclusions would be.

Mr RAMPI (*Italy*)\* – The periodic review of monitoring is an important exercise for the Parliamentary Assembly of the Council of Europe. If I had more time, I would speak about other parts of the report, but it is important that we have an opportunity to look at the situation in our own countries. We need to have the courage to look at the extent to which we are promoting human rights and fundamental freedoms, and to what extent these can be invoked in our own countries. This is a very useful and beneficial exercise for all. We are all united in efforts to improve the situation. I approve wholeheartedly of the words I have heard in the debate so far, which acknowledge the lengths Italy has gone to in its efforts to tackle certain problems, particularly migration, for example.

As a delegation, we have called on the Council of Europe to appeal to other European Union member states to do their bit when it comes to migration. If Italy is abandoned – which, unfortunately, has been the case – that can be used by others to get some mileage from the current situation. For that reason, we need to draw attention to the dangers of exploiting the current political situation in Italy – that is, getting mileage out of fear, hatred and the understandable concerns of the Italian population, particularly its poorer sectors. If that happens, we should not be surprised by the results. A balance needs to be struck and we can strike it by adopting the amendments that we have tabled. We arrived at consensus in the Italian delegation, although it was not easy.

We are not here to say who has the right to stay and who should be forced out – to pull up in front of the blackboard the bad pupil in the human rights class. We need to be a little more modest and humble, and to say that we all face difficulties in upholding and protecting human rights. This organisation – which emerged 70 years ago and some might call Utopian – is still where we can, I hope, look together at how we go about implementing our own human rights obligations, and help those who are encountering difficulties to make progress in the future.

Mr KILIÇ (*Turkey*) – The monitoring procedure is one of the most important elements of this Assembly. Therefore, the reports produced under this procedure are expected to be unbiased and objective. However, several statements – and even reports – of the Monitoring Committee have a political and subjective character, contrary to the fundamental principles of sovereignty.

As mentioned in the report, on 24 April 2018, the Monitoring Committee adopted a statement in which it recommended that the Turkish authorities should postpone the elections. This was a clear intervention in a State's internal affairs. As you know, the Turkish Grand National Congress – the Turkish Parliament – reflects the will of the Turkish nation and a decision was taken in parliament.

I draw attention to other points in the report. Many of its allegations do not reflect reality. First, I emphasise that the state of emergency measures were not an obstacle to the organisation of free and fair elections. All elections held in Turkey were democratic, free, fair and transparent, as confirmed by the reports of international observation missions, and the participation of the people is the highest in Europe. Secondly, there are more than 1 700 media service providers in Turkey. Freedom of expression and the right to receive and impart information are guaranteed by the constitution.

Last but not least, I spotted a highly disappointing claim in the report, which argues baselessly that it was not possible for the rapporteurs to visit south-east Turkey for security reasons. However, during the elections held on 24 June, a member of the election observation mission of the Parliamentary Assembly of the Council of Europe, which also included the core rapporteurs, was appointed to monitor the elections in the eastern city of Diyarbakir. In this respect, the core rapporteurs' claim that they could not visit Anatolia in the south-east of Turkey for security reasons is inconsistent. All regions of Turkey can be visited by anyone at any time in complete safety. Last summer saw a large number of visits to Turkey: more than 14 million tourists visited in 2018. I do not believe that so many tourists would come to a country which it is not safe to travel to and enjoy a family holiday.

I urge you to look more carefully at certain issues and to look into the facts, rather than at news reports that are sometimes incorrect.

Mr BUSHATI (*Albania*) – I thank the chairman, Sir Roger Gale, and the two rapporteurs for their visit and their work. Albania will continue to follow the recommendations of the Parliamentary Assembly of the Council of Europe and we hope that the positive developments in my country will be reflected in changes that help my country to pass the post-monitoring procedure and a positive decision on Albania's membership aspirations by the European Union Council in June.

Albania is strongly committed to continuing to pursue the European Union reform agenda in line with the Commission's recommendations and the Council conclusions; to maintaining the level of determination shown so far; and to deepening the current reform momentum by achieving further tangible and sustainable results in all areas of the European Union integration spectrum. After months of hard work laying the basis for the new institutions that will guarantee the independence and impartiality of its judiciary, Albania's efforts are convincingly delivering results, with the establishment of the high judicial and high prosecutorial councils.

Albania remains dedicated to working closely with the Commission and European partners to achieve further progress in the five key determinant priorities and to tackling effectively specific issues, such as the number of unjustified asylum requests that Albanian citizens submit to European Union countries, illegal trafficking of all sorts and so on. It is in our mutual interest that the work in these areas should be oriented and monitored in the context of the accession negotiations benchmarks. It is certainly in the interest of the credibility of the enlargement process to demonstrate that dedication to making progress with reforms pays off. In addition, a balanced approach to enlargement in the Western Balkans would further build on our constructive role in the region.

Our common goal in the European integration processes of Western Balkan countries is to provide and ensure the stability and security of the region and, in the bigger picture, the whole continent. We consider enlargement a crucial aspect of the European Union's future, and expect it to be high on its current and future agenda.

While tirelessly pursuing the technical aspects of integration, we must not forget that the political soul of such a process is also important. During this challenging time, we must remind ourselves of the current values of Europeanism. The desire for peace, security and prosperity is what brings us all together. Thus, it is crucial that we disseminate a narrative of further enlargement as part of a solution to the Union's present challenges. This can be achieved only by the European Union's strengthened engagement with our region. Working together as partners, we will be able to transform this part of Europe intensely. This is a strategic investment in the future of our continent.

Mr XUCLÀ (*Spain*)\* – I congratulate the rapporteur. Once again, I highlight the usefulness of these reports. In particular, I suggest you look at paragraph 21, which covers the various conventions signed by the countries and those that remain to be signed by them. This may be a good opportunity for our parliaments to move forward.

I also wish to say that we respect the objectivity of this report in respect of the debates between the government and the opposition, and the time wasted. I wish to highlight some of the positive things we have seen: the adoption of reform in Albania, which has been requested for so long; the constitutional developments in Armenia; the release of Ilgar Mammadov, following a judgment of the European Court of Human Rights, as Azerbaijan had failed to meet its obligations; the development in Georgia of constitutional changes and small steps towards progress in Transnistria; the lifting of the state of emergency in Turkey in July 2018, in the light of discussions such as those we had earlier; the anti-corruption law in Bulgaria; and the end of the parliamentary boycott by the opposition in Montenegro. We have also almost had a final settlement in definitively naming "the former Yugoslav Republic of Macedonia".

In the minute remaining, I wish to refer to the report on Italy, in order to talk about the European policy in the Mediterranean. When we visit Italy, Greece, Malta or Spain, we need to bear in mind that in recent years we have been talking about a Euro-Mediterranean policy – a European policy – that equally affects the countries on the southern and northern rims of the Mediterranean, as well as the Scandinavian countries. The problems and challenges in the Mediterranean are those of the whole of Europe. The border between the northern and southern rims of the Mediterranean is the common border with the second biggest gap in the world between the poorest and the richest – the first is the border between North Korea and South Korea, which is a long way away. I would like us to reflect briefly on this Euro-Mediterranean challenge – the challenge of migration – and the responses that should be provided by this Parliamentary Assembly, through the reports of the Committee on Migration, Refugees and Displaced Persons and this plenary.

Ms BOSCHI (*Italy*)\* – I, too, wish to thank Sir Roger Gale for the wonderful work that has been done. We must emphasise the heterogeneity that ought to exist and does exist on these issues. A number of issues in my country are extensively and profoundly covered, and on a number of issues a general approach is taken. These issues include organised crime and the various risks that emanate from that. Italy confronts these issues and we hope that we will be able to overcome this very serious problem.

It is very important that we reflect the reality in our country with profundity. Understandably, the issue of the management of migration has been taken up extensively, given the circumstances. I am glad that in the report, and in some of the interventions that have been made by colleagues earlier, there has been an acknowledgement of the deep involvement of my country in confronting this problem, which has taken on emergency, dramatic and almost Biblical dimensions since 2013. On protecting human rights, receiving people, hosting refugees and asylum seekers, and saving people out at sea, many serious efforts have been made by my country and a number of other countries on the frontline. Of course, we share the concern that has been expressed about the change in direction that the current Italian Government has taken, with its new position and orientation on these migratory waves, with the measures taken on the vessels saving people at sea and measures taken at a number of ports, such as Catania, and with the approach taken on the other issues that involve our national territory, including our waters. Furthermore, we must emphasise the necessity for the entire European Union to take some sort of responsibility; all the countries of Europe need to deal with this serious burden that Greece, Italy and Spain confront. Serious violations have taken place and in dealing with this issue we require concrete support in order to manage this wave of migrants that has existed, for the most part, since 2013.

Mr ORLANDO (*Italy*)\* – I wish to say to Lord Russell that we are not bored in Italy, and perhaps we should be discussing why that is. If you put a moustache on a wonderful painting such as the Mona Lisa, you will look at the moustache and not the Mona Lisa, as it would have your attention. For that reason, we need to do away with a certain amount of moustaches that have found their way into this report and see beyond to the picture.

The report mentions corruption, which is omnipresent. It exists and it needs to be fought. However, the perception of corruption in places where criminal prosecutions are compulsory differs from that in countries where such prosecutions are not. The prosecutor's office cannot enjoy discretion in deciding whether or not to proceed and bring charges. Some countries have discretionary prosecution in respect of the criminal offence of corruption. At an OECD conference, it was said that on international corruption some countries similar to Italy have three or four cases open, whereas Italy has 350 cases open. I do not think that really reflects the scale of the problem. We could talk about the mafia in southern Italy, although to do so is possibly a slap in the face for the south, because it has shrugged off the mafia in some areas and because the mafia is a phenomenon that has found its way into other parts of Italy, outside the Mezzogiorno.

The report invites Italy to deal with the migration situation, but that appeal should be directed at the European Union. A lot of people are fleeing war and they should not be left in the hulls of vessels crossing the Mediterranean. They are fleeing their own country in order to find refuge in Europe, and where do they land? They land in Italy, as the first port of call. We cannot fail to mention the responsibility of the European Union in a report such as this, because the European Union ultimately needs to address the issue.

We can talk about Italy and the length of judicial proceedings there – that is fine – but we need to acknowledge the progress made in the past three years. Italy has moved up 47 places on the World Bank's scoreboard as a result of using computer technologies to a greater extent in our courts; civil justice in my country is completely computerised.

Ms BUSHKA (*Albania*) – First, I wish to thank Sir Roger Gale and the rapporteurs for their work, and to express our recognition for the great contribution this Parliamentary Assembly makes towards strengthening the rule of law in monitored countries. I hope you will allow me to make a general remark about the reports that the Assembly passes. Monitoring is a mechanism that the Parliamentary Assembly uses to assist members in upholding democratic principles and human rights, so rapporteurs should be very diligent in ensuring that they report facts that contribute to healthy recommendations for the further consolidation of democracy. In that context, I call on my colleagues to refer to facts and evidence and to use words such as “perception” and “allegation” carefully, as they often lead to fake news and abuse by different actors in the monitored states.

The progress report states that Albania has made a lot of progress in reforming the justice system. Moreover, in December, completely new judicial bodies were established to govern the new justice system in Albania. Their members have been appointed through impartial procedures, so as to keep politics separate,

and are under monitoring by international partners, including a mission from the European Commission and others.

Those new bodies have already started the procedure to establish a special prosecutor and courts that will be responsible for investigating and adjudicating on senior officials, including the president, the prime minister, members of parliament and so on. Fighting corruption is a main priority of the Albanian ruling majority, which is why Albania is seriously committed to justice reform.

We believe that a reformed justice system is a key element of state consolidation and the essence of a democratic society. It is the way to break through the high wall of impunity, the waivers of immunity, and the inviolability of politicians and governmental officials, and their family members and financial partners, who violate the law and accumulate unlawful profits. In addition, new rules about the transparency of declarations of assets by elected officials have been applicable since December.

The number of people under investigation for corruption and involvement in organised crime has been constantly increasing. Parliament has adopted new legislation that excludes people who are involved in organised crime from participating in public tenders. Anti-corruption policies and the co-operation of special taskforces with prosecution bodies, police bodies and international partners have brought concrete results in the fight against organised crime, even in corruption cases.

Regarding the political polarisation mentioned in the report, the venue for political dialogue in a democracy is parliament, but the Albanian opposition has boycotted parliament for many months. The majority will guarantee space for the opposition, but the opposition has to come to parliament. A dialogue must be composed of two parties, otherwise it transforms into a monologue.

The PRESIDENT – Mr Yemets is not here, so I call Mr Howell.

Mr HOWELL (*United Kingdom*) – I, too, congratulate my colleague Sir Roger Gale on his excellent report. I am pleased to speak in the debate, because the form of the activity that the report sets out is valuable and goes to the heart of the Assembly's values. I know Iceland and Italy quite well, so it is interesting to see the recommendations that are set out.

I have an enormous amount of sympathy for Italy and its role in the migration crisis. Of course, human rights must be upheld, but Italy has suffered a great influx of migratory people, and I am aware of the internal problems that that has created. Sadly, I do not believe it is over. We need to concentrate on improving the situation in countries right across places such as sub-Saharan Africa to prevent mass migration from there if their economies do not improve.

The report is historical, but I hope the current situation reflects it; I give my congratulations to those who worked on it. The report is right to point out that Italy must deal with corruption. I work with several countries that deal with corruption and I praise the use of whistle-blowing legislation to tackle it. I hope that will be successful.

Briefly, on Iceland, I note that there is not much to say, although it gets a good mention for corruption. In a small country, it is difficult for everything to be done through codes of law, as the monitoring report argues, when the temptation is to do things more informally. That is understandable, and we should not try too hard to get Iceland to change its cultural approach. The report points out the major effect of the financial crash. I am glad to see, however, that Iceland is pulling through well.

The PRESIDENT – I must now interrupt the list of speakers. The speeches of members on the speakers list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report. I remind colleagues that the type-written texts can be submitted, electronically if possible, no later than four hours after the list of speakers is interrupted.

I call Sir Roger Gale, rapporteur, to reply. You have 7 minutes 45 seconds.

Sir Roger GALE (*United Kingdom*) – It has been a pleasure to listen to such an illuminating debate. I am particularly grateful for the recognition that has been given to the work of the Monitoring Committee. The rapporteurs do a very difficult and, sometimes, very dangerous job, and, in my experience, they do it diligently in an endeavour to be fair and factual. Of course, it is inevitable that, when you are in the game of criticising people, people will take some exception to what has been said. The recognition of their work, and, by implication, the work of the secretariat behind them, which I will return to, is also welcome.

I am grateful for the reports' acceptance by all the groups' spokespeople, including Ms Brynjólfssdóttir, who was the subject of one of the reports. It is comforting to know that, in the main, those endeavours are regarded as impartial, which is what we seek to be. As I said at the start of the debate, all the remarks are drawn from the work of the rapporteurs; they are not assessments made off the top of my head or the secretariat's head, but matters that have been looked at.

Two speakers, Mr Jordi Xuclà and Mr Giorgi Kandelaki emphasised the positives. Inevitably, when we discuss such reports, individual members will take exception to comments made about their individual countries – I accept that; it goes with the territory. People tend to overlook the enormous number of positive comments in the reports about the individual countries under review. Mr Xuclà and Mr Kandelaki did us all a favour by highlighting the fact that there is much to be pleased, if not proud, about. We know that some countries have a long way to go, but they can also take comfort from the fact that their progress has been properly recognised – or we have tried to properly recognise it.

Mr Alfred Heer mentioned the differences between our respective countries – long may they exist. It would be a sad world, which neither Lord Russell nor I would want to live in, if we were all the same. We have different cultures, and we have to respect them and try to understand them, not impose our individual views – the “We must all do it this way” attitude – on sovereign countries.

That said, Mr Heer went on to make the important point that we are dealing with freedoms and human rights. In those areas, there is much less room for manoeuvre in terms of individual cultures. It is this Organisation that has to seek to make common cause where the rights of individuals are concerned. So, yes, recognise our differences and enjoy our differences, but let us be united in our attitude to human rights.

I understand the inevitable criticisms levelled at the report about Turkey, about which we had a debate earlier this afternoon. I am conscious of the fact that no amendments have been tabled in respect of the issue raised by Mr Kiliç. I find that slightly surprising in view of the vehemence with which he raised it, but I will bypass that. By the way, I am grateful to both Ms Brynjólfssdóttir and Ms Ævarsdóttir for their broad acceptance of the report relating specifically to Iceland.

Ms Bushka from Albania said that these reports are prepared to assist, and she is absolutely right. If our rapporteurs go in and trample over the territory of other people, their cultures and their feelings, and are then just maliciously critical – which happily they are not – that would be doing no service whatever to the Assembly. Our job surely is to help countries to move forward and become individually better places, and there is not one country that does not fall into that category.

I pay tribute to the secretariat. The Monitoring Committee is one of the largest committees. I would argue, because I am privileged to chair it, that it is also one of the most important. However, its secretariat is small and hugely overworked. The dedication that the civil servants put into the work that we are then enabled to do must be recognised. I am sure that I speak not just for the Monitoring Committee, but for every committee that is served by loyal, hard-working, very decent people, and I hope that this Assembly recognises the value to us all in the work of the secretariat.

Finally I come to Lord Russell's words. In closing, he said that words and actions have consequences; they most certainly do. Thank you.

The PRESIDENT – The debate is closed.

The Monitoring Committee has presented a draft resolution to which 23 amendments have been tabled.

I understand that the Committee wishes to propose to the Assembly that Amendments 7, 3, 20 and 21 to the draft resolution, which were unanimously approved by the Committee, should be declared as agreed by the Assembly.

Is that so, Sir Roger Gale?

Sir Roger GALE (*United Kingdom*) – Yes.

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

*Amendments 7, 3, 20 and 21 are adopted.*

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We now come to Amendment 1. I call Mr Shehu to support the amendment. You have 30 seconds.

Mr SHEHU (*Albania*) – This amendment is connected to the content of the report, and it is important that we add it to the resolution to reinforce the efforts in fighting corruption connected with institutions in Albania; it would help with our process of decriminalisation.

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

Ms BUSHKA (*Albania*) – The amendment is irrelevant to the text of the draft resolution. The paragraph is related to the judicial reform in Albania that is welcomed by the rapporteurs, as stated in the draft report. However, the text that the amendment would edit is related to another process, which has nothing to do with such reform in Albania. Decriminalisation of institutions is a very broad issue, and it has never been part of the monitoring activity. The amendment is therefore not based on the facts and monitoring findings in the report. We ask for it to be rejected.

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

Sir Roger GALE (*United Kingdom*) – The amendment does not appeal to the rapporteurs, who did not welcome this. The committee is against the amendment.

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

The vote is open.

*Amendment 1 is rejected.*

We now come to Amendment 4, which is, in the draft resolution, paragraph 5.6, after the words: ‘the Russian Federation:’ insert the following words: ‘the ongoing military aggression against Ukraine in Donbass and the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol; absence of any progress in the release of Ukrainian political prisoners and captives in the Russian Federation, illegally annexed Crimea and occupied Donbass;’”.

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

Mr ARIEU (*Ukraine*) – I ask the Assembly to reaffirm its concern about the ongoing military aggression against Ukraine, the annexation of Crimea and the lack of progress on the release of political prisoners held by the Russian Federation.

The PRESIDENT – We now come to the sub-amendment, tabled by the Monitoring Committee, which proposes, “In amendment 4, replace the word ‘occupation’ with the word ‘annexation’.”

I call Sir Roger Gale to support the sub-amendment on behalf of the Monitoring Committee.

Sir Roger GALE (*United Kingdom*) – The sub-amendment has been tabled and the committee supports it with a very large majority.

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

That is not the case.

What is the opinion of Mr Arieu?

Mr ARIEU (*Ukraine*) – I am okay with it.

The PRESIDENT – The Monitoring Committee is obviously in favour.

I will put the sub-amendment to the vote.

The vote is open.

*The sub-amendment is adopted.*



Does anyone wish to speak against the amendment, as amended?

That is not the case.

What is the opinion of the committee on the amendment?

Sir Roger GALE (*United Kingdom*) – In favour, with a large majority.

The PRESIDENT – The vote is open.

*Amendment 4, as amended, is adopted.*

We come to amendment 8. I call Mr Kamil Aydin to support the amendment.

Mr AYDIN (*Turkey*) – The issue is the repetition in the two sentences following each other. The amendment would avoid repetition for the sake of brevity. It is better to merge the two sentences.

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?

Sir Roger GALE (*United Kingdom*) – The committee was overwhelmingly opposed.

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

The vote is open.

*Amendment No. 8 is rejected.*

We come to Amendment 2, which is, “In the draft resolution, paragraph 6.1, after the words “to complete the reform of the judiciary”, add the following words: “avoiding in the meantime its political capture through the massive appointment of new institutions and magistrates, to demonstrate political will and to enforce effectively legislation to guarantee international standards for democratic elections”.

I call Mr Tritan Shehu to support Amendment 2. You have 30 seconds.

Mr SHEHU (*Albania*) – This amendment is in the context of the report that has been presented. The “political capture” of the justice system in Albania is just happening, and it would be useful to adopt the amendment to improve justice reform in my country.

The PRESIDENT – We now come to the sub-amendment, tabled by the Monitoring Committee, which proposes: “In amendment 2, delete the following words: ‘avoiding in the meantime its political capture through the massive appointment of new institutions and magistrates, to demonstrate political will and to enforce effectively legislation’”.

I call Sir Roger Gale, on behalf of the Monitoring Committee, to support Sub-Amendment 1.

Sir Roger GALE (*United Kingdom*) – The Committee has agreed to remove from “avoiding” to “legislation” but to add the other words. The first part is a contested assessment: the second part about democratic elections is perfectly in line with the previous statement. With this sub-amendment, we would accept the amendment.

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

What is the opinion of the mover of Amendment 2 on the sub-amendment? I call Mr Tritan Shehu.

Mr SHEHU (*Albania*) – Okay.

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

Sir Roger GALE (*United Kingdom*) – The sub-amendment was carried with a large majority.

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

The vote is open.

*The sub-amendment is adopted.*

Does anyone wish to speak against Amendment 2, as amended?

Ms BUSHKA (*Albania*) – I refer to Amendment 2, tabled by Mr Shehu. We are against, because the draft presented by the committee clearly states that it calls on the political actors to join in dialogue on justice reform and fighting organised crime. The amendment is irrelevant as it talks about the massive appointment of magistrates, but that is not happening in Albania, because new justice system bodies have been established after the monitoring activity. This is a process that will happen this year under the supervision of the mission from the European Commission, so the claim in the amendment is untrue. I call on the Assembly to reject Amendment 2.

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

The vote is open.

*Amendment 2, as amended, is adopted.*

I understand that Mr Giorgi Kandelaki wishes to withdraw amendment 22. Does anyone else wish to move it?

*Amendment 22 is withdrawn.*

We come to amendment 23, which is, “In the draft resolution, at the end of paragraph 6.4, add the following words: ‘and take measures to increase parliamentary scrutiny of high level judicial appointments, including candidate interviews, as well as to put in place clear selection criteria’”.

I call Mr Giorgi Kandelaki to support amendment 23. You have 30 seconds.

Mr KANDELAKI (*Georgia*) – This amendment emphasises the importance of an ongoing acute process in Georgia, with the controversy of proposing candidates for the Supreme Court with extremely dubious reputations. The idea is to strengthen parliamentary scrutiny of high-level judicial appointments and formulate clear selection criteria for them, which currently is not the case.

The PRESIDENT – We come to the sub-amendment, tabled by the Monitoring Committee, which proposes: “In amendment 23, delete the words ‘including candidate interviews’”.

I call Sir Roger Gale, on behalf of the Monitoring Committee, to support the sub-amendment.

Sir Roger GALE (*United Kingdom*) – The sub-amendment removes the words “including candidate interviews” because that is – and this is my fault for writing it in this way – already included, effectively, in the clear selection criteria.

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

What is the opinion of the mover of Amendment 23 on the sub-amendment? I call Mr Giorgi Kandelaki.

Mr KANDELAKI (*Georgia*) – We agreed with this sub-amendment.

The PRESIDENT – What is the opinion of the Committee on the sub-amendment?

Sir Roger GALE (*United Kingdom*) – In favour.

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

The vote is open.

*The sub-amendment is adopted.*

Does anyone wish to speak against amendment 23, as amended? That is not the case.

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

Sir Roger GALE (*United Kingdom*) – In favour.

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

The vote is open.

*Amendment 23, as amended, is adopted.*

We come now to amendment 5. I call Mr Volodymyr Arieiev to support the amendment. You have 30 seconds.

Mr ARIEV (*Ukraine*) – I would like to ask the Russian Federation again to implement all resolutions – it will be more than 10 after the vote today – to do something to meet the requirements of the Council of Europe, including the resolutions regarding the military aggression of the Russian Federation against the Ukraine.

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?

Sir Roger GALE (*United Kingdom*) – The committee was in support by a large majority.

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

The vote is open.

*Amendment 5 is adopted.*

We come to Amendment 9. I call Mr Aydin to support the amendment. You have 30 seconds.

Mr AYDIN (*Turkey*) – For the sake of consistency, we believe the word “chamber” should be inserted into the wording in paragraph 79.

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?

Sir Roger GALE (*United Kingdom*) – In favour, on the Chairman’s casting vote.

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

The vote is open.

*Amendment 9 is adopted.*

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

Mr AYDIN (*Turkey*) – There is no evidence to support this claim. In addition, the European Court of Human Rights has recognised the inquiry commission on state emergency measures as a domestic remedy. Thus, it is redundant to include this part.

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?

Sir Roger GALE (*United Kingdom*) – The original text has come directly from the rapporteur’s report and the latest Assembly resolution on Turkey. The committee is opposed.

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

The vote is open.

*Amendment 10 is rejected.*

We come to amendment 6, which is, in the draft resolution, paragraph 6.8, after the words: “to implement the law on the establishment of a High Anti-Corruption Court without delay” insert the following words: “in accordance with the clearly defined timeline provided therein”.

I call Mr Arieu to support Amendment 6. You have 30 seconds.

Mr ARIEV (*Ukraine*) – The amendment is about the implementation of the High Anti-Corruption Court on corruption established in Ukraine this year. The current amendment calls for it to be implemented without delay, but we have a clear timeline in the law which gives us the date when we should do it. We are now in this timeline and the process is going well.

The PRESIDENT – I have been informed that Sir Roger wishes to propose an oral sub-amendment, on behalf of the Monitoring Committee, as follows:

In Amendment 6, replace the words: “after the words: ‘to implement the law on the establishment of a High Anti-Corruption Court without delay’ insert the following words:” with the following words: “replace the words ‘without delay’ with the following words:”

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 therefore call Sir Roger Gale to support the oral sub-amendment.

Sir Roger GALE (*United Kingdom*) – The has the effect of replacing the words “without delay” in the text of the original amendment in accordance with a clearly defined timeline provided within that amendment.

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

What is the opinion of the mover of Amendment 6 on the oral sub-amendment?

Mr ARIEV (*Ukraine*) – In favour.

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

Sir Roger GALE (*United Kingdom*) – In favour.

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

The vote is open.

*The oral sub-amendment is adopted.*

Does anyone wish to speak against Amendment 6, as amended?

What is the opinion of the Committee?

Sir Roger GALE (*United Kingdom*) – In favour.

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

The vote is open.

*Amendment 6, as amended, adopted.*

I understand that Mr Fassino wishes to withdraw Amendment 11 in favour of a compromise amendment.

Mr FASSINO (*Italy*)\* – No. We want to put it to the vote as it is.

The PRESIDENT – I call Mr Maniero to support Amendment 11. You have 30 seconds.

Mr MANIERO (*Italy*) – With this amendment we are just repeating what several colleagues have said and what Minister Soini said yesterday in this very Chamber. We cannot keep facing the phenomenon of migration as a single country. This amendment highlights the responsibility of the European Union in facing this problem. Also, we highlight how recent policies have reduced the flow and the deaths in the Mediterranean Sea.

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?

Sir Roger GALE (*United Kingdom*) – A large majority of the committee accepted an oral amendment. The committee made it absolutely plain that without it, we oppose Amendment 11. The committee is therefore against.

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

The vote is open.

*Amendment 11 is rejected.*

I call Mr Maniero to support Amendment 12. You have 30 seconds.

Mr MANIERO (*Italy*) – The amendment tries not only to support the original paragraph, but to insert an element the absence of which we found curious. The term “anti-Semitism” is not present. We have to combat anti-Semitism just like other racism and intolerance – anti-Gypsyism, xenophobia, hate speech and so on. We really wish for your support in including this amendment to combat anti-Semitism.

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

I call Sir Roger Gale to speak against the amendment.

Sir Roger GALE (*United Kingdom*) – The original text expresses its concern about the increase in racism and xenophobia, as well as hate speech by politicians. The amendment seeks to annul that. The committee was heavily against.

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

The vote is open.

*Amendment 12 is rejected.*

I call Ms Bergamini to support Amendment 13.

Ms BERGAMINI (*Italy*)\* – The Italian delegation has tabled the amendment to correct an impression that has been created, namely that there is concentration in the media sector. We have giants, such as Amazon and Netflix and all the other tech giants, which are unprecedented. A report by our national communications authority came out a few days ago in Italy. This is an external source to the Council of Europe. The leading media owner in Italy is the British group, Sky.

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?

Sir Roger GALE (*United Kingdom*) – The committee has not read the report, which in this case is not actually relevant. It would weaken the sentence, so the committee is opposed.

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

The vote is open.

*Amendment 13 is rejected.*

I call Mr Orlando to support Amendment 14. You have 30 seconds.

Mr ORLANDO (*Italy*)\* – Italian law contains a historical anomaly: a law making it possible to criminalise journalists for defamation. We want to make it possible to eliminate prison sentences for defamation, but not to scrap the offence. That request runs the risk of being rejected by parliament, and we think that the best is the enemy of the good here.

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

What is the opinion of the committee?

Sir Roger GALE (*United Kingdom*) – The Council of Europe has repeatedly called for the decriminalisation of defamation, not just the removal of the possibility of prison sentences for defamation. The committee was emphatically opposed.

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

The vote is open.

*Amendment 14 is rejected.*

I call Mr Fidanza to support Amendment 15. You have 30 seconds.

Mr FIDANZA (*Italy*)\* – This paragraph relates to the reform of the criminal justice system in Italy. It says that reform should also include an extension of the statute of limitations. We think we should have a more balanced form of wording, in which the Council of Europe calls on the authorities to look at other issues, such as pre-trial detention and the backlogs of court cases, and not simply an extension of the statute of limitations. Otherwise, there is a risk of an imbalance, particularly when it comes to the length of proceedings and guarantees for all parties.

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

What is the opinion of the committee?

Sir Roger GALE (*United Kingdom*) – The committee regards the amendment as perverse. The original phrase welcomes the elimination of the statute of limitations, so the committee is overwhelmingly opposed.

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

The vote is open.

*Amendment 15 is rejected.*

I understand that Mr Fassino wishes to withdraw Amendment 16 in favour of a compromise amendment.

Mr FASSINO (*Italy*)\* – Yes, I confirm that we are withdrawing it in favour of a compromise.

*Amendment 16 is withdrawn.*

The PRESIDENT – I have received an oral amendment from Sir Roger Gale, on behalf of the Monitoring Committee, which reads as follows: “In paragraph 9.2.8, after the words ‘Italian authorities’, add the text ‘notwithstanding some progress.’”

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 its being debated.

In my opinion, the oral amendment meets the criteria of Rule 34.7.a. Is there any opposition to the amendment’s being debated?

That is not the case. I therefore call Sir Roger to support the oral amendment on behalf of the Monitoring Committee. You have 30 seconds.

Sir Roger GALE (*United Kingdom*) – The committee believes that this is clearer and reflects better the reality, which is that some progress has indeed been made. The committee supports the amendment.

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

I shall now put the oral amendment to the vote.

The vote is open.

*The oral amendment is adopted.*

I understand that Mr Fassino wishes to withdraw Amendment 17 in favour of a compromise amendment.

Mr FASSINO (*Italy*)\* – Yes, we are withdrawing it in favour of a compromise amendment.

*Amendment 17 is withdrawn.*

The PRESIDENT – I have received an oral amendment from Sir Roger Gale, on behalf of the Monitoring Committee, which reads as follows: “In paragraph 9.2.9 delete the words ‘phenomenon’ and the words ‘especially in Southern Italy’ and add, at the end of the text, ‘while recognising that Italian mafia legislation has become a yardstick at the global level’.”

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 its being debated.

In my opinion, the oral amendment meets the criteria of Rule 34.7.a. Is there any opposition to the amendment’s being debated?

That is not the case. I therefore call Sir Roger to support the oral amendment on behalf of the Monitoring Committee.

Sir Roger GALE (*United Kingdom*) – The word “phenomenon” is redundant. I do not know why I put it in there, but I would like to take it out because it is not needed. I accept entirely that the phrase “especially in Southern Italy” may be pejorative, given that corruption is widespread across the whole country. I am perfectly prepared to remove those words. Again, to reflect the benchmark situation, the committee and I accept the final bit of the amendment.

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

I shall now put the oral amendment to the vote.

The vote is open.

*The oral amendment is adopted.*

I call Mr Fassino to support Amendment 18. You have 30 seconds.

Mr FASSINO (*Italy*)\* – Given that the report rightly pays attention to the issue of corruption, and given that one of the amendments that we just approved also referred to corruption, we want to point out that the OECD has recognised that Italy is one of the countries that is doing the most and has made considerable progress in the fight against corruption. It is therefore at the forefront of the countries that are engaged in anti-corruption activities. We should recognise that corruption is a widespread and serious problem, as we did in the previous text, but we must also recognise the efforts that Italy is making. The OECD’s recognition of that is worth pointing out.

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

What is the opinion of the committee?

Sir Roger GALE (*United Kingdom*) – The committee does not comment on OECD documents; the report bases its evaluation on GRECO documents. On that basis, the committee, by an overwhelming majority, rejects the amendment.

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

The vote is open.

*Amendment 18 is rejected.*

We come to Amendment 19. I call Mr Orlando to support the amendment.

Mr ORLANDO (*Italy*)\* – This is not an amendment from the delegation, but rather an amendment signed by other colleagues. Although we welcome the progress achieved on political party funding, we cannot understand why public funding and the abolition thereof should be positive. Otherwise, you just have rich people engaging in politics. What about poor people? They need the wherewithal to engage in politics. Why would you welcome the abolition of public funding for political parties? Not everyone involved in politics is rich and you need to think about that when you are talking about democracy.

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

What is the opinion of the committee?

Sir Roger GALE (*United Kingdom*) – The committee noted that, although this progress was made under a previous administration, it was progress. It was noted by GRECO and we believe that that progress should be recognised. The committee opposes the amendment.

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

The vote is open.

*Amendment 19 is rejected.*

We will now proceed to vote on the whole of the draft resolution contained in Document 14792, as amended. A simple majority is required.

The vote is open.

*The draft resolution in Document 14792, as amended, is adopted, with 62 votes for, 11 against and 3 abstentions.*

*(Mr O'Reilly, Vice-President of the Assembly, took the Chair in place of Ms Åberg.)*

### **3. Promoting the rights of persons belonging to national minorities**

The PRESIDENT – The next item of business this afternoon is the debate on the report titled “Promoting the rights of persons belonging to national minorities”, Document 14779, presented by Mr Viorel Riceard Badea on behalf of the Committee on Equality and Non-Discrimination.

I will interrupt the list of speakers at about 7.45 p.m. to allow for the replies and the votes.

I remind members that there is a three-minute time limit on speeches in this debate.

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

Mr BADEA (*Romania*)\* – It is my honour to present to the Assembly a report on persons belonging to national minorities. I am sorry to say that this subject is no longer of such interest in the Council of Europe as it was more than 20 years ago, when the Organisation brought into force the Framework Convention for the Protection of National Minorities. The drop in interest in the issue culminated in 2011, with the scrapping of the Committee of Experts on Issues relating to the Protection of National Minorities. Only periodic exchanges with the Committee of Ministers were retained.



It is to be deplored that following Recommendation 1766 (2006) on the ratification of the convention, only four states have ratified it – Belgium, Greece, Iceland and Luxembourg – and four states have neither signed nor ratified this important European legal instrument. Andorra, France, Monaco and Turkey have made no significant progress towards making it possible to facilitate a decision in the near future. Protecting the rights of persons belonging to national minorities needs more than ever before a multilateral approach based on respect for human rights. This is exactly what the framework convention does, by using international legal instruments and basing itself on the premise that the protection of national minorities can be improved if we have joint efforts on the part of all member States of the Council of Europe to afford legal protection for all people belonging to national minorities.

The situation in Europe is that this issue is being exploited for reasons of security. That is a trend that can lead to the emergence of a competitive dynamic between the majority and the minority. We are also finding the resurgence of the kind of arguments that are based on protecting minorities to justify interventions, regardless of the type, in the territory of a state in which the persons belonging to a national minority live, but in so doing infringing international law. In this context, I would refer you to the 2001 report by the Venice Commission, which has to do with preferential treatment for national minorities in parent states and support by states for minorities that live in other states has to be limited to moves that are in line with the principles of international law.

One fundamental objective of the framework convention is that all persons belonging to a national minority should be able to participate fully in society, on an equal footing with other citizens of that society. All member States of the Council of Europe, regardless of whether they have acceded to the framework convention, are obliged to take steps to guarantee equality and non-discrimination throughout society.

Many European States have, over time, put in place legislative measures to counter discrimination. For some member States, those efforts culminated in the ratification of Protocol No. 12 to the framework convention, with Article 1 covering a general prohibition of discrimination. That protocol has so far been ratified by 20 member States of the Council. Of the remaining 27, 18 have signed up to the protocol, with nine having neither signed nor ratified this important legal instrument.

The Advisory Committee report of 2016 refers to the scope of the framework convention and recommended attempting to clarify the beneficiaries of rights afforded to persons belonging to national minorities, helping those States that have not acceded to the framework convention to more effectively identify precisely the ramifications of their possible accession to the framework convention in their specific national contexts. The Advisory Committee has emphasised that acceding to this important international instrument is possible on a flexible basis. In other words, special protections might be adopted for different minorities that are targeted by the framework convention.

The lack of a legal definition of a national minority came about as a result of the failure of member States of the Council of Europe to arrive at a common position and to be pragmatic. The lack of a definition has not been made an obstacle to the ratification of this international legal instrument and has left States with a margin in which to adapt the instrument to their own particular circumstances.

Our solution is to continue dialogue based on information and on the available analyses of the situation, trying to involve States in a discussion on ratification. We need to re-evaluate the state of these States. They need to weigh up the benefit of ratification for their societies, as well as for the protection of the rights of those persons who belong to national minorities.

The PRESIDENT – Thank you, Mr Badea. You have about 5 minutes left for reply.

I now turn to speakers on behalf of the political groups. First, on behalf of the Free Democrat Group, I call Ms Ganira Pashayeva.

Ms PASHAYEVA (*Azerbaijan, Spokesperson for the Free Democrat Group*) – The Framework Convention for the Protection of National Minorities holds an important place in the overall legal treaty system of the Council of Europe. In 2018, it celebrated its 20<sup>th</sup> anniversary. It is no exaggeration to state that, throughout those years, this important instrument has shown its relevance and significance in strengthening the human rights protection system in Europe.

While being an important, legally binding instrument, the framework convention in itself encompasses highly important and somewhat sensitive issues related to the protection of national minorities. We all acknowledge that the protection of national minorities is an essential element of the overall protection of human

rights. It is impossible to establish a genuinely democratic society with an enhanced human rights protection system without ensuring a sufficient level of protection of national minorities.

On the other hand, it is also extremely important to bear in mind the inalienable principle of respecting the territorial integrity and sovereignty of states. Here I will quote the framework convention itself. Article 21 explicitly states: "Nothing in the present framework convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States." It is therefore imperative to ensure that the legitimate exercise of rights under the framework convention should not imply engagement in activities aimed at undermining the integrity of the State and monitoring system of the framework convention.

The Advisory Committee should be extremely cautious on these issues. Its task is to draw up recommendations aimed at further improving respective rights and freedoms in a given State party. It is therefore extremely important to ensure that members of this Committee are experienced and knowledgeable experts with the necessary qualifications and capacities and who are well aware of the sensitivity of the history, background and specificities of the different regions and countries of Europe. Recommendations of the Committee should be in line with the language and spirit of the framework convention and serve the purpose of advancing the protection and promotion of the rights of national minorities. Given the sensitivity of these issues, all efforts invested in avoiding the creation or the rekindling of divisions and sources of tension in Europe by the Committee should ultimately aim to attain further unity and solidarity among the peoples and nations of Europe through the efficient implementation of framework convention.

Mr KORODI (*Romania, Spokesperson for the Group of the European People's Party*) – I congratulate Mr Badea on his report, which covers important aspects. It is necessary to revisit the promotion and protection of minority rights at various periods. We consider this to be a balanced report and benevolent in its tone and intentions when describing the current situation regarding the framework convention. Each country must have the courage to sign, ratify and implement the framework convention, taking into account the recommendation that a State's responsibilities should be as close as possible to its needs.

The Secretary General of the Council of Europe, Mr Jagland, has said that the prosperity and security of Europe require the adequate protection of ethnic minorities, which the rapporteur also mentioned in his report. It is important to reiterate the rapporteur's call to invite the member States that have not signed or ratified the framework convention to do so. We need all Council of Europe member States to be part of this key international instrument, in order to protect the rights of national minorities.

The Framework Convention for the Protection of National Minorities is an important tool for ensuring the equality of all people, to promote diversity of culture and to preserve social and political stability and democratic security. The protection of ethnic minorities is also a very complex process. Promoting and protecting minorities' rights in many cases entails and presupposes more than what is summarised in the framework convention.

The promotion and protection of minority issues should not stop here, as described in the framework convention, especially since the Assembly itself has formulated and adopted recommendations and resolutions that aim to improve the situation of minorities that also go beyond the recommendations and strong suggestions of the framework convention. In the protection of minority rights, these recommendations and solutions should be considered aligned with and connected to the framework convention, in order to cover the entire spectrum of problems related to minority rights.

Times change, and the needs of minorities also change. The framework convention should take that into consideration. I believe that an update in this sense would be welcome.

Mr HAMMARBERG (*Sweden, Spokesperson for the Socialists, Democrats and Greens Group*) – The situation of national minorities is precarious in several European countries and human rights norms are needed to secure justice for people in such minority groups. The framework convention is meant to offer such protection and its optional Article 12 is very useful as an instrument to protect these interests.

Our group strongly supports the report. We find it interesting and see it as a means to continue a discussion that has, unfortunately, not been very active in recent years. We hope that all the member States that have not ratified these two very important instruments will now take the opportunity to start another discussion, internally, to see whether they can ratify – or at least sign – them.

There is interest in this report because the rapporteur has gone into the arguments used against ratification. One is that the definition of “national minority” is unclear in certain countries. Of course, the term “national minority” is not clearly defined in the framework convention but that is not a weakness; it is actually a strength. It opens a national discussion on how one might ensure that the needs of these people in our countries might best be met. There is a flexibility there that is very important.

I really hope that the countries that have still not taken the step to stand behind these two important instruments will listen to what the report says about how one can resolve that kind of problem. I very much hope that this will initiate another discussion in those countries.

Finally, the key here is implementation. We notice that some of those countries that have ratified have still not fully implemented the measures. I mention one such national minority group in Europe which has not really benefited from ratification in some countries: the Roma people. The Roma are discriminated against in many countries in Europe today. The time has come for another attempt by the Council of Europe to secure their rights, in the spirit of the framework convention and its Article 12.

Mr KIRAL (*Ukraine, Spokesperson for the European Conservatives Group*) – I, too, thank Mr Badea for the report and for reminding us all that the situation over signing and ratifying the framework convention has created double standards among the members of the Council of Europe.

The report deals mainly with the eight member States that still have not joined the convention in full. It reminds us that Belgium, Greece, Iceland and Luxembourg have signed but not ratified the convention, while Andorra, France, Monaco and Turkey have neither signed nor ratified it yet. Some, such as Monaco, claim that most of their citizens are minorities – although not, in my opinion, by the criterion of personal wealth.

We often refer to the critical need to preserve the international rules-based world order. The convention is part of it. It provides benchmarks for us to avoid major differences and to have a more united Europe. They are there to prevent future conflict; all member States must join the convention and follow the same rules so that our institutions can enforce and monitor them, support those lagging behind and hold to account those breaching them blatantly. Similar procedures should apply equally to all. I support the report’s idea of a comparative approach to member States, which may stimulate further accessions.

With all due respect, but to give examples, Belgium created a working group 16 years ago and is still struggling to agree on a definition of a national minority. Luxembourg claims that there are no national minorities there, but what about the French? Iceland is an ethnically homogeneous country, but the latest demographic figures show a 3% Polish minority. France says that constitutional provisions preclude it recognising the collective rights of any group defined by common origin, culture, language or belief. However, the constitutional amendments have been tabled and ready for adoption since 2015.

While preparing to speak in the debate, I also learned about the fourth advisory committee report on the Russian Federation honouring its obligations under the convention. Published on 15 January, the report is banned in the Russian Federation and is still not officially translated and published for public use there. To read the report is appalling. I am alarmed by the Russian authorities’ vast, nationwide campaign to enforce the use of the Russian language at the cost of marginalising and gradually getting rid of many of its 193 minority languages and cultures.

Overall, these are not impossible barriers to overcome to ratify the convention. For example, Ukraine is today in a much more difficult situation, after hundreds of years as a colony of the Russian empire – Tsarist and Soviet – which led the Ukrainian language and culture to the point of extinction. However, we are still looking for a good balance and no doubt we will find it, because we are members of the convention, as we all should be.

Mr XUCLÀ (*Spain, Spokesperson for the Alliance of Liberals and Democrats for Europe*)\* – I thank Mr Badea for the excellent report. We are a minority in this Assembly, talking about national minorities, but it is fortunate that we debate this sensitive issue here.

The Alliance of Liberals and Democrats for Europe has decided to back the report, and there are a number of amendments. The report centres on the Framework Convention for the Protection of National Minorities, which is extremely useful. A hearing in Bucharest, for example, allowed those eight countries that have not ratified the convention to explain why that was the case and to consider why it was so. All their explanations are given in Mr Badea’s report. Andorra, for example says that it is difficult for all kinds of reasons and problematic principles. It is pending in Belgium. Again, France will have to rethink this because there are a plurality of languages and cultures in the country. The same applies to Greece. Iceland, an extremely

advanced country, did not reply to our questionnaire, nor did it send a representative to the hearing in Bucharest. Luxembourg has a very small Polish minority, while Monaco does not view the matter as a priority. We know that Luxembourg has 9 000 inhabitants, but Turkey is a large plurinational and multilingual country, which makes its situation complex.

The resolution invites member States to ratify Protocol 12 to European Convention on Human Rights. It is not a political protocol; rather, it is one designed to afford protection to our citizens. That is the purpose of this report. It is only right and proper to point out that we have a very useful instrument in the form of the European Charter for Regional or Minority Languages. It is important that we realise that Europe is more than 47 national identities; we have a profusion of identities within nationalities. I am a Catalan, for example, and I realise that this debate on identity is at the very heart of Europe; it is not something that goes on in the colonies. In Montenegro, in 2006, we were able to hammer out an agreement between the parties to make sure that citizens were able to enjoy their rights, both individual and collective. Mr Badea, thank you very much indeed for this report, which we support. We invite all member States that have not yet ratified this to do so and those that have signed it to implement it.

The PRESIDENT – The rapporteur will reply at the end of the debate, but do you wish to respond at this stage, Mr Badea?

Mr BADEA (*Romania*)\* – No.

The PRESIDENT – In that case, we will begin the main speakers list. I call Ms Juhász.

Ms JUHÁSZ (*Hungary*) – As we all know, the Council of Europe's framework convention is the most significant international document protecting and promoting the rights of persons belonging to national minorities. I welcome the report in general, because it is particularly important to keep this issue on the agenda at times when Europe is facing real challenge. However, the rapporteur's interpretation has a negative connotation on the issue of collective rights as they relate to the explanatory memorandum of the framework convention. The explanatory memorandum states, "The Parties do however recognise that protection of a national minority can be achieved through protection of the rights of individuals belonging to such a minority." That means that these rights belonging to national minorities have a collective dimension. I am thinking, for example, about language rights, as these things can be practised only in a community, with others. It is crucial that we deeply understand what protecting and promoting the rights of national minorities really means in practice, because language rights will always have a collective dimension.

The rapporteur highlights the primary responsibility of the State in protecting the rights of persons belonging to a national minority. That approach is in line with international standards, but article 5.2 of the framework convention states that States "shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will". I agree with the rapporteur that the continued lack of a definition of "national minority" causes several problems and could easily lead to misinterpretation, and that the further ratification of the framework convention is important. However, I do not agree with the rapporteur that there is a negative trend in Europe re-politicising the protection of the rights of persons belonging to national minorities. Like the rapporteur, I wish to draw attention to the Venice Commission report on the "Preferential Treatment of National Minorities by their Kin-State", because in its conclusion it highlights that "kin-States also play a role in the protection and preservation of their kin-minorities, aiming at ensuring that their genuine linguistic and cultural links remain strong."

The PRESIDENT – In the absence of Mr Efstathiou, I call Mr Badia.

Mr BADIA (*Monaco*)\* – I have read this report with the greatest of interest. I appreciate how important it is, as it concerns the preservation of the social and political stability of our countries, at a time when, in some places, the principles of democracy are, unfortunately, being called into question. I am one of the parliamentary representatives here of the Principality of Monaco, and the rapporteur has highlighted two points stemming from the peculiarities of my country. The first concerns our failure to ratify the Framework Convention for the Protection of National Minorities. Given our population, this text is not a priority and it is still being studied. The specific situation of Monaco requires a detailed and careful analysis of the conditions for implementing the planned provisions in our territory.

The second concerns protocol 12, which has also been carefully considered in the light of the provisions of our constitution. This basic law has the peculiarity of taking precedence over international treaties. At the end of the Parliamentary Assembly's post-monitoring dialogue, the Monégasque authorities nevertheless undertook to examine further, with the relevant Council of Europe services, solutions that could enable the principality to consider studying these texts. It should be noted that in the principality nationals are a minority

in their country and represent only a quarter of the resident population. It is therefore essential to ensure the preservation of a sufficient community of nationals on its own territory, thus ensuring the very survival of our nation. This is a unique case in Europe.

The priority given to Monégasques in respect of employment, housing assistance for the destitute, unemployment, sickness, disability, old age and maternity constitutes a positive discrimination, which is a prerequisite to the success of the social and economic model in the principality. Nevertheless, Monaco is a country that has historically been extremely open to the world. More than 130 nationalities are represented, with European nationals representing more than 60% of the resident population, and freedom of work is guaranteed. Thus, this success is reflected in a very large population base. The economy of the neighbouring French territory and the surrounding areas of Italy benefit greatly from the impact of Monégasque activity. Opinion 250, issued in 2004, on Monaco's accession to the Council of Europe, recognised the particular situation of a country such as ours. In the opinion, the Council of Europe undertook to take account of its particular context, which led the Principality's authorities to grant preferential regimes mainly to Monégasque nationals in the fields of work, employment, housing and social assistance. You will all have little difficulty understanding why I will be abstaining from the forthcoming vote. I regret that the proposed resolution does not preserve the spirit of understanding and openness demonstrated at the end of the post-monitoring period.

Ms TAMASUNIENĖ (*Lithuania*) – In today's world, there are almost no monoethnic countries left. National minorities are one of the most important social groups in the political process of each country. They often become the basic identifier in the proper upholding of human rights. The provision of rights by governments to their national minorities – their right to their native language, culture, tradition, education and religion; in other words, the legal guarantees necessary to preserve their identity and unique national character – is an accurate indicator of the level of democracy.

I wish to emphasise how important it is that countries sign and ratify the Framework Convention for the Protection of National Minorities. I belong to the Polish minority in Lithuania. My country has signed the convention, and ratified it in 2000. Until 2010, the law of national minorities in Lithuania was also in operation. It was a national Act that defined fundamental rights, freedoms and obligations. Unfortunately, this law has been absent for nine years. New legal drafts are discussed, but no common decision is taken. That is why the convention is now the main legal act in relation to national minorities who are citizens of Lithuania. We feel that our rights are guaranteed through the application of international universal norms and standards that have been freely accepted by the country and that we should act to ensure the effective protection of the rights of national minorities. I therefore encourage all countries to sign and ratify the framework convention, and I support this report.

The PRESIDENT – In the absence of Mr Z. Obradović, I call Mr Grin.

Mr GRIN (*Switzerland*)\* – First, I thank and congratulate our colleague, Mr Badea, on his excellent report on the rights of national minorities. If one wants to move towards democracy and human rights, that means building societies in which national minorities can express their identity and culture freely, safely and peacefully, and in which they can participate in the political debate of their country.

The report is a constructive basis on which to continue the dialogue to facilitate progress within the eight member States that have not yet become parties to the framework convention, and to invite them to bring an end to the process of signing and ratifying that important convention. The protection of national minorities is crucial to guaranteeing equality among individuals, to preserve social and political stability and democratic security, and to promote cultural diversity in Europe.

Let me broaden the debate and talk a little about the responsibility of regions, because it is there that a voice can be given to national minorities. I am the general rapporteur of the Assembly on decentralisation and I work on that issue with the Congress. Decentralisation is one way to promote the rights of national minorities, because it brings decision making closer to citizens, thereby giving minorities the means to express themselves and ensuring that their various opinions are taken into consideration. Last year, we celebrated the 30<sup>th</sup> anniversary of the European Charter of Local Self-Government, so the time has come to give a new impetus to decentralisation and, by doing so, to the protection and promotion of the rights of minorities.

I hail from Switzerland where decentralisation is guaranteed by a federalist system. Our authorities work on three levels: the country, the cantons and the communes. Each level has its own autonomy but must work within the framework provided by the higher level. That democratic process has made it possible for Switzerland to ensure the cohabitation of four national languages, as well as the full respect for various cultural, linguistic, religious and political minorities. Each minority can express itself and provide its opinion while, of course, ultimately respecting the democratic decisions of the majority.

The explanatory report on the Framework Convention, together with the convention itself, is an essential tool for managing diversity and recognising the existence of national minorities, as has been mentioned in the report. The responsibility for that recognition goes first and foremost to the State where those minorities live. Recognising and promoting the rights of national minorities is also an opportunity to promote democracy in each and every State.

Mr IELENSKYI (*Ukraine*) – I congratulate the rapporteur on his excellent job. On behalf of the Ukrainian delegation, I also confirm and reaffirm our commitment to European fundamentals in the sphere of minority rights, not only for the individual but for the collective.

From the beginning of Ukrainian statehood, there has been a sort of consensus among the political elite about the political but not ethnocentric nature of the Ukrainian nation. I would like to draw your attention to three political issues with regard to the protection of minority rights, which seems extremely important not only for Ukraine but for Europe generally.

First, there is the issue of combating anti-Semitism and all forms of enmity to Roma people. I am proud that no anti-Semitic violence was recorded in Ukraine in 2017. However, we should put more effort into preserving the memory of the Holocaust through teaching, research and memorialisation. The strategy to protect Roma people's rights through special programmes focused on their education, new business opportunities, the allocation of land plots and so on also bears fruit.

Secondly, there is the issue of how to achieve the right balance between strengthening the all-Ukrainian identity and preserving the heritage, culture and language of national minorities. Our goal is to reconcile the legitimate aim – as the Venice Commission has stressed – to promote state language with the right of national minorities to learn of and in native languages. With that in mind, the Ukrainian state continues to support almost 100 Hungarian language teaching schools, 72 Romanian language teaching schools and 16 Moldovian language teaching schools.

Thirdly, Ukraine needs all-European and world solidarity on the rights of national and religious minorities in the illegally annexed Crimea and the occupied territory of Donbass. Persecutions, deportations, the confiscations of prayer houses and mosques and the arrests of pastors, imams and activists are the everyday picture in the Russian-controlled territories of Ukraine. I urge the Assembly to raise its voice for the persecuted.

Mr LOGVYNSKYI (*Ukraine*) – I thank the rapporteur for this important and necessary report. A main principle of the Council of Europe is to support national minorities and indigenous peoples. We are all different, with different languages, traditions, cultures and religions. That is precisely our advantage; those differences make us strong, versatile and bright.

When we speak from heart to heart, we find a common language – no matter what it is – on the basis of European values and human rights. Now, a minority group needs our support, so we must use the mechanisms of the Council of Europe to protect them from extinction and to provide an opportunity to protect their rights by ratifying the convention.

I inform you, from my own experience, that there are four indigenous peoples in Ukraine. I represent the Muslim Majlis of the Crimean Tatars here and in my parliament. Although my roots are Jewish and Krymchak, that has never created the ground for any conflict, neither between Muslims nor between Jews. At the same time, the last native speaker of the Krymchak language died in 1982. After the Holocaust, only a few hundred representatives of that people were left in the world. It is an example of a whole nation passing away. We have to save it.

Thus, the indigenous people of Crimea – annexed by the Russian Federation – suffer from occupation and tyranny, and face the real threat of destruction in their own land. Our duty is to make every effort to protect the Crimean Tatars and other indigenous people in occupied territories. I thank the rapporteur, who has done a great job, and say to him that Romania is an example to a lot of countries of how to protect the rights of national minorities and defend human rights.

Mr THIÉRY (*Belgium*)\* – I thank Mr Badea for his excellent work and the determination that he has deployed in drafting this report. I have had an opportunity over the last two years or so to accompany our rapporteur as the chairperson of the Sub-Committee on the Rights of Minorities. I have therefore been involved in the effort to produce a balanced report, and I can tell members that it has not always been easy.

Whether or not States consider that there are national minorities living on their territory, the ratification of the framework convention is nevertheless in the interest not only of all individuals belonging to national minorities, but of all member States of the Council of Europe. Wanting to be impartial and objective throughout our work, I have always sought to avoid reference to my country of origin. However, today I would like to mention that my country of origin, Belgium, did not respond to the questionnaire, as another speaker has said; neither did it send a representative to the hearing that we held in Bucharest. A working group was set up and entrusted with coming up with a definition of national minorities within the Belgian context, but the members of this group have not advanced on this issue over the last – wait for it – 17 years. They have had 17 years to try to define the concept of “minority”, but have so far failed.

There are really two solutions open to us. The first has been put on the table by Ms Petra Roter, chair of the Advisory Committee, who has confirmed to us that the framework convention is a tool that should make it possible for any national minority to enjoy the same rights and to have the same obligations as indigenous citizens. The definition of the words “minority” and “community” should not be an obstacle to the ratification of the framework convention. Minorities have their own specificities; they just need to be defined in accordance with the relevant objective criteria. There really is no need for a definition of the word “minority” to be able to ratify the Framework Convention for the Protection of National Minorities. The rights of minorities should be perceived as human rights in a universal framework. Ms Roter also added that it is not acceptable for member States to avoid signing or ratifying the framework convention because that is an obligation for States that have applied to join the Council of Europe.

The second solution would be to have a meeting between several members of the Belgian working party and the Advisory Committee on the Framework Convention for the Protection of National Minorities to analyse the implications of ratification of the framework convention for Belgian legislation relating to the use of languages in administrative matters.

I congratulate Mr Badea on his work. I very much hope that the eight States that have not ratified the framework convention – nor, in many cases, Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms – will hear what has been said to them by our colleagues. I also agree with Mr Badia from Monaco.

Mr SCHENNACH (*Austria*)\* – I agree completely with what Mr Thiéry said. Equality and non-discrimination are human rights. I thank the rapporteur very much indeed. We have had some very animated discussions on this matter in the Committee on Culture, Science, Education and Media.

If you look at how a State or a society deals with its national minorities, you can get a very clear idea of exactly what the situation is regarding democracy and social equality in the country. All our societies have minorities and people who are in the majority. It is all about whether we are dealing with a minority that has always been present in the territory or whether we are talking about new minorities, who have come to the country in more recent times. It is very concerning indeed that the framework convention has not been ratified by four countries that have signed it, and that there are four countries that have neither signed nor ratified it. We are talking about very large countries, such as France and Turkey. A lot of work needs to be done in this field.

As Mr Grin said, we need to look at this issue from the point of view of cultural diversity. We should be proud of our minorities because they enrich our lives and our societies. They bring new cultures and influences into play in the languages they speak and the culture they introduce. We need to find an expression for this, and talk about it in the training that is provided and in discussions with authorities. A minority needs to be respected as much as a language is. It is important that minorities are visible. They are not simply groups that should be hidden from view; they are of value and have a key contribution to make to society and to make to political life. These are all such important things.

The rapporteur has pointed out the important measures covered by the framework convention. I certainly hope that there will soon be a time when all member States that have not yet signed it will do so.

Mr BRENNER (*Hungary*)\* – I should like to follow on from what the previous speaker was saying in emphasising the importance of this report. Some estimates suggest that one in seven Europeans is a member of a minority. I happen to be a member of the German minority in Hungary, which is why I am using the rather disadvantaged German language this evening.

The rapporteur has presented a finely balanced report, and we owe a debt of gratitude to him and all the experts who worked on it. However, I would like to make a number of additions because the report is walking on eggshells and dancing around the whole issue of coming up with a definition. As a linguist, allow

me to suggest that this is often politically motivated more than anything else. In academic specialist literature, we have had a certain degree of consensus about this matter for some considerable time – for example, in the Capotorti report, the United Nations Declaration on the Rights of Minorities and other texts of that nature. As many colleagues have emphasised, it simply is not on to refuse to ratify the framework convention on the grounds that there is no definition of a national minority.

It is important to emphasise the difference between the classic indigenous minorities and the incoming minorities – migrant communities, in other words – because I do think that would serve to dispel the kinds of misunderstandings that often arise in these sorts of debates. Of course, national minorities protection is usually meant for the classic indigenous minorities.

I also want to mention the languages convention, which is the sister convention to the minorities convention. Of course, it has to provide collective rights for a national linguistic minority, in this case.

Perhaps I may say a brief word about the situation in Ukraine. The new law in Ukraine is a clear infringement of the framework convention, and that is why there needs to be movement by Ukraine.

In May we will have European Parliament elections and it is crucially important that not only the Council of Europe but also the European Union preserve the diversity of Europe and stand up for national minorities.

Ms ALHEISAH (*Jordan, Partner for Democracy*) – On behalf of Jordan, its leadership, government and people, we express our condolences to humanity and to the families of the victims of the terrorist attack in Strasbourg. Terrorism has no religion, and as Jordanians and Muslims we confirm our full co-operation with all those who fight this political and social disease.

I would like to thank the rapporteur for writing a comprehensive and realistic report that urges the international community to take action. The topic we are discussing is one of the efficient factors that is fully linked to the project of crystallising and adopting universal values. People who belong to national minorities are part of society and have contributed to countries' development throughout the ages. The younger generation look sadly at the continuous practice of all aspects of discrimination and we wonder how it is that we are in the 21<sup>st</sup> century and still using the word "minorities" when referring to persons already integrated into our societies, sharing everything, including the country's circumstances, the security, the economic difficulties and the celebrations. How come we are still unable to create a generation that is free from all the social complications and thinks only of how to strengthen the ties between humanity instead? As a young parliamentarian, I believe that if a country gives people all their rights, the reciprocation will be doubled through loyalty, regardless of social, religious and ethnic background.

I am always proud to talk about my country, Jordan, as a noble example in this regard. Jordan, under the leadership of His Majesty King Abdullah II, despite difficult political and economic conditions, is still considered one of the most remarkable examples in strengthening the social fabric and moving forward in forming social cohesion and eliminating all practices of social and religious discrimination. The Jordanian constitution guarantees equality among all individuals, as well as their rights and duties, regardless of their origins, affiliations, religious beliefs or languages. Our parliament has approved several laws related to the protection of the rights of individuals belonging to previously oppressed groups, such as the rights of non-Jordanians from Jordanian mothers who are now allowed to work in the country without needing any paperwork. They have been given their civil rights and we are paving the way to, I hope, giving them political rights in the future.

A reader of the history of Jordan will definitely notice that since the establishment of the Kingdom of Jordan there has been a rare co-existence between Muslims and Christians. There is also a very large number of people who came from some countries a long time ago and who are working in key and very important positions. Large numbers came as refugees and they are all citizens now. All live in a peaceful, secure and fair environment, all are politically represented and our government established "the quota system" to ensure the representation of minorities. This quota system is temporarily needed until we reach the point of having strong political parties that are able to equally represent all categories of society. We are moving in the right direction to reach this goal.

The issue of gender-based differences almost does not exist. Job vacancies are offered based on qualifications, regardless of gender –

The PRESIDENT – If I may interrupt you, I must call the next speaker.



Mr ZSIGMOND (*Hungary*) – The Hungarian delegation is always sensitive to any report dealing with the issue of national minorities. Our nation has been living as a minority in seven countries in the last 100 years. We fully support the rapporteur's view in the sense that the rights of national minorities constitute an integral part of human rights and are necessary to preserve political stability and to promote the diversity of cultures in Europe.

We welcome the report. It is particularly important to keep the protection of national minorities on the agenda. Hungary greatly appreciates the work of the framework convention and the importance of the overall multilateral structure in harmonising national legislation on minorities with international norms and standards and its activity in periodical supervision. However, we also attach particular importance to the regular bilateral dialogue as we feel responsible for the situation of minorities in neighbouring countries. We are convinced that the multilateral and bilateral mechanisms reinforce each other.

As regards the general principle of national minority protection, we consider it important to preserve both the individual and collective identity of national minorities to prevent their assimilation. The protection of national minorities starts with the protection of their identity – that is the basic element. It is the individual as well as the collective identity. A community is not the sum of totally separate individuals: communities have internal structures, with complex relationships between the individuals. Therefore, they have a collective identity that needs to be protected. The collective rights are those that can assure this. Unfortunately, the report does not deal with this very important issue. I refer here to the three adopted resolutions that explicitly call on member States to assure collective rights – the Gross, Schuster and Kalmár reports.

Since the rapporteur is from Romania, a country ratifying the convention, with full respect I draw Mr Badea's attention to some facts regarding the 1.3 million Hungarians in Romania. The possessive restitution of properties to the mostly Hungarian churches has stopped or even reversed. Some previously restituted properties have been renationalised. Romanian education law states that the medical university of Târgu Mureş should have a Hungarian section, but this has not been implemented for years. However there was no barrier a few days ago to funding a section in English.

Last year in September the courts in Braşov decided that American and German flags can stay in public places, but the regional and secular Hungarian flags should be removed although more than 70% of the population there is Hungarian. In Târgu Mureş, 45% of the population is Hungarian, but a measure prohibits the placement of bilingual street signs. I urge Mr Badea, having seen the good practice here in Strasbourg, to call on Romanian municipalities to implement these good European practices. There is a strong need to promote the rights of national minorities in Romania, a country that also ratifies the convention.

Without ensuring collective rights the protection of minorities is not possible. We therefore consider it necessary to protect collective identity and to ensure collective rights, of which there are numerous examples in Europe. I have a different opinion from what Mr Badea has laid down in the explanatory memorandum, so I will abstain in the vote on the draft resolution.

The PRESIDENT – I must now interrupt the list of speakers. The speeches of members on the speakers list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report. I remind colleagues that the type written texts can be submitted, electronically if possible, no later than four hours after the list of speakers is interrupted.

I call Mr Badea, Rapporteur, to reply. You have five minutes and 45 seconds.

Mr BADEA (*Romania*)\* – Thank you very much to all those who commended the report, and thanks, too, to those of you who did not like the report so much. That is the beauty of this debating Chamber.

What I have seen here tonight is that there are some parliamentarians who look towards the future, whereas others look back towards history. Those who are looking to the future felt that this discussion was very important, because we are inviting the States who have not ratified the Framework Convention to come in and join those who already have – we want them to join the club. We think that it is important to relaunch this whole discussion so as to make sure we spread democracy everywhere. The member from Jordan, Ms Alheisah, who spoke in the debate, was wondering why we were still having discussions about minorities in this century in Europe. What I have taken away from this debate, however, is what Ms Pashayeva said when she talked about the impossibility of having a democratic society if you do not have respect for national minorities.

I am also grateful to Mr Korodi, who was talking about our report being balanced. That is precisely what we were striving for. Indeed, we feel that we have struck the right balance. A cardinal virtue of politics, of course, is to try to seek balance.

We also need to bear in mind that we have to keep a watchful eye on the definition of a national minority – Mr Hammarberg talked about this – while at the same realising that there has to be a flexible approach. All nations are different. We are all different and all nations are different, so all kinds of opinions are expressed which we will, of course, take on board.

I just want to reply briefly, if I may, to Ms Juhász. When we talk about an example of the re-politicisation of the debates surrounding minorities, remember that in 2010 the Hungarian Government adopted a law on citizenship of Hungarians living abroad without taking account of the view of those States in which Hungarians lived as nationals of those States. That, to all intents and purposes, was an attack on their sovereignty. At the end of the day, it is a personal decision for each individual to declare what they are. That is only right and proper. That is why our report has at its centre the idea that it is normal that we should live alongside one another.

Mr Zsigmond, I have to say I was a little bit baffled. A lot has been said about Romania that is not true. I am going to end by talking a little bit about Romania and then you can vote as you see fit, but I want to bring a bit of colour to this discussion. People say, “Why do you have elections in Romania?” and want to know who the Hungarians are going to govern with. That is the way power works.

Just one more thing. I would like to thank our experts in the committee, the secretariat, because it was they who did all the groundwork. They made the resolution in the report what it is, particularly Mr Thiéry. He really was the driving force. It was he who provided the impetus, driving us forward and making sure that the report was as balanced and as well done as it is. Thank you.

The PRESIDENT – Thank you, Mr Badea. Does Ms Gorrotxategui wish to speak on behalf of the committee? You have two minutes.

Ms GORROTXATEGUI (*Spain*)\* – Thank you very much, Mr President.

Promoting the rights of persons belonging to national minorities is of course very important. The report, presented by Mr Badea, covers a crucial subject that is at the very core of human rights. It is essential for peace and stability in Europe. In the name of our committee, Mr Badea has sought to enter into dialogue with the eight member States of the Council of Europe that are not States parties to Framework Convention on the Protection of National Minorities, with a view to trying to understand their obstacles to ratifying the convention. In the report, Mr Badea says that the framework convention is relevant to all States. It is important for all States, even if they consider that there is no national minority living in their territory.

I thank those States that did participate actively in this work, while regretting that others considered it unnecessary to do so. The issue of national minorities is often complex. It is a subject that can be controversial, and it can generate a lot of tension. The OSCE High Commissioner on National Minorities stressed yesterday, before our committee, that there are rarely panaceas or magic solutions to these problems. We need to engage in dialogue in a spirit of mutual respect and to be prepared to listen to the other. Only then can we find common solutions for even the most difficult issues. It is in that spirit that our rapporteur worked on this matter. I congratulate him on the rigour of his analysis of all the member States concerned and on the general picture he has painted of the protection of national minorities. Thank you for your attention.

The PRESIDENT – The debate is closed.

The Committee on Equality and Non-Discrimination has presented a draft resolution to which seven amendments have been tabled.

I understand that the Chairperson of the Committee on Equality and Non-Discrimination wishes to propose to the Assembly that Amendments 1, 2, 6, 4 and 7 to the draft resolution, which were unanimously approved by the committee, should be declared as agreed by the Assembly.

Is that so Ms Gorrotxategui?

Ms GORROTXATEGUI (*Spain*) – Yes.

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

*Amendments 1, 2, 6, 4 and 7 are adopted.*

We will therefore now consider the remaining amendments. I remind you that speeches on amendments are limited to 30 seconds.

I call Mr Yeneroğlu to support Amendment 5. You have 30 seconds.

Mr YENEROĞLU (*Turkey*) – If the framework convention were selected as the only source to be applied when it comes to minority issues, the Greek Government's inadequate implementation of the Treaty of Lausanne would be justified.

The PRESIDENT – Thank you very much indeed. That was very brief – you are setting a very high standard for the remainder of the debate.

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

What is the opinion of the committee on the amendment?

Ms GORROTXATEGUI (*Spain*)\* – It was rejected by a small majority.

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

The vote is open.

*Amendment 5 is rejected.*

I call Mr Korodi to support Amendment 3.

Mr KORODI (*Romania*) – This amendment was tabled by 39 members of the Assembly. The title of the report is "Promoting the rights of persons belonging to national minorities", but it does not refer specifically to the framework convention. For that reason, we are bringing to member States' attention four very important resolutions and recommendations that the Assembly has adopted relating to the framework convention and enlarging the instruments that member States can use. For that reason, please support the amendment.

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

I call Mr Thiéry to speak against the amendment.

Mr THIÉRY (*Belgium*)\* – As noted in committee, this amendment refers to some very old texts of the Assembly and some international legal instruments. It is not necessary, within the framework of this debate, to refer to those old texts. That is why we call for the amendment to be rejected.

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

Ms GORROTXATEGUI (*Spain*)\* – The committee is against.

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

The vote is open.

*Amendment 3 is rejected.*

We will now proceed to vote on the whole of the draft resolution contained in Document 14779, as amended.

The vote is open.

*The draft resolution in Document 14779, as amended, is adopted, with 32 votes for, 2 against and 12 abstentions.*

#### **4. Next public business**

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

AS (2019) CR 08

The sitting is closed.

*(The sitting was closed at 8.05 p.m.)*

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1. Urgent debate: The worsening situation of opposition politicians in Turkey: what can be done to protect their fundamental rights in a Council of Europe member State

Presentation by Sir Roger Gale of the report of the Monitoring Committee in Document 14812 and addendum

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Reply: Sir Roger Gale

Draft resolution in Document 14812, as amended, is adopted

2. The progress of the Assembly's monitoring procedure (January – December 2018) and the periodic review of the monitoring of the honouring of obligations of Iceland and Italy

Presentation by Sir Roger Gale of the report of the Monitoring Committee in Document 14792, parts 1, 2 and 3

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Reply: Sir Roger Gale

Draft resolution in Document 14792, as amended, adopted

3. Promoting the rights of persons belonging to national minorities

Presentation by Mr Badea of the report of the Committee on Equality and Non-Discrimination

Speakers: Ms Pashayeva, Mr Korodi, Mr Hammarberg, Mr Kiral, Mr Xuclà, Ms Juhász, Mr Badia, Ms Tamašuniene, Mr Grin, Mr Ielenskyi, Mr Logvynskyi, Mr Thiéry, Mr Schennach, Mr Brenner, Ms Alheisah and Mr Zsigmond

Replies: Mr Badea and Ms Gorrotxategui

Draft resolution in Document 14479, as amended, is adopted

4. Next public business

**Appendix / Annexe**

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

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

ÅBERG, Boriana [Ms]  
 AČIENĖ, Vida [Ms] (*VAREIKIS, Egidijus [Mr]*)  
 ÆVARSDÓTTIR, Thorhildur Sunna [Ms]  
 AGHAYEVA, Ulviyye [Ms]  
 ALTUNYALDIZ, Ziya [Mr]  
 ARIEV, Volodymyr [Mr]  
 AYDIN, Kamil [Mr]  
 BADEA, Viorel Riceard [M.] (*BRĂILOIU, Tit-Liviu [Mr]*)  
 BADIA, José [M.]  
 BARTOS, Mónika [Ms] (*CSÖBÖR, Katalin [Mme]*)  
 BAYR, Petra [Ms] (*BURES, Doris [Ms]*)  
 BECHT, Olivier [M.]  
 BERGAMINI, Deborah [Ms]  
 BERNACKI, Włodzimierz [Mr]  
 BERTI, Francesco [Mr] (*DI MICCO, Fabio [Mr]*)  
 BILDARRATZ, Jokin [Mr]  
 BOSCHI, Maria Elena [Ms]  
 BRENNER, Koloman [Mr] (*GYÖNGYÖSI, Márton [Mr]*)  
 BRGLEZ, Milan [Mr]  
 BRYNJÓLFSDÓTTIR, Rósa Björk [Ms]  
 BUCCARELLA, Maurizio [Mr]  
 BÜCHEL, Roland Rino [Mr] (*FIALA, Doris [Mme]*)  
 BUSHATI, Ervin [Mr]  
 BUSHKA, Klotilda [Ms]  
 BUTKEVIČIUS, Algirdas [Mr]  
 ÇELİK, Sena Nur [Ms]  
 ÇEVİKÖZ, Ahmet Ünal [Mr]  
 CHUGOSHVILI, Tamar [Ms]  
 CUC, Alexandru Răzvan [Mr]  
 DE CARLO, Sabrina [Ms]  
 DE TEMMERMAN, Jennifer [Mme]  
 EFSTATHIOU, Constantinos [Mr] (*KYRIAKIDES, Stella [Ms]*)  
 EIDE, Espen Barth [Mr]  
 EMRE, Yunus [Mr]  
 ESSL, Franz Leonhard [Mr]  
 ESTRELA, Edite [Mme]  
 FASSINO, Piero [Mr] (*MARINELLO, Gaspare Antonio [Mr]*)  
 FATALIYEVA, Sevinj [Ms] (*HAJIYEV, Sabir [Mr]*)  
 FIDANZA, Carlo [Mr]  
 FITZGERALD, Frances [Ms] (*GAVAN, Paul [Mr]*)  
 FRESKO-ROLFO, Béatrice [Mme]  
 FRIDEZ, Pierre-Alain [M.]  
 GAFAROVA, Sahiba [Ms]  
 GALE, Roger [Sir]  
 GONÇALVES, Carlos Alberto [M.]  
 GRAAS, Gusty [M.]  
 GRAF, Martin [Mr]  
 GRIMOLDI, Paolo [Mr]  
 GRIN, Jean-Pierre [M.] (*LOMBARDI, Filippo [M.]*)  
 GÜNAY, Emine Nur [Ms]  
 HAMMARBERG, Thomas [Mr]  
 HAMOUSOVÁ, Zdeňka [Ms]  
 HEER, Alfred [Mr]  
 HOPKINS, Maura [Ms]  
 HOWELL, John [Mr]  
 HUNKO, Andrej [Mr]  
 HUSEYNOV, Rafael [Mr]  
 IELENSKYI, Viktor [Mr]  
 IGITYAN, Hovhannes [Mr]  
 JENSEN, Gyde [Ms]  
 JUHÁSZ, Hajnalka [Ms] (*NÉMETH, Zsolt [Mr]*)  
 KANDELAKI, Giorgi [Mr] (*BAKRADZE, David [Mr]*)  
 KATSIKIS, Konstantinos [Mr] (*MEIMARAKIS, Evangelos [Mr]*)  
 KILIÇ, Akif Çağatay [Mr]  
 KIRAL, Serhii [Mr] (*SOTNYK, Olena [Ms]*)  
 KOBZA, Jiří [Mr] (*BENEŠIK, Ondřej [Mr]*)  
 KOÇ, Haluk [M.]  
 KOPŘIVA, František [Mr]  
 KORODI, Attila [Mr]  
 KOVÁCS, Elvira [Ms]  
 KOX, Tiny [Mr]  
 KUHLE, Konstantin [Mr]  
 LACROIX, Christophe [M.]  
 LE NAY, Jacques [M.] (*KERN, Claude [M.]*)  
 LEITE RAMOS, Luís [M.]  
 LEŚNIAK, Józef [M.] (*MILEWSKI, Daniel [Mr]*)  
 LEYTE, Carmen [Ms]  
 LIDDELL-GRAINGER, Ian [Mr]  
 LOGVYNSKYI, Georgii [Mr]  
 LORSCHÉ, Josée [Mme] (*WISELER, Claude [M.]*)  
 LOUHELAINEN, Anne [Ms] (*GUZENINA, Maria [Ms]*)  
 MAELEN, Dirk Van der [Mr] (*BLANCHART, Philippe [M.]*)  
 MANIERO, Alvise [Mr]  
 MARSCHALL, Matern von [Mr]  
 MARUKYAN, Edmon [Mr]  
 MASŁOWSKI, Maciej [Mr]  
 MEHL, Emilie Enger [Ms]  
 MENDES, Ana Catarina [Mme]  
 MÜLLER, Thomas [Mr]  
 NENUTIL, Miroslav [Mr]  
 OBRADOVIĆ, Marija [Ms]  
 OBRADOVIĆ, Žarko [Mr]  
 OEHME, Ulrich [Mr] (*BERNHARD, Marc [Mr]*)  
 OHLSSON, Carina [Ms]  
 O'REILLY, Joseph [Mr]  
 ORLANDO, Andrea [Mr]  
 ÖZSOY, Hişyar [Mr]  
 PALLARÉS, Judith [Ms] (*NAUDI ZAMORA, Victor [M.]*)  
 PANTIĆ PILJA, Biljana [Ms]  
 PASHAYEVA, Ganira [Ms]  
 POCIEJ, Aleksander [M.] (*KLICH, Bogdan [Mr]*)  
 PRUIDZE, Irina [Ms]  
 RAMPI, Roberto [Mr]  
 RIBERAYGUA, Patrícia [Mme]  
 RIZZOTTI, Maria [Ms] (*FLORIS, Emilio [Mr]*)  
 RUBINYAN, Ruben [Mr]  
 RUSSELL, Simon [Lord] (*GILLAN, Cheryl [Dame]*)  
 ŞAHİN, Ali [Mr]

SCERRA, Filippo [Mr]  
 SCHENNACH, Stefan [Mr]  
 SCHWABE, Frank [Mr]  
 SCOMA, Francesco [Mr] (*BERNINI, Anna Maria [Ms]*)  
 SEYIDOV, Samad [Mr]  
 SHEHU, Tritan [Mr]  
 ŠIRCELJ, Andrej [Mr]  
 SOBOLEV, Serhiy [Mr]  
 STRIK, Tineke [Ms]  
 SUTTER, Petra De [Ms] (*DUMERY, Daphné [Ms]*)  
 TAMAŠUNIENĖ, Rita [Ms]  
 THIÉRY, Damien [M.]  
 THÓRARINSSON, Birgir [Mr] (*ÓLASON, Bergþór [Mr]*)  
 TOMIĆ, Aleksandra [Ms]  
 TÜRKEŞ, Yıldırım Tuğrul [Mr]  
 UCA, Feleknas [Ms]  
 VEJKEY, Imre [Mr]  
 VEN, Mart van de [Mr]  
 VOGEL, Volkmar [Mr]  
 VOVK, Viktor [Mr] (*LIASHKO, Oleh [Mr]*)  
 WIECHEL, Markus [Mr]  
 XUCLÀ, Jordi [Mr] (*GARCÍA HERNÁNDEZ, José Ramón [Mr]*)  
 YAŞAR, Serap [Mme]  
 YEMETS, Leonid [Mr]  
 ZINGERIS, Emanuelis [Mr]  
 ZOHRABYAN, Naira [Mme]  
 ZSIGMOND, Barna Pál [Mr]

**Also signed the register / Ont également signé le registre**

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

ÅSEBOL, Ann-Britt [Ms]  
 BOCCONE-PAGES, Brigitte [Mme]  
 CORREIA, Telmo [M.]  
 DIBRANI, Adnan [Mr]  
 DÜNDAR, Pero [Ms]  
 JORDANA, Carles [Mr]  
 MASIULIS, Kęstutis [Mr]  
 MELKUMYAN, Mikayel [M.]  
 TSKITISHVILI, Dimitri [Mr]  
 VARDANYAN, Vladimir [Mr]

**Observers / Observateurs**

**Partners for democracy / Partenaires pour la démocratie**

ALAZZAM, Riad [Mr]  
 ALHEISAH, Marram [Ms]  
 ALQAISI, Nassar [Mr]  
 LABLAK, Aicha [Mme]

**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