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REPORT

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Friday 12 April 2019 at 10 a.m.

In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are reported using the interpretation and are marked with an asterisk
3. The text of the amendments is available at the document centre and on the Assembly's website. Only oral amendments or oral sub-amendments are reproduced in the report of debates.
4. Speeches in German and Italian are reproduced in full in a separate document.
5. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

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

(Ms Trisse, Vice-President of the Assembly, took the Chair at 10.15 a.m.)

The PRESIDENT* – The sitting is open.

Mr HEINRICH (*Germany*) – On a point of order, Madam President. During the vote on implementing the 2030 Agenda, I voted wrongly because I misunderstood. I voted against implementing the 2030 Agenda, but I did not disagree with it. Thank you.

The PRESIDENT* – Thank you, Mr Heinrich. In accordance with the rules, I am afraid we cannot change your vote, but we take note that you made an error when voting.

1. Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children

The PRESIDENT* – The first item of business this morning is the debate on the report “Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children”, presented by the rapporteur Ms Petra De Sutter on behalf of the Committee on Social Affairs, Health and Sustainable Development, and with an opinion from the Committee on Legal Affairs and Human Rights, presented by Mr Pierre-Alain Fridez.

I remind you that on Monday, the Assembly decided to limit speaking time to three minutes. Madam rapporteur, you have 13 minutes in total, which you may divide as you wish between your presentation of the recommendation and your response to the debate. I call Ms De Sutter.

Ms De SUTTER (*Belgium*) – I thank colleagues for being here for this debate, which is an important one for the people concerned. If we vote for the recommendation, it will change the lives of future donor-conceived children in Europe.

Let me remind you how the report began. In 2017, my colleague Sabien Lahaye-Battheu, from the Alliance of Liberals and Democrats for Europe, tabled a motion to evaluate the different practices concerning the use of donor gametes and embryos in assisted reproduction across member States. She wanted to find a solution to donor shortages and cross-border reproductive care, and to uphold the rights of all concerned parties. That is exactly what the report does: uphold and balance the rights of parents, donors and children. I was appointed rapporteur by the Committee on Social Affairs, Health and Sustainable Development and I wrote my report with the excellent help of the secretariat, which I sincerely thank. On 21 January, the report was unanimously adopted by the Committee on Social Affairs, Health and Sustainable Development.

Today, I hope the Assembly will follow the committee’s advice and vote in favour of the recommendation. Why should you do that? First, by doing so you will better protect the rights of future donor-conceived children, who are in the most vulnerable position. The only way to respect Article 7 of the Convention on the Rights of the Child and to give children the right, as far as possible, to know and be cared for by their parents, is to waive anonymity for all future gamete donations. We should recognise the right to know one’s origins, which is connected to the right to identity and personal development. So many witnesses and experts talked about that in committee hearings. That right includes the right to access information that would make it possible to trace one’s roots, to know the circumstances of one’s birth and to have access to certainty of parental filiation.

Secondly, it is important to waive anonymity and to put such legislation in place across Europe, since the societal context has changed. In recent years, our societies have evolved; people are connected through the social media and the Internet and can send their DNA to be tested rapidly and easily. That is one of the reasons that donor anonymity – and genetic anonymity – is an illusion. Phasing out anonymous donation step by step until it no longer exists is the future. There are different ways to do that; the recommendation does not suggest a way, but just states that it should be done. Thirdly, some countries have already waived anonymity, with positive results. In 1984, Sweden was the first country to decide to waive donor anonymity. Germany, Switzerland, the Netherlands, Austria, Finland, Iceland and the United Kingdom followed. Portugal did it recently in a different way, through the constitutional court. More countries are evolving towards waiving donor anonymity.

Many scientific studies have been done, which show that the number of donors might decrease in the first year if we suddenly stop anonymous donation, but they will increase steadily in the long run, as we have seen in Sweden and in the United Kingdom. Studies have also shown that the profile of donors will change substantially – generally they will be older, having had time to think about their decision. I do not think that is a bad thing.

We might not all have the same beliefs about the parental project, and whether it is solely biological, solely social, or both biological and social, but I am convinced that we have the same values when it comes to human rights. We all know that human rights should be balanced between all parties involved. That is why the goal of my report was to improve the protection of the rights of all parties: the children, the donors, the legal parents, the clinics and service providers, and even society at large. There are also the obligations of the State. If we are to balance the rights of all parties involved, we can come to only one conclusion – the conclusion in the recommendation, which is that children have a right to know the donor, and should have that right in all member States in Europe.

Donors also have rights; they must be protected from legal, financial or parenting claims. We chose not to recommend that that be applied retrospectively, as happened in the state of Victoria in Australia. Legal parents have the right to found a family with the help of assisted reproductive technologies, which entails the legal obligations of parentage. Clinics and service providers must comply with legislation and document everything about their patients. Society, and thus the State, must ensure individual and public health.

Of course, balancing all these interests is not easy, but it is possible. I recommend to the Committee of Ministers that member States amend their legislation so that a donor-conceived child, at the age of 16 or 18, could ask to know the identity of its donor. There should be a national register to facilitate the sharing of information, but also to trace donors if the medical need should arise, and to limit the number of donations from the same donor. It is important that donors and donor-conceived children be offered guidance and counselling before they decide to donate or lift anonymity. Finally, the act of donating gametes must remain a voluntary and altruistic gesture, with the sole aim of helping others, and thus should not result in any financial gain or comparable advantage for the donor.

Colleagues, I conclude by asking for your support for this important recommendation. Today, the Assembly can move a step forward towards better respect for Article 7 of the Convention on the Rights of the Child, and towards giving children the right to know and be cared for by their parents, and to know the identity of their donor. The committee unanimously believes that waiving anonymity for all future gamete donations is the way to go. It will then be up to the Committee of Ministers to deliberate on whether and how these recommendations should ultimately become legally binding.

The PRESIDENT* – Thank you, rapporteur. You have approximately five minutes remaining in which to respond to the debate.

I call Mr Fridetz to present the opinion of the Committee on Legal Affairs and Human Rights.

Mr FRIDEZ (*Switzerland*)* – I congratulate Petra De Sutter on her exhaustive report. I support the project as a whole, and the draft recommendation. Donation of sperm and oocytes is a topical subject that raises several controversial issues. It is a field in which a number of technological and scientific advances have been achieved and continue to progress. Maintaining anonymity for gamete donors has become practically impossible. People who want to trace their origins have easy access to others' genetic data. It is therefore important to regulate these issues properly and avoid problems arising from the development of these technologies. That is why I fully support the report's conclusions.

I have tabled amendments, which the Committee on Legal Affairs and Human Rights approved in March. They are designed to strengthen the wording of the draft recommendation, and relate to some of its legal aspects. I would like to underline the diversity of domestic legislation in the field of medically assisted procreation. Some countries do not have legislation in this area. In around 20 member States of the Council of Europe, medically assisted procreation is set aside for heterosexual couples. The criteria for access to medically assisted procreation varies between States, as do practices and legislation regarding the anonymous donation of gametes. There is no European consensus in this area.

The European Court of Human Rights has on a number of occasions taken a position on matters relating to medically assisted procreation, but case law is still relatively limited. The Court attaches particular importance to the biological tie between parents and children. It considers the right to know one's biological origins and have them recognised to be part of the right to have one's privacy respected, which is enshrined in Article 8 of the European Convention on Human Rights. However, it is not an absolute right; it can be restricted based on the criteria in the Convention. That is why the Committee on Legal Affairs and Human Rights, respecting the spirit of Article 8.2 of the Convention, which sets out exceptions to the right to privacy, tabled Amendment 4 to the beginning of paragraph 7.1. Ms De Sutter's text says: "anonymity should be waived for all future gamete donations in Council of Europe member States"; we suggest adding "as far as possible". The aim is not to reduce the scope of the report, but to increase legal certainty.

The European Court of Human Rights is examining two cases against France concerning the refusal of authorities to communicate information on the origins of the applicants, who were born from artificial insemination following a donation of sperm. The results of the cases will be of sizeable importance in assessing the issue and potentially drawing up European rules in this area. I thank colleagues for their attention.

The PRESIDENT* – Thank you, Mr Fridez.

In the general debate, I call Ms de Bruijn-Wezeman.

Ms de BRUIJN-WEZEMAN (*Netherlands, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – From a human rights perspective, we have to support donor-conceived children having the right to know their parents – for medical reasons, to avoid consanguinity, and for their identity-building. On behalf of Alliance of Liberals and Democrats for Europe, I therefore agree with the rapporteur that anonymity should be waived for all future gamete donations, but that the anonymity of donors should not be lifted retrospectively. That is more easily said than done. As she mentioned, in my country of the Netherlands, anonymous donation has been prohibited since 2004. Donor-conceived children can, from the age of 16, decide whether they want access to information about the identity of the donor.

The first group of donor-conceived children from donors whose identity is known reached the age of 16 in 2018, but is the identity of the donor always known? The number of donors in the Netherlands has decreased, and to avoid consanguinity, the number of donations that can be made by a single donor is limited to 25. To combat the resulting waiting list, prospective parents and fertility clinics are buying donor sperm cross-border on the Internet from countries where anonymous donation is still possible. When you look for donor sperm on the Internet – I did this week – the first hit is an offer for anonymously donated sperm, and there is still great demand. Prospective parents are not considering the consequences for the future child of not having information concerning the identity of their genitor.

Parents need to be well informed and guided, although it is an illusion to think that parents who want to opt for an anonymous donor, for example out of shame about their own fertility, will not find a way. It is important that the donor be protected from legal, financial or parental claims. In my view, the donor must also have the right to abstain from social contact with the donor-conceived children. Proper guidance, counselling and support should be offered to donor-conceived persons before they decide whether they want access to information about the identity of the donor, and they have to be prepared for the possibility that they will not get in contact with the donor, or of being just one of 100 or 200 half-siblings. I agree with the rapporteur that it is not in the interest of donor-conceived persons but it can still be the reality these days.

I thank the rapporteur, Ms De Sutter, for this interesting report on a subject that will inform many stakeholders, of which donor-conceived persons are the most vulnerable. The report shows the direction for good practice to take but I still have my doubts whether it will become common practice, which I would regret because all those involved have an interest in good regulation.

Ms SCHNEIDER-SCHNEITER (*Switzerland, Spokesperson for the Group of the European People's Party*) * – This area of medicine is subject to much controversy. Some people will argue that it has advantages; others argue the opposite. The topic raises much debate within the EPP, of course, but also within the Parliamentary Assembly of the Council of Europe and many of our Parliaments back home. There are good reasons why we should opt for reproductive medicine, but also perfectly good reasons why we should advocate against it. As far as the EPP is concerned, the main point is that, if you are conceiving life, it has certain consequences. With anonymous donors, the children who are born do not know their biological father and never will. Is that really right? In many of our countries, the protection we have for sperm donors is valued more highly than the right of the child to find out who their genitors might be, and where their roots might lie.

This is a question of biological identity for the child. To this day, many people still underestimate how important that is. Secrecy was held in high regard in the past. Students, assistants and doctors actually made donations themselves and with noble purpose. Of course, their anonymity was safeguarded and there was no particular information on the consequences of the measures taken. It was held to be the best possible solution at the time, but I do not think that secrecy works anymore. We now have genetic tests over the Internet; you just need to spend a few dollars to find out what has happened. In fact, you can trace your genitors through that measure.

Ladies and gentlemen, this is not a question of being in favour of or against medicine in this field but a question of the right to know where you stem from. In Switzerland, we put a ban on anonymous donations of this type in 2001 and there is now a register. As of 1 January 2019, the authorities also need to inform

18-year-olds about their origins when they reach that age. Reproductive medicine should not become a form of tourism, which is why Switzerland and other countries have an interest in making sure that that ban is rolled out across the board; I think our children deserve that.

Thank you very much to the rapporteur for an excellent report. The EPP will be supporting it.

Baroness MASSEY (*United Kingdom, Spokesperson for the Socialist Group*) – Good morning, colleagues. I thank the rapporteur for her usual thoroughness and analysis of a topic which has many aspects. The report clarifies the interests of those concerned in gamete donation: the legal parents; the donor; the donor-conceived person as a child and as an adult; the clinics and service providers; and society. It supports the rights of the child. Advances in scientific knowledge and application have created questions and challenges in a number of areas concerning human fertility. We cannot ignore these advances. It is therefore important that ethical issues are examined, principles made clear and good practice established.

The report sets out such principles clearly. For example, the principle of the anonymity of gamete donors raises an issue of public health, in that a donor-conceived person cannot be informed of their genitors' medical history. There are ethical issues related to the donor-conceived person, many of whom believe that access to the donor's identity is an element of their identity. The rapporteur quotes an American study where 65% of donor-conceived persons considered that the donor represented half of themselves, while 70% wondered about the family of their donor and whether they would wish to get to know them.

The principle of anonymity is becoming obsolete due, as I said, to science and technology. One thing is clear to me: if we do not open up and make clear the systems for the donation of sperm and eggs, people will crack those systems anyway. A recent article in a scientific journal pointed out that, "a number of organisations promoting strategies and databases to identify sperm donors are now available online... the current generation of sperm donors ... are likely to maintain Facebook accounts and use social media on a regular basis. Via social media, they will disclose – to a vast network of friends and acquaintances – personal information about their daily lives and opinions that older generations might find shocking". The article said that it will become "increasingly common for children conceived through donor insemination to try to identify and establish contact with the donor. We should acknowledge that this can now happen as soon as the children become old enough" to use the available technology themselves "even if disclosure laws upon reaching 18 like in Great Britain, Italy, Australia and elsewhere never become law" in other countries.

An example of the clarity of the law on releasing personal information about a donor's details is provided by the Human Fertilisation and Embryology Authority in the United Kingdom. It gives information on what a donor will have been asked, and what can be accessed when people conceived from that donation reach the age of 18. They are then able to find out their description, year and country of birth, ethnicity, marital status and any relevant personal and family history. De-mystifying and clarifying the issue of sperm and oocytes donation is to be welcomed. Counselling for doctors, donors and donor-conceived persons should be offered and the rights of all parties concerned clearly established. The report is understandable and impartial on all these points. It should be widely supported.

Mr HOWELL (*United Kingdom, Spokesperson for the European Conservatives Group*) – I start by saying how much I appreciated this report. I congratulate Ms De Sutter on the sensitive way in which she approached a very complex subject and on the careful handling she has given it.

I began by looking at this subject from a human rights point of view. There is a conflict between the human rights of the donor and of those who are being born from these processes. The report judges those different human rights and assesses them, coming to a perfectly reasonable conclusion. One good thing about it is that it shows that human rights are not static. They are not written down and kept the same for ever and ever; for example, they change as technology changes. The report also recommends that very good point. One recommendation that must be recognised here is that this should go to the Committee of Ministers.

In the United Kingdom, the rights of children born from these processes were recognised in 2005 and information is fully available at age 18. It is not, however, a straightforward issue. There is a need for counselling on many issues in finding out one's true biological parentage, which can be traumatic. In the United Kingdom, it is handled by the Human Fertilisation and Embryology Authority in a two-stage process with some information made available when the young person is 16 and most of it when they are 18. We must recognise that the donor needs careful counselling, too. I am very pleased that Ms De Sutter did not recommend that we should go back and allow anonymity across the whole process retrospectively. There are very good reasons for taking away anonymity; the main one that sticks in my mind is for public health reasons, particularly with the advances on genetic diseases. Finding out the inherited diseases that we may already have is crucial.

I do not underestimate the need for people to find out who they are. The report aims to show that this is an altruistic process, required because the parents desire a child and a family. If we hold that firmly in our minds, we will achieve a good result.

Ms WONNER (*France*)* – By way of introduction to this, my first statement in the Chamber, I should say how pleased I am to be sitting in this Chamber, an Alsatian and resolutely a European. In my eyes, the Council of Europe, more than any other institution, embodies a promise of dialogue and co-operation between peoples.

I thank the rapporteur for the quality of her work on the anonymous donation of sperm and oocytes, which offers a succinct but precise picture of different legislation in Europe in this field. It flags up issues that warrant further discussion. I will mention two of those. As French Vice-President of the Committee on Social Affairs, Health and Sustainable Development, I have put in a certain amount of work into the subject, in particular together with the PMAnonyme association cited in the report. This is an opportunity for me to pay tribute to its work.

In your report, rapporteur, you say that Sweden, Germany, Switzerland, the Netherlands, the United Kingdom and, more recently, Portugal, have enacted advanced legislation in this field, dispensing with anonymity. Unfortunately, France is not one of those countries. I hope that the forthcoming bioethics law will enable French legislators to create a new right of persons conceived thanks to anonymous donation. I have drafted a Bill on the subject that I have forwarded to our Minister with responsibility for health and solidarity. We are talking about creating fundamental rights.

When you are an adult, it is easy to understand that an individual wishes to discover their biological origins. As the report says, someone's wanting to trace their identity as someone conceived as a result of a gamete donation is no less legitimate than the situation in respect of adopted persons. I agree with the arguments that enable you to conclude that the Council of Europe needs to issue stronger recommendations in this field. One of the arguments concerns technological progress, which enables people to go on the Internet to discover their origins. If member States do not take up the issue, there is a risk of the commercialisation of the desire to discover one's origins. There are also issues of data protection and making those trying to discover their origins more vulnerable.

The issue that we are discussing is not political or even ideological: it is social, in that notwithstanding the protection of donors it enables individuals to understand their position in terms of genealogy – not for biological reasons or reasons of affiliation, but for their own personal development. I appeal to colleagues to support the report.

Ms ÆVARSDÓTTIR (*Iceland*) – I congratulate the rapporteur on an excellent report. It is relevant that we are considering this issue. It is important that we approve this report because of the right of the child – the right of all of us to know our origins. I am privileged in knowing where I come from and why I look the way I do. I was called Ivarina when I was little because I was so similar to my father. Where you come from and your genealogy shapes the way you are, how you think about yourself and the world as you see it. We all have the rights to know our origins and where we come from.

The Convention on the Rights of the Child puts the obligation on all members of the Council of Europe to take policy decisions that put the rights of the child at the foremost consideration and doing what is best for the child. That is enshrined in Article 7 of the Convention on the Rights of the Child. We do our utmost so that children can know where they come from, which is very important. Secondly, we must focus on the fact that, with modern technological changes and scientific progress, keeping the anonymity of donors has become something of an illusion. It has become easy to deal with these kinds of issues and one's parentage. Gradually, things will change whether we like it or not. It is better that we have legislation on the ground before technology overtakes us.

Finally, it has been shown that the countries that have lifted anonymity have shown positive results. Maybe in the beginning the number of donors decreases, but then there is a steady increase, which does not seem to negatively affect the number of donors.

It is important for children to know their roots and biological DNA. We should not deprive them of that. Technology means that we are reaching the stage where at some point it will be illusory to maintain this façade. The report will not have a negative effect. I approve of the report and I encourage all other members to approve it.

The PRESIDENT* – Thank you, Ms Ævarsdóttir. That concludes the list of speakers.

The rapporteur may now respond to the debate. You have five minutes left.

Ms De SUTTER (*Belgium*) – Colleagues, thank you for your interventions, which have confirmed the position of the committee that approved the report. I want to address some of the points that stuck in my mind in the debate. First, I will address Mr Fridez's amendment, which would introduce "as far as possible". I remind you that the article says that the rights of the child include the right to know his or her origins – the parents – as far as possible, and have been used against the lifting of anonymity and against the rights of the children who are donor-conceived and say they want to meet the donor. Someone on the other side of the argument says that the right is not absolute. It says "as far as possible" – since we have had anonymity, it has not been possible. We now have the opportunity to overcome that and change legislation so that it becomes possible and we do not have to use the barrier any more to hide from our responsibility to give the children the rights they deserve. That is why I will oppose the amendment. Arguments have always been used against lifting anonymity as far as possible.

Yes, there is controversy; Ms Schneider-Schneiter, you said that in Europe you look at legislation on assisted reproductive technologies, who does and does not have access to treatment, and how to deal with eggs anonymously. That is good, and it speaks to our diversity in Europe. We can discuss and debate these issues, but they are not at stake in this report. This is about the rights of donor-conceived children; we are not talking about who has the right to be treated with donor gametes and who has not, and what the regulations should be.

I want to keep the debate as pure as possible in whatever European country where donor gametes are allowed. All those children have the same rights. I want to give some more insights about why these now adult donor-conceived children stand up and say, "You have to change the law because we have the right and future donor-conceived children should have the right. We have been done some wrong, even if the medical profession thought it was doing the right thing."

In the past we used donor gametes, donor sperm mainly, in such a way that everybody was convinced that anonymity would never be lifted and it will always remain a secret. Indeed, files of donors from 20 and 30 years ago have been thrown away; they are not kept, so even if hospitals were obliged to disclose the identities of donors from 30 years or more ago they might not even be able to do so.

We have done things that were wrong in the past. I know of doctors who used their own sperm to inseminate patients. There is a famous case in the Netherlands and it has been in the newspapers so I can talk about it. There are 30 or 40 or more siblings, half-brothers and half-sisters, who have now found out they are all the child of just one doctor, one of the most famous gynaecologists with a sperm bank in the Netherlands 20 or 30 years ago. What does it do to a child of let us say 35 to suddenly find out, after being alone all their life, that they have 40 siblings? I know that they meet once a year and they have good relationships, but what does it do to a person to find this out? That is what we did in the past and we need to acknowledge that and change the future at least.

Ms Wonner said that, if we do not legislate, DNA testing searches might be done by the children but that work might also fall into commercial hands and therefore deregulation will have risks. On the other hand, however, keeping anonymity perfectly fits in with some commercial models, such as in Spain where egg donation clinics make profits because of the anonymity of egg donors. Lifting the anonymity in Spain would mean the end of the business models of many clinics there, so it is opposed of course from that sector. I hope Spain is listening to what I say.

My time is up, so I will finish there.

The PRESIDENT* – Thank you, Ms De Sutter. Does the vice-chair of the committee wish to reply?

Mr LEITE RAMOS (*Portugal*)* – Our committee began to address the issue we are debating now last April, at the same time as the constitutional court in my country decided that anonymous gamete donation was incompatible with the Portuguese constitution. This decision changed the legal framework for donations in Portugal and enshrined a right of access to genetic origins in the best interests of children and adults born of donation. The committee was able to take advantage of an enlightening hearing in Lisbon last September, during which it heard the views of the Portuguese authorities, two donor-conceived persons and an anonymous donor.

It is the unanimous view of our committee that the time has now come to improve the protection of the rights of all parties concerned while emphasising the rights of the conceived, who are in the most vulnerable position and for whom the stakes seem to be the highest. That is why the committee unanimously recommended that anonymity should be waived for all future gamete donations in Council of Europe member States and that the use of anonymously donated sperm and oocytes should be prohibited.

We are aware, as Mr Fridez pointed out in his opinion for the Committee on Legal Affairs and Human Rights, that there is great diversity of legislation and practices among Council of Europe member States with regard to medically assisted procreation. It is not the purpose of this report to encourage member States to harmonise their legislation in one way or another except on this single point: Council of Europe member States that allow gamete donation should no longer allow anonymity for future donations. This is the key message in this report.

I believe this is the last report Ms De Sutter will present to this House. Please allow me to thank her most warmly on behalf of the entire committee for the very important work she has carried out. We will miss you.

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

The committee unanimously agreed Amendment 5. However, I must call this individually as it could be affected by another amendment in the Compendium.

The 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 call Mr Ghilechi to support Amendment 6. You have 30 seconds.

Mr GHILETCHI (*Republic of Moldova*) – Thank you, but before I move this amendment I want to express my disappointment about something. On Fridays our practice is to allow members not on the list to speak, especially when the list is short; that is a good Friday practice and I regret that you did not apply it today.

I propose this amendment because Ms De Sutter is right and I support her intention to waive anonymity, but although the first paragraph of the draft recommendation gives the reason why anonymity was introduced a further reason for its introduction is filiation. I therefore believe this amendment will add value and raise awareness of the issues relating to gamete donation.

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

BARONESS MASSEY (*United Kingdom*) – What is said in the amendment is incorrect and we must therefore reject it. States never sought to “preserve the filiation of donor conceived children” with their donors; on the contrary, they put in place anonymous donation to protect the filiation of donor conceived children with their legal parents, not the donors. Anonymity protected donors from filiation, and thus parenting and inheritance claims.

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

Mr LEITE RAMOS (*Portugal*)* – In favour.

The PRESIDENT* – The vote is open.

Amendment 6 is adopted.

I call Ms De Sutter to support Amendment 5.

Ms De SUTTER (*Belgium*) – This is a compromise amendment based on the amendments the Committee on Legal Affairs and Human Rights proposed. We came to a better wording, as now proposed in the amendment, so I support it of course.

The PRESIDENT* – The committee is obviously in favour.

The vote is open.

Amendment 5 is adopted.

I call Mr Fridez to support Amendment 2.

Mr FRIDEZ (*Switzerland*)* – I think this amendment should also fall, as Amendment 1 does now that Amendment 5 has been adopted. Amendment 2 addresses an integral part of the right to respect for private life, which is covered in Amendment 5, so it is redundant.

The PRESIDENT* – The amendment is not moved.

We come to Amendment 3, which has a sub-amendment. I call Mr Fridez to support the amendment. You have 30 seconds.

Mr FRIDEZ (*Switzerland*)* – I think we should adopt the sub-amendment. The text of the amendment would stay the same, but Ms De Sutter has suggested that we should put it at the end of the fourth paragraph of the draft recommendation instead of the beginning of the fifth paragraph.

The PRESIDENT* – We now come to the sub-amendment, tabled by Ms De Sutter. I call her to support the sub-amendment.

Ms De SUTTER (*Belgium*)* – I will simply repeat what Mr Fridez has just said. I agree with the amendment, but I would put the text in a different place.

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

What is the opinion of the committee?

Mr LEITE RAMOS (*Portugal*)* – The committee is in favour.

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

The vote is open.

The sub-amendment is adopted.

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

The committee is in favour.

The vote is open.

Amendment 3, as amended, is adopted.

I call Mr Fridez to support Amendment 4.

Mr FRIDEZ (*Switzerland*)* – This amendment is designed to soften slightly the very categorical language of the first sentence, which proscribes anonymity for all gamete donations. The Assembly's Bible is the European Convention on Human Rights, and the subject that we are discussing comes under Article 8.1 of the Convention, which acknowledges the right to privacy. However, Article 8.2 states that that right is not absolute and can be restricted on different grounds, particularly to protect health and the rights of others. We need to be compatible with the Convention, so this is a legal point about the wording of the text. We are not in any way trying to limit the scope of Ms De Sutter's proposal.

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

Ms De SUTTER (*Belgium*) – The words “as far as possible” are always used to defend anonymity. People say, “It is not possible to give rights to these children because we have anonymity.” Now we have the opportunity to overcome that and lift a barrier against giving children this right. If we put “as far as possible”, States will be able to say that for practical reasons, or whatever, it is not possible, so we should not bother. That will weaken the recommendation.

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

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Mr LEITE RAMOS (*Portugal*)* – The committee is against.

The PRESIDENT* – The vote is open.

Amendment 4 is rejected.

I call Mr Ghilechi to support Amendment 7.

Mr GHILETCHI (*Republic of Moldova*) – This amendment is based on the precautionary principle. According to the Grand Chamber of the European Court of Human Rights in the case of *S.H. and Others v. Austria*, States parties have no obligation to legalise assisted reproductive techniques involving gamete donations. In the committee, there was a misunderstanding about the difference between legalising and legislating, so here I want to specify that there is no obligation for States to legalise such techniques. It is up to member States whether to do so or not.

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

Ms De SUTTER (*Belgium*) – As I said in my speech, I would prefer not to introduce into the report the discussion of whether States can permit this treatment. We could equally say that States have no obligation to legalise it, but they have the right to do so. Let us not have that discussion in the report, because it is not relevant to the rights of donor-conceived children.

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

Mr LEITE RAMOS (*Portugal*)* – The committee is against.

The PRESIDENT* – The vote is open.

Amendment 7 is rejected.

I call Mr Ghilechi to support Amendment 8.

Mr GHILETCHI (*Republic of Moldova*) – This amendment has a similar philosophy. In France, for example, there are some limits to these practices. That was challenged in the European Court of Human Rights, which found that there was no discrimination. We do not impose anything on States, but we say that they can introduce some limits. We respect States' sovereignty and the principle of subsidiarity. I believe this amendment is important, since we have had a decision by the European Court of Human Rights involving a member State, France.

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

Ms De SUTTER (*Belgium*) – As with the previous amendment, this is not the purpose of the report. We could also say that States have the right to open up this treatment to couples other than married couples with infertility problems. I am not proposing to do that, but I would not support the opposite. Please, let us not bring this into the report, because it is the subject of another discussion.

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

Mr LEITE RAMOS (*Portugal*)* – The committee is against.

The PRESIDENT* – The vote is open.

Amendment 8 is rejected.

We will now proceed to a vote on the whole of the draft recommendation contained in Document 14835, as amended. A two-thirds majority is required.

The vote is open.

The draft recommendation in Document 14835, as amended, is adopted, with 42 votes for, 1 against and 2 abstentions.

2. Social media: social threads or threats to human rights?

The PRESIDENT* – The next item of business is the debate on the report “Social media: social threads or threats to human rights?”, Document 14844, presented by Mr José Cepeda on behalf of the Committee on Culture, Science, Education and Media.

I remind members that in our Monday sitting the Assembly decided to reduce speaking time to three minutes. The rapporteur has 30 minutes in total, to divide as he sees fit between presentation of the report and reply to the debate.

Mr CEPEDA (*Spain*)* – Dear friends, it is a great pleasure to stand here before you and introduce my report, which has constituted important work over the past two years. We have had many conversations and done a lot of background work to address several issues. Other reports are pending before the Committee on Culture, Science, Education and Media, but this report is crucial. Even this week, we have raised with those who stand for the post of Secretary General of this Organisation the issues of artificial intelligence, social media and the Internet, which we need to ensure that we can somehow control to preserve our fundamental rights.

The report concerns the internet, social media platforms and the defence of the individual rights of millions of people every time they use such platforms and spaces. A lot of information and knowledge is generated through those platforms, but in recent years they have also been used to create disinformation and fake news, which jeopardise the lifeblood of our democracies and political systems. It is therefore important, first, that we approve the report – I also very much hope that the Assembly will support the resolution – and, secondly, that we work hard in our domestic parliaments in our home countries to launch the initiatives before the Assembly.

I will not go through all the topics that the report addresses in depth, because I am sure that all members have read the report and are fully aware of them, but I want to highlight a couple of salient elements, such as data processing. A journalist I was talking to the other day asked what exactly my report was about; I said that it was about knowing value. For instance, if you smile about something, what is the value of that? If there are people observing us right now in this chamber, they will be able to identify us from far-away countries, but they can also turn this into a commodity that they can market. Whatever we do and however we act – for instance, when we approach a certain product on a shelf in a shop – they register that. The same holds true here, and very often the people who harvest our data are not at all related to us or on our side. They mine our data for commercial purposes in a commercial system, as we have seen on social media networks: there are systems designed precisely for that, as well as being designed to steer certain types of information in our direction.

The report mentions all those issues, as well as echo chambers and the way in which social media are used to filter information, funnelling people towards a particular point of view and reinforcing it. I have spoken to many colleagues about that issue; I am sure that members know that general elections started today in my country, Spain, and that people are worried about disinformation campaigns there. When people ask me about it, I say that of course it is possible – in fact, we can pretty much take it for granted that there will be disinformation campaigns. It is happening in my country, and it is a risk in all other countries, too; we all confront this problem.

My report sets out certain initiatives and recommendations that we can make to our governments, because we need to make sure that media platforms and media communication companies take initiatives to co-operate and that professionals such as information and communication specialists are brought on board in this battle, which is highly relevant and urgent.

My report sets out three ideas, the first of which I have already mentioned: that our parliaments should really get stuck into this piece of work and enact legislation that will help us in future. It is not a question of restricting freedom of expression or of information. In fact, it is the very opposite: it is about removing the filters that stand between information and citizens, and which mean that citizens have only a very narrow view of the situation.

If we want democratic media in our respective countries, we need to make sure that we have a multi-faceted media landscape. For that, of course, we need the modernised Convention 108, which was revised by the Committee of Ministers in January or February with respect to data protection and the processing of personal data. It is very important that we make sure that that convention is ratified swiftly by all countries and then rolled out in a practical way.

My second proposal relates to innovative ideas. For instance, Mr Berners-Lee, one of the fathers of the Internet, who designed the HTTP system, has said that it is important to ensure that the data we create be our data. There are companies who make money out of the data in our pockets, on our smartphones and tablets, but we need to ensure that those data are ours and that the algorithms are transparent. At the moment, they are completely opaque, diverting information and steering us in certain directions, so we need to tackle that. Everything is all about algorithms, so it is important that they be transparent rather than opaque to millions of people in all our countries.

Internet and media literacy is so important. Children need to know from a very young age that there is all sorts of information on the Internet, some of which is true but some of which is false. Likewise, we need to understand that some tweets are right, but some are not absolutely right. That is another point that I make in my report and that I hope to put across in the debate.

It is also very important to change our economic model, which is currently dominated by tech giants. I am not saying that we should limit the services that are available and accessible to us through the Internet, because of course they are important and valuable. However, we need to recognise that although in the majority of cases users like to be able to access services of all types, the data needs to be in the ownership of the individuals concerned.

To conclude, the work we have been doing over the last two and a half years had a purpose: to defend human rights, including on the Internet. We are extremely vulnerable in many areas, and the most important thing is for us to curb the risks that are out there. An open society of information is good, but a society of disinformation is not so good. That is why I urge all members to get involved and help to address this problem. We need to defend these rights, particularly in the Parliamentary Assembly of the Council of Europe. Social media networks should be threads for our citizens, rather than a threat. They should be more social and more useful for the more than 800 million people whom we represent.

The PRESIDENT* – Thank you, Mr Cepeda. You have just over four minutes left to reply to the debate. We now move to the general debate.

Ms BRYNJÓLFSDÓTTIR (*Iceland, Spokesperson for the Group of the Unified European Left*) – Social media has in many ways transformed our societies in recent years, at such a fast pace in such a short span of time. Our way of communicating has changed so extensively and dramatically that many of us cannot imagine life without social media. Social media has many positive sides. It connects us in an easier way than before. We can find old schoolmates we have not seen in ages and family members we did not even know existed. Social media can also be an effective tool to increase democratic participation. It can provide a new public space where political affairs and social themes are discussed, and petitions are signed that mobilise people to fight for a good cause and have an impact. For example, the fantastic young people's movement every Friday in Europe to urge governments to take more decisive action to fight climate change is driven mainly through social media.

However, this powerful tool to move us closer to each other has unfortunately moved us further away from each other. Social media has been seriously misused through information filtering and data mining, presenting a risk of manipulation of public opinion; impacting the functioning of democratic institutions; disinforming and manipulating people and therefore influencing election results; and inciting violence and discrimination. We have seen social media used for cyber-terrorism, cyber-crime, cyber-bullying, cyber-stalking, hate speech, incitation to violence and discrimination, online harassment and even the making and distributing of child pornography. We also see negative effects on our private life. Bullying, hate speech and stalking on social media have horrible effects on psychology and mental health – especially of young people, as research shows.

The report recommends that social media companies should shoulder their responsibility. I agree with that, but we cannot tell private companies to take responsibility for misuse of social media that affects human rights and sit by and wait for them to tackle the problem. Social media must present diverse information and fight against unlawful material and disinformation, but the responsibility lies with official institutions – law makers and governments.

Public institutions and law makers in member States must be very clear. They need to put in place clearer rules and regulations than the report suggests. We need to be much more affirmative when it comes to respecting data protection and reducing the risk of echo chambers and filter bubbles. Of course, we must protect freedom of speech and expression; that is one of our fundamental rights, but as was said in the debate on hate speech earlier this week, freedom of speech stops when hate speech starts. I congratulate the rapporteur on the report.

Mr HERKEL (*Estonia, Spokesperson for the Group of the European People's Party*) – I thank the rapporteur, Mr Cepeda, and the committee for their work. This is not the first, and it will not be the last, report by the committee on the Internet, social media, artificial intelligence, protection of privacy and cyber-security. To some extent, it is a so-called peaceful report, because no amendments have been tabled, but that is not because everything is clear; in fact, vice versa. This is such a new and important topic, and we do not yet have national legislation in this area.

I want to make a few minor criticisms. There are many good recommendations for member States in paragraph 9, but the recommendations are not the strong document that is usually included in a report. I understand why; we are making the first steps. I fully support the proposals. The rapporteur talked about data protection and processing, transparency of algorithms, fact-checking initiatives and identification of fake social media accounts. I would like to emphasise once again that elections to the European Parliament will take place soon. The risk of manipulation through social media is great, and it can damage our political institutions and political life. Lastly, I would like to thank the rapporteur, my committee, my political group and all of you, because it is my last session and last speech here in the Assembly.

Mr RAMPI (*Italy, Spokesperson for the Socialists, Democrats and Greens Group*)* – I thank the rapporteur and the committee for this excellent report. We are entering into a new world, and we should not be afraid, but nor should we abandon our role. I was struck by the fact that last week, for the first time, Mark Zuckerberg called on countries to ensure a better regulatory system for the Internet. That is important, because it reflects what has happened and what we need to concentrate on.

Social media is not just an instrument; it is a new part of the world. Rather like the discovery of America or when new continents were explored, social media is a new continent. Perhaps we should look back to feudal times and the relationship that existed then, when landlords could dictate the rules of the system. We need to transition towards a more democratic system in the new-found land of social media. Over a long period, we moved away from feudalism. Although many questions remain open, we have moved into a new era. The rights of the individual and organised groups have been consolidated over time, and a balance has been struck – although it is a difficult one – between security and freedom and between protection and freedom. That remains a real challenge in democracy, and we must try to replicate that with social media, ensuring maximum freedom for individuals while exploiting all the technological advantages that social media affords us. We should be mindful of the need to protect the most vulnerable in particular. We must return to the basics. We must ensure greater awareness of what is at stake when we entrust our personal data to social media companies. When we put our photographs on social media, for example, we are relinquishing part of ourselves, and we need to be aware of that.

I would like to thank my group for allowing me to speak on this issue. Social media is part of our culture. We should not be afraid of progress or modernity, but States need to lay down the rules, so that the freedom afforded by social media does not come back to bite people. We need to remind ourselves why we are engaging with social media and stand up for our freedoms.

(Ms Schneider-Schneiter, Vice-President of the Assembly, took the Chair in place of Ms Trisse.)

Ms STAMENKOVIĆ (*Serbia, Spokesperson for the European Conservatives Group*) – The concerns about the misuse of social media are valid, but please allow me, colleagues, to present a case about the relationship between social media and mainstream media that rather inverts the one presented in the report.

The biggest threat to democracy in Serbia is linked to fake news or the manipulation of and filtering out of information not in social media, but in the mainstream media, which are under the political control of the ruling party. Social media is where you can find out what is actually going on in Serbia, as the mainstream media keep filtering information. For example, three months ago, when the rest of the Serbian delegation left for Strasbourg without me, denying my membership of Parliamentary Assembly of the Council of Europe – I had to pay my own way to get here and prove them wrong – no mainstream media reported anything about it, but the story went viral on Facebook and Twitter. Also, the foreign media reported on protests in Belgrade before the Serbian mainstream media ever did, thanks to the flooding of social networks with pictures and videos of the protests.

In the mainstream media in Serbia, fake news and the manipulation of information are regularly used to discredit opposition leaders. For example, were colleagues to read the headline of one news report from yesterday, they would have learned that it is I, Branka Stamenković, who is preventing the Russian delegation from coming back to the Parliamentary Assembly of the Council of Europe. As well as being portrayed as a wonder woman with such special powers, I was painted as a traitor going against Serbian national interests.

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The newspaper did not ask for a statement from me on Wednesday's debate – in which I did not even take part – but did publish a statement from the chairperson of the Serbian delegation, who belongs to the ruling majority.

I am sure that Serbia cannot be the only member State of the Council of Europe in which people have to revert to social media to find out the truth and what is really going on in their country because of how the mainstream media are controlled. Please, therefore, let us take care that, while we recommend that national governments legislate on the use of social media, we do not throw the baby out with the bathwater. For political parties that are fighting for the rule of law, democratic values and human rights in countries that are closer to autocracy than democracy, this might backfire big time. Social media is all we have.

Mr HUSEYNOV (*Azerbaijan, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – The Cambridge Analytica scandal raised some important questions regarding the impact of social media in political campaigning. We are entering a phase in which electioneering loses its accountability, because we are not keeping step with what technology can do to influence the process and potentially corrupt it. A campaign in which people vote on the basis not of a national conversation, but of ads the contents of which cannot be addressed, leads to bad government.

Transparency is key and is in fact merely a technological update of existing rules on political campaigning. Internet governance thrives on transparency, which should also be implemented in digital political campaigning and strategies. The report calls for social media companies to rethink and enhance their internal policies to uphold more firmly the rights to freedom of expression and of information.

Let me be more specific: social media platforms should share with the public how their algorithms work. Several social media companies are looking in to this – I know that Twitter, for one, is considering such a step. The report points out the need to develop algorithms that respect data protection principles and encourage a plurality and diversity of views and opinions. Platforms should no longer use engagement-driven algorithms to maximise revenues at the expense of social wellbeing. To get accountability, we need far more transparency in respect of the outputs produced by algorithms.

Several categories of data need to be shared. The platforms should make available the data for all public posts, whether created by an individual user or groups. Also, with the advent of micro-targeting and so-called dark ads on social media, we no longer know who is distributing what information to whom. There should be absolute transparency on who is purchasing ads, which groups they are targeting, and the content of the ads.

Transparency deters the risk of the manipulation of public opinion. Moreover, if scholars, journalists, and other interested parties have access to output data, they can help us to understand the scope and nature of the problem. The data would be a means of holding social media platforms to account for their impact on society.

We need a radical shift in the tech industry's approach to how we communicate with one another. It is no longer acceptable blindly to build products that carry huge implications for society, without some accompanying transparency. We hope that the models, conventions and solutions put forward in the report will contribute to the conversation on making social media platforms a positive force, as was intended in the first place.

The PRESIDENT* – Thank you, Mr Huseynov.

Rapporteur, you have the opportunity to answer the spokespersons on behalf of the political groups straight away, if you wish. That is not the case.

In that case, we shall continue with the list of speakers. I call Mr Emre.

Mr EMRE (*Turkey*) – I thank Mr José Cepeda for the report, which deals with one of the most crucial questions of our digital age. I completely agree with the general idea of the report: yes, social media comes with its benefits, but also with certain threats. Its benefits are quite obvious – it is increasing social capital, promoting political participation, creating an additional public sphere where minorities can take part in discussions, and so on – yet if the necessary steps are not taken by the international community and social media companies, abusive practices will vitiate such positive contributions.

Let me briefly emphasise two issues that would negatively affect the freedom of expression and freedom of information on social media. In my opinion, because of the nature of these two issues, their solution will be found only at the international level. The first point is about the arbitrary intervention by individual States in

social media content, and the second is about the practices of social media companies that prioritise economic benefits over fundamental rights and freedoms.

Populist governments usually tend to curb the potential of social media. Their supporters' hate speech and incitation of violence on social media usually remains unsanctioned. What is worse is that, as we have witnessed in my country, Turkey, governments actively organise these "cyber mob armies" to harass and intimidate their rivals. This poses a real threat to freedom of expression.

When it comes to the social media companies, besides the obvious threats concerning disinformation and the manipulation of public opinion, we should also discuss the algorithms, because they relate directly to freedom of information. Today, many social media companies' main concern is their own economic benefit rather than freedom of information. The algorithms regarding videos or post recommendations usually work to promote entertaining content rather than informative content. The disappearance of informative content would also have harmful consequences for our right to freedom of information.

As I have emphasised, the solution to both populist governments' attempts to curb freedom of speech, and to the excessive economic motivations of social media companies dismissing informative content, will be found only at international level. In my opinion, the first step towards finding this solution would be to agree on common international norms and regulations. Our discussion today is a promising start in that regard and I hope that further discussion will follow.

Ms FATALIYEVA (*Azerbaijan*) – First, I thank the rapporteur for raising such a crucial issue for all member States and indeed for the world in general.

What is social media? These are Internet applications that allow communication participants to create and share content. Social media has penetrated into all areas of our life. In fact, it has completely changed our life, including our means of communication and even our values. Owing to social media, any user can easily become a content author, or creator, if they wish to and if they have certain skills to influence people's moods and even their minds. We must admit that the process of "media-isation" actively penetrates our societies, because never before has the media had such a scale of dissemination and involvement.

The perception of information has also changed. The virtualisation of events – both genuine events and false events – is spreading rapidly. People often perceive news from social media as being undoubtedly true and objective, without even thinking about whether such information is based on reality or not. Gradually, the events of the virtual world replace the events of the real world.

As a result, social media becomes an easy tool for propaganda – political propaganda, social propaganda or any other kind. In turn, such propaganda is one of the important components of any "hybrid war" – war in the information space. In our time, the information space is increasingly seen as a field in which to conduct hostilities and the main goal in modern conflicts is to hold information superiority over the enemy, to help conquer them. Information warfare is essentially the main element of "hybrid war". It is based on constant misinformation, psychological impact and even information "attacks". In fact, information superiority is a prerequisite for achieving victory in contemporary conflicts.

However, information wars are fought in peacetime. If necessary, information domains or providers can act as carriers of pseudo-information. If deemed necessary, the media and communications, the global information network that is the Internet, and open information resources are actively used to manipulate public opinion, and to misinform and mislead the public of the target country.

Azerbaijan has repeatedly experienced such actions from neighbouring Armenia. During the occupation of the territories of Azerbaijan by Armenia, in addition to military operations, information-psychological operations were also used. Indeed, as in a "hybrid war", such operations are manifested in all the forms of disinformation, information warfare and Armenian propaganda, which aim to conceal the bloody ethnic cleansing of Azerbaijanis in those occupied territories.

As part of this "hybrid war" that has been unleashed against Azerbaijan in recent years, new actors have been attracted to it, including in Western countries. They increasingly appear on social media, actively calling for more and more unrest and disobedience, making more unfounded claims against Azerbaijan and its government, and because of their bad manners they sometimes even violate common rules of decency by resorting to banal abuse and dirty insults. They proclaim themselves "sons of the Motherland", but of course that is not true. So, I call on all members to raise this issue in their own countries and to draw more attention to this issue, because it is not only Azerbaijan that is suffering from this kind of "hybrid war" but all member States.

Mr SOCOTAR (*Romania*) – I congratulate our colleague, Mr Cepeda, on the excellent job that he has done.

As mentioned – actually, it is not just mentioned, but developed – in the explanatory memorandum and the draft resolution, social media is the blessing but equally the curse of our age. Therefore, I believe that it was a difficult job for the rapporteur to find the balance between the appreciation of and strong support for social media and everything positive that it represents, and on the other hand to point out the challenge and huge threat that social media can pose, even in the political sphere, as we have witnessed in recent years.

Yes, we live in a mixture of realities. The various benefits of the virtual space of the Internet and especially social media are obvious. They make it possible to connect with people from anywhere in the world and for ordinary people they are a way to make their voice heard, leading to some extraordinary achievements. However, social media companies have also created a business model based on the commercial exploitation of their massive acquisition of their users' data, paying less attention to such issues as the right to privacy, cyber-bullying, hate speech, incitement to violence, discrimination, online harassment, disinformation, manipulation of public opinion and the undue influence of social media on politics. Therefore, the report asks a daring question: has it become necessary to challenge that business model?

All things considered, the report has avoided the potential threat of proposing or suggesting action in any direction that could be perceived as a limitation of freedom of expression or censorship of the Internet. In my opinion, the draft resolution presents strong suggestions and recommendations, as well as making some courageous calls on social media companies. I will refer to a few of those that I consider to be particularly interesting.

A valuable element of the report is its consideration of the need for the strong collaboration of public authorities in relation to the operation of the Internet, which is crucial to achieve the desired results, including the promotion of good practice, the development of standards, the upholding of users' rights and the safe use of social media. I also strongly support the call for social media companies to design and implement algorithms that respect data protection principles, and encourage plurality and diversity of views and opinions. Moreover, I greatly appreciate the call for social media companies to improve the readability of the contractual terms and conditions that their users have to accept. I particularly insist on the importance of this call by the report.

My own professional background is linked to the Internet business, so when it comes to this topic I can say I am on home ground. In my field, it is well known that if somebody discovered a cure for cancer but wanted to hide it, there is no better hiding place on the planet than in the terms and conditions of Internet applications such as social media. The report's recommendation about terms and conditions is therefore more than welcome.

Finally, I reaffirm my support for the report and my appreciation of the rapporteur.

Mr MASŁOWSKI (*Poland*) – First, I thank the rapporteur for a very good report and excellent work – long and hard work.

Today, my speech is not a statement but a question to the rapporteur, because in my opinion there are two sides to this issue. The first side is the safety of our data – our confidential personal data, and so on. However, the other side is that there is a lot of fake news and hate speech on social media. I was thinking about a solution. Try to imagine an algorithm that detects posts that potentially contain fake news or hate speech. Users would then see a warning that their post potentially contains fake news and they would be asked if they are 100% sure that they want to post it. They could be asked to confirm their identity, by credit card, or by electronic ID, or even by the use of fingerprints via a smartphone.

Now we have two sides again, because what is more important – to protect people from fake news and hate speech, or to keep safe the personal data of the hater, in accordance with their human rights?

Ms PASHAYEVA (*Azerbaijan*) – First of all, I, too, congratulate the rapporteur. Social media is a part of our daily lives. We greatly appreciate the positive contribution of social media to the welfare and development of our societies. However, despite the potential benefits of social media for individuals and society, the abuse of social media can also have many damaging consequences, such as disinformation and the manipulation of public opinion, as well as influencing political processes and our individual rights.

Unfortunately, abuse in social media is growing and its consequences are serious. Misinformation that spreads and grows through social media should concern us all, as it is a serious threat to states and societies.

Disinformation causes serious damage to people, social groups, organisations and countries, and threatens their activities when they are exposed to disinformation attacks. At the present time of widespread social networks, it is quite difficult to fight disinformation. Therefore, we need to unite our efforts. As highlighted in the draft resolution, governmental authorities and Internet companies should co-ordinate efforts to stop the dissemination of illegal content and ensure the provision of quality information through efforts to protect freedom of expression and information. As underlined in the report, social media companies should review and improve their internal policies to protect the rights to freedom of expression and information, by ensuring better quality information from various sources, themes and views, as well through user profiles effectively combating illegal materials and more effectively fighting disinformation. We support the call in the draft resolution. Those who spread false information under the name of freedom of speech are growing in number. That is very dangerous; such cases can also be called terrorism against society.

Azerbaijan pays serious attention to these issues, fights disinformation and always supports international initiatives. Azerbaijan is also one of the countries that suffers most from disinformation. Disinformation is spread in the interests of Armenia, a number of political forces, the Armenian diaspora and lobby and certain companies, with the purpose of undermining and putting negative pressure on Azerbaijan's image in the world. That seriously worries us. Together with an active fight against counterfeiting, we must strengthen our efforts and we support the issues reflected in the draft resolution. Azerbaijan held an important event on disinformation called "Disinformation policy: a threat to stability in the modern world." There is a serious need to increase actions, such as by holding numerous events and discussions on this subject, with the participation of journalists, politicians and especially the younger generation in all member States. Otherwise, we will all feel the increasingly heavy consequences of social media abuse.

Ms BAYR (*Austria*)* – Social media is part of the world we are living in. We have to be clear that the same rules and laws that apply in the real world should apply to the virtual world, but a lot of people do not see things that way. They use social media to spread hatred, to defame people and to say things they would not say directly to people's faces. A lot of digital platform companies take no responsibility for the messages spread on their platforms. They say the issue is down to implementing codes of conduct or so-called "netiquette". They refuse to remove content that is in breach of legislation. They say we should develop a counter-narrative, but a number of studies have shown that is not enough.

I feel strongly that we need legislative action, to ensure that responsibilities are placed on platforms to take down hate speech, fake news and posts that could incite violence. To a large extent, that responsibility is taken on by poorly paid workers in India. Major companies say they cannot draw up a list of dangerous words that are used, but it is perfectly possible to check a very large amount of tweets or content. The Internet provider has to be bound by legislation to take on specialist staff who can read between the lines, because it is often not about the actual words but the subliminal messages in that content. People who fully understand that language will be in a position to identify such occurrences and report them, ensuring that there are consequences for the internet platforms and such posts are taken down. Users who continue to post such dangerous content should be banned. I thank the rapporteur for her excellent report.

Ms LEGUILLE BALLOY (*France*)* – I pay tribute to the report, which rightly underscores the importance of social media in our daily lives. The text includes an exhaustive list of the advantages and disadvantages of the exponential increase of social media in our private, professional and democratic lives. It lists the measures that social media platforms or regulatory authorities must take to protect users. However, I do not think it sufficiently takes up the issue of the responsibility of users who spread social media posts.

In France, we parliamentarians have experienced two difficult incidents caused by social media. We have adopted two pieces of legislation: one on glyphosate and the other on a fuel tax, the latter of which partly triggered the so-called "yellow vest movement". Following their adoption, we received dozens if not hundreds of insulting messages, as did our family and friends. We also received threats. Above and beyond the unpleasantness – and even the fear – that those message caused, what most surprised us was that the majority of the messages were anonymous, with IP addresses being masked or unavailable. Although in France, making threats is an offence, sending degrading insults that are not repeated by the same person but spread by various people is not an offence. But such conduct can have dramatic consequences on vulnerable individuals. Internet users who spread such messages may be unaware of the damage they can do as they hide behind their computer screens.

Our Assembly should more fully address these issues. I suggest an additional protocol to Convention 108, so that, rather like the warnings on bottles of alcohol or packets of cigarettes, social media companies would have to include a ticker tape stating that no message is harmless, and that you might be liable for any consequences that any message you send might have on potential users.

Mr VASCONCELOS (*Mexico, Observer*)* – This is the first time that I have attended this meeting of the Assembly as the head of a delegation and an observer for Mexico. It is a great honour for me to be before the Chamber and make some remarks.

On previous occasions I have referred to the dangers that come with technology, particularly digital communication media. Some of those dangers include the addictive nature of technologies and the isolation that they often can generate among users, and the homogenisation and trivialisation of information and many other risks. However, I would like to take the opportunity to share two examples from Mexico that demonstrate that new communication technologies can bring about advantages in the exercise of human rights.

The President of Mexico was elected on 1 July last year. It could be said that one of the main reasons for his victory was social media, because it allowed his supporters to counter the criticisms and accusations levelled at him by members of the political establishment. Social media made it possible to spread the proposals made by the candidate, Mr López Obrador, thereby making up for the relative silence from the mainstream media, who were not conveying that information. In the 2006 and 2012 electoral campaigns for the presidency of the Republic, social media did not have the reach that it now does, which, some would argue, is why the candidates did not get the results that they could have done.

The second example I would like to mention is that of the 2017 earthquake in Mexico. Social media networks made it possible for separate sectors of society to communicate in real time, and innumerable men and women spontaneously came to the assistance of their fellow citizens. In the 1985 earthquake, we did not have these networks, and as a consequence, we lost crucial hours before we could help those affected, which unfortunately resulted in the death of many human beings who might otherwise have been saved. That shows that new technologies can generate real benefits for society. Let us pray that communications technology, artificial intelligence and other mechanisms that are being developed will be allies of humanity, rather than avatars of humanity in a so-called culture of machines.

The PRESIDENT* – Thank you very much, Sir, and a warm welcome to you.

I now call Mr Reiss.

Mr REISS (*France*)* – I congratulate Mr Cepeda on this excellent report, which clearly shows just how social media has invaded our daily life. I am tempted to answer the very relevant questions asked in the title – social threads or threats to human rights? – with a touch of humour: yes and yes. Political leaders and institutions have embraced new practices; they consult citizens through digital platforms, and communicate via Instagram and Facebook. In France, the Government was delighted with the many online contributions to the grand débat, and the huge response from citizens to the consultation on the clocks changing in summer and winter. Both initiatives promoted freedom of expression, and we can be pleased about that.

Unfortunately, alongside the best, there is the worst. It is particularly revealing that in the Christchurch massacre in New Zealand, the killer live-streamed his actions on the Internet, to get maximum exposure for them. This despicable live feed lasted for 17 minutes, and Facebook did not react or shut it down. We can only ask ourselves whether we should regulate social media. This has become a freedom of expression and freedom of information issue. Web platforms have a huge responsibility, and they must consider how to strike a proper balance between algorithms and human supervision, which is the only way to judge whether certain content is illegal. The legislator must play a role. Since January 2018, the NetzDG law has been reigning in German social networks by forcing platforms to remove hate or obviously illegal content within 24 hours or face fines. France has announced legislation on the same subject in the coming weeks. It will be important to assess its impact.

The draft resolution rightly suggests covering the use of social media in the school curriculum. Young people, who are of course major users of social media, are not always aware of the dangers and abuses in forums for expression and exchange. There should be better social media education to protect against the scourge of cyber-bullying in schools, which unfortunately causes some young people to drop out of school, or even commit suicide. It is terrifying to see some young people becoming victims of the Internet, while others turn into tormentors of their classmates.

Internet governance is central to human rights. I am working on the establishment of a European ombudsman – a mediator who would serve internet users and platforms. The aim is to improve respect for citizens' human rights – something to which we can all aspire. I will of course support the draft resolution and the initiatives in it.

Mr XUCLÀ (*Spain*)* – Rapporteur, thank you for this excellent report. This is the end of your mandate, and the culmination of years of work. I hope that in future you will be responsible for other very interesting reports on artificial intelligence and big data, which is your academic specialism. In his last report to the Assembly's Bureau, the Secretary General of this Organisation, Mr Jagland, talked about the proposal for a European convention dealing with artificial intelligence. That is why this report – the last we shall discuss this part-session – is highly topical and important. It touches on fundamental rights, such as citizens' right to privacy, as well as the ownership of data and the trace left on the web when we search, publish our opinions or have conversations on the Internet. We have worked hard on these matters this week.

I refer colleagues to an article in *Le Figaro* about what is happening right now on the streets of France, and on facial recognition, China and big data; that links to what Mr Cepeda said about a smile. This is an issue that is starting to affect us here, too.

I end by recommending a book, "21 Lessons for the 21st Century" by Yuval Noah Harari. It makes a number of interesting suggestions, which could serve as food for thought when it comes to considering a Council of Europe convention that would protect our fundamental rights in this area, and make sure that basic minimum rights were protected for individuals who were not particularly interested in big data, the commercial side of things or politics. We need to protect our data; it needs to be ours. We need to be able to check our own data, and fight disinformation, lies and half-truths. We need to make sure that inaccuracies are corrected.

The PRESIDENT* – Thank you, Mr Xuclà.

The debate is closed. We now come to the replies from the committee. Rapporteur, you have four minutes.

Mr CEPEDA (*Spain*)* – I thank colleagues for their contributions to the debate. I will try to give an overall answer to the points raised. Our starting point was Article 10 of the European Convention on Human Rights on freedom of expression. Many of us confuse freedom of information with freedom of expression; the two are often melded. At the end of the day, this is about plurality. We have drafted a number of reports on this subject; Lord Foulkes, for instance, recently presented one. The committee will continue to work on the issue of freedom of expression with reference to Article 10 in the context of traditional means of communication; some speakers in the debate commented on that.

In this report, we are trying to give an incentive. Mr Masłowski from Poland asked how we can fight against hate speech and fake news. We propose a protocol, in which the first step would be to identify the source of information, even if they are tech giants or big media companies. The next step is to look at how the information is distributed using algorithms. Ultimately, we must make sure that the user can make an informed choice about information, and can know whether it is fake. We need systems on which we all co-operate, so that we are all involved, from source to end use. We should develop sites with quality information, so that people know what they are consuming, and do not have to consume it if they do not want to. However, people should know that there is a protocol in place for all this. For instance, there should be an analysis by which we could identify the kind of speech or information that generates hate or incites hatred. That kind of thing should be identified and disactivated – we should disable it so that it is not shared; in other words, not propagated. That is one of our proposals and, in answer to your question, sir, it is in the report.

It is interesting that the Council of Europe is taking a major step forward in this debate; in some ways, we are ahead of the game. Some countries have of course been working on this and the Committee of Ministers has done some great work, but we need conventions. Conventions are currently being worked upon and they then need to be applied by our governments through domestic legislation. All that needs to happen. I know that the Committee of Ministers worked very hard on this during January and February. Once again, I refer to the modernised Convention 108, all of which is a useful tool for us. We now need to get stuck in and make it happen.

I am sure you are aware that this is very important. If we do not take measures, I am afraid that technology will just rush ahead and get away from us. We will be forever catching up so, colleagues and friends, let me conclude by saying that this is not just a question of – how can I put it? – normalising, setting standards or short-circuiting. It is not so much about drafting legislation to prevent this, that and the other, as about giving an incentive for systems with self-regulation based on a co-operative spirit. There are professionals who would defend the truth and quality information. There are also technological platforms that can guarantee their intentions will be followed up in practice and not misused or abused. It is essentially all about the human being, ultimately, and making sure that users are informed about their choices and consumption patterns. The Internet should maximise our opportunities and minimise risks.

The PRESIDENT* – Thank you, rapporteur. Madam Vice-President of the Committee, would you like to reply? You have three minutes.

Ms AGHAYEVA (*Azerbaijan*) – Dear colleagues, let me first thank you for your contributions to this debate. I do not know how many of you have visited the exhibition organised in our lobby by the Museum of Communication in Bern, the winner of our museum prize. Perhaps you have tasted the delicious Swiss chocolates offered by the museum and posted the wrappers in the relevant box to express your opinion on whether the gigantic amount of data circulating in the world is a threat or an opportunity.

Our report is intended to provide at least some elements to respond to this question. We speak about our data but the reality is that we have decided to hand them over to someone else. We may believe that this is in our interests and generates opportunities to benefit from a greater variety of services, which will make life easier and contribute to enhanced well-being. But let us face it: we have lost control of them. We are absolutely convinced that the Internet and its social media provides an indispensable free space for public debate and is pivotal for the transition to a creative society. We therefore ought to protect it. However, that should not prevent us being critical of the risks that the present system produces, which threaten in far too many ways the very sense of our democratic societies. We need to rethink this system. The draft resolution we have submitted to you is a wake-up call and we must be aware that our future is at stake. I hope that we are now well awake and ready to adopt this text here and now but also, as Mr Cepeda urged, in our national Parliaments. Thank you in advance for your support.

The PRESIDENT* – Thank you, Madam Vice-President.

The debate is now closed. The Committee on Culture, Science, Education and Media has presented a draft resolution to which no amendments have been tabled. We will therefore now proceed to vote on the draft resolution contained in Document 14844.

The vote is open.

The draft resolution in Document 14844 is adopted with 35 votes for, 0 against and 0 abstentions.

(Ms Maury Pasquier, President of the Assembly, took the Chair in place of Ms Schneider-Schneiter.)

3. Free debate

The PRESIDENT * – Colleagues, the next item of business is the free debate. According to Rule 39 of our Rules of Procedure, I remind members that this debate is for topics not already on the Agenda agreed on Monday morning. I invite those whose names are down on the list to speak to address the subjects of their choice but within a three-minute speaking time. For the purpose of the clarity of the debate, I ask members to start by mentioning the subject that they are talking about in their contribution.

I give the floor to Mr Šešelj.

Mr ŠEŠELJ (*Serbia, Spokesperson for the Free Democrats Group*) – I will speak about the Republic of Serbia. The Serbian people living in the region of Kosovo are on the brink of a humanitarian catastrophe. The self-proclaimed, so-called government of Kosovo, consisting of the leaders of a terrorist organisation called the KLA, has put a 100% tariff regime on all goods coming from central Serbia and Bosnia and Herzegovina. Serbs in Kosovo are in jeopardy and there is a great insufficiency of food and medicines, which is making their life of even harder than it was before. This is another way for the terrorists and criminals to work: to show that there is no room for Serbs in the so-called Republic of Kosovo. It is important to note that this step is tacitly supported by all the most powerful Western States in NATO and the European Union. The main goal is to ethnically cleanse Serbs from Kosovo. This major crisis must be dealt with urgently.

These days in Serbia, we remember the aggression of the NATO alliance against Serbia, which was without the permission of the United Nations Security Council. During that time, NATO killed over 2 500 persons and created damage estimated at \$100 billion. They bombed bridges, hospitals, government buildings, TV stations and other civil targets. All those targets were later cynically called collateral damage. All Serbs are proud of our brave pilots and soldiers, many of them fallen, who defended their country against the most powerful military force in the history of mankind. The attack lasted for 78 days and its consequence was the creation of the false state of Kosovo, with the international community occupying Serbian territory. Today, the capital city of that so-called state of Kosovo is still home to a United States army base. Today there are demands for Serbia to recognise this occupation, and to recognise the so-called Republic of Kosovo as independent so that Serbia could become a member State of the European Union, which openly denies the

territorial integrity and sovereignty of Serbia. Serbia will never join that union and the Serbian people will never accept that disgrace.

Mr KANDELAKI (*Georgia, Spokesperson for the Group of the European People's Party*) – I will speak about the situation in Georgia's occupied territories and the non-implementation of the European Union-brokered ceasefire agreement.

Dear colleagues, disregarding what different members of this Assembly or others in Strasbourg or Brussels think about how the Russian Federation should be treated, there is overwhelming agreement that the Russian Federation's behaviour in the last decade or more has been a serious problem and challenge to all of Europe. One of the important milestones in this behaviour was the Russian invasion of Georgia, when on 7 August 2008 the Russian armed forces crossed the Georgian/Russian State border and carried out ethnic cleansing of Georgians in the territories that those forces have occupied ever since. On 12 August 2008, the President of France Nicolas Sarkozy signed a ceasefire agreement with Georgia and the Russian Federation on behalf of the European Union. Through that, the Russian Federation committed itself to withdrawing its armed forces to the position held before the war, as well as to granting access to the European Union monitoring mission to the entire territory of Georgia.

To this day, the Russian Federation has disregarded that agreement, which bears a signature on behalf of the European Union. The refusal to implement this agreement is elevated on the Russian western bilateral agenda. The European Union sanctions imposed on the Russian Federation for its invasion of Ukraine and the annexation of Crimea should incorporate the demand to implement the 12 August European Union-brokered ceasefire agreement, as was recently suggested by David McAllister, Chair of the European Parliament's Foreign Affairs Committee. In Geneva, where international talks between Georgia and the Russian Federation take place with the facilitation of the European Union and the United States, the Russian Federation refuses to engage in constructive dialogue on the international security mechanisms on the occupied territories, as well as refusing to reverse the ethnic cleansing that it committed.

I remind colleagues that up to 80% of the pre-war population of both Abkhazia and South Ossetia is missing. Therefore the European Union-brokered ceasefire agreement should be incorporated in European Union sanctions, as I have said, and should be featured as one of the important subjects in high-level meetings between leaders of the civilised world and Russian leaders. In that way, companies such as Airbnb would stop operations in the occupied territories; renting out homes in occupied Abkhazia that previously belonged to Georgians who were ethnically cleansed constitutes implicit endorsement of that ethnic cleansing.

Mr RAMPI (*Italy, Spokesperson for the Socialists, Democrats and Greens Group*)* – Our group pays considerable attention to and is very committed to the issue of freedom of information and the quality of information when it comes to the freedom of the media. I am speaking out today about a written declaration that we tabled. A number of colleagues have put their names to it. It concerns a radio station called Radio Radicale in Italy. Like many free radio stations in Italy, it was established in the 1970s, and it provides direct broadcasts from the Italian Parliament across the political board. It also interviews parliamentarians and others. In the 1990s, an agreement was reached through which the Italian State recognises it and gives it public funds. It does not rely on advertising but is an open platform.

In the draft budget proposal put before the Italian Parliament, the station's budget was cut by half. If nothing happens, in May Radio Radicale will stop. It is important to raise this issue, for a number of reasons. First, we have the signatures of a number of colleagues from political parties in different countries who are launching an appeal to the Italian Government to have the strength and intelligence to understand that it is important for there to be this form of free expression Italy. The station is one of the few things that serves as a mouthpiece for everything that is happening around the world, including the Tibetans and other minorities in China. It is also an Internet site and an important archive and provides coverage of what happens at the Parliamentary Assembly of the Council of Europe, a rare thing in Italy. We at the heart of democracy need to know that imparting free information is one of the pillars of our democracy.

Mr MASŁOWSKI (*Poland, Spokesperson for the European Conservatives Group*) – This week we have been talking a lot about laundering money and corruption. There is another problem that we should also consider. In Poland, we see the three pillars of the problem. We have a problem with corruption, with nepotism and with salaries in the public sector. At the moment, my country is preparing anti-corruption legislation to avoid these problems. That means that anybody convicted for corruption cannot work in the public sector for the rest of their lives.

There is also legislation to address cronyism and to provide access to salary information in the public sector. For example, the European Court of Human Rights decided that the people should have the right to

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get information about salaries. We are co-operating with other parties. I invite colleagues also to co-operate, because such projects should be carried out in every country, especially Council of Europe member States.

Mr HUSEYNOV (*Azerbaijan, Spokesperson for the Alliance of Liberals and Democrats for Europe.*) – Today I want to talk about a forgotten tragedy; it is not so old that it can be forgotten. Less than a month has passed since this disaster that shook the world. Bullets shot at peaceful Muslims worshipping in New Zealand on 15 March 2019 were fires shot at God. New Zealand is not Europe; the innocent Muslims who were murdered were not Europeans either.

However, these shots were also directed at each of us, irrespective of religion and nationality, and at all member States of the Council of Europe. It was one of the most terrible tragedies of recent years as well as of the century and millennium that have newly started. I feel very sorry that in the Parliamentary Assembly this week, we did not commemorate those who died or exchange views on this great sorrow, which should take the attention of the whole world. People silently worshipping were murdered in cold blood in a few seconds, simply for being Muslim.

Of course, this is not a human deed. This can only be done by the devil. So why is such a devil or several devils with origins from Islamic countries immediately blamed as an Islamic terrorist when they commit a similar crime? Everyone acknowledges that the terrorist has no homeland or nationality, so why is it considered that he has a religion and this quality basically applies to a Muslims? At least due to the terrorist attack perpetrated in New Zealand, which has so far been unprecedented, the Islamic world can also label a similar massacre as Christian terrorism. The Muslim world can put forward a terminology opposite to Islamophobia as well; of course that would be unfair, as the opposite side is. The devils also want it to be so; it is they who are trying to divide the world and humanity, and put them face to face, and make them destroy one another.

Today is 12 April, and 28 days have passed since the bloody terrorism committed against worshipping Muslims in New Zealand on 15 March which ended the lives of dozens of human beings. Surah al-Qasas, the 28th Surah of Quran, the Holy book of Islam, warned people, cursing all kinds of terror some 1 300 years ago: “Do not try to do mischief on the earth! Indeed, Allah does not like the mischief-makers!” Let us be with God and the heavenly Book in this fair call. Let us double our harshness in combating all manifestations of terrorism. Let us be together, and let us not raise our voices only after we ourselves are hit.

Ms BRYNJÓLFSDÓTTIR (*Iceland, Spokesperson for the Group of the Unified European Left*) – I will speak on trials in Madrid. Today, there are now 12 people on trial in Madrid. Those people are leaders of Catalonia’s failed 2017 independence bid and are facing charges including rebellion and sedition. If they are convicted, some could face up to 25 years in prison.

The semi-autonomous region of Catalonia held an independence referendum on 1 October 2017 and declared its independence from Spain weeks later. Spanish authorities had declared the Catalan vote illegal, and the national government imposed direct rule. For their actions, the 12 people were accused and are on trial. Nine of the defendants have spent many months in pre-trial detention. Three have been free on bail. Oriol Junqueras, the former vice-president of Catalonia, is the most high-profile of the Catalan leaders on trial and he faces the longest potential sentence for the alleged crime of rebellion, at 25 years. Others accused of the same charge include former speaker of the Catalan parliament Carme Forcadell; she could receive sentences of 16 to 17 years.

Of course this whole case is about interpretations of the Spanish constitution. I am not here to raise my views on the Spanish constitution; that is a Spanish internal affair for its people and elected members. I of course understand that the Spanish people are proud of their constitution from 1978 that speaks of Spain’s unity after turbulent times. I am also not here to speak about my views as to whether Catalonia should be independent; perhaps it would be good for them, perhaps it would be a terrible mistake. But one thing I know for sure is that it is never possible to agree that politicians and leaders of NGOs who have peacefully fought for their political convictions and beliefs should be arrested and imprisoned without a court decision for a year and even longer.

The Madrid trial of over 12 elected representatives from Catalonia and NGO leaders is in my opinion a political trial, where people are put on trial for their convictions and beliefs. Proof of this is the fact that the third party in this happy marriage in the court is the extremist right-wing political party named Vox. Why Vox is let inside the court and all the way to criminal accusation is an enigma to me but is permitted by Spanish law. Vox requires up to 74 years of imprisonment for some politicians. Is that not a political demand?

The political situation in Catalonia and Spain is complex nowadays, but politics resides in parliamentary halls and squares, not in courtrooms and prisons. Whatever we think of the independence question, we should

all join forces against imprisonments of politicians or leaders of NGOs for their political views and for their consciences. To raise concerns about and react to the imprisonment of politicians is exactly what we do here all the time in the Parliamentary Assembly of Council of Europe. We should continue to do so in the case of the Catalanian prisoners.

The PRESIDENT – We move now to the general list of speakers. I call first Mr Cepeda.

Mr CEPEDA (*Spain*)* – This morning I asked to speak because I wanted to raise the topic of the 70th anniversary of this Organisation and wanted us to talk about the fact that we need to work to disseminate its values. The Council of Europe has existed for 70 years, and we now must look towards the next 70 years. It must continue for another 70 years, and continue to grow by further promoting democracy, human rights and the rule of law. This is a free debate, however, and although I came along with the idea of talking about the Council of Europe, having just heard the comments by the honourable member who spoke last about my country, I feel I must respond, if I may, and say a few words about what is happening in my country.

What is happening in my country is actually in strict compliance with the values, recommendations and standards of this Organisation. That is precisely what we are talking about in Spain: the rule of law and complying with the rule of law. None of our countries can move forward with our democracy and the development of our institutions if we do not abide by the rules of the game; we have to abide by the rules of the game and the standards. That means you cannot trigger a process to legitimate something – in this case breaking up a country – if you do not do it within the confines of the system as agreed and recognised. I do not think there is any standard in any country in Europe or the world that would allow people to recognise the fragmentation and break-up of their country if done in a completely unlawful manner. Therefore, what is happening in Catalonia is basically making sure the rules of the game are respected. The question is currently before the courts; the judges are ruling on the matter and that has nothing to do with what might be happening in terms of the parliament or the executive, because the judiciary is a separate entity.

It is good that we have this democratic forum of representation and that we are all here and can speak freely and say what we have to say. It would be bad if we could not do that, but ultimately I hope we can be constructive and show respect for different points of view. It is not a political trial; it is a trial about law and respect for the law. It has nothing to do with the government, political parties or members of parliament. The matter is before the judges and they are doing precisely what they ought to be doing.

Ms FATALIYEVA (*Azerbaijan*) – I want to talk about recent developments in my country, Azerbaijan. This year, 2019, can be called a year of reforms in Azerbaijan, because the leadership of the country fully understands that if we are to be a part of a rapidly changing world and want to meet the demands of the modern world we need to make some changes.

At the beginning of this year the President of Azerbaijan declared upcoming transformations in the system of government and the introduction of new thinking and new regulatory skills in a particular segment of the economy. A lot has been done during these few months. Measures have been taken to liberalise the tax system of the country, which began when the president declared war on shadow business. Conceptual tax reforms were started long before the relevant amendments and additions were made to the tax code of Azerbaijan at the beginning of this year. Another important decree of President Aliyev was on increasing the amount of social benefits and payments to an entire group of people, social benefit by age, and social benefit for war veterans, internally displaced people, families of martyrs of the Karabakh war and people and children with disability, and the pensions of elderly people, student scholarships and salaries have been raised.

Another decree, on additional measures to address the issue of problem loans to individuals, was a package of social benefits and financial incentives from the state that will cover 2.5 million people. With this document, President Aliyev provided compensation to all people with problem loans in banks due to the devaluation of the manat. Another revolutionary document is the presidential decree on the deepening of reforms in the judicial-legal system. It was approved just a few days ago. The measures envisage the improvement of mechanisms for preventing interference in court activities and increasing responsibility for such interventions, to ensure the independence of judges; a significant increase in judges' material support to enhance their social protection; differentiation of the state duty rates paid in cases considered in courts, in accordance with the price charged for lawsuits; and much more. All those transformations are necessary to support the ongoing reforms in Azerbaijan in other segments of social and economic life.

A systematic approach to the strengthening and development of democracy and human rights in the country is a priority for our leadership. That is evidenced by another presidential decree pardoning a number of convicted persons, as a result of which 431 convicts were pardoned and 399 released from prison.

At the core of the reforms lie human capital, human rights and the development of democracy. If those values are still considered to be the basic values of the Parliamentary Assembly, we have to talk about their positive impacts. Such reforms are important for all member States.

Mr BÜCHEL (*Switzerland*) – Dear colleagues, €59 million in 2019 – never before has so much funding been allocated to action in sport under Erasmus Plus. What a commitment from the taxpayers of the 34 countries in the programme. That leads me to another very important commitment of dozens of countries: the Council of Europe's Convention on the Manipulation of Sports Competitions, which is known as the Macolin Convention. It has been ratified by four States and signed by 31 other States. On 1 February 2019, it was even signed by Australia. I really regret that seven European Union countries – Croatia, the Czech Republic, Ireland, Latvia, Romania, Sweden and Malta – have not yet done so. Croatia will probably sign it at the Helsinki Summit next month.

Signing is important, but ratifying even more so. One more ratification is needed before the convention enters into force. The minimum of five should be reached soon, thanks to the Republic of Moldova, which has recently ratified, and thanks, of course, to Norway, Portugal and Ukraine. Switzerland is going to ratify next month. Many European countries are already compliant with the convention, and most of them are engaged in preparing its future implementation.

So far, major achievements as part of the Macolin process have already reformed the general climate and increased global dynamism in the fight against the manipulation of sports competitions. The Council of Europe and its key international partners are developing activities all over the world. The network of prosecutors and judiciary authorities and the network of ministries have been created, based on the model of the Council of Europe's network of regulators. They complete the networks of the International Olympic Committee and the European Union athletes, and Interpol's task force on match fixing. Last but not least, ESSA Sports Betting Integrity, which represents the betting industry, contributes to the avoidance of betting-related match-fixing and corruption within its markets. As members of our national parliaments, we can and should be more active in pushing our governments to ratify and to end the deadlock. I am convinced that we can successfully fight the manipulation of sports competitions. We must do it urgently, and together. It will be tough, but fighting the battle is definitely worth our while.

Ms PASHAYEVA (*Azerbaijan*) – Dear friends, I want to talk about some processes taking place in the South Caucasus region – decisions of the European Court of Human Rights and resolutions of the Parliamentary Assembly of the Council of Europe that have not been implemented for many years. The decisions of the European Court must be implemented in member States. However, the former leadership of Armenia refused to execute the decision of the European Court of Human Rights in the case of *Chiragov and Others v. Armenia*. Unfortunately, the new leadership of Armenia has not taken any serious steps to fulfil that decision either. This issue should seriously concern the Parliamentary Assembly of the Council of Europe.

A lot of time has passed since the decision in the Chiragov case. To ensure that it is implemented, the Parliamentary Assembly should exert serious influence on Armenia. There should be no double standards in the approach to such issues. The internally displaced persons who cannot return to their homes call on the Parliamentary Assembly to be more sensitive about such matters. They also call on the Parliamentary Assembly to put pressure on Armenia to fulfil Resolution 1416 (2005), which was adopted by the Assembly. More than 10 years have passed since that happened, but Armenia still refuses to fulfil that resolution and does not allow Azerbaijani IDPs to return to their homes.

Our Assembly adopted Resolution 2085 (2016) on Sarsang water reservoir. In that resolution, the Parliamentary Assembly demanded that Armenia stop using water resources as tools for exerting political influence and pressure. However, Armenia has not taken any steps to implement the resolution, and tens of thousands of Azerbaijanis and several densely populated regions continue to suffer. We call on our Assembly to pay more attention to that issue and to take more stringent measures to ensure that Armenia fulfils the resolution.

The Azerbaijani delegation in the Parliamentary Assembly and the permanent representation of Azerbaijan at the Council of Europe held an event on the situation in the occupied territories of Azerbaijan and presented photos of terrible facts. The Parliamentary Assembly should not remain indifferent to the destruction of historical, cultural and religious monuments and cemeteries in the occupied territories of Azerbaijan. We call on the Assembly to raise its voice in protest against the destruction of monuments in Azerbaijan, which are also part of world culture.

All the Azerbaijani IDPs who have not been able to return to their homes for 27 years expect the Assembly to take a more active position in the direction of protecting their violated rights, and to strengthen its

efforts in this direction. On the principle of the protection of human rights values, the Assembly should listen to the voices of those people and support their return to their homes.

Mr ALTUNYALDIZ (*Turkey*) – I want to take this opportunity to raise the impact of the recent trade war among nations – an arbitrary practice that is impacting on democracy, the rule of law and human rights. As we come to the end of the second decade of the new millennium, the global economy has gradually drifted towards protectionism as a consequence of tougher international competition. Relations between countries have deteriorated for the last few years, because of the increasing disagreement and disputes about key policy and economic issues.

In particular, international norms have been severely damaged unilaterally. Trade agreements and policies have a major impact on trade and investment worldwide. The effects of the current tariffs will be felt everywhere, but especially in the world's poorest countries. Everything from the current global recovery to the sustainable development goals may now be in jeopardy. The increase in tariffs and quota implications in global trade have negative impacts on development, growth and investment internationally. Tariffs and quotas that destroy the ability of global market systems to effectively allocate resources will reduce international trade, increase unemployment, impoverish households and cause a vicious cycle, slowing down innovation and productivity.

Colleagues, changing the agreements and policies would affect not only trade and investment, but democracy and human rights. Increased trade and economic integration promote civil and political freedoms directly by opening up societies to new technologies, communications and democracy. Economically open countries are more likely to enjoy full political and civil freedoms than countries that are closed to free trade. If a country declares war against others, such values will be affected negatively.

The arbitrary use of trade measures as a foreign policy tool will not work in the current multiple world order. Such policies will lead to a lose-lose situation, and global trade wars are bound to harm the world economy. If trade wars escalate, the public's faith in the economy could also be shaken badly. The common values of Europe that we in the Council of Europe fight for – democracy, the rule of law and human rights – would be severely undermined. I urge all countries to consider the issue responsibly.

The PRESIDENT* – I now have to interrupt the list of speakers. Members who signed up to speak and were present during the debate but unable to take the floor can send, within the next four hours, a copy of their speech to the Table Office for publication in the minutes. Such speeches should not be longer than 400 words and should be sent by email.

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

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

This morning, the Bureau has proposed several references to committees, which are set out in the progress report, Document 14855, Addendum 3. These references must be submitted for ratification by the Assembly in accordance with Rule 26.3.

Are there any objections? That is not the case.

The references are approved.

I now propose that the other proposals in the progress report, Document 14855, Add. 3, be ratified.

Are there any objections? That is not the case.

The progress report is approved.

5. Voting champions

The PRESIDENT* – Dear colleagues, before I close the second part-session of 2019, I would like to announce the voting champions, or “les meilleurs votants” – they are all male, so I need not use the feminine form. The parliamentarians who have taken part in the most votes in this part-session are Mr Ghiletchi, Mr Perilli and Mr Wenaweser. I congratulate them all most warmly. As is traditional, we have small gifts for the voting champions and I invite them to come and collect them.

6. Closure of the part-session

The PRESIDENT* – Dear colleagues, I thank the Vice-Presidents who have helped to contribute to the proper working of the Assembly: Ms Åberg, Ms Brynjólfsdóttir, Ms Leyte, Ms Lîbiņa-Egnere, Mr Nick, Mr O'Reilly, Ms Putica, Ms Schneider-Schneiter and Ms Trisse.

I conclude by thanking everyone who has worked behind the scenes throughout our part-sessions. They are the unsung heroes, who are often forgotten because things work so well. I am thinking of our interpreters and translators, of those who keep a record of our debates, of the technicians, without whom we would have no light or sound, of the ushers, of the security staff and of the cleaning staff, but I am sure that there are some people whom I have forgotten to mention. I thank everyone who has worked to make this part-session such a success, including the Secretariat, the Secretary General of the Assembly and all of you for your commitment.

The third part of the 2019 ordinary session will be held from 24 to 28 June 2019.

I declare the second part of the 2019 session of the Parliamentary Assembly of the Council of Europe closed.

The sitting is closed. Have a safe trip home.

(The sitting was closed at 12.55 p.m.)

CONTENTS

1. Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children

Presentation by Ms De Sutter of the report of the Committee on Social Affairs, Health and Sustainable Development, Document 14835

Presentation by Mr Fridez of the opinion of the Committee on Legal Affairs and Human Rights, Document 14854

Speakers: Ms de Bruijn-Wezeman, Ms Schneider-Schneiter, Baroness Massey, Mr Howell, Ms Wonner, Ms Ævarsdóttir

Draft recommendation in Document 14835, as amended, adopted

2. Social media: social threads or threats to human rights?

Presentation by Mr Cepeda of the report of the Committee on Culture, Science, Education and Media, Document 14844

Speakers: Ms Brynjólfssdóttir, Mr Herkel, Mr Rampi, Ms Stamenković, Mr Huseynov, Mr Emre, Ms Fataliyeva, Mr Socotar, Mr Masłowski, Ms Pashayeva, Ms Bayr, Ms Leguille Balloy, Mr Vasconcelos, Mr Reiss, Mr Xuclà

Draft resolution in Document 14844 adopted

3. Free debate

Speakers: Mr Šešelj, Mr Kandelaki, Mr Rampi, Mr Masłowski, Mr Huseynov, Ms Brynjólfssdóttir, Mr Cepeda, Ms Fataliyeva, Mr Büchel, Ms Pashayeva, Mr Altunyaliz

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

5. Voting champions

6. Closure of the part-session

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.

ÆVARSDÓTTIR, Thorhildur Sunna [Ms]
 AGHAYEVA, Ulviyye [Ms]
 ALTUNYALDIZ, Ziya [Mr]
 BADIA, José [M.]
 BAYR, Petra [Ms] (AMON, Werner [Mr])
 BAZIN, Amaid [M.] (DURANTON, Nicole [Mme])
 BERGAMINI, Deborah [Ms]
 BERNACKI, Włodzimierz [Mr]
 BRUIJN-WEZEMAN, Reina de [Ms] (MULDER, Anne [Mr])
 BRYNJÓLFSDÓTTIR, Rósa Björk [Ms]
 BUCCARELLA, Maurizio [Mr]
 BÜCHEL, Roland Rino [Mr] (HEER, Alfred [Mr])
 CEPEDA, José [Mr]
 CHRISTOFFERSEN, Lise [Ms]
 DE CARLO, Sabrina [Ms]
 EMRE, Yunus [Mr]
 FATALIYEVA, Sevinj [Ms] (HAJIYEV, Sabir [Mr])
 FRIDEZ, Pierre-Alain [M.]
 GERMANN, Hannes [Mr] (FIALA, Doris [Mme])
 GHILETCHI, Valeriu [Mr]
 GRAAS, Gusty [M.]
 GRIN, Jean-Pierre [M.] (MAURY PASQUIER, Liliane [Mme])
 HAIDER, Roman [Mr]
 HEINRICH, Frank [Mr] (MOTSCHMANN, Elisabeth [Ms])
 HERKEL, Andres [Mr] (TERIK, Tiit [Mr])
 HOLEČEK, Petr [Mr] (HAMOUSOVÁ, Zdeňka [Ms])
 HOWELL, John [Mr]
 HUSEYNOV, Rafael [Mr]
 KANDELAKI, Giorgi [Mr] (BAKRADZE, David [Mr])
 KIRAL, Serhii [Mr] (LABAZIUK, Serhiy [Mr])
 KOPŘIVA, František [Mr]
 KOX, Tiny [Mr]
 LEGUILLE BALLOY, Martine [Mme] (BOUYX, Bertrand [M.])
 LEITE RAMOS, Luís [M.]
 LORSCHÉ, Josée [Mme] (MUTSCH, Lydia [Mme])
 MANIERO, Alvise [Mr]
 MARUKYAN, Edmon [Mr]
 MASŁOWSKI, Maciej [Mr]
 MASSEY, Doreen [Baroness]
 MELKUMYAN, Mikayel [M.] (RUBINYAN, Ruben [Mr])
 MONTILLA, José [Mr] (GUTIÉRREZ, Antonio [Mr])
 MÜLLER, Thomas [Mr]
 NENUTIL, Miroslav [Mr]
 PASHAYEVA, Ganira [Ms]
 PERILLI, Gianluca [Mr]
 RAMPI, Roberto [Mr]
 REISS, Frédéric [M.] (ABAD, Damien [M.])
 SCHNEIDER-SCHNEITER, Elisabeth [Mme] (LOMBARDI, Filippo [M.])

SCHWABE, Frank [Mr]
 SEGER, Daniel [Mr] (EBERLE-STRUB, Susanne [Ms])
 ŠEŠELJ, Aleksandar [Mr]
 SEYIDOV, Samad [Mr]
 ŠIRCELJ, Andrej [Mr]
 SOCOTAR, Gheorghe-Dinu [M.] (PLEȘOIANU, Liviu Ioan Adrian [Mr])
 STAMENKOVIĆ, Branka [Ms]
 SUTTER, Petra De [Ms] (DUMERY, Daphné [Ms])
 TRISSE, Nicole [Mme]
 VOGEL, Volkmar [Mr]
 VOGT, Ute [Ms] (BARNETT, Doris [Ms])
 WARBORN, Jörgen [Mr]
 WENAWESER, Christoph [Mr]
 WIECHEL, Markus [Mr]
 WONNER, Martine [Mme] (SORRE, Bertrand [M.])
 XUCLÀ, Jordi [Mr] (BARREIRO, José Manuel [Mr])
 YEMETS, Leonid [Mr]
 ZHRABYAN, Naira [Mme]

Also signed the register / Ont également signé le registre**Representatives or Substitutes not authorised to vote / Représentants ou suppléants non autorisés à voter**

AVETISYAN, Sos [Mr]
 GAJDŮŠKOVÁ, Alena [Ms]

Observers / Observateurs

BENAVIDES COBOS, Gabriela [Ms]
 HERNÁNDEZ RAMOS, Minerva [Ms]
 VASCONCELOS, Héctor [Mr]

Partners for democracy / Partenaires pour la démocratie

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