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REPORT

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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 Trisse, Vice-President of the Assembly, took the Chair at 10.05 a.m.)

The PRESIDENT* – The sitting is open.

1. Withdrawing nationality as a measure to combat terrorism: a human rights-compatible approach?

The PRESIDENT* – The first item of business is the debate on the report titled “Withdrawing nationality as a measure to combat terrorism: a human rights-compatible approach?” presented by Tineke Strik on behalf of the Committee on Legal Affairs and Human Rights.

I remind you that the speaking time is four minutes, and that we must finish this debate, including the vote, by 11.40 a.m. We will have to interrupt the list of speakers at about 11.20 a.m. in order to hear the response of the committee and proceed to the requisite votes.

Ms Strik, you have 13 minutes in total, which you may divide as you see fit between presentation of your report and your reply to the debate.

Ms STRIK *(Netherlands)* – Since the millennium, many member States have faced acts of terrorism or the threat of terrorism. Such attacks cause deep wounds in our societies, and the fear of terrorism also pollutes societies. It is therefore understandable that governments are looking at all possible means of preventing such attacks. The Council of Europe must ensure that those measures are effective and comply with human rights, as we cannot defend our liberal societies by undermining the rule of law.

For this report, I analysed the use of one of the most far-reaching measures in that context – the withdrawal of citizenship. There has been a tendency to introduce and apply legislation allowing the deprivation of nationality from individuals directly or indirectly engaged in or suspected of terrorist acts. That tendency is controversial, and there are concerns about whether it is compatible with international human rights standards. I have therefore worked with eminent experts in international law and collected information on the relevant legislation and practices of Council of Europe member States.

In my report, I focused first on the international law standards relating to the deprivation of nationality. States have wide discretion over nationality issues, but under international law they are obliged to prevent and eliminate statelessness and refrain from the arbitrary deprivation of nationality. The 1961 United Nations Convention on the Reduction of Statelessness sets out a limited number of criteria under which a State may deprive an individual of nationality, and the 1997 European Convention on Nationality, introduced by the Council of Europe, further limits those grounds. The latter treaty also prohibits States from discriminating between their nationals, whether they are nationals by birth or have acquired nationality subsequently.

Moreover, I have analysed the legislation of the majority of Council of Europe member States. Following a questionnaire to national parliamentary delegations, I received answers from 26 countries and four national human rights institutes. They show that many States retain the power to deprive of nationality, inter alia, persons whose conduct is “seriously prejudicial to the vital interests of the State” or who voluntarily participate in a foreign military force. The 1997 Convention allows withdrawal on those grounds but not if the person would become stateless.

Certain member States of the Council of Europe – Denmark, France, Netherlands, Switzerland or the United Kingdom – have introduced and apply such measures in their laws. In some of them, the decision to withdraw can even be made without a criminal conviction, in administrative proceedings, often based on secret intelligence information and mostly without the knowledge and/or presence of the person involved. In many cases, only naturalised citizens may be deprived of nationality.

All these laws and the practices may lead to statelessness or may imply direct or indirect discrimination against naturalised citizens. If deprivation of nationality is decided in administrative proceedings, it lacks a sufficient assessment of the facts and circumstances, which means that it has never been established to what extent the person concerned has committed an offence and whether he can be found guilty. Another difference with an administrative procedure is that criminal procedures are provided with the necessary procedural safeguards. If deprivation of nationality leads to expulsion, it may also raise tension with Article 3 of our European Convention on Human Rights, prohibiting torture and refoulement, or under Article 8, which guarantees the right to respect for private and family life.

The person involved will in most cases be separated indefinitely from his family and from the environment in which he grew up. This measure is meant to protect the national public order. But is it really

safe and effective? After all, deprivation of nationality may also provoke the exportation of risks, as a convicted or supposed terrorist deprived of his nationality may permanently join the “international army of terrorists”, by either travelling to or remaining in conflict zones such as those in Syria or Iraq or by travelling to the country of his nationality, even if he has hardly any bond with it.

All these options mean that the risk pertains, albeit outside the territory of the member State. This is at odds with the international solidarity called for by the United Nations Security Council resolution, which urges states to use their jurisdiction to prosecute suspects of terrorism. Deprivation of nationality shifts the hot potato to other countries, which often have fewer options to bring these people to court. This creates more insecurity compared with prosecution. It may also lead to irregular return to the state concerned, which leads to less control of the person instead of more.

There are many strong arguments against the deprivation of nationality on grounds of terrorist activities. It is not necessary either. There are many other measures and sanctions available in criminal law, but also in administrative law – such as travel bans, assigned residence orders, social benefits stripping and so on. Deprivation of citizenship is a drastic measure that is not only at odds with human rights but can also be extremely socially divisive.

States which use this measure nevertheless must therefore ensure that the deprivation is not arbitrary and that they do not discriminate against naturalised citizens. In particular, it should be decided on the basis of a criminal conviction or at least reviewed by a criminal court, with full respect for all procedural guarantees; it should not be discriminatory and not lead to statelessness. It should be proportionate and used as a last resort if no alternative measure would suffice.

The draft recommendation requests more guidance from the Committee of Ministers through a comparative study on States’ laws and guidelines on the criteria to be set up for the deprivation of nationality, especially in the context of combating terrorism. I hope that the Assembly will back these proposals for our Committee of Ministers and our member States and will bring these recommendations back to our national parliaments. We can make the world safer within the framework of our rule of law.

I thank you for your attention and thank the secretariat of the Committee on Legal Affairs and Human Rights, especially Ms Szklanna.

The PRESIDENT* – Thank you, Ms Strik. You have five minutes and 23 seconds for your reply to the debate. I now call Mr Pociej to speak on behalf of the Group of the European People’s party.

Mr POCIEJ *(Poland, Spokesperson for the Group of the European People’s Party)** – I thank Ms Strik for her report.

What we are dealing with did not happen overnight. In fact, withdrawal of nationality was used by the communists to drive their opponents out of the country. We could give several examples of how it can serve a very “useful” purpose in destroying the opposition in a country. Of course, we are dealing with a huge amount of terrorist-related violence and this can sometimes cause the use of more and more radical means to combat it.

The real danger we face is serious. This has not been said. As members of this Organisation, it is incumbent on us to abide by the rules that have been transposed into international law. It is true that legislation allows for a significant amount of flexibility for countries that are members of this Organisation, but the issue is that ever since man invented the knife – an important tool that helped humanity to survive and live better – it has been possible to use a knife to kill.

The Group of the European People’s Party will fully support the report because we face the real danger. As Ms Strik pointed out, there are other measures that can be used to combat terrorism, and if a State is careless in how it awards nationality to people who are not worthy of it, that State must face up to its responsibilities. We are aware that in most cases stripping someone of their nationality almost always happens to people have been born elsewhere and who have acquired their nationality during their lives as adults.

Ms De SUTTER *(Belgium, Spokesperson for the Socialists, Democrats and Greens Group)* – I congratulate Ms Strik on her excellent report, which provides balanced arguments on withdrawing nationality as a measure to combat terrorism. Several European countries, including my own, have been subject to terrorist attacks in recent years. Member States have the right, and even the duty, to take measures to guarantee the security of their territory, so effective anti-terrorism policies should be put in place. However, as the report clearly mentions, democratic societies can only be protected effectively in ways that abide by the

rule of law and in line with human rights. European member States should therefore make sure that anti-terrorism measures are compatible with human rights.

As the report shows, there are several concerns when it comes to withdrawing nationality. First and foremost, individuals accused of terrorist attacks are still human beings, and although they should be punished appropriately, the punishment should be in line with the rule of law and human rights. Consequently, statelessness must be avoided at all costs. Creating it deliberately would be a serious infringement of human rights – the right, not the privilege, of having a nationality.

Secondly, withdrawing nationality is a drastic, far-reaching measure that should only be taken based on substantial grounds, not arbitrarily. The report mentions that it is possible in some countries to withdraw nationality without a criminal conviction, which is worrying. In line with human rights standards, such a measure should be decided or reviewed by a criminal court, with full respect for all procedural guarantees.

Thirdly, we should avoid direct and indirect discrimination against minorities. Some countries want to discriminate against citizens on the basis of the way in which people acquired their nationality. As stated in an Amnesty International report, which was also cited in this report, nationality-stripping can be extremely divisive. It can strengthen false and xenophobic framings of “true citizens”, as opposed to a second class of citizens. It can also lead to a false perception that foreignness itself is associated with terrorism and can adversely impact on the social environment in which nationals of foreign origin live.

Lastly, the report rightly states that nationality-stripping can be considered as a way to “export” the problem outside of Europe. It may be an attractive measure for populist politicians to show their population that they take hard measures against terrorists, but let us be clear: withdrawing the nationality of individuals accused of terrorism will not make the world a safer place. It goes entirely against the principle of international co-operation in combating terrorism, which is more important than ever in today's interconnected and globalised societies.

Taking into account these serious human rights concerns, one could question the effectiveness of withdrawing nationality as a counter-terrorism measure. Proposals to do so are often politically motivated and should be considered rather symbolic, instead of being effective measures. In fact, they could even be counter-productive.

As the report states, member States should therefore be encouraged to use alternative measures – such as travel bans, surveillance measures or assigned residence orders – that are in line with human rights and that are more effective in combating terrorism than depriving citizens of their nationality. If member States do not consider these alternative measures sufficient, they should withdraw nationality only in accordance with the guidelines provided in the report: that it should not lead to statelessness, should not be arbitrary or discriminatory and should be decided or reviewed by a criminal court.

Mr HOWELL *(United Kingdom, Spokesperson for the European Conservatives Group)* – I understand what the report is getting at. However, we all face a major problem, which we have addressed on numerous occasions in the Assembly in the past few years: terrorism. It is a major issue facing us all. The report makes the valid point that we should not sacrifice our values because of terrorism. I agree, but some values that we need to admire include a determination to address the problem and offer suitable protection to our citizens and, indeed, ourselves.

Having read the report, I was struck by the number of European countries that have adopted legislation to withdraw nationality, including my own country. Is that because it is a communal solution to a common problem that we all find ourselves in, and because these countries wish to fight terrorists? Do we really want these people coming back to our countries when they have finished their fighting? I suggest that the answer to that is no, so I see the attraction to the State of depriving such individuals of their nationality. However, if we are to go down that path, the report rightly makes a couple of points.

First, the process must not be arbitrary. That means having a proper process in place to deal with the situation. It means that the circumstances must be specified, and the means by which it is achieved defined. In the United Kingdom, we believe that depriving people of their nationality is a proper way to address national security, as is taking action against those who glorify terrorism. However, the process is not arbitrary. There is still a right of appeal through the courts, which is one of the most important factors that we can bring into this.

There are times when this process will create statelessness. I do not believe that that should be avoided, although it can be minimised. However, let us be clear: we do not want back those who have renounced their country to fight for terrorism.

Ms MEHL *(Norway, Spokesperson, Alliance of Liberals and Democrats for Europe)* – On behalf of the Alliance of Liberals and Democrats for Europe, I thank the rapporteur for the interesting report on a difficult but important topic. As stated in the report, the right to a nationality is generally considered as the right to have rights and is thus very important to all people. Citizenships are not directly regulated by the European Convention on Human Rights, but the loss of citizenship may have consequences that fall within the scope of the Convention. It is also directly regulated by other conventions.

Depriving someone of their citizenship as a measure to combat terrorism raises two questions. The first, which is at the core of the report and draft resolution, is whether citizenship can be withdrawn in accordance with human rights. The second, which is also important in determining whether the measure is worth its eventual price, is whether it is effective.

On behalf of the Alliance of Liberals and Democrats for Europe Group, I say that, yes, citizenship can be withdrawn in accordance with human rights, but only if certain criteria are met. First, there must be a proper criminal procedure. Secondly, someone must not be deprived of citizenship if it leads to statelessness. Thirdly, a person should not be deprived of it on discriminatory grounds. Fourthly, the deprivation should not be arbitrary.

I believe that there are legitimate concerns related to the consequences of taking away someone's nationality, including: indirect discrimination on the basis of origin, race or religion; the lack of an effective remedy; the right to a fair trial and procedural guarantees; and statelessness. These are important consequences to discuss. However, there are no grounds for claiming that, in general, any withdrawal of citizenship is a breach of international human rights obligations. Although the report does not clearly state that, it insinuates that withdrawal of citizenship should not be used – for instance, in paragraph 9.6, which calls on countries to "refrain from applying this measure".

Now to the second question: is this an effective measure? That is a more open question. First, in order to be in accordance with human rights, this measure is applicable to only a limited circle of the people it aims to target. Only those with dual citizenship, or with more than two citizenships, can be deprived of citizenship. There will therefore remain a large group who might be a threat to a country's vital interests and who might be convicted of terrorism, but to whom loss of citizenship is not applicable. Another consequence is that one country will always be left with that person as a citizen. Let us take an imaginary case – someone with, say, Norwegian and French citizenship. If both countries wanted to deprive them of citizenship, it would basically be "first come, first serve", because once one of them had done it, the other could not.

This is a measure that many countries would like to apply to people who are not present in their countries – for instance, foreign fighters in other countries – but the criminal procedure in many countries makes it difficult or impossible to secure a conviction without the presence of the person concerned. That, too, rules out withdrawal of citizenship.

Depriving someone of their citizenship is serious, but so is terrorism and people who are a threat to a State's vital interests. It must be up to each country to determine whether withdrawal of citizenship is an effective measure that they wish to apply.

Mr OVERBEEK *(Netherlands, Spokesperson for the Group of the Unified European Left)* – An increasing number of countries, including my own native Netherlands, have recently introduced new legislation enabling the withdrawal of nationality for suspected or real involvement in terrorist activities or have intensified the use of existing legislation. It is obvious that this raises a number of legal concerns regarding proportionality, the right to an effective remedy, the obligation to avoid statelessness, arbitrary treatment, and potential discrimination.

The explanatory memorandum in this report meticulously lists and discusses all the relevant legal questions, provides a thorough factual overview of the current legal status quo in the member States of the Council of Europe and offers convincing conclusions, calls for action by member States and recommendations to the Committee of Ministers. We commend the rapporteur for her exemplary work.

As the report states, the right to nationality is a human right according to international law. We note that withdrawal of nationality is therefore subject to very strict international legal constraints, even in the case of persons with dual nationality. The Council of Europe's European Convention on Nationality of 1997, which has so far been ratified by 21 member States of this Organisation, allows the deprivation of nationality resulting in statelessness only where nationality was originally acquired through fraud. It allows deprivation of nationality in cases of dual or multiple citizenship only for reasons of "conduct seriously prejudicial to the vital interests of

the State Party". This is a high threshold, which according to chapter 7 of the report appears not to be met by quite a few member States of this Organisation, including my own country, as set out in paragraph 36.

Strict safeguards must be observed in the withdrawal of nationality. These are clearly laid out in paragraph 7 of the draft resolution. Deprivation of nationality for terrorist activities must be decided or reviewed by a criminal court; fully respect all the usual procedural guarantees; not be discriminatory; avoid arbitrariness; not lead to statelessness; be proportionate to the pursued objective; be the last remedy, after exhausting all other domestic legal measures; and not result in the deprivation of nationality of children. These dos and don'ts are translated in paragraph 9 into concrete actions to be undertaken by member States in order to scan their existing or planned legislation for compliance or conflict with these prescriptions.

The Group of the Unified European Left supports the draft resolution with all the legal norms that it spells out and the clear call on member States to ensure, where applicable, ratification of, and compliance with, these legal norms. We also fully endorse the recommendations to the Committee of Ministers.

The PRESIDENT* – Thank you. Ms Strik, would you like to take the opportunity to respond immediately?

Ms STRIK *(Netherlands)* – No.

The PRESIDENT* – We shall therefore continue with the list of speakers in the debate.

Ms ÅBERG *(Sweden)* – In a time of increased terrorist threats and recurring bestial attacks against innocent citizens, we must ask ourselves which rights should take precedence: the rights of the terrorists or the rights of the citizens who live in and contribute to society?

The debate about revoking the citizenship of those who have made themselves guilty of heinous terrorist criminality is ongoing in Sweden. The knowledge that two Swedish citizens took part in two of the worst acts of terrorism ever recorded in European history – in Paris in 2015 and in Brussels in 2016 – is painful. These two came to Sweden under the guise of seeking protection. They were given asylum and later granted Swedish citizenship and Swedish passports – passports that they used to move unhindered across Europe, to organise and establish terrorist cells and to murder hundreds of innocent citizens.

Unfortunately, those two are not alone. After Belgium, Sweden is the European Union country that hosts the highest number of Daesh jihadists. Under current legislation, they can return to Sweden without exposing themselves to any risk of punitive measures. We are indolent to the question: how is society to be protected? Are these individuals, who have deprived others of all their human rights, including the right to life itself, supposed to have their rights preserved intact? The answer to that question is a clear no. I believe that the fact that those engaged in terrorism do not risk having their citizenship revoked increases the propensity to be a terrorist. The risk of revocation of citizenship will have a preventive effect. No one becomes a terrorist by mistake or against his or her will. It is a decision you make yourself, and you must be prepared for the consequences.

In Sweden, there are no demands on those wishing to become a citizen. You do not have to take a language test and you do not need to be self-sufficient. There is no sound reason for making it incredibly easy to be granted Swedish citizenship but impossible to lose it. Citizenship must be regarded as a mutual contract, with obligations on both parties. Society has received you with open arms and committed to give you all the rights and privileges of those who are already residing in the country and who have perhaps lived and contributed there for generations. You, as a new citizen, must pledge to follow the present law in your new country and to live and contribute in the way that society rightly expects of all its citizens. If you grossly break your end of the bargain, there is no reason why society should uphold its end of the bargain. It must then be possible to revoke citizenship.

Mr DAVIES *(United Kingdom)* – May I say that the previous speaker has made my job rather harder because I agreed with absolutely every word she said, as I did with my colleague Mr Howell? It would clearly be very wrong for any nation to decide randomly to strip people of their human rights, but it is most unfair to suggest that there is any similarity between what some States in Europe are currently doing and what happened in Russia under the Communist Party, when people were thrown out simply for disagreeing with that system of government. Often, in East Germany, for example, they were ransomed and sold back to other countries. There is absolutely no comparison with what is going on today, where a number of States – including my own, the United Kingdom, which is mentioned in the report – under very strict and careful conditions are stripping those who have been involved in terrorism or serious acts of criminality of their nationality, particularly if they are dual citizens. I see no reason why that should not be the case.

It is about time we started to think about the human rights of the many thousands of people across Europe who have been directly impacted by terrorist attacks. The previous speaker mentioned Paris and Brussels, and we have of course seen this in London, where two attacks on the Underground have led to fatalities. There was the terrible incident at the Ariana Grande concert, and Mr Howell and I were both impacted – in my case directly; I was 10 feet away – by the attack on Westminster. Thousands of people across Britain and the rest of Europe have been directly impacted by these attacks and those responsible have absolutely no right to stay in our nations. Those who have deliberately decided to take up arms and fight for ISIS or other terrorist groups have lost their right to stay in western Europe and we should have no compunction about stripping them of their citizenship.

I commend the British Home Secretary, who has looked not only at those who have been involved in terrorist acts but at those who have committed other serious criminal acts, such as the gang who groomed and abused hundreds of young girls over a prolonged period. They had dual nationality and were therefore stripped of their British citizenship – and quite rightly so.

We must remember that Europe is in ferment at the moment. Across Europe, we see the rise of parties, some of them quite extreme, as a direct response to the fact that so many of us, in parliaments across Europe, do not seem to reflect what the average member of the public thinks. If we went out on to the streets of any European city, particularly any of those directly impacted by terrorism, and asked random members of the public, "If someone has come into your country, been made welcome, been given housing and benefits, enjoyed all the advantages of a western European nation, and has then decided to take up arms against your country, is it fair and reasonable to tell them that they can no longer have the citizenship we granted them?", I suggest that well over 90% of the population – any average member of the public in any European city – would say that it is perfectly fair and reasonable for the government to deprive them of the privilege they have been granted.

It is time for us all to recognise that we are in danger of becoming out of touch with what people in our nations are thinking, which is very dangerous for democracy. I therefore cannot accept what the report suggests and I believe it is absolutely right that all European nations should continue to maintain their right to remove citizenship from anyone who comes into our nations and takes up arms against our people.

Mr GRAAS *(Luxembourg)** – Unfortunately, terrorism has become a constant phenomenon in our daily lives. We have mentioned Brussels, Berlin and Paris – all cities that have been targets of very serious terrorist attacks that have caused the fatalities of huge numbers of innocent victims. As we have just heard, people who wanted to visit the Christmas market in Berlin ended up losing their lives, as they did in Strasbourg last year.

If we look at what can be done to combat terrorist threats from a legislative point of view, perhaps we should wonder whether more radical laws should be passed if the current legislation is not effective enough. Of course, we should not lose sight of the fact that a principle of proportionality applies. More severe laws should not always be adopted if a softer law is sufficient. As Ms Strik said, we need to strike a proper balance between individual freedoms and the constraints placed on us by the rule of law.

Stripping someone of their nationality is a very severe measure; it deprives someone of their right to citizenship. Ms Strik rightly points out in her report that stripping someone of their nationality should not be politically motivated. We fully agree with this. The loss of nationality should not be an automatic process. In all events, the person involved should have access to sufficient information to be able to challenge the process of revoking their citizenship. Given that terrorists are criminals, they should be judged as such, mainly by the criminal courts, as a priority.

Preventive measures should be taken as well. I come from one of the smallest countries in Europe, the Grand Duchy of Luxembourg. Even though it has a population of only 600 000, we should not forget that 47% of its residents do not have Luxembourg nationality, which is almost a world record. They represent 170 different nationalities. In the capital, the city of Luxembourg, 70% of people are not from Luxembourg. In 2017, the Luxembourg Parliament passed a new law on dual nationality, which my country now allows. An applicant can be refused nationality for several reasons, including if they have served a prison term or a suspended sentence of more than a year within the 15 years prior to their application.

Luxembourg legislation provides for only limited circumstances in which someone may be stripped of their nationality, which is very much in the spirit of what has been said at the Council of Europe. Stripping someone of Luxembourg nationality is not allowed if it would cause someone to become stateless.

In conclusion, we can endorse the main thrust of Ms Strik's report. That said, I should underline that public opinion should not feel that people accused of terrorist crimes are being protected in one way or another. Stripping someone of the citizenship as a measure to combat terrorism can be decided on in very restricted cases, but it is an option that should be applied by a criminal court.

Mr BECHT *(France)** – For several decades, Europe has been dealing with terrorist activities of different sizes and origins, especially the jihadist movement Daesh, which has struck many States and struck here in Strasbourg just before Christmas. Several States have put in place procedures for stripping nationality from people who have carried out such odious acts.

In my opinion, deprivation of nationality will never deter someone intent on being a martyr by carrying out terrorist activity. At most, it may be an act of retribution by a State towards those who may have survived their betrayal of the nation.

The measure proposed this morning is very interesting, in that it clearly lays down limits for the stripping of nationality. None the less, this resolution suffers from two problems. First, it entrusts deprivation of citizenship to a criminal court. Of course, when people are convicted of terrorism, that conviction can come only from a criminal court. However, many States of the Council of Europe tie the stripping of nationality to a criminal conviction. However, the stripping of nationality per se is often handed down through an administrative decision, which may then be subject to an appeal in the courts. Where people have already been convicted by a criminal court, we need to maintain this power in the hands of the executive. The decision to grant nationality is an act of the executive and, in parallel, the decision to withdraw it should remain an act of the executive. Admittedly, this would be related to the criminal conviction, but this sanction should not itself be a criminal sanction. The role of the law is vital and it must be proportionate. I do not see why a judge should be the decision maker on the advisability of withdrawing someone's nationality – that is not the judge's task. This is not a black and white issue, and the resolution should take account of that.

Secondly, we do not wish to discriminate between citizens on the basis of how they acquired nationality. The resolution is based on a noble intention of protecting minorities, with which we agree. However, in so doing, it becomes legally impossible to have any stripping of nationality. Once we agree that we wish to prevent people from becoming stateless, an obvious form of discrimination arises between citizens who have only the nationality of the member State and for whom there can be no stripping of nationality as they would become stateless, and dual nationals, who may be stripped of the nationality of the State carrying out the sanction, because they are also nationals of another State. Ruling out that discrimination makes it impossible to strip nationality from anyone, which I do not think is the purpose of the resolution.

In conclusion, the rapporteur has done a sterling job and I thank her for her excellent resolution, but it can be improved on the two points I raised. That explains why we have submitted the amendments that we have.

Mr van de VEN *(Netherlands)* – I read Ms Strik's report with great care. Let me clearly state at the outset that I am against acts of terrorism, which spoil democracy, and I am against terrorists. Acts of terrorism deliberately aim to trigger unjustifiable pain and sorrow for innocent people. For me, terrorists, who are sometimes called "freedom fighters", do not qualify as a minority who deserve exclusion from the application of democratically accepted laws and rules. Issues connected with terrorism and freedom fighters should be covered by the rule of law, in order to protect our democratic societies.

The nucleus of Ms Strik's report is that freedom fighters with two or more nationalities may not be deprived by any State of the nationality of that State. Let me now focus on the issue that is the subject of the draft resolution and draft recommendation: the question is whether a terrorist should have zero, one or two nationalities. I take the view that, in accordance with international law, each individual should have at least one nationality. Laws and rules should not lead to a situation where an individual is stateless. My preliminary conclusion is therefore that everybody, including terrorists, should have at least one nationality. It follows from that that any argument used in our discussion on the subject of withdrawing nationality that relies on the possibility of statelessness is of a hypothetical nature. At least one nationality should always remain, even for a terrorist.

The question therefore is: are terrorists entitled always to retain their nationalities having acquired them as an inalienable human right? I do not think they are. Nationality brings with it not only civil rights, but civil obligations. In a democracy, the social contract is not a one-sided affair for any individual. Every national, as a citizen, is part of this complex of rights and obligations. The terrorist – I abhor the term "freedom fighter" – looks on the social contract only as a one-sided affair, entitling him to carry out terrorist acts. I am of the opinion

that a State may deprive terrorists of their nationality under the rule of law, with the proviso that the terrorist does not become stateless.

The PRESIDENT* – Mr Oehme, Ms Gorrotxategui and Ms Alheisah are not here – a lot of people have dodged the sitting – so I call Mr Orlando.

Mr ORLANDO *(Italy)** – I thank the rapporteur for the excellent work that has been done. We must share the view expressed in this report. The revocation of nationality is a measure that runs totally counter to the fundamental principle of human rights. We must not forget that we have numerous other sanction mechanisms that can be implemented, but rendering an individual stateless is not one of them. I suggest that we use other forms of sanction.

Some may say that this measure is useful, but I would counter that by saying that it is absolutely stupid. It is not a deterrent, in any way, shape or form. One can condemn an individual and sentence them to long, protracted prison terms. We can do anything, but depriving someone of nationality or rendering them stateless is not an option. Furthermore, in certain instances the deprivation of nationality might end up being used politically, because it is like declaring an attack or onslaught on the community from which these people are from in general; it can be manipulated politically, too.

We have to be clear about the fact that we cannot extract the evil of terrorism from our society with measures of this nature. This measure has a self-centred, egoistic character; it takes into consideration only things on a micro level. Depriving an individual terrorist of their nationality delivers a negative message to the broader community they are from, and it really does not reduce terrorism or fight crime in any way. There are a number of risks involved in this approach. Beginning to play with nationality is a very dangerous game indeed. One passage in the resolution is very important, as it sets out that you cannot discriminate on the basis of nationality, or manipulate or play with it. That is key, because creating two classes of nationality – first class and second class – is very dangerous. As has been mentioned, this has nothing to do with fighting terrorism. If we establish a differentiation in respect of naturalised individuals and individuals who acquire nationality at a later stage, we would be making them second-class nationals, and that is very dangerous. The approach adopted by the rapporteur makes it clear that this implement – the revocation of nationality – should be used only under particular circumstances.

Mr REISS *(France)** – The rapporteur raises an important question in the title of the report that should cause us to ponder the right to a nationality and the consequences when the person who holds that right commits a serious crime or an act of terrorism against their own country. The development of the phenomenon of lone wolves in recent attacks in Europe shows that we need to have appropriate measures at our disposal to cope with the shift in terrorism.

Being French, or of another nationality, is not just a word on a document or passport. It reflects a desire to live together in a society and, above all, to respect shared values, starting with the lives of one's fellow citizens. Of course, in European history, the withdrawal of nationality has sometimes been used as a weapon against all those considered terrorists, or even harmful, by the worst totalitarian regimes. It is vital to properly regulate denaturalisation or the deprivation of nationality with a view to respecting an individual's basic rights, even if they have committed heinous crimes against innocent people.

The right to a nationality is not, as such, one of the rights guaranteed by the European Convention on Human Rights, although the arbitrary denial or withdrawal of nationality may pose a problem in the light of Article 8 of the Convention, which deals with respect for private and family life. That is particularly true in cases where the revocation of citizenship would result in statelessness. On that point, I concur with the rapporteur that depriving an individual of any nationality subjects them to an unacceptable restriction on their freedom of movement, on getting certain jobs and on citizenship-related rights, including the right to vote.

That explains why, in France, we have chosen to apply the revocation only to people holding dual nationality. I note that in the motion for resolution, it is suggested that only a criminal judge can apply it. In France, to avoid violating Article 4 of Protocol 7 to the Convention, as well as the principle of *non bis in idem*, revocation of nationality is not a criminal but an administrative sanction. Amendments have been tabled about that and I agree with the arguments put forward by my colleague Mr Olivier Becht.

It is interesting to note that the most recent revocations of nationality applied in France for acts of terrorism have not deprived the people concerned of their professional activity and that those people are still entitled to residence permits that allow them to remain with their families on French soil. I believe, therefore, that the process remains compatible with the human rights guaranteed by the Convention and the rapporteur's desire to preserve the rule of law.

What will the situation be tomorrow, however? Stripping someone of their nationality should, of course, remain exceptional, as it is in my country. It must not and cannot be our only tool. When faced with young people who have grown up among us, who are being radicalised and who pose a threat to our democratic societies, education, prevention and combating radicalisation are obviously essential tools.

I am proud of being Alsatian and I am firmly convinced that being a member of a national community is an honour. Democracy is at the heart of our values and it is the duty of every citizen to defend it, not attack or seek to destroy it. That is the real answer to the rapporteur's question.

Mr JALLOW *(Sweden)* – I take the opportunity to thank the rapporteur for this timely and important report on a difficult and sensitive topic. I share the view of the recommendations and conclusions of the report. As we all know, terrorism is a hideous crime that we must do everything we can to fight and defeat. We must eradicate it from our societies, but do so within the universally accepted human rights norms and standards.

Following terrorist attacks in Europe and around the world – it is a global problem – we have seen an intensification of legislation allowing for the withdrawal of nationality by national governments and some member States, as we are discussing. That has several implications, as the report clearly indicates. Under international law, as the report states, statelessness should be prevented and eliminated, and the arbitrary deprivation of nationality should be prohibited. That is fundamental in any democratic society.

The OSCE Office for Democratic Institutions and Human Rights report "Countering Terrorism, Protecting Human Rights" states: "One of the side effects of terrorist activity and the international response to it has been the tendency to pit the ideas of liberty", human rights, "and security against each other. The notion of human rights protection has often been presented as being in conflict with protection from terrorism," which is extremely misleading. Legislators and governments are required to take into account internationally recognised human rights standards and freedoms at all times within the scope of our work. If we fail to do that at any time, we must be held accountable.

I want to turn to an important issue that we do not normally talk about – the elephant in the room. The people who are against some of the recommendations and conclusions of the report have said, "When it comes to the rights of citizens and the rights of terrorists, we need to make sure that the rights of normal citizens, who are victims of terrorism, are prioritised," but what do we mean by terrorism?

In Europe today, we have several types of terrorism and several groups that are engaged in terrorist acts, but one type that we never talk about is the extreme right-wing terrorism – fascist and Nazi terrorism – that terrorises people. Those people have been born and raised in Europe for several generations, but the rules do not apply to them. We talk about taking people's citizenship away and rendering them stateless, but why do we not do the same to the terrorists who are terrorising our people in Europe today?

There are fascists and Nazis in our streets burning down refugee camps, bombing people, shooting people, carrying out school shootings and killing our children, but the media never report that as terrorism; they say that they are lone wolves or have mental health problems. They take them to some mental health facility and say, "Let's not talk about it." We need to talk about those double standards.

If we are serious about fighting terrorism, we must fight all forms of terrorism, regardless of who is behind it. At the moment, as I see it, it depends on who the victims are and what the background of the person who commits the terrorist crimes is. That is why we are talking about the issue. If we mean what we say – that we need to eradicate terrorism – we must make sure that we eradicate all forms of terrorism. I fully endorse the recommendations to the Committee of Ministers, because we need to put our heads together and fight the issue together, but that has to be done in a real, true and sincere way, so we do not distinguish between a terrorist who has dual citizenship and a terrorist who is born and raised in Europe.

Mr ALTUNYALDIZ *(Turkey)* – I thank the rapporteur for her dedication in preparing this important report. In my speech, I will draw members' attention to a couple of remarks in the report regarding Turkey. But let me first say, as the previous speaker did, that we have to fight against any sort of terrorism, regardless of any prejudice.

The report, while dealing with some withdrawal of citizenship cases from a solely human rights viewpoint, unfortunately ignores the fact that Turkey has been fighting for more than three decades against very bloody and ruthless terrorist organisations. I strongly believe that Turkey's enormous efforts in conducting the fight against terrorism with respect to human rights, which is undoubtedly the foremost priority of our State, has to be taken into consideration. Furthermore, the issue has to be evaluated not only from a human rights

perspective, but equally from a security standpoint. We have to take steps for the security of both our country and Europe, since we are fighting many terrorist organisations simultaneously. Additionally, termination of citizenship cannot be used only as a means based on the suspicion of crime once certain conditions have been fulfilled.

Citizenship points to the legal and political link between the person and the State. As is well known, according to international law, states are free to make arrangements for citizenship. The United Nations Convention on the Reduction of Statelessness and the European Convention on Nationality contain regulations on this subject. In Article 8 of the United Nations convention and the Article 7 of the Council of Europe's convention, the cases of loss of citizenship are arranged in a way similar to the reasons set forth in our domestic law. Acts that violate a person's obligation of loyalty to the State or seriously harm the vital interests of the State are accepted as reasons for the loss of citizenship in both conventions.

In this context, measures taken against all terrorist organisation are to ensure the security of our country, our region and the whole of Europe. These measures should not be seen as an action contrary to human rights. We should always keep in mind that a State has the obligation to ensure the safety of its citizens.

The PRESIDENT* – That concludes the list of speakers.

I now call the rapporteur to reply. Ms Strik, you have just over five minutes.

Ms STRIK *(Netherlands)* – I thank my colleagues in the Assembly for their broad support for the concerns around this issue. We all share the concerns about the growing threat of terrorism in our societies, and we are aware that we need to protect our citizens against attacks. We should take our responsibility on the international level, because United Nations Security Council Resolution 2178 obliges us to contribute to the prevention and prosecution of terrorist offences at the international level. The bottom line is that, as most members emphasised, measures must be aligned with human rights and they must be effective.

Are we allowed to use nationality as an instrument in combating terrorism? That is the core issue of this morning's debate. Member States have wide discretion in granting nationality, but they are constrained in repealing that decision, and for good reason. Nationality is the strongest status States can grant people. It means that they can stay, participate and enjoy full rights. If a State was allowed to withdraw that on arbitrary grounds, people may face abuse by governments for political reasons, as has been illustrated in former regimes; this really happens.

This is especially the case regarding dual citizens. Another criterion is that people should not become stateless as a consequence of the withdrawal of citizenship. As some members stated, if the withdrawal of citizenship of dual nationals were possible, we would be creating first and second-class citizens, and therefore alienating naturalised citizens more. People would always remain a conditional national under such legislation. This can also happen to nationals who are born and raised in the member States concerned. Unfortunately, in some incidents and attacks – and with the problem of foreign fighters – we also deal with homegrown suspects of terrorism, for which we should take our responsibility. If we deprive someone of nationality, we make the other State responsible. That State may have no ties at all with that person, but all of a sudden becomes responsible. As Ms Mehl rightly stated, we then get to the question of which is the first State to withdraw citizenship and shift the hot potato to the other one.

Is it necessary to apply different treatment to nationals in order to safeguard our safety? If we can apprehend, prosecute and punish suspects with a single nationality, why would we not be able to do the same with dual nationals? In both cases, we need to undertake international co-operation in order to gather the relevant information in case of foreign fighters who may have committed offences outside our territory. If it is possible for sole nationals, why not for dual nationals as well? Let me be clear about this resolution: it does not protect dual citizens who have committed offences. I urge countries to bring them to court and protect our societies against them. The resolution simply calls for equal treatment, including when sentencing people for their offences.

Mr Becht said that we should be able to discriminate against naturalised citizens. This is a strange remark, because the European Convention on Human Rights and the European Convention on Nationality explicitly prohibit discrimination. We may discuss, of course, whether different treatment qualifies as discrimination but, as I say in my report, the European Court of Human Rights is very strict on the criteria that allow for different treatment. There should be very weighty reasons to justify that, although I did not find them. The resolution says only that discrimination should be prohibited. This is in line with all other human rights instruments.

Ms Mehl of the Alliance of Liberals and Democrats for Europe said that the criteria should not be arbitrary, lead to statelessness or be discriminatory, and that decisions should not be made without a criminal conviction. It sounded as though she was reading out my resolution, as those criteria exactly are listed there. I must just say that the resolution does not call for an absolute prohibition. Paragraph 9.7 says that member States should refrain from making an administrative decision without a criminal conviction. That is an important addition to the criteria. There is no absolute prohibition.

If we want to make the world safer and comply with human rights, we should adhere to the criteria listed in this resolution, and I hope for a lot of support for it.

The PRESIDENT* – Thank you. I call Ms Ævarsdóttir, the chair of the committee, to respond.

Ms ÆVARSDÓTTIR *(Iceland)* – I thank the rapporteur for this excellent report, which touches upon important issues relating to our most fundamental values. It illustrates a growing tendency within our member States to allow our fear of a weak enemy to erode our most fundamental rights. The report aptly shows that withdrawing nationality as a response to alleged or proved terrorist activity is ineffective in combating terrorism, works against the spirit of international co-operation and risks discrimination, breach of fair trial guarantees and arbitrariness.

Terrorism is a weapon of the weak, and it only succeeds if we allow the fear that it does legitimately create to drive us to act rashly, insensitively and ineffectively to the extent that we become our own worst enemies. If we allow our fears to lead us to a place where we erode our own values, we destroy our own norms and weaken our own fundamental rights, only then do the terrorists become strong. Only then do the terrorists truly win. Let us not give those weak and hateful people that power over us. I pledge my support to the report and I hope that my colleagues do so too.

The PRESIDENT* – The debate is closed.

The Committee on Legal Affairs and Human Rights has presented a draft resolution to which eight amendments have been tabled.

The Committee on Legal Affairs and Human Rights has also presented a draft recommendation, to which no amendments have been tabled.

I understand that the Chairperson of the Committee on Legal Affairs and Human Rights wishes to propose to the Assembly that amendment 3 to the draft resolution, which was unanimously approved by the committee, should be declared as agreed by the Assembly.

Is that so, Ms Ævarsdóttir?

Ms ÆVARSDÓTTIR *(Iceland)* – That is so.

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

Amendment 3 is adopted.

The remaining amendments will be taken in the order in which they appear in the Compendium. I remind you that speeches on amendments are limited to 30 seconds.

I understand that Mr Orlando wishes to withdraw Amendment 4. Is that the case?

Mr ORLANDO *(Italy)** – Yes.

The PRESIDENT* – Amendment 4 is not moved.

We come to Amendment 5. I call Mr Orlando support it.

Mr ORLANDO *(Italy)** – This amendment relates to something very specific in the report. It is not only for terrorism that we see the withdrawal of citizenship, but also for less serious offences, so I think the addition of the amendment better depicts the situation.

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

What is the opinion of the Committee on the amendment?

Ms ÆVARSDÓTTIR *(Iceland)* – Approved, by a large majority.

The PRESIDENT* – The vote is open.

Amendment 5 is adopted.

We come to amendment 1. I call Mr van de VEN to support Amendment 1.

Mr van de VEN *(Netherlands)* – The amendment clarifies that the report by Ms Strik deals with individuals having one or more nationalities. The current wording that the application of laws on withdrawal of nationality may lead to statelessness is negative in nature. Adding the word "not" in this sentence confirms that having one nationality is the bare minimum within the context of the resolution.

The PRESIDENT* – Does anyone wish to speak against the amendment? I call Ms Strik.

Ms STRIK *(Netherlands)* – It should be a bare minimum that withdrawal does not lead to statelessness and that is what the resolution says. The amendment is to the general paragraph that lists the general concerns about deprivation of nationality. In some member States of the Council of Europe it does lead to statelessness – not in all, but in some. Therefore, it is part of the general concerns that are listed in this paragraph.

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

Ms ÆVARSDÓTTIR *(Iceland)* – Rejected, by a large majority.

The PRESIDENT* – The vote is open.

Amendment 1 is rejected.

We come to amendment 6. I call Mr Reiss to support it.

Mr REISS *(France)** – A terrorist act takes the people responsible before a criminal court. A judge may of course convict, but the stripping of nationality is decided on by the State in France. We therefore suggest deleting the words "or reviewed by a criminal court".

The PRESIDENT* – Does anyone wish to speak against the amendment? I call Ms Strik.

Ms STRIK *(Netherlands)* – I understand the proposal from the French point of view, but if we delete those words we allow member States to simply decide withdrawal of citizenship through an administrative body, without any criminal conviction as a basis. That would undermine the core of the resolution.

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

Ms ÆVARSDÓTTIR *(Iceland)* – Rejected.

The PRESIDENT* – The vote is open.

Amendment 6 is rejected.

We come to Amendment 2. If this is adopted, the following oral amendment will fall. I call Mr van de Ven to support Amendment 2.

Mr van de VEN *(Netherlands)* – The resolution is speculative where it concerns the potential export of the so-called foreign fighters.

The PRESIDENT* – Does anyone wish to speak against the amendment? I call Ms Strik.

Ms STRIK *(Netherlands)* – Paragraph 8 is an essential paragraph as it clarifies that it is non-effective and it is not in line with international solidarity. It does not speculate on potential risk: it is a matter of fact that if you do not give people access to your territory any more or you return them, the risk returns somewhere else. It is an important paragraph to make sure that you prosecute people instead of refraining from giving them access to your territory.

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

Ms ÆVARSDÓTTIR *(Iceland)* – Rejected, by a large majority.

The PRESIDENT* – The vote is open.

Amendment 2 is rejected.

I have received an oral amendment from Ms Strik on behalf of the Committee on Legal Affairs and Human Rights which reads as follows: “In the draft resolution, at the end of paragraph 8, insert the following words: ‘Moreover, it may have a strong symbolic function but a weak deterrent effect’.”

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

In my opinion the oral amendment meets the criteria of rule 34.7.a. Is there any opposition to the amendment being debated? That is not the case. I therefore call Ms Strik to support the oral amendment. You have 30 seconds.

Ms STRIK *(Netherlands)* – The oral amendment is in line with the amendment tabled by Mr Orlando, but it fits better with paragraph 8, because it is about effectiveness and it says that it does not deter potential terrorists from committing terrorist offences. Its character is instead highly symbolic.

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

The Committee is obviously in favour.

The vote is open.

The oral amendment is adopted.

I call Mr Reiss to support Amendment 7. You have 30 seconds.

Mr REISS *(France)** – I was receptive to the arguments of the rapporteur, but as I am not the original author of the report I am not in a position to withdraw it.

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

What is the opinion of the committee on the amendment?

Ms ÆVARSDÓTTIR *(Iceland)* – It was rejected by a large majority.

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

The vote is open.

Amendment 7 is rejected.

I call Mr Reiss to support Amendment 8. You have 30 seconds.

Mr REISS *(France)** – Amendment 8 simply proposes the deletion of two words: “abolish or”.

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

Ms STRIK *(Netherlands)* – Deleting the words “abolish or” would mean different treatment as between member States who already have this legislation in practice and member States who are not allowed to introduce it. I do not think that that really amounts to discrimination so I would advise colleagues to reject the amendment.

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

Ms ÆVARSDÓTTIR *(Iceland)* – The amendment was rejected.

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

The vote is open.

Amendment 8 is rejected.

We will now proceed to vote on the draft resolution contained in Document 14790, as amended.

The vote is open.

The draft resolution in Document 14790, as amended, is adopted, with 30 votes for, 4 against and 1 abstention.

We will now proceed to vote on the draft recommendation contained in Document 14790. A two-thirds majority is required.

The vote is open.

The draft recommendation in Document 14790 is adopted, with 32 votes for, 3 against and 0 abstentions.

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

2. Improving follow-up to CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments

The PRESIDENT* – The next item of business this morning is the debate on the report titled "Improving follow-up to CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments" (Document 14788) presented by Ms Ævarsdóttir, on behalf of the Rapporteur of the Committee on Legal Affairs and Human Rights.

I remind Members that we must finish this debate and dispose of any amendments by 12:35 p.m., so we need to interrupt the speakers' list at 12.20 p.m. to allow for the response and the votes.

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

Ms ÆVARSDÓTTIR *(Iceland)* – Dear President, dear colleagues, ladies and gentlemen, I know the rapporteur, Mr Arnaut, would have preferred to be standing here today before you, but unfortunately given the recent elections in his country and the fact that the Bosnian Parliament has not yet submitted the credentials of its delegation, he was not able to come to Strasbourg, despite the fact that he himself was re-elected in the October elections. It is a pleasure for me to speak on Mr Arnaut's behalf and express my full support for the excellent report he has prepared.

Before I begin, Mr Arnaut kindly asked me to thank, on his behalf, the committee staff – Ms Sipp, Mr Schirmer and Mr Milner in particular – for their invaluable support and assistance with respect to the preparation of the report.

The report echoes a point that has been raised for quite some years by the Assembly, and which is gaining more and more attention across the international community: the role of parliamentarians as guarantors of human rights. Our President herself recalled, in a recent publication of the Assembly on this exact theme, that "It is the duty of the Parliamentary Assembly and each and every one of its members to defend our Human Rights Convention system and clearly assert its authority, in the interests of the 830 million citizens in Europe."

Mr Arnaut and the Committee on Legal Affairs and Human Rights highlight just that point in this report. The report focuses in particular on the importance of maintaining and enhancing efforts, both at Assembly and national level, to prevent torture and inhuman or degrading treatment or punishment in Council of Europe member States, in accordance with Article 3 of the Convention.

On this matter, we must highlight the outstanding work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, better known by its acronym CPT. Its work

over the past 30 years has led to significant improvements in conditions in detention in Europe. Yet, it also clearly demonstrates that more remains to be done to make our Europe a torture-free zone.

The Assembly has supported, throughout the years, the work of the CPT. I can assure you that the committee will keep a close watch on any need for us to address detention, torture and ill-treatment related issues, whether they concern standard setting or implementation activities.

Indeed, in a spirit of constructive dialogue, the Committee on Legal Affairs and Human Rights should continue to hold exchanges of views with delegations concerned by public statements issued by the CPT. Public statements by the CPT are a rarely used means of last resort to draw attention to serious failures of competent national authorities to co-operate with the CPT. The draft recommendation before you also urges the Committee of Ministers to discuss any such public statement by the CPT within its own ranks. When the CPT reaches the point at which a public statement is needed, a serious failure to improve the national situation in the light of its recommendations has already occurred. The CPT's annual report, which also points out the outstanding issues before a crisis point is reached, should also receive the attention of the Assembly – in particular, the Committee on Legal Affairs and Human Rights and the Monitoring Committee – to prevent national situations from reaching a critical point.

However, this work serves no purpose if national parliaments do not get the message. National parliaments can play an important role in promoting the CPT's work and ensuring that national authorities better implement its recommendations. The CPT's recommendations cover a wide variety of situations, ranging from the concrete material conditions of places of detention, to legal frameworks, institutional culture, procedure, practices and attitudes.

Mr Arnaut's report highlights the impressive number of recommendations per country. In some countries, the CPT is starting its sixth or seventh periodic visit. Each visit is followed by a report containing a number of concrete and realistic recommendations. In the process of preparing this report, Mr Arnaut sent a questionnaire to your parliaments. The results show that CPT reports rarely trigger direct, specific and systematic parliamentary procedures. The responsibility for following up CTP recommendations is mostly left to governments. As we know, parliamentary oversight of the executive can be a particularly effective means of promoting change. It should not be any different in this area.

What can our parliaments do? We must hold our governments to account for the timely implementation of recommendations and standards. How do we achieve that? Parliaments can aim to react effectively to the government's policies and practices pertaining to CPT recommendations. Concretely, as parliamentarians, we should contribute as early as possible to the process of implementing recommendations. The draft resolution therefore proposes that governments be encouraged to agree in advance to the automatic publication of CPT visit reports and the responses. To date, only a limited number of states have agreed to that. We encourage more to do so.

We can make CPT reports more acceptable by publishing them online and in our national languages. We can engage in dialogue about CPT recommendations with governments, national preventive mechanisms and other relevant human rights structures. National parliaments can also adopt a proactive approach. As the Assembly said in its report marking the 25 years of the CPT's existence, parliaments can be more systematic and engaging on issues relating to CPT reports.

Parliamentarians can become voices for human rights – in particular, for the prevention of torture – through general campaigns and interactive events. They can initiate training programmes, aimed at their own colleagues and staff, about human rights generally and CPT standards in particular. Visits to places of detention can be very useful in raising awareness among parliamentarians, as they are confronted with the reality of such places. CPT reports are invaluable working tools during such visits. In addition, parliamentarians can encourage their governments to complete appointment procedures if they are late in presenting candidates to serve on the CPT, or have failed to do so.

The efficiency, accuracy and credibility of parliamentarians' work on these issues will be enhanced if it is co-ordinated by strong parliamentary human rights structures. The report explains that there is not one single model for a parliamentary human rights structure. There are many models that work perfectly well as long as the basic principles of parliamentary supervision of international human rights standards, as summed up by the Assembly in 2011, are respected. When questions arise, we should make use of our Assembly, which can share good practice across Europe. The parliamentary project support division is ready to assist with the organisation of activities, to share experiences and to promote the implementation of CPT recommendations by parliaments.

This is the 30th year of the CPT's existence. It is time for us to give ourselves the means to review changes and outstanding issues in our governments' responses to CPT recommendations. It is clear that significant progress has been made in developing the potential of national parliaments to act as guarantors of human rights, especially when it comes to the supervision of the execution of European Court of Human Rights judgments. The same cannot yet be said about CPT recommendations despite there being particularly strong legal and moral imperatives to prohibit torture and inhumane or degrading treatment in all circumstances.

Dear colleagues, I thank you in advance for supporting Mr Arnaut's report and the draft resolution and recommendations proposed by the Committee on Legal Affairs and Human Rights.

The PRESIDENT* – Thank you, Ms Ævarsdóttir. You have four minutes remaining. I call Mr Schennach on behalf of the Socialists, Democrats and Greens Group. I remind you that you have four minutes at your disposal.

Mr SCHENNACH *(Austria, Spokesperson for the Socialists, Democrats and Greens Group)** – When the President appears on a Friday, we know that our intensive week is coming to an end. The Socialists, Democrats and Greens Group welcomes the report. I thank the Committee on Legal Affairs and Human Rights for its work.

The previous report – I think it was by Jordi Xuclà – had reverberations in my country and others where the CPT report recommendations are immediately followed up. Mr Kiliç's amendment relates to the publication of the previous CPT report. I simply say to him, please follow the positive example of your neighbouring country, Azerbaijan, which has published all CPT reports in recent years. I am not saying that Azerbaijan has overtaken Turkey in the democracy race, but it is important that these reports are published. Please take that into consideration.

We must take the recommendations much more seriously. National parliaments should introduce a process whereby the CPT report recommendations are automatically adopted. That does not happen in my country – there is a procedure that precedes adoption – but many countries have profited from such a process.

As rapporteur, I had recourse to the CPT when I went to the Gobustan prison in Azerbaijan.

The CPT's recommendations relate not only to torture, although that is a very serious issue, but to the demeaning or degrading treatment of individuals, which can take place, for example, during police investigations or administrative detention. CPT reports are important because they deal with intricacies and nuances.

I want to underline the importance of this resolution and the recommendation that parliaments initiate a process immediately following the CPT's recommendations. We have discussed introducing automatic notification and publication of reports with Jordi Xuclà in the past. CPT reports should be taken up with national parliaments immediately. I emphasise that point, Mr Kiliç, because Turkey is being invited to publish the reports, just as Azerbaijan has done.

Ms de BRUIJN-WEZEMAN *(Netherlands, Spokesperson for the Alliance of Liberals and Democrats for Europe)* – The good news is that the CPT has led to a significant improvement to the conditions of detention in Europe. As Mr Xuclà said in his report two years ago, "The achievements of the CPT are immense: the incidence of torture and other forms of deliberate ill-treatment has been lowered in some countries where it was found to be a significant problem; as a result of CPT's findings, action has been taken against persons responsible for ill-treatment; safeguards against ill-treatment have been introduced or reinforced following the CPT's recommendations; the selection and training of police, prisons and health-care staff have been improved; the CPT's findings are regularly and widely relied upon by the European Court of Human Rights."

We must face it: the absolute prohibition of torture and inhumane or degrading treatment or punishment is and will remain a fragile commodity. To hold onto our ambition to make Europe a torture-free zone, more work needs to be done.

Today's resolution calls on relevant stakeholders to stay involved and take the next step. Special attention is drawn to the role of national parliaments, on which I would like to comment. The resolution provides further elaboration of a proposal in the 2017 report by Mr Xuclà that I just quoted, which was that CPT reports should be subject to policy discussions and questions to governments in order to oversee compliance with CPT recommendations.

I find it useful that the rapporteur, Mr Arnaut, refers to procedures that are common in the 27 States where ombudsperson institutions are present as regards public evaluation and follow-ups to the ombudspersons' annual reports. There is also a parallel with the role that national parliaments take in supervising the execution of judgments of the European Court of Human Rights. Why not add the national visit and annual reports of the CPT to a systematic review in national parliaments, to hold the government to account on the timely implementation of CPT recommendations, and be transparent by making the CPT's visit reports public as well as the government response?

The rapporteur proposes to structure the parliamentary process, but not to prescribe it. That is a wise decision, because it has been shown that certain methods, for example a specialised committee, do not always guarantee effective implementation. Working on culture and expertise seems, in my opinion, more important. I support the call on national parliaments to co-operate with the Parliamentary Project Support Division in organising seminars for parliamentarians and the staff of national parliaments to enhance their capacity to promote the implementation of the CPT recommendations.

Finally, I congratulate the rapporteur on the report, which provides important key handles for the better implementation of the CPT's recommendations by national authorities. We can therefore hope that there will be more good news about our ambition to make Europe a torture-free zone. On behalf of the Alliance of Liberals and Democrats for Europe, I will support the report.

Ms UCA *(Turkey, Spokesperson for the Group of the United European Left)** – On behalf of my group, I thank the rapporteur and underline that we support this very important report. The CPT performs excellent work with a view to improving conditions of detention in our member States and in preventing torture or degrading treatment. However, the report flags up that the CPT must still do much more.

The role of the Parliamentary Assembly is important in supporting the CPT's work and this concerns our parliaments as well. The CPT must ensure that there is proper transparency and accountability in member States and in the European Court of Human Rights and the decisions must be implemented. It is also important for countries to respond immediately to the CPT report and to implement the recommendations rapidly. A control mechanism needs to be put in place for the recommendations of the CPT as well as support to ensure that they can be implemented.

Violations of rights and people being placed in prison arbitrarily in Turkey is on the increase. We have examples of people who have been imprisoned for very many years. In fact, the CPT has made visits to those involved in such cases and reported on them. Since 27 July 2011, the lawyers of Abdullah Öcalan, who has been imprisoned for more than 20 years, have been unable to visit him. 783 requests have been turned down. In fact, it is impossible to contact him in writing or in an email or to make phone calls. On 11 September 2016 and 2 January 2019, only two very short visits were authorised. Three other inmates are also in complete isolation since March 2015, which flies in the face of judgments handed down by the European Court of Human Rights and the CPT. It is important to act against this injustice and arbitrary detention, given that he has been on hunger strike for more than 70 days and that the CPT recommendations need to be implemented.

We welcome the report, particularly paragraph 8, and we ask colleagues to support it as well as supporting our amendment 2. All people are equal and human rights should apply to everyone without distinction. It should not make any difference if people are detainees.

The PRESIDENT – Thank you.

Ms Ævarsdóttir wishes to respond at the end of the debate, so I now call Mr Sirakaya.

Mr SIRAKAYA *(Turkey)* – Let me start by thanking the rapporteur for his dedication in preparing this important report.

As stated in the report, the ongoing work of the CPT clearly demonstrates that more remains to be done to make Europe a torture-free zone, so we must work together to further develop human rights in Europe. In fact, as member States embracing the values of the Council of Europe, we should also promote the rights of people living outside Europe. We cannot overlook the fact that people's rights in various parts of the world have been violated. Fighting against torture, protecting human dignity and respecting human rights are significant values for us. In this context, I would like to state that Turkey supports the work of the CPT as it contributes to the development of human rights. Our co-operation with the CPT has always been strong and Turkish penal institutions have been inspected by the CPT many times and related reports have been published, but the Commissioner for Human Rights of the Council of Europe, the United Nations Working

Group on Arbitrary Detention and the United Nations Convention against Torture also had, as it has always, the opportunity to inspect them.

Moreover, in the context of European Union's harmonisation efforts, and within the framework of the "zero tolerance to torture" policy, Turkey has made all the legal changes to prevent torture and has established inspection and judicial mechanisms. Within the scope of parliamentary oversight, the Human Rights Inquiry Committee, or chairperson or members of the investigation committees, can visit penal institutions and conduct research and inspection activities. In addition, the Committee conducts regular investigations and shares the results with the public. As in the past, our good relations and co-operation with the CPT will continue. We will support every step towards improving human rights.

Finally, I will touch upon our amendment to paragraph 8 of the draft resolution. Mr Schennach gave some disinformation: the amendment was not tabled by Mr Kiliç but by me. While paragraph 7.2 calls on member States to authorise the automatic publication of reports without specifically highlighting a State, paragraph 8 makes the same recommendation exclusively for Turkey. We are independent; we can decide by ourselves. There are at least 10 other States whose reports have not been published either. In view of Turkey's close co-operation with the CPT, and the fact that Turkey has authorised the publication of most of the reports, paragraph 8 should be deleted for the sake of fairness, or it should at least be explained why only Turkey is explicitly mentioned.

Ms STRIK *(Netherlands)* – I thank the rapporteur for addressing the role of parliamentarians in improving the follow-up of the CPT recommendations. The CPT is one of the most precious bodies in the Council of Europe as it supervises the situation of people in vulnerable situations because of their deprivation of liberty. The total control of States over these persons puts a large responsibility on governments to not abuse their power and to respect human rights, as established, inter alia, by Article 5 of the Convention and the extensive case law developed by the Court. CPT supervision helps States by reminding them and guiding them in ensuring that their way of detaining people is legitimate, and by making recommendations that are often of a more general character and that have a general effect in other countries.

I fully agree that we parliamentarians have a large responsibility to improve the effectiveness of CPT actions. We too rarely discuss the recommendations in our national parliaments or monitor their follow-up by our governments. We could do that through meetings in our parliaments, but also through making use of our right to visit detention centres ourselves. These confrontations with the reality in which detainees live could result in more engagement with this issue.

In our national parliaments, we could also try to ensure that the national supervision mechanisms exist, are adequate, have unlimited access to detention centres and other situations where deprivation of liberty is at stake, and that they are independent. For instance, national prevention mechanisms based on the optional protocol of the CPT should be independent. However, in my country, the Netherlands, this mechanism is affiliated with the Ministry of Justice and Security, which raises questions about its effectiveness and impartiality. The supervisory mechanism of the CPT has requested several times that we refrain from this model, and I think it is up to the parliament to guarantee that such a request is followed up. I also endorse the proposals for the role of the Parliamentary Assembly of the Council of Europe itself. We should take on that role.

The Assembly has already co-operated with the CPT in urging the Committee of Ministers to develop separate standards for the administrative detention of migrants. Until now, the CPT has used the prison rules as a framework of reference. However, it has concluded that that is not the right basis for people who did not commit a crime but are being held in order to prevent their absconding. Despite not being criminals, they are often vulnerable, staying in even worse circumstances and even having fewer rights than normal prisoners. The Assembly adopted a resolution in 2010 that proposed guidelines and urged a special recommendation being issued by the Committee of Ministers, and the CPT did the same.

A two-year negotiation that I observed on behalf of the Assembly almost led to an agreement, until the European Union's co-ordinated proposing of destructive amendments. The case is now referred to the Committee of Ministers. I really hope that we do not let the European Union water down our standards on detention. An adequate recommendation that takes full account of the specific and vulnerable situation of migrants in detention is necessary for the CPT to scrutinise their conditions effectively. This example shows that the Assembly has a role in supporting the optimal functioning of the CPT, by ensuring access to places of detention in our countries, ensuring that its recommendations are complied with and even by ensuring that it can rely on an adequate legal framework.

Mr XUCLÀ *(Spain)** – This is my third speech this week, but it is the first under your presidency, Madam President. We are in the final straight of the week now. I congratulate you on your election and wish you every success through the second year of your presidency.

As was recalled by one other speaker, an earlier report on the CPT, which was very prudent, was adopted on 26 April 2017. I congratulate the rapporteur, Mr Arnaut, from Bosnia and Herzegovina, for this update on the contributions and opinions put forward by the Committee on Legal Affairs and Human Rights over the last couple of years. We are now marking the 30th anniversary of this key basic Committee of our Organisation.

Based on the report of a couple of years ago and on this report, one verb that indicates what the Assembly should do is “to push”. We should push the recommendations and conclusions of the Committee into the public debate of our parliamentarians in member States, on the basis of Article 3 of the Convention. Other bodies, such as GRECO, have an effect on our debates and are more involved in the discussions of the CPT.

A couple of years ago, there were shared hearings between the Committee on Legal Affairs and Human Rights, the Monitoring Committee and the chair of the CPT, in order to listen to the views of various States that have been reported on. It is true that the reports of ombudspersons in some countries, such as Spain, have taken on board the CPT’s proposals.

This report is a good opportunity for us to consider the CPT’s recommendations. However, I would go further. If the regulations permit, why not invite the chair of the CPT, or a member of the CPT, to public hearings of our national parliaments, in order to convey their conclusions to our parliaments?

I will end on two considerations. The draft resolution references professionals being nominated to the CPT. We have always talked about the importance of speaking languages, and of the full dedication to the work of the CPT.

Mr Schennach recalled the good news that a large number of countries have implemented the automatic publication of CPT reports. We are satisfied with that outcome, but we are also talking about advance publication in the language of the country concerned.

As for the amendments, I will of course support Amendment 2, but not Amendment 1, which in practice means that I am in favour of Turkey immediately publishing the report of the ad hoc visit of the CPT far back in 2016.

Earl of DUNDEE *(United Kingdom)* – I join others in congratulating Mr Arnaut on this useful report. The quality of CPT work is not in question. As intimated, this is already of a high standard. The faults instead are those of inadequate delivery.

In my remarks I will briefly connect three aspects: first, a defect of attitude or the extent to which, in the first place, the flouting of CPT standards is not sufficiently viewed as a breach of human rights; secondly, what this Assembly can do to help; and thirdly, how national parliaments can become more proactive.

As observed, a number of parliaments, including that of Georgia, pursue the judgments of the European Court of Human Rights. Specific means are successfully deployed. These in turn inspire relevant government reports and actions. CPT recommendations ought to be treated in the same way. They are not. This reflects a paradoxical and unco-ordinated attitude. For if Council of Europe member States castigate degrading and inhumane treatment, which they do, then follow-up mechanisms for ECHR rulings should be made equally available to carry out CPT prescriptions.

On what this Assembly can do, Mr Arnaut accurately identifies a number of expedients. The Committee on Legal Affairs and Human Rights must work more closely with the Monitoring Committee. Both should relate to the heads of national delegations, thereby also forging links with member State parliaments; and not least must those committees of our Assembly keep regularly in touch with the CPT through annual updates and discussions.

Then there is the part to be played by national parliaments. They need to get better at holding their executives to account – and for this also receiving timely backing from the public: which would happen to a far greater extent if CPT papers were translated and disseminated much more quickly and methodically than at present, a point to which Mr Schennach and Mr Xuclà have already eloquently referred.

In addition, as the rapporteur advises, national parliaments ought to make use of investigative committees, but in a balanced and efficient manner, thus avoiding the danger and negative effects of silos, which, if set up in the wrong way, simply undermine the corrective energy of public concern and interest.

Here, then, are some of the indicated steps. By and large, they are those of necessary adaptations, competent management and focused resolve. As Mr Arnaut urges, these steps should now be taken without delay by this Assembly, along with our national parliaments.

The PRESIDENT* – That concludes the list of speakers.

I call Ms Ævarsdóttir to respond on behalf of the committee.

Ms ÆVARSDÓTTIR *(Iceland)* – Let me start with perhaps the most critical comment of the report, which was made by Mr Sirakaya. He stated that 10 other States had not published their reports. As I understand it, there are in fact two other States that have not published their reports – that is to say, those adopted before 2018 – and they are the Russian Federation and the Republic of Moldova. The figure is not 10, as the member indicated. Perhaps he is referring to some States that have not published reports that were approved of in 2018, but I do not think that is really the same thing.

What we are doing in paragraph 8 is simply reminding Turkey of something that this Assembly has already asked Turkey to do. I would remind Turkey that, in its monitoring report, this Assembly has already requested that Turkey publish the reports issued by the CPT in pursuance of its ad hoc visits to Turkey in 2016 as a result of the state of emergency there. This is a just a reminder of something that the Assembly has already concluded and requested. It is by no means meant to single out Turkey in any way. We are just following up on a call that we have already made and reminding Turkey to respect this request.

Several speakers talked about the importance of CPT work, and I totally agree. Ms Strik made an important point about refugees. We need to update our standards when it comes to the detention sites that refugees are kept in, because there are specific rules that should apply to that. There should be more focus on that, because sometimes children are held in these detention sites. There are a lot of things we need to think about in that respect.

Many members, including the Earl of Dundee and Ms Bruijn-Wezeman – indeed, almost every member who spoke – talked about the importance of more follow-ups by national parliaments and holding our executives to account. I totally agree. This report, along with recent developments in my own country, have inspired me to try to ensure a better mechanism to deal with these recommendations in the Parliament of Iceland, because I have found that many of my fellow members there do not even know what the CPT is. They have no idea and do not realise how important its recommendations are. For instance, when it comes to involuntary institutionalisation in mental hospitals in Iceland, the CPT's recommendations have remained unanswered in terms of legislation since its first visit in 1994. That is a serious concern. It shows that the authorities in Iceland, and perhaps many other countries, are not listening closely and carefully enough to what the CPT is saying. That is important.

That also touches on Ms Uca's point about the importance of CPT visits when it comes to arbitrary detention, because the CPT also looks into the legal frameworks that exist around the deprivation of liberty in different member States and points out difficulties, pitfalls or legal articles that are likely to lead to arbitrariness or do not ensure strong enough protections against arbitrary deprivation or discriminatory deprivation of liberty. This is still an issue in my own member State.

It is important that we all find it within ourselves to become agents to ensure the true implementation of CPT recommendations. It is important that our Europe becomes a torture-free zone, and for that we all have a role to play. I thank members for participating and hope we can all support the report.

The PRESIDENT* – Does the vice-chair of the committee also wish to respond?

Mr ZINGERIS *(Lithuania)* – It might be Friday, but we are talking about an important question that touches on our key European values. I am glad to say that Mr Arnaut discharged his duty seriously and scrupulously. Our rapporteur did an excellent job.

The most important issue is our suggestion of holding more hearings, which Mr Xuclà mentioned. CPT hearings are extremely important. As Ms Ævarsdóttir has just said, not many executives even know what they are. Finally, we should implement CPT recommendations on the executive side. As legislators and representatives of European citizens, parliamentarians share a responsibility with the executive and judicial

branches of their States to prevent and denounce human rights violations, especially torture and ill treatment, and to supervise the implementation of concrete CPT recommendations. In particular, I encourage all our parliamentarians to get involved in co-operation activities on this issue. The Assembly projects support a special division, which stands ready to assist us in this regard.

As the chair mentioned, the legal and moral imperatives are strong in this area. We should ensure that our governments and parliaments commit to the obligations enshrined in Article 3 of the European Convention on Human Rights. Thank you all for your contributions and support.

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

The Committee on Legal Affairs and Human Rights has presented a draft resolution, to which two amendments have been tabled, and a draft recommendation, to which no amendments have been tabled.

We move to Amendment 2. I call Mr Overbeek to support Amendment 2. You have 30 seconds.

Mr OVERBEEK *(Netherlands)* – The amendment attempts to strengthen the monitoring effort by the Committee on Legal Affairs and Human Rights in those cases where member States persistently fail to implement their CPT recommendations. That is the objective of the amendment

The PRESIDENT* – Thank you. Does anybody wish to speak against Amendment 2? That is not the case.

What is the opinion of the committee on the amendment?

Mr ZINGERIS *(Lithuania)* – It was approved by a large majority.

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

The vote is open.

Amendment 2 is adopted.

We now proceed to Amendment 1. I call Mr Aydin to support the amendment. If it is adopted, the subsequent oral sub-amendment will fall.

Mr AYDIN *(Turkey)* – As has already been mentioned by my Turkish colleague, this paragraph is a bit biased. We have produced an amendment that is against mentioning countries. Paragraph 7.2 calls on the member States to authorise automatic publication of reports, without specifically highlighting a State. Unfortunately, paragraph 8 turns this around and specifically names Turkey. This has already been explained by the committee as an excuse. As the committee chair says, the committee has written to Turkey, asking it to sign, excluding the reports required for 2018. However, other countries have not done their job for 2017, such as Estonia and Montenegro. I really do not understand why the committee has not followed the same procedure and reminded the other 10 countries to write their reports. Either name each country specifically or delete “Turkey”.

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

Ms ÆVARSDÓTTIR *(Iceland)* – I have already mentioned that two other countries have not published reports that were adopted before 2018, namely the Russian Federation and the Republic of Moldova. I agree that this could have been tabled as an amendment a lot earlier but it was not. Nevertheless, it is a reminder: we just request the same thing as the monitoring report requested. An ad hoc visit from the CPT committee is something that concerns us all and we are just reminding Turkey that it should show us what happened to the CPT committee’s ad hoc visit. It just confirms what the Assembly has said and is not meant to discredit or single out Turkey in any way. We are just reminding it of something we have already asked it to do and it has still not done. Thank you.

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

Mr ZINGERIS *(Lithuania)* – It was rejected by a large majority.

The PRESIDENT* – Thank you. The vote is open.

Amendment 1 is rejected.

I have received an oral amendment from the Committee on Legal Affairs and Human Rights which reads as follows: “In the draft resolution, in paragraph 8, before the words “ad hoc” insert the following word: “second”.”

This is admissible under the rules. However, it cannot be accepted if more than 10 members object by standing up. Is there any objection to the oral amendment? That is not the case.

We shall proceed to consider the oral amendment.

Ms ÆVARSDÓTTIR *(Iceland)* – This is a technical amendment, simply meant for clarification. We are referring to the second report and request that it be published. The amendment simply seeks to make clear exactly what we are asking for.

The PRESIDENT* – Does anyone wish to speak against the oral amendment? That is not the case. I gather that the committee is in favour, so we shall proceed to the vote.

The vote is open.

The oral amendment is adopted.

We will now proceed to vote on the draft resolution contained in Document 14788, as amended. A simple majority is required.

The vote is open

The draft resolution in Document 14788, as amended, is adopted, with 20 votes for, 0 against and 0 abstentions.

We will now proceed to vote on the draft recommendation contained in Document 14788. A two thirds majority is required.

The vote is open

The draft recommendation in Document 14788 is adopted, with 21 votes for, 0 against and 0 abstentions.

Thank you all. I congratulate you on your work.

3. Progress report of the Bureau and the Standing Committee (continued)

The PRESIDENT* – We turn now to the progress report of the Bureau.

This morning, the Bureau has proposed several references to Committees. They are set out in the Progress Report Document 14796 Addendum 3. These references must be submitted for ratification by the Assembly in accordance with Article 26.3 of the Rules.

Are there any objections to these references? That is not the case.

The references are approved.

I now propose that the other proposals in the Progress Report (Document 14796 Addendum 3) be ratified.

Are there any objections?

There are no objections, the progress report is approved.

4. Constitution of the Standing Committee

The PRESIDENT* – The final business today is to constitute the Standing Committee.

The membership of the Standing Committee is fixed by Rule 17.3, as follows: the President of the Assembly, the Vice-Presidents of the Assembly, the Leaders of the political groups, the Chairpersons of national delegations and the Chairpersons of the general committees.

A full list of members is set out in document Committees (2019) 02.

The Standing Committee is accordingly constituted.

5. Voting champions

The PRESIDENT* – I am pleased to be able to announce the names of our voting champions, those members who have taken part in the most votes during this part-session.

There is only one. It is our champion for all categories: Mr Schennach.

I congratulate him and say to those who have not been mentioned: keep trying. As is traditional, I invite him to come to see me so that I can give him a small gift, as a token of our appreciation.

6. Closure of the part session

The PRESIDENT* – We have now come to the end of our business.

I would like to thank all members of the Assembly, particularly the rapporteurs and chairpersons of the committees, for their hard work during this part-session.

I would also like to thank all the Vice-Presidents who have assisted me by presiding over sittings of the Assembly this week. They are: Ms Boriana Åberg; Ms Rósa Björk Brynjólfsdóttir; Sir Roger Gale; Ms Dzhema Grozdanova; Ms Carmen Leyte; Mr Andreas Nick; Mr Joseph O'Reilly; and Ms Nicole Trisse.

In addition, I would like to thank all the staff and interpreters, both permanent and temporary, who have worked hard to make the part-session a success.

The second part of the 2019 Session will be held from 8 to 12 April 2019.

We have now come to the end of our business.

I wish everyone a pleasant rest of the day and weekend, and I hope you have a safe trip home.

I declare the first part of the 2019 Session of the Parliamentary Assembly of the Council of Europe closed.

(The sitting was closed at 12.30 p.m.)

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   Presentation by Ms Ævarsdóttir of the report of the Committee on Legal Affairs and Human Rights in Document 14788

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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] *(BUTKEVIČIUS, Algirdas [Mr])*
ÆVARSDÓTTIR, Thorhildur Sunna [Ms]
ALTUNYALDIZ, Ziya [Mr]
BAYR, Petra [Ms] *(BURES, Doris [Ms])*
BECHT, Olivier [M.]
BERNACKI, Włodzimierz [Mr]
BRUIJN-WEZEMAN, Reina de [Ms] *(MAEIJER, Vicky [Ms])*
BUCCARELLA, Maurizio [Mr]
BUSHATI, Ervin [Mr]
COMTE, Raphaël [M.] *(FIALA, Doris [Mme])*
DAVIES, David [Mr] *(EVANS, Nigel [Mr])*
DUNDEE, Alexander [The Earl of] [ ]
EMRE, Yunus [Mr]
ESSL, Franz Leonhard [Mr]
FRIDEZ, Pierre-Alain [M.]
GERMANN, Hannes [Mr] *(LOMBARDI, Filippo [M.])*
GOLUB, Vladyslav [Mr] *(LABAZIUK, Serhiy [Mr])*
GRAAS, Gusty [M.]
GRAF, Martin [Mr]
GRIMOLDI, Paolo [Mr]
GRIN, Jean-Pierre [M.] *(MAURY PASQUIER, Liliane [Mme])*
HAMOUSOVÁ, Zdeňka [Ms]
HAMZAYEV, Nagif [Mr] *(HAJIYEV, Sabir [Mr])*
HEER, Alfred [Mr]
HOWELL, John [Mr]
IELENSKYI, Viktor [Mr]
IGITYAN, Hovhannes [Mr]
JALLOW, Momodou Malcolm [Mr]
KAMOWSKI, Catherine [Mme] *(GAILLOT, Albane [Mme])*
KILIÇ, Akif Çağatay [Mr]
KIRAL, Serhii [Mr] *(SOTNYK, Olena [Ms])*
KOBZA, Jiři [Mr] *(BENEŠIK, Ondřej [Mr])*
KOÇ, Haluk [M.]
KOPŘIVA, František [Mr]
LEŚNIAK, Józef [M.] *(MILEWSKI, Daniel [Mr])*
LOGVYNSKYI, Georgii [Mr]
LORSCHÉ, Josée [Mme] *(WISELER, Claude [M.])*
MAELEN, Dirk Van der [Mr] *(BLANCHART, Philippe [M.])*
MANIERO, Alvise [Mr]
MARUKYAN, Edmon [Mr]
MASIULIS, Kęstutis [Mr] *(TAMAŠUNIENĖ, Rita [Ms])*
MASŁOWSKI, Maciej [Mr]
MEHL, Emilie Enger [Ms]
MÜLLER, Thomas [Mr]
MUTSCH, Lydia [Mme]
NENUTIL, Miroslav [Mr]
OEHME, Ulrich [Mr] *(BERNHARD, Marc [Mr])*
OHLSSON, Carina [Ms]
O'REILLY, Joseph [Mr]
ORLANDO, Andrea [Mr]
OVERBEEK, Henk [Mr] *(MULDER, Anne [Mr])*
POCIEJ, Aleksander [M.] *(KLICH, Bogdan [Mr])*
RAMPI, Roberto [Mr]
REISS, Frédéric [M.] *(ABAD, Damien [M.])*
RUBINYAN, Ruben [Mr]
SCHENNACH, Stefan [Mr]
SCHWABE, Frank [Mr]
SHARMA, Virendra [Mr]
SIRAKAYA, Zafer [Mr]
SOBOLEV, Serhiy [Mr]
STRIK, Tineke [Ms]
SUTTER, Petra De [Ms] *(DUMERY, Daphné [Ms])*
THIÉRY, Damien [M.]
TRISSE, Nicole [Mme]
UCA, Feleknas [Ms]
VAREIKIS, Egidijus [Mr]
VEN, Mart van de [Mr]
VOGEL, Volkmar [Mr]
VOVK, Viktor [Mr] *(LIASHKO, Oleh [Mr])*
WARBORN, Jörgen [Mr]
WASERMAN, Sylvain [M.]
XUCLÀ, Jordi [Mr] *(GARCÍA HERNÁNDEZ, José Ramón [Mr])*
YEMETS, Leonid [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]
BÜCHEL, Roland Rino [Mr]
HAYRAPETYAN, Tatevik [Ms]
HOLEČEK, Petr [Mr]
VARDANYAN, Vladimir [Mr]
WIECHEL, Markus [Mr]

Observers / Observateurs
BENAVIDES COBOS, Gabriela [Ms]
HERNÁNDEZ RAMOS, Minerva [Ms]
PECH VÁRGUEZ, José Luis [Mr]

Partners for democracy / Partenaires pour la démocratie
ALAZZAM, Riad [Mr]
ALQAISI, Nassar [Mr]
MUFLIH, Haya [Ms]

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