



AA19CR11

AS (2019) CR 11

2019 ORDINARY SESSION

(Second part)

REPORT

Eleventh sitting

Monday 8 April 2019 at 3 p.m.

In this report:

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

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

(Ms Maury Pasquier, President of the Assembly, took the Chair at 3.05 p.m.)

The PRESIDENT* – The sitting is open.

1. Communication from the Committee of Ministers

The PRESIDENT* – The first item of business is the communication from the Committee of Ministers to the Assembly, presented by Mr Timo Soini, the Minister for Foreign Affairs of Finland and Chairman of the Committee of Ministers. After his statement, Mr Soini will answer questions from members of the house and a written question that has been published.

I have the great honour of welcoming Mr Soini, Finland's Minister for Foreign Affairs and Chairman of the Committee of Ministers of the Council of Europe. It is a great pleasure to receive you in our Hemicycle once again. This part-session is the last in which you will participate as Chair of the Committee of Ministers. Even though it will be quite some time until the ministerial session in Helsinki, I thank you for all your hard work over these few months and for your excellent co-operation with the Assembly. After my visit to Helsinki in November last year, at the beginning of your chairmanship, I said that in a Europe wracked by upheaval I welcomed the calm and firm hand of Finland on the tiller of the Council of Europe. I look at the road we have travelled together and I can only reiterate that message.

Once again, I express my gratitude for your calm hand, diplomacy, your constant desire for dialogue and your attachment to our Europe. During your chairmanship, you have done major work to plead for the strengthening of the European system of human rights and the rule of law, and for the promotion of gender equality. I take this opportunity to congratulate you on your many activities to promote inclusion, and on artificial intelligence. I am sure you will tell us more about those initiatives and others during your speech. Thank you again, Minister, for your close co-operation and constant readiness to participate in our debate. We very much appreciate this new opportunity for an open dialogue with you. It is with great pleasure that I give you the floor.

Mr Timo SOINI (*Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers of the Council of Europe*) – Distinguished members of the Parliamentary Assembly, it is my great pleasure to be here. I am honoured to address the Parliamentary Assembly. As you know, and as we all expected, Finland's presidency has been busy. While the Council of Europe celebrates its 70th anniversary, it faces the greatest challenges of its history. Our presidency has been very active. We have highlighted issues that are important to us and the whole of Europe. I would like to share with you what we have done so far and what we still plan to do before we hand over the presidency to France.

Our first priority is strengthening the system of human rights and the rule of law. In February, we organised a high-level conference on artificial intelligence. The event was one of the main events of our presidency and a great success. Topical questions were raised about how to ensure that artificial intelligence supports human rights, democracy and the rule of law. The conference concluded that artificial intelligence has both a positive and a negative impact on human rights, democratic societies and the rule of law. That requires a joint response. We also need to watch closely the gaps and needs in this field, and co-ordinate well with other international organisations in their policy and normative work. Artificial intelligence should be developed to produce benefits for all levels of society, preventing discrimination and other adverse effects.

Our second priority is very dear to us: supporting equality and women's rights. Under this priority, we organised an international Roma women's conference in Helsinki two weeks ago. Through that event, we wanted to show our strong support for the promotion of the most disadvantaged groups. Today, we are proud to celebrate International Roma Day. Another two events that we organised on the theme of women's rights were a side-event during a session at the United Nations on the Commission on the Status of Women, and an expert conference in Helsinki.

Our third priority is openness and inclusion, with a focus on young people and preventing radicalisation. This topic is essential, because youth are the future; we need to listen to them. They play a key role in preventing violent extremism and radicalisation. They have new ideas and tools for tackling these threats. We need to engage with more schools, which is why I personally have visited several schools to talk about this, and to listen to what young people have to say.

I want to highlight the role of civil society when it comes to openness and inclusion. As you know, a free and active civil society, and respect for freedom of speech, assembly and association, are crucial for democratic societies. In Finland, we have adopted several successful practices to meaningfully engage our civil society. Openness and inclusion mean everyone being able to participate meaningfully in society – and

I mean everyone, including those who belong to groups that are easily marginalised and discriminated against. For that reason, in our presidency, we also promoted the Council of Europe's work to advance the rights of persons using sign languages in Europe. We have organised a side-event on that theme, which will take place here in Strasbourg on Wednesday 10 April. At that event, we will launch a new study on sign language. Sign language rap artist Signmark will perform here in the Hemicycle. Please come along; he is very, very good.

When we began our presidency in November last year, we knew it would not be the easiest time to chair the Committee of Ministers. The Council of Europe was, and still is, in political, economic and institutional crisis. We know very well the roots of the current political crisis. We fully condemn the Russian Federation's illegal annexation of Crimea. I reiterate the Committee of Ministers' commitment to the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders. The basic principles of European security, international law and respect for the territorial integrity of all countries must be defended. Let me underline that all parties will need to be constructive if there are to be results. All member States need to fulfil all their obligations, and payment of membership fees is an obligation for all member States.

At the beginning of the presidency, we recognised that there was a great amount of work to do, but we saw the role as a great honour, and took it on with humble minds. We decided that we would work hard to be an honest broker in this situation. We realised that finding a solution would require close co-operation with all member States, and with both statutory bodies – the Parliamentary Assembly of the Council of Europe and the Committee of Ministers. In January, I therefore proposed an enhanced dialogue between the Parliamentary Assembly and the Committee of Ministers. Its aim was to ensure that Council of Europe institutions came together and really listened to each other to try to find a way forward. That enhanced dialogue took the form of four informal meetings between the Presidential Committee of the Parliamentary Assembly and the bureau of the Committee of Ministers, but it also involved all member States through frequent consultations within the Committee of Ministers and discussions in the Joint Committee.

These consultations will obviously continue up until the ministerial meeting in Helsinki. The main issues identified for discussion include co-operation, a common response to addressing non-compliance, monitoring, and the financial situation. Out of those four, the common response to non-compliance seems to be one that could bring answers for the future of the Organisation. The value of having a common response when a member State violates its obligations is that the response would be a joint effort by both the Parliamentary Assembly and the Committee of Ministers. A common response would strengthen the Organisation, as it would be a response by not just a part of it, but the whole Organisation. That would make the response strong, effective and legitimate, and it could not be argued that the response only partly represented the Organisation's view. A value-added would be an increase in predictability. All member States would know what would follow if they violated their statutory obligations. It would, in my view, concretely send the message, "If you wish to be a member of this fine Organisation, you need to respect the rules."

The common response procedure should have several different steps for addressing non-compliance. The steps would include an accelerated level of response by the Organisation. In my view, phase one would be entering special dialogue; phase two would entail special monitoring; and phase three would be taking public actions and statements. Each step would also include dialogue with a member State that has violated its obligations. The aim should be to address the situation and ensure that the State will become compliant again. If all these phases of common response fail, the Organisation would then have the ultimate option: the Committee of Ministers could decide, according to the Statute and Articles 7 and 8. This would mean the suspension of participation rights or even of membership.

To establish a common response procedure would not require a change in the Statute. It would require common efforts by the Parliamentary Assembly and the Committee of Ministers to elaborate a system, by making more effective and flexible use of existing tools. This theme has now been elaborated by several parties, including by the Political Committee of this Assembly. I believe that it is time to start consolidating the different views into one. We are now beginning to prepare for the outcome of the Helsinki ministerial meeting. This issue will be kept in mind. Our aim is to have a constructive outcome in Helsinki.

Distinguished members, this is my last time addressing you in your plenary as the Chairman of the Committee of Ministers. I have very much enjoyed working with you, and I believe that together we have gained more common understanding. Our common work for a stronger Council of Europe, for Europe and its 830 million Europeans has been crucial. I can assure you all that Finland will do its best during the last weeks of our presidency to strengthen human rights, democracy and the rule of law for all Europeans. Thank you – et merci.

The PRESIDENT – Thank you very much, Mr Soini. Even if this is the last time that you address us in a speech in this hemicycle, we will still have to work together – at least until the end of the Finnish presidency of the Committee of Ministers.

I would like to remind colleagues that questions must be limited to 30 seconds and that you should be asking questions and not making speeches. Looking at the list, the first of the speakers on behalf of political groups is Mr Kandelaki.

Mr KANDELAKI (*Georgia, Spokesperson for the European People's Party*) – Thank you, Madam Chair. Mr Minister, my question concerns the procedure for the selection of the next Secretary General of the Council of Europe. As you well know, the mandate of the Committee of Ministers is to assess whether candidates correspond to the official criteria for this high office and those official criteria are well known. There are views that the Committee of Ministers overstepped its mandate and infringed on the competences of the Assembly by blocking Andrius Kubilius, the former Prime Minister of Lithuania, who in the view of many members corresponded to the criteria most. There are also reports that the Russian Federation engaged in very high-level diplomacy to get Mr Kubilius blocked. If these reports turn out to be true, how would you respond to the view of many people who believe so that veto power was granted to the Russian Federation?

The PRESIDENT* – As I was saying just now, you do have a 30-second limit and I am sure that we could have understood that question within 30 seconds. Mr Soini, over to you.

Mr SOINI* – Thank you for that question. Of course, the election of the new Secretary General of the Council of Europe is very much a joint responsibility – a joint process between this Assembly and the Committee of Ministers. According to the joint interpretative statement adopted nine years ago – an agreement between this Assembly and the Committee of Ministers – the Committee of Ministers is obliged to draw up the list of candidates to be transmitted to the Assembly, according to its procedures. On 20 March, the Committee of Ministers conducted one-hour interviews in camera with all four candidates, where each candidate also made presentations of up to 15 minutes. A week later, in the absence of consensus on all four candidates, the Committee of Ministers was obliged to vote on each candidate. It did this on 27 March and two of the four candidates received the necessary two-thirds majority. This is how the process went.

Mr SCHWABE (*Germany, Spokesperson for the Socialist Group*) – Thank you very much, Mr Minister, for all your responsibility and the action you have taken in this very important year for the Organisation. You described how we do not really have the right approach – the right answer – to a country that has breached the rules in a serious way. You described the kind of procedure, but can you make a bit clearer what you say about the role of the Parliamentary Assembly in such a procedure, and where can we have our power to use it to fight for human rights?

Mr SOINI – In our current situation, I have been thinking in a broader way. I will look once more, just to be more precise. But I do not want to say only what the current situation may or may not be with a certain country. We must have a general sense, irrespective of any country which is going to violate or will violate its obligations, given its breaking of the rules, of how we can then act. It seems to me that, when such an ad hoc situation comes, there have also been several cases in our history where we had a situation in the Committee of Ministers and did not have a procedure for how to go in response to them. That is my thinking and it is why I suggested that, when these kinds of activities or actions, which are inappropriate, have taken place the first step would be to enter special dialogue. That can take place in many ways. Of course, we can contact a Government; if you so decided, we could also ask them to come here. It is up to you how to do it.

Then special monitoring may be entailed, and it can also be carried out in many ways. For example, we have special envoys such as Ms Mijatović, who is taking care of a very important post. That can be the second phase. There could be first dialogue and then monitoring. Then there is the issue of what public action we take under our mandate and what statements we make. If nothing goes the right way, we also have the means of suspending the right of participation and even of membership.

We need a structured way forward – first dialogue, then monitoring, then taking public actions and making statements. If nothing goes right, there is an ultimate way: to show you out. That is more or less what I think. Then, of course, there is the balance between the Committee of Ministers and members of the Assembly. I have been long enough in parliament to know what a failure it would be if governments tried to dictate to parliaments what parliaments must say. In our systems, governments must have the support and acceptance of their parliaments, and that is how it should be. You are members elected by your parliaments, and that is why the Council of Europe must have a clear say on these issues. When both these establishments are involved, we will not get a good result if we do not discuss with each other with a certain kind of procedure, which I think we currently lack.

Mr KIRAL (*Ukraine, Spokesperson for the European Conservatives Group*) – May I express gratitude to the Minister and the Finnish Government for their push to enhance dialogue? Dialogue with the Russian Federation has been a Finnish national security item, and we really appreciate that.

On the other hand, we all know what the Russians want: the removal of the sanctions procedure. This is camouflaged in the so-called Kox report by the so-called joint sanctions procedure, which is depriving the Assembly of part of its powers. My question is about whether the Committee of Ministers has discussed that and whether there is a consensus on this particular change. You have expressed your views but I would also be interested to hear what the Committee of Ministers thinks.

Mr SOINI – Thank you for that clear and good question. I would love to see the Kox report because I have not seen it; it has not been delivered. I do not know whether the Assembly has seen it, but the Committee of Ministers and I personally have not seen it. I heard today that it will be taken in the plenary on Wednesday under an urgent procedure, but I have not seen the report. I would love to comment when I have seen and read it. Sorry, but I cannot comment before that.

Mr DAEMS (*Belgium, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – Minister, we welcome the procedure that you have put on the table. There are two crucial elements: the first is how to start it and the second is how to end it. For us it is crucial, also in the Kox report, that the Parliamentary Assembly should be able to initiate this procedure. As far as the second element is concerned, at the end the matter should be closed and it should not take an enormous amount of time. Would you propose to the Committee of Ministers in Helsinki, first, that the Assembly can indeed initiate the procedure, and secondly, that the Committee of Ministers should take a decision within a fixed timeframe when you are in phase 4?

Mr SOINI – If I understand it right, we build on the 1994 declaration of the Committee of Ministers, but I fully recognise your worry that, if we start a process, we should end it as well. Now we are creating wheels of fortune in a way, which can be hijacked and used for political means. My worry, when I try to figure out the steps is how a problem can be raised in both establishments. I think that the Parliamentary Assembly must have the right to take an initiative, but we must also create in a profound way the means to end it. How can we create the process that we are talking about and ensure that it has a conclusion as well? If we do not, I am not sure that this will be useful.

Mr HUNKO (*Germany, Spokesperson for the Group of the Unified European Left*)* – I very much welcome the fact that the Finnish chairmanship has been trying to deal with this crazy situation. On the one hand, in the Assembly we have these sanctions but no co-operation while on the other hand at the Committee of Ministers things are continuing. We must come up with proposals to overcome this situation. Have I understood the following point correctly? The Assembly has strengthened rights in that it can instigate a sanctions process.

Mr SOINI – If I understand it right, the 1994 declaration has the procedure for how we should go on. In my understanding, that is how it is done. The role of the Parliamentary Assembly is important and guaranteed. That is my perception. It is absolutely crucial that the Parliamentary Assembly should have a say on these kinds of matters in future. That is why I have been thinking about these steps. I do not want to name or blame any countries, but we have been in a new situation all the time with regard to this problem, and we do not have a procedure on how to go on. I am also afraid that, in future, some countries, somehow, some way, someday, might go in a situation where there must be, in a way, a dialogue monitoring these steps taken. That is why we must think beforehand about how we can act in an unpleasant situation, which we can face. I hope that it will never be needed again, but the world has proved a little more complicated than I have wished it to be.

The PRESIDENT – Mr Soini, if you agree we will now hear three questions together.

Mr SOINI – I have nothing else to do, so please go ahead.

Mr NACSA (*Hungary*) – Given the ongoing discussions about the budget of the Council of Europe, how can we ensure that its monitoring bodies, including those responsible for the protection of the rights of national minorities, can maintain their high standards? That is crucial, especially given the recent legislation in Ukraine about language and education rights.

Mr FOURNIER (*France*)* – The Finnish chairmanship has worked very hard to find a solution to the crisis our Organisation is facing. Could you remind us, Minister, of the main deadlines in terms of the funding problems facing the Council of Europe and the response the Committee of Ministers wants to provide to the problem of the non-payment by the Russian Federation of its contributions?

Mr ARIEV (*Ukraine*) – My question is about the elephant that is living in the room every part-session. Will it be helpful and good for the Council of Europe if we meet the Russian requirements to do with compliance in terms of the main matters in Mr Kox's report, namely reducing the role of the Assembly in its sanctioning and monitoring mechanisms? It was on the table when the Russian Federation made demands of the Council of Europe, so what impact would it have on the credibility of the Council of Europe if we move to meet Russian requirements?

Mr SOINI – What has been urged in terms of language and so forth goes to everybody and every country: national, ethnic, religious and other minorities must be treated in the way this great institution requires. That means that the rules must be obeyed and minorities must be respected, whatever the country and whatever the language. That is the only way to go. It is not only the right thing to do, but it is leading by example. Without naming and blaming anybody in particular, if we tolerate such activities, we are normalising them, and that must not be the case.

On funding and the Russian Federation's non-payment of obligatory contributions, I do not understand any country that does not fulfil its obligations. I also think that, if we are elected to this place, there is an obligation to be present because our people have elected us here and we are representing their parliament, which is a great honour for each of us.

Of course, the fulfilment of every Parliamentary Assembly responsibility is very significant. If we accept in any way that we are downsizing what we are doing, there must be no situation where somebody can blackmail us with money. If we have the budget and the fees, we have the right to decide where the money goes. That is the right thing to do, but if somebody is taking the money out, and tries through that to influence what funding would be reduced and what not be reduced, that is not the right way to go.

The other stakeholders must be considered, and I am sure the Finnish presidency will do its utmost. We are rather a stubborn people living in the tundra in the Arctic, and we take our commitments literally: if you have promised, it is a matter of honour to fulfil your commitments.

I am getting very excited about the Kox report; many people have seen it, and I will soon see what it contains. I cannot comment yet, because I have not seen it yet, but all members must have the same rights and responsibilities and the Finnish Government is not going to make any exceptions to the rules we have jointly decided among ourselves. This is the outline of our government position, and I personally believe that if we want to be treated in the way we would like, then we must treat others in the right way. That is the kind of confidence building I think will be fruitful.

On the Russian Federation in general, it must fulfil the commitments it has given. I do not understand any other way.

The PRESIDENT* – I would like to reassure the Chairman of the Committee of Ministers that we do not know the Kox report, or, rather, the resolution proposed in it, because it is currently being discussed by the Committee on Political Affairs and Democracy and we will only receive the text once it has been adopted by the committee. That will only be done once all the proposals have been examined, adopted and passed on to the Assembly. So we are all very keen to receive the outcome of this work.

Mr BULAI (*Romania*) – As I am a very young MP, I am greatly concerned about the climate change challenges. Would you consider tackling environmental protection and rights as a possible fourth pillar in the future for the Council?

Mr HERKEL (*Estonia*) – Best wishes from Tallinn. In the last session, we adopted an important resolution on the Magnitsky case, in which we called on our parliaments to be more active in addressing especially human rights questions. What stage of implementation and adoption of the so-called Magnitsky law have our member States reached, and do you see any progress in investigations of political murders in the Russian Federation?

Mr OMTZIGT (*Netherlands*) – I thank the chair for a clear introduction and I thank the Finnish presidency for interesting work, such as on artificial intelligence. I have a different question on something we do not mention very much any longer: the fact that quite a few of our colleagues have been corrupt. They have been corrupted by one particular member State. We have had an internal inquiry here, and 12 people have been banned, some for life, and some have had fines, and there has been a fine of €20 000 from the German Bundestag, but has the Committee of Ministers discussed this, because the money was coming from a particular member State, and does it want to hold an inquiry as this Assembly has done?

Mr SOINI – I am grateful for those questions, which were relevant and somewhat difficult to answer. Climate change is one of the biggest challenges that we face, and it causes young people, in particular, worry and pain. It is profoundly connected to the rule of law and human rights, because if the effects of climate change are disastrous, as it seems they can be, the resulting trouble and havoc will affect the rule of law and human rights straight away. The issue must be tackled seriously in the Parliamentary Assembly, and our own Governments must co-operate to tackle it. When we make commitments, such as the Paris agreement on climate issues, we should fulfil them. We should deliver what we promised, and we should take our talks and initiatives seriously. The people who elected us to public office want us to take serious action.

I was asked about the Magnitsky list. Of course, any kind of political assassination – no matter the person, their ideology or their country – is wrong. All I can do is to commend the way in which Finland has handled the Magnitsky list, because I am familiar with Finland's approach. I will give some background from the Finnish Parliament. The issue is linked to Lord Anderson's report calling on national parliaments to take more decisive action concerning the Magnitsky list. We aim to undertake serious activities soon regarding the basic rights related to such issues. If I remember correctly, the issue was raised in the Finnish Parliament in 2012, or something like that – quite a long time ago – but this is a serious matter. Violence on political grounds, whether it affects citizens, tax collectors, politicians or Ministers, cannot be tolerated and must be tackled in a concerted way.

I was asked about corruption. Corruption is stealing; it is stealing from us, and from the people. The fight against corruption must remain high on this Organisation's agenda. As has been said, there have been corrupt members of this Assembly, including a Finnish one who has been banned for life. This is serious, and it cannot be tolerated. We must not underestimate it, and we must fight corruption of all kinds. We must work closely with GRECO, the anti-corruption establishment, which is investigating allegations of corruption. Its recommendations, including the ones it has made to this Assembly, must be carried out.

Ms BRYNJÓLFSDÓTTIR (*Iceland*) – Thank you, Mr Soini, for the active, solutions-based approach that you have taken to the Assembly crisis during your presidency. I want to raise my growing concern about the role of the Nordic States in immigration and refugee issues. The Nordic states have widely been regarded as human rights role models. However, with the growing anti-immigration rhetoric of Nordic political parties, such as the Danish People's Party, the Sweden Democrats, the True Finns and the Norwegian Progress Party, that has changed and I fear it is about to change further. Do you share those concerns, Mr Soini? Do you believe that the Nordic States are gradually losing their leading role among European States when it comes to welcoming and including immigrants and refugees? If so, what is the meaning of that evolution for refugee and immigration issues in member States?

Mr SEYIDOV (*Azerbaijan*) – First, I congratulate you on your excellent chairmanship of the Committee of Ministers. In 2015, the European Court of Human Rights delivered a landmark judgment in the case of *Chiragov and Others v. Armenia*, which concerned the illegal forced displacement of civilians from the Lachin district of the Republic of Azerbaijan. Most importantly, the judgment put an end to Armenia's persistent denial of its responsibility for the occupation of the territories of Azerbaijan and established that Armenia exercised effective control over those territories. I would like to know what the Committee of Ministers has done so far to ensure that Armenia fulfils its obligations under the European Convention on Human Rights.

Mr SOINI – Better migration is a common challenge not only in the Nordic countries, but in all countries. I could easily discuss the matter for an hour, or an hour and a half, without even stopping to drink water. In Nordic and European countries, I think we lack a clear idea of the kind of immigration policy that we want. Obviously, we need immigration in Nordic countries and others; it has always existed. I visited Angola a month ago, and in Africa four out of five migrants are moving inside Africa. In Europe and the Nordic countries, we tend to think that everybody is trying to get to our country, but that is not the case. We need to establish procedures to enable people to come to our countries legally. If we do not have such rules, human traffickers make people false promises about getting into Nordic countries. Those cynical exploiters sell organs and exploit people – even children – through prostitution. We must have legal ways for people to come over.

We must also be self-critical, and I will now be self-critical about our country and Europe. We have voluntarily agreed a mechanism for dealing with and dividing up the people who come, but not many countries have fulfilled their commitments. What is their credibility to talk about these issues now? It is not zero, but it is close to it, and that is a problem. If there is malfeasance, it will be exploited politically, as we have witnessed.

Legal routes are one thing, including for people coming on economic grounds, but then, of course, there are people who are running for their lives from war. It is set out in United Nations rules that, if somebody's life is threatened, we must help him or her, but I do not think that we have been very successful in that.

I do not believe in walls. I believe in co-operation and in business. When I was in Angola, I was not asked for a penny; I was asked about investments, co-operation and commerce and about how we can better work with agriculture, communication networks and everything else. I think that that is the way to go forward.

I cannot say that I have very profound knowledge of the cases that Mr Seyidov mentioned, but the principle in both cases must be that the Committee of Ministers has placed them under its enhanced supervision procedure and, considering the findings of the court, decided to examine them in parallel. That is my answer to that question; I do not have a very profound knowledge of the cases, but that is the principle.

The PRESIDENT – It seems that Mr Omtzigt has a complementary question.

Mr OMTZIGT (*Netherlands*) – Thank you very much for allowing me a question, and for your clear stance against corruption. I tabled a question to the Committee of Ministers to ask it to start its own investigation about the role of a particular member State in corruption. If you are serious about fighting corruption, which you are in your words, will you propose in the Committee of Ministers to start an investigation into whether members of this Assembly were corrupted by a member State?

Mr SOINI – As I said, if I find out that there is a corruption case, I will urge that we investigate the matter in every way that is in my power. There is no room for corruption and no hire of corruption if I have the power. That is my answer.

The PRESIDENT – Thank you very much, Mr Soini, for your address and your answers to questions.

2. Annual activity report 2018 by the Council of Europe Commissioner for Human Rights

The PRESIDENT* – We will now hear an address by Ms Dunja Mijatović, the Council of Europe Commissioner for Human Rights, on her activity report for 2018 (Comm DH (2019)11). Colleagues, it is a great pleasure to extend a warm welcome to Ms Mijatović, who is introducing her annual activity report for the very first time since taking office last April.

Madam Commissioner, it is a great pleasure to have you in our Chamber to present your first activity report to this Assembly. During your first nine months in office, you have made official visits to five member countries: Albania, Greece, Estonia, Armenia and Romania. That shows that you attach great importance to issues that are at the top of today's news agenda, such as migration or efforts to combat discrimination of all kinds, including discrimination against persons with disabilities, LGBTI people and Roma people, as well as efforts to combat sexist stereotypes and violence against women. I am sure that you will tell us more about those things, among others, in your address.

In the past nine months, I have seen how willing you are to co-operate closely with our Assembly. As you know, your ideas and recommendations frequently serve as guidance for us in preparing our visits and reports. Your participation in our discussions and meetings is highly appreciated by each and every member of this Assembly. Madam Commissioner, let me thank you once again for your active and committed work, which makes a decisive contribution to promoting human rights in Europe and which honours this Organisation. We are eager to hear your address and exchange views with you on the major challenges for human rights in Europe today.

Madam Commissioner, you have the floor.

Ms MIJATOVIĆ (*Council of Europe Commissioner for Human Rights*) – Madam President, Excellencies, distinguished parliamentarians, ladies and gentlemen, I am honoured to have this unique opportunity to present my first annual activity report. You have all received the report, so I will not repeat what is in it; I would rather focus on my general assessment of the human rights situation in Europe and the way forward. What I would like to stress today is the purpose of the report, the results that we aim to achieve and, ultimately, what we make of such reporting.

Annual reports are much more than statutory obligations; they provide a snapshot of the human rights situation in Europe. The picture that has come out in the first year of my work as Council of Europe Commissioner for Human Rights is a mixed and complex one. We recognise all the extraordinary results and improvements that have happened over the past decades in our societies, but it is almost impossible not to notice the sharp decline in human rights compliance all around Europe.

Long-standing problems have continued to affect the human rights of large strata of society in Europe. Violence against women and gender inequality remain a pervasive human rights violation in many countries. Hate incidents have continued to scar the lives of Jews, Muslims, Roma, foreigners and LGBTI communities. Inadequate national and European responses to migration have transformed an issue that in my view is quite manageable into a tragedy with no end in sight. Human rights defenders and journalists continue to face reprisals, physical attacks, ill treatment, abduction and killing. As we speak, the toxic, nationalistic, irresponsible and cynical discourse and rhetoric performed by many prominent political leaders in Europe is affecting the fragile fabric of our human rights system. Arguably the most worrying trend that I have observed is that many governments and parliaments are departing from agreed human rights standards and going down a nationalistic route, not only in words, but in deeds. It is a very dangerous path – one that we need to reverse.

Allow me to make a personal comment. I grew up in a country that no longer exists, mainly because of nationalism. I saw the brutality and bloodshed of nationalism, the division it sows and the subtle ways in which it seduces with false promises. Nationalism brings only destruction – history has taught us that, but it seems that we have not learned it well. We must not fall prey to it, or we are no longer Europe. We must stand up and act to defend the values and principles of equality, respect, diversity and inclusiveness that define our Organisation. These principles seem to be losing ground across our member States, but I remain optimistic about the future of Europe.

There are three main reasons. First, I have established constructive dialogue with a majority of national authorities. During my country visits, I could access places of human rights relevance, I received information that I requested, and I was able to meet key decision makers. Is that enough? No.

Another source of optimism – I would like to emphasise this – is that in all the countries I visit, I meet NGOs, journalists, human rights defenders and activists who together form strong national human rights structures and who keep the torch of human rights burning, despite the grave dangers they face. I salute them.

A third reason is youth. On several occasions over the past year, my office and I have met many young people. Some felt excluded from the system of human rights protection. Others expressed dissatisfaction with the way we reached out to them – or rather, did not. But all those we have met ask for more, not less, human rights, and we listen to them.

You as parliamentarians have a crucial role in answering these demands. You can ensure that your countries' laws and policies hold true to the values of our Organisation. You can bring closer to people the vision, wisdom and courage of the founding fathers of the Council of Europe, who 70 years ago put aside their grievances and together started building a future of peace, co-operation and mutual understanding, determined to uphold the principles enshrined in human rights provisions. You can protect freedom from oppression, dialogue from fanaticism and pluralism from totalitarianism. In other words, you can, and you should, protect Europe from nationalism.

My role is to help you achieve that goal. I take this role very seriously, as both an honour and a huge responsibility, but I need your help. I need you and your governments alike to implement my recommendations more seriously and constructively. I need you to engage with your national human rights structures, NGOs and human rights defenders in a positive way, without obstructing their work.

Human rights, democracy and the rule of law are sailing troubled waters. We know what happens when they begin to fade and when they disappear. Our mission to uphold them will not be a sprint but, rather, a marathon. We will need patience, commitment, courage and dialogue. I want to stress that we will not always agree. The position of the Commissioner is clear: it is based on the mandate and human rights protection. At the same time, even when we disagree, I am convinced that if we keep using all those standards as our compass and if we hold true to the principles, values and standards that define our Organisation, we can together come out of this tempest stronger. I am ready to answer any questions.

The PRESIDENT* – Thank you, Madam Commissioner. It is very important, despite all the difficulties that you encounter, for us to hear such encouraging and optimistic words.

Ms ÆVARSDÓTTIR (*Spokesperson for the Socialists, Democrats and Greens Group*) – Madam Commissioner, thank you for your excellent speech. The Committee of Ministers has adopted a recommendation on preventing and combating sexism. For the first time ever, sexism has been defined in a dedicated legal instrument to tackle it. Tomorrow we will debate my report on promoting parliaments that are free of sexism and sexual harassment, and I am aware that you have been doing work on tackling violence against women and girls. It is vital for us to work together to further this important cause. Can you share with

us what you have been doing and which avenues you see for these three organs to work together to end sexism, sexual harassment and sexual violence against women and girls?

Ms MIJATOVIĆ – Thank you for your question. I am very much aware of that development in the Committee of Ministers; I followed it and tried to promote it using my social media account. It is an encouraging development, but it is just a drop. I completely agree that we need to join our forces and our voices to make sure that there is zero tolerance of this kind of behaviour among parliamentarians. There is a big question mark around how we can reach out outside this Organisation and be more visible and encouraging for the women who I am constantly meeting in our member States, to help them be more vocal and to present these cases without fear. I assure you that this issue will stay very high on my agenda. My team is working hard to address gender equality issues. We are trying to encourage States to ratify the Istanbul Convention, which is an extremely important document, but at the same time we need to be realistic and work with the States that disagree with these notions, which I intend to do.

Mr HOWELL (*Spokesperson for the European Conservatives Group*) – Given the background in which the Council of Europe was created, I expected to see a little more in your report about what you have been doing to tackle anti-Semitism. Would you like to take this opportunity to tell us?

Ms MIJATOVIĆ – Anti-Semitism has been on my agenda since I joined the office. I had several communications – sometimes not public – with the rabbi in relation to the attacks that happened here in Strasbourg, and I reached out to the Jewish community to show solidarity. I attended events when the anniversary of the Holocaust was marked, which I intend to continue doing. This week, I am going to Jasenovac in Croatia to mark the anniversary of the Holocaust and everything that happened there after the Second World War. That is just one example. I use transitional justice to address this issue, while building on everything that my predecessors did in relation to this topic. I agree; there is not much in this year's report, but that definitely does not mean that I have not been engaging and am not planning to tackle this issue prominently.

Mr POLIAČIK (*Spokesperson for the Alliance of Liberals and Democrats for Europe*) – Today we celebrate International Roma Day, which should be a reminder of the urgent need to better protect the human rights of Roma people. Across Europe, there is a need for meaningful commitment to combat racism and discrimination against Roma, and we should especially address the continuing segregation of Roma children and children with disabilities in education. As you state in your annual report, measures to tackle school segregation cannot be ad hoc, piecemeal and temporary. Mr Kox said recently that the promotion of European Union accession to the European Convention on Human Rights “is and should remain at the forefront of the Assembly's political dialogue” with the European Union. Do you think that closer co-operation with the European Union could help to tackle these issues in a more efficient way?

Ms MIJATOVIĆ – As you probably noted, today I marked International Roma Day with a statement about my view on the current situation when it comes to the Roma community in Europe. I started engaging from the very beginning of my mandate, when I visited the centre that was created in Berlin with the help of the Council of Europe and the German Government. In August last year, to mark the genocide of the Roma, I went to Auschwitz-Birkenau and met young people and survivors. Even though it is quite embarrassing that we still need to remind States and our societies of how important it is that we embrace diversity and do not push people away from us, that will have to continue because unfortunately that is not how it is, which is why our voices should be stronger when we talk about the Roma community.

Co-operation with the European Union goes without saying. I was recently in Brussels, where I attended a conference organised by the Swedish parliamentarian and prominent fighter for Roma rights, Ms Soraya Post, to try to see how we can do things better and together. There are many plans, but it remains to be seen what we are going to do to reach out to people and to see how we can be more visible and get more results.

Ms UCA (*Turkey, Spokesperson for the Group of the Unified European Left*)* – The Council of Europe, and in particular the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, has repeatedly referred to the circumstances that prevail on the prison island of İmralı. The detainees there have not seen a lawyer since 2011, and since 2015 they have had no contact with the outside world. The MP Leyla Güven has now been on a hunger strike for 152 days. Her only demand is for the authorities to put an end to the isolation of detainees, including Abdullah Öcalan. In the meantime, 7 000 people are on hunger strike, including Tayyip Temel, who is a member of our Assembly. Their only demand is for the authorities to put an end to the isolation of detainees, and that aim is perfectly compatible with the demands of the Council of Europe, so what do you think you can do, Commissioner, to put an end to this structural, deplorable state of affairs?

Ms MIJATOVIĆ – I am very much aware of this issue. I have followed the case of Leyla Güven closely, and I am glad there has been some resolution and that she has been released. Of course, that is not enough. As Commissioner, I do not like to see people going on hunger strikes in our member States. I had a contact visit to Turkey at the beginning of October last year and I plan to visit Turkey again soon. I have many issues on my agenda. When it comes to conditions in the prison, I will try to do my best, alongside the other structures and channels that we at the Council of Europe can use, to engage and seek resolution on all issues that affect human rights.

Ms PASHAYEVA (*Azerbaijan, Spokesperson for the Free Democrats Group*) – Two internally displaced persons from Azerbaijan have been held in illegal captivity by Armenian military forces for almost five years. Azerbaijani civilians Dilgam Asgarov and Shahbaz Guliyev were taken hostage when they visited their parents' graves in the occupied Kelbajar region of Azerbaijan. For some time already, the Azerbaijani Government has been calling for the immediate release of detained people from both sides, on the basis of the "all to all" principle. Unfortunately, even the current Armenian leadership, who claim to be respectful of all human rights, continue to violate the rights of these Azerbaijani civilians. How long do you, Commissioner, believe that the respected bodies of the Council of Europe will remain silent about the fate of these two Azerbaijani civilians?

Ms MIJATOVIĆ – On your last point, Ms Pashayeva, you said the Council of Europe is silent, but I disagree because we have engaged on this issue and we do communicate with the authorities, particularly with the ombudsperson, to seek more information and resolutions in all these cases. When it comes to all the issues in relation to captured people from both sides, Armenia and Azerbaijan, I have great interest in and have been following with great hope the latest developments and meetings between the most senior members of the Armenian and Azerbaijani authorities. I was really impressed when I heard that both President Aliyev and Prime Minister Pashinyan are preparing people for peace. In my view, the first thing to do to prepare people for peace is to make sure that human rights are respected. I would like to see the release of people on humanitarian grounds. I will continue to follow events, but the responsibility really lies on leaders, who must make sure that the preparations for peace see some results, not just the words that we read constantly in the papers.

The PRESIDENT* – Thank you, Ms Mijatović. We are going to take the questions in groups of three. I remind colleagues that you have 30 seconds to put your question, not to make a statement.

Ms DALLOZ (*France*)* – Commissioner, last February you issued a memorandum on freedom of assembly and the maintenance of public order in France in the context of the gilets jaunes, and you made several recommendations. The Constitutional Council has just enacted a judgment on the so-called anti-looter legislation. We have seen so much violence and unrest. What is your assessment of the current situation? Do you believe your recommendations can put an end to the ongoing violence in France?

Lord FOULKES (*United Kingdom*) – Commissioner, you are doing a great job of highlighting human rights violations, but it merely shows that they are increasing. Have you considered bringing together the various parts of the Council of Europe – yourself, the Assembly, the Council of Ministers and the Court – to consider what further powers and measures could start to bring down instances of human rights violations?

Mr RUBINYAN (*Armenia*) – Thank you, Commissioner, for your positivity and neutrality regarding the Nagorno Karabakh conflict. In that context, what do you think the Council of Europe can do to protect the rights of people living in conflict zones? This question has been on the table for many years, with no tangible results; do you think the Council of Europe can help the process?

Ms MIJATOVIĆ – First, on Ms Dalloz's question, of course I hope that my recommendations are considered seriously by the French authorities. I do not think I can currently add anything to what I said in the memorandum I issued in February. It is important to stress that I travelled to Paris to meet everyone. I had the opportunity to talk to police, the authorities, national human rights structures, your ombudsperson Mr Toubon and many others, including representatives from civil society, so that I could make my assessment, which is the same as it was in February. I hope it will be considered seriously and that we see change in the current situation. For me, the most important thing is to stop violence, which is of course a huge challenge. It is not easy for the French or for any other authority in the Council of Europe. At the same time, we need to be very much aware of the challenges and the importance of keeping people safe. I will see how the situation develops and continue to work closely with the French authorities and civil society.

On the question of whether my role could be to bring everybody together, I am not sure that is something I can do. It is important to say that we already work together. We share information and exchange views. I am constantly meeting distinguished ambassadors, I exchange views with the Committee of Ministers all the time and I also meet parliamentarians. The Court plays an extremely important role, of course. Since I came to

office, I have had more than five third-party interventions. To be very honest, we have particular mandates. Sometimes we need to stick to what we have to do so that we can do our work independently and in the best possible way. I would never say no to any kind of co-operation, and there are moments when we need to be more vocal and prominent in defending human rights. I do not think it would be appropriate for me to bring everybody together to tell them what they should do, but if you invite me to, I can offer more ideas on this proposal, which quite surprised me, to be honest.

On conflict zones, or so-called “grey zones”, it would help people living in those zones if they are also seen as part of this Organisation; they need to be. They also need to be protected by a convention and that is not the case at the moment. My view on this is very clear: a Commissioner for Human Rights should always be able to travel in any part of the Council of Europe. However, the reality is different; that is not the case. Nevertheless, I am trying, I am engaging and I am pushing for access to all of these zones, in order to do my human rights work.

What also needs to be stressed is that the work of the Commissioner should not be politicised. The role of the Commissioner is not to recognise territories or to engage in a political dialogue to solve conflict, but to reach out to people who are also part of our Council of Europe family. I am sure they all feel neglected and that nobody cares about them. I said in my introductory remarks how I will try to reach out to them. I cannot do it on my own; I need your help and the help of governments to reach out to those areas as well.

Mr GAVAN (*Ireland*) – I thank the Commissioner for her report. Is the Commissioner following the politically motivated trial of Catalan civil society and political leaders in Madrid, and does she have any plans to visit Madrid to investigate the numerous alleged human rights violations in this regard?

Ms BAYR* (*Austria*) – Violence against women all too often stems from inequality, which still affects women in many of our societies – inequality when it comes to access to rights, to opportunities and to resources. So we are talking about a human rights violation – violence – that is very close to discrimination. In your view, how can we tackle this violence at its root causes?

Mr ZSIGMOND (*Hungary*) – First, I would like to express my appreciation of your work, Madam Commissioner. Secondly, we are witnessing worrying trends regarding the protection of national minorities. We are especially concerned by the developments in Ukraine. How do you plan to focus on these issues in your future work?

Ms MIJATOVIC – First, there was the question about the trial in Spain. Of course I plan to visit Spain, but I cannot confirm the date at the moment. I am following this trial very closely. My office has been carefully monitoring the human rights situation in Spain in general, including in Catalonia since the beginning of the crisis there. My predecessor also did an enormous amount of work in relation to this issue.

What I can tell you is that, in October 2017, I sent a letter to the Spanish authorities to request an investigation into allegations of the abusive use of force. I would also like to mention that it is quite important for us to continue following this trial, to be able to reach out to both civil society and the authorities the moment that I decide to travel. However, it goes without saying that the fact that I am silent at the moment does not mean that I am not following this issue or planning to engage with it prominently.

Violence against women is an issue that I have already mentioned. It is an issue that I would say is too deeply rooted in too many of our societies in the Council of Europe. It is quite an embarrassing trend. At the same time, I have to say that it is an issue that I feel very strongly about. On many occasions, I was told – I will not name the countries or the people in the Council of Europe who told me – that the issue of violence against women is part of tradition and culture. I strongly disagree with that. It is a crime that needs to be prosecuted. How we change that attitude and the narrative around it is a big question.

It is also very important to say that this is not just an issue for women to address; we need men. We need to do this together very openly and prominently when we are considering this issue that affects our societies, not just now but in the future – the future of young girls and women who are trying to reach out for help.

To be honest with you, I think the Council of Europe is doing tremendous work on this issue. We are seen as the main human rights institution in Europe to address it. Of course we need help from governments and I intend to work with different structures, including with you parliamentarians, to make sure that it is not tolerated. Sometimes it is presented as some kind of social problem and not actually a crime that affects women in Council of Europe member States.

On national minorities in Ukraine – if I understood correctly, that was what the last question was about. I have already addressed the issue when it comes to language, which I noted when I was monitoring the process of the potential adoption of the language law in the Ukrainian Rada. I made a statement, which is still valid, and of course I plan to visit Ukraine after the elections; it is normally not the case that a Commissioner travels to any member State before or during an election. I hope to engage with the Ukrainian authorities as soon as possible, on this issue and on many other issues.

Mr XUCLÀ* (*Spain*) – Madam Commissioner, thank you so much for the work that you are doing; thank you for your efforts and your work.

On page 15 of your report, you refer to the human rights of persons living with a disability and you specifically refer to Spain, talking about the right to vote for persons with a disability. Madam Commissioner, you may not be aware but we have actually changed our electoral law to ensure that we are in compliance with the United Nations convention and therefore hundreds of thousands of people living with disabilities can now vote. I think it is important for that to be noted. I am very proud of that electoral reform, because, as I said, it means that at the next elections persons with disabilities will be able to vote. I hope you will take note of that as a step in the right direction in terms of advancing our rights.

Mr HAMMARBERG (*Sweden*) – First of all, congratulations on a fantastic first year; you have had a lot of hard work, but it is work that has had a positive impact. You asked for help from this body and later you mentioned that you have problems in some countries when it comes to access. There must be a rule within this body that the Commissioner should have full access to every member State on all occasions. There should be no conditions on allowing the Commissioner to arrive and make investigations. There should be no interference in the visits to prisons and other important institutions in a member State. There should be no attempt to try to influence negatively the report that would be produced and there should be no attempt to hide the final report. The report from the Commissioner should be widely circulated in member States. That is something that this body could help you to achieve. So, congratulations and continue your good work for another five years.

Mr HEBNER* (*Germany*) – You are in France, of course, and you have already received a question about the so-called “Gilets Jaunes”, or “Yellow Vests”. Hundreds of thousands of citizens in France have taken to the streets over the last year and there have been some clashes. There are 15 dead; many people were injured and lost eyes from bullets; there were breakages and more. What is the specific response to that situation? What do you think about the ban on TNT pellets being fired?

Ms MIJATOVIĆ – I am very aware of the positive developments; you are right that I had third-party intervention on the issue of voting rights for disabled people in Spain. I was extremely happy that the law was adopted, and I welcomed it when it happened. I met the Spanish Justice Minister and we exchanged views on this issue. I take pride in saying that we engaged and there has been a positive development in a member State. I use that example in all my interactions, not just in Spain but in other countries that have a problem with voting rights for disabled people. It will remain an issue that we will try to address, using the Spanish case as a very good example.

Dear Thomas, thank you for your kind words. It is great to hear your wise and courageous voice in this room; it gives me more courage and energy to continue fighting for the right cause. But you are right; I am a realistic person and I need your help. It goes without saying that, although I will continue to do my job without any hesitation, we can do much more together. I am aware of a very good resolution initiated by Mr Schwabe to talk about the importance of access to all those zones. When it comes to our reports, the mandate is already quite powerful; it gives the Commissioner the right to publish reports – I do not have to ask the States for permission, which is a beauty of this job. I visit States and I publish reports afterwards, to tackle all the issues with full engagement, and to give the opportunity for the authorities to reply to all my recommendations. I hope we will be able to do much more in future, particularly when it comes to grey zones.

On France, I hope I was quite clear in my memorandum that I issued in February, and that we mentioned a few minutes ago, in which I offered clear recommendations to the French authorities. Among those recommendations was one that you mentioned and that was prominently discussed in the French and international media: the usage of LBD. I am aware it is also used in some other European States. As your Commissioner for Human Rights, I must say that it does not matter how much something may be enshrined in law or even sometimes confirmed by different bodies and institutions in a country. The flash-ball or LBD, which I am now an expert on, is harming and injuring people, causing them to lose an eye. Clearly, it has to be changed. I hope there will be some response from the French authorities. As I said, I intend to continue to raise the issue and to follow the recommendations that I offered in February.

Ms PUTICA (*Croatia*) – Madam Commissioner, thank you for your work in the past nine months. Could you please tell us the precise role of your office in creating common European policy on migrants, especially with regard to human rights issues and the protection of the Schengen border?

Mr KILIÇ (*Turkey*) – I congratulate you on your presentation, Ms Mijatović. You have observed the rise of racism and anti-Muslim hatred in the world. Have you considered taking concrete steps to raise awareness of that? If yes, what do they consist of, and what would you recommend that European states do? Furthermore, we know that anti-Semitism initiatives are widely supported by European governments, and most are well implemented. Do you think a similar approach is urgently needed for Islamophobia?

Mr SANER (*Representative of the Turkish Cypriot Community*) – Madam Commissioner, the issue of missing persons is a humanitarian problem that affects both communities in Cyprus. The case of Cengiz Ratip, a Turkish Cypriot member of parliament who has been missing since he was attacked by Greek Cypriots on 14 February 1964, deserves attention. Parliamentarians receive immunity to represent and serve the best interests of their people, free from any fear, doubt or pressure. Cengiz Ratip was deprived not only of his rights as a parliamentarian but of his basic right to live. Madam Commissioner, we need your support to encourage the Greek Cypriot side. On our part, we will continue to do our utmost to reveal the fate and burial places of all missing persons in Cyprus.

Ms MIJATOVIĆ – I thank Ms Putica for her question on migration; I have been raising that issue since I joined the office. One of my first interventions was to target my own country, Bosnia and Herzegovina, about the way it responded to a very small number of people who were there at that time. That showed me that States are not ready or equipped to tackle those issues. I addressed your Prime Minister about potential violence from law enforcement officers on the border of Croatia and Bosnia and Herzegovina.

As Human Rights Commissioner, I do not think I have to engage on the protection of borders. It goes without saying that we need to protect borders, Schengen or not. It is important to say that law enforcement agencies should not use violence. We need a European approach to show a human side of Europe, which unfortunately is not the case when it comes to migration. I will mention what happened at the beginning of the migration crisis in Greece. Greece, and the Greek people, showed us what it means to show empathy and compassion in order to help those who were fleeing from the war. Later on, the situation changed tremendously; one of the reasons was the fact that Europe did not show solidarity. We just watched and tried to do something, but not much happened. We now all have the problem that I raised in my introduction, which looks quite catastrophic. As Commissioner, I intend to continue to raise the issue on land and at sea, because people should be safe. They should not be left to drown at sea, but that is happening as we speak. I plan to engage with the European Commission after the elections, to see how the Council of Europe and the Commission can work together to tackle this important issue.

Islamophobia is very high on my agenda – that goes without saying, not just in relation to the latest tragic event in New Zealand but in general. I come from Bosnia and Herzegovina, which faced Islamophobia in the nineties, among many other horrible things that happened because of prejudice, conspiracy theories and all the issues that are still targeting Europe as a continent. Events in New Zealand and the response from its Prime Minister showed us what we need to do, and it is not much: we need to open our arms to people who suffer and embrace them, and really do something when we see certain groups targeted in society. I intend to continue raising this. Very soon, I will have something prominent on Islamophobia, anti-Semitism and all the groups targeted in our societies. I always say that this is an embarrassing trend, but it is very much present. We need to be able to tackle it openly and prominently.

On Cyprus and missing persons, my predecessor did an enormous amount of work on missing persons, and I intend to, too. I plan to visit Cyprus to tackle the issue, but I cannot say when. As soon as I have had meetings with the authorities, I will put the topic on my agenda, and will address it prominently. That goes not just for Cyprus, but all member States facing the issue of missing persons.

Ms KASIMATI (*Greece*)* – We all know that the European Charter of Fundamental Rights is vital to the protection of human rights and social rights, but in recent years, while Europe has been in a period of crisis, all those rights have been neglected. Budgetary rules have been imposed that have really sidelined social rights. What can be done to ensure that the charter is truly implemented?

Mr IELENSKYI (*Ukraine*) – We are witnessing a brutal, ongoing violation of human rights in occupied Crimea, and in eastern Ukraine, which is occupied by Russian military units. What are you doing during the term of your mandate to prevent a worsening of violations of not only human rights, but religious freedoms?

Mr KANDELAKI (*Georgia*) – Commissioner, in a previous capacity, you praised Georgia’s law on freedom of speech and expression for having decriminalised defamation, among other things. In Georgia, there is now a move towards recriminalisation of defamation, and a move from media self-regulation to regulation, as well as towards a blasphemy law. How would you respond to that? Also, the OSCE Office for Democratic Institutions and Human Rights was rather critical of the presidential elections in Georgia last November. One of the key concerns was the impunity for violence against members of the opposition. Would you encourage investigation of any such incidents?

Ms MIJATOVIĆ – I am not sure whether I can give you an answer on the European charter, Ms Kasimati. That document needs to be implemented; how we make sure that States do that is an issue that I have raised during visits. At a time when there have been austerity measures in many countries, it is extremely important to recognise how relevant it still is to focus on political and social rights. That is what I intend to do as a Commissioner. I am already tackling many of these issues, which are part of the charter. Particularly when it comes to budgetary issues, I think I can use the charter as one of my tools for engaging with authorities when I am on visits to countries. I cannot say any more than that; I hope I understood your question correctly. On the point about the European Union, I cannot say what you should be doing.

On Crimea and eastern Ukraine, of course I would be really pleased to travel there and meet people there as soon as possible. It is important to say that I try to engage with people all the time to tackle many of the problems they face, particularly on the issues of human rights defenders, journalists facing problems, and religious freedoms. As you are probably aware, Mr Ielenskyi, I have just returned from Moscow; I was able to meet several lawyers who are working in Crimea. In some cases, I was able to voice my concerns when they were facing troubles. I plan to continue working on this issue, particularly when I go to Ukraine to see the possibilities for engaging. It is important to say that human rights defenders living in those zones, and people facing problems, are very high on my agenda. I cannot go there yet, but I assure you that that does not in any way mean that I will neglect problems that societies in those areas face. I hope that when I present you with my second report, after my second year, I will be able to give you more tangible and substantial information on human rights in Crimea and eastern Ukraine.

Mr Kandelaki, you were right to say that I welcomed decriminalisation; that was quite some time ago. I would object to any attempt to recriminalise defamation. I plan to go to Georgia soon, where I plan to ask this question. I hope that what is being said is just rhetoric, and that this will not happen, because it would be an enormous step back. On investigation and attacks on the opposition, it goes without saying that those issues are important. Before I go to Georgia, I am sure that I will have communication with the Government and the opposition, so that I can tackle all the issues of importance.

Mr KITEV (*North Macedonia*) – First, congratulations on your good work in your first year in post, Ms Mijatović. As you mentioned, your reports cover a variety of human rights issues. The four topics that recur the most in your work are migration, women’s rights, the human rights of persons with disabilities, and human rights defenders and the safety of journalists. What can the Council of Europe do to increase the positive impact on human rights?

Mr LACROIX (*Belgium*)* – Commissioner, I read in your report that you have looked very closely at the issue of LGBTQI people in Azerbaijan and Chechnya, and I thank you for the tremendous job you are doing on that. In Poland today, the Government are inciting hatred against gay people. What procedures are under way to look urgently at the situation, which is negating human rights in a member State of the European Union?

Ms KARAMANLI (*France*) – Thank you, Madam President. Madam Commissioner, given all the threats to the freedom of the press today and the need to reinvent it in some sense, do you not believe that our Assembly, through its recommendations, can become a key player in creating the conditions required to renew the life of the press? Perhaps some kind of broad initiative should be undertaken with your support to promote the best possible conditions for freedom of the press to exist. This is essential to allow people to form their opinions and discuss issues – something that we need throughout Europe and indeed throughout the world.

Ms MIJATOVIĆ: The first question was on human rights and what we can do better and together. I think that as the Council of Europe, as I have said on many occasions, we have more than enough tools. We have more than enough mechanisms and bodies: there are institutions under the Secretary General but also independent ones, including my office. There are different monitoring bodies. We do not need to reinvent the wheel or to create more; what we need is to use what we already have, but we also have to be realistic. In too many member States, what is missing is political will. This issue is crucial in having any discussion of what we can do better, and what work we could do to have a better and bigger impact on compliance with human rights standards. I said in my introduction that sometimes these human rights, and everything that has been achieved,

is taken for granted in Europe. We need really to change this narrative and discourse to tackle these issues. We have the tools but just have to sue them.

We need more courage and to be more prominent in defending rights and really being critical of the ones that do not comply with these rules and commitments which they voluntarily agreed when they became member States of the Council of Europe. I do not think there is any State here – I know there was not – which was pushed into the Council of Europe. To become a member of the family, you have to sign up some rules somehow. These rules are being affected now and we need to be able to tackle that problem. I will use my tools but there is also a need for the others to engage and particularly for the states to re-engage, in cases where they are stagnating. Unfortunately, they are too many.

LGBTI rights are very high on my agenda and that of my team. I have just returned from Poland, where I raised the issue with the authorities. I am much aware of the very negative trend that we face at the moment, where attacks on LGBTI communities are used in pre-election rhetoric, and as a tool to gain votes. This kind of discourse on homophobia is not something that I would ever accept as a Commissioner or as a human being. I intend to raise it prominently in the future with the Polish but also with all other authorities that are not ready up to the standard when it comes to LGBTI communities. I will mention in relation to my own country that just two days ago, I had a statement in relation to an announcement that Bosnia and Herzegovina will have its first Pride on 8 September this year. That is a great thing and something which we should celebrate. Unfortunately, it created a huge backlash from society and the authorities at the same time. But I hope that it will happen and I plan to engage in my part of the world, including my own country, to try to break these taboos and explain that human rights are for all people, no matter whether they are in LGBTI communities or any other community.

On what we can do about freedom of the press, the Parliamentary Assembly is already doing a great job. I am not trying to be too nice to the parliamentarians but I follow everything that happens here and I know that there are many attempts to raise awareness, first of all about the killings of journalists. I know there is an initiative to raise awareness and reinvestigate the horrifying murder of Daphne Caruana Galizia in Malta, but there are many others who went through a really difficult time – not to mention the impunity targeting many of those murderers. Freedom of the press and other media is one of the core values of our society. In a way, it is a price that we have to pay for living in democracies. This is not just something that we read in books; it is something that we experience in our member States. Sometimes we are not ready as a society to accept criticism, particularly when it comes to leaders and politicians, so we need to raise the level of tolerance of criticism, there is also language that we sometimes dislike or do not agree with, sometimes even vulgar language, but it is part of free speech and we need to accept it.

Of course it is not easy. It is painful but, as I have said, it is a price that we need to pay for living in a democratic society. It is important. It is worth it and I hope that this body will always stay prominent and relevant to many journalists around the world and human rights defenders who are looking in this room but also looking all the time in order to hear encouraging voices.

The PRESIDENT – We must now conclude the questions to Ms Mijatovic. On behalf of the Assembly, I thank her most warmly for her address and the answers she gave to the questions. Thank you very much.

3. Next public sitting

The PRESIDENT* – Dear colleagues, our next sitting will be tomorrow morning at 10 a.m., with the agenda which was approved this morning. Enjoy your evening. The sitting is adjourned.

(The sitting was closed at 5.05 pm)

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2. Annual activity report 2018 by the Council of Europe Commissioner for Human Rights

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Appendix / Annexe

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

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

ÅBERG, Boriana [Ms]
 ÆVARSDÓTTIR, Thorhildur Sunna [Ms]
 AGHAYEVA, Ulviyye [Ms]
 ALTUNYALDIZ, Ziya [Mr]
 ANDERSON, Donald [Lord] (McCARTHY, Kerry [Ms])
 ANTTILA, Sirkka-Liisa [Ms]
 ARIEV, Volodymyr [Mr]
 BADIA, José [M.]
 BALFE, Richard [Lord] (EVANS, Nigel [Mr])
 BAYR, Petra [Ms] (BURES, Doris [Ms])
 BAZIN, Amaud [M.] (CAZEAU, Bernard [M.])
 BENKŐ, Erika [Ms] (TUŠA, Adriana Diana [Ms])
 BENNING, Sybille [Ms] (BEYER, Peter [Mr])
 BEREZA, Boryslav [Mr] (GONCHARENKO, Oleksii [Mr])
 BERNACKI, Włodzimierz [Mr]
 BERTI, Francesco [Mr] (SCERRA, Filippo [Mr])
 BEUS RICHEMBERGH, Goran [Mr]
 BILDARRATZ, Jokin [Mr]
 BLONDIN, Maryvonne [Mme]
 BOSCHI, Maria Elena [Ms]
 BOUYX, Bertrand [M.]
 BRYNJÓLFSDÓTTIR, Rósa Björk [Ms]
 BUCCARELLA, Maurizio [Mr]
 BÜCHEL, Roland Rino [Mr] (HEER, Alfred [Mr])
 BULAI, Iulian [Mr]
 BUSHATI, Ervin [Mr]
 BUSHKA, Klotilda [Ms]
 BUTKEVIČIUS, Algirdas [Mr]
 ÇELİK, Sena Nur [Ms]
 CEPEDA, José [Mr]
 CHOPE, Christopher [Sir] (LEIGH, Edward [Sir])
 CHUGOSHVILI, Tamar [Ms]
 CILEVIČS, Boriss [Mr]
 COMTE, Raphaël [M.] (FIALA, Doris [Mme])
 CORLĂȚEAN, Titus [Mr]
 COZMANCIUC, Corneliu Mugurel [Mr] (STROE, Ionuț-Marian [Mr])
 DAEMS, Hendrik [Mr] (THIÉRY, Damien [M.])
 DALLOZ, Marie-Christine [Mme]
 D'AMBROSIO, Vanessa [Ms]
 DE CARLO, Sabrina [Ms]
 DE TEMMERMAN, Jennifer [Mme]
 DIBRANI, Adnan [Mr] (OHLSSON, Carina [Ms])
 ESSL, Franz Leonhard [Mr]
 ESTRELA, Edite [Mme]
 FILIPOVSKI, Dubravka [Ms] (OBRADOVIĆ, Marija [Ms])
 FOULKES, George [Lord] (PRESCOTT, John [Mr])
 FOURNIER, Bernard [M.]
 FRIDEZ, Pierre-Alain [M.]
 GAFAROVA, Sahiba [Ms]
 GATTI, Marco [M.]
 GAVAN, Paul [Mr]
 GHILETCHI, Valeriu [Mr]
 GJERMENI, Eglantina [Ms]
 GOGUADZE, Nino [Ms] (KATSARAVA, Sofio [Ms])
 GOLUBEVA, Marija [Ms]
 GORGHIU, Alina Ștefania [Ms]
 GOUTTEFARDE, Fabien [M.]
 GRAF, Martin [Mr]
 HAJIYEV, Sabir [Mr]
 HAMMARBERG, Thomas [Mr]
 HEBNER, Martin [Mr] (KLEINWAECHTER, Norbert [Mr])
 HEINRICH, Frank [Mr] (MOTSCHMANN, Elisabeth [Ms])
 HERKEL, Andres [Mr] (TIIDUS, Urve [Ms])
 HOLEČEK, Petr [Mr] (HAMOUSOVÁ, Zdeňka [Ms])
 HOWELL, John [Mr]
 HUNKO, Andrej [Mr]
 HUSEYNOV, Rafael [Mr]
 IBRAHIMOVIĆ, Ervin [Mr] (ČATOVIĆ, Marija Maja [Ms])
 IELENSKYI, Viktor [Mr]
 JENSEN, Mogens [Mr]
 KANDELAKI, Giorgi [Mr] (BAKRADZE, David [Mr])
 KARAMANLI, Marietta [Mme] (BECHT, Olivier [M.])
 KASIMATI, Nina [Ms]
 KAVVADIA, Ioanneta [Ms]
 KILIÇ, Akif Çağatay [Mr]
 KIRAL, Serhii [Mr] (LABAZIUK, Serhiy [Mr])
 KITEV, Betian [Mr]
 KOÇ, Haluk [M.]
 KOPŘIVA, František [Mr]
 KOVÁCS, Elvira [Ms]
 KOX, Tiny [Mr]
 KYRIAKIDES, Stella [Ms]
 LACROIX, Christophe [M.]
 LE NAY, Jacques [M.] (KERN, Claude [M.])
 LEITE RAMOS, Luís [M.]
 LEŚNIAK, Józef [M.] (TARCZYŃSKI, Dominik [Mr])
 LEYTE, Carmen [Ms]
 LOUCAIDES, George [Mr]
 LOUHELAINEN, Anne [Ms] (PACKALÉN, Tom [Mr])
 MALLIA, Emanuel [Mr]
 MARUKYAN, Edmon [Mr]
 MASŁOWSKI, Maciej [Mr]
 MASSEY, Doreen [Baroness]
 MONTILLA, José [Mr] (GUTIÉRREZ, Antonio [Mr])
 MÜHLWERTH, Monika [Ms] (HAIDER, Roman [Mr])
 MUNYAMA, Killion [Mr] (MIESZKOWSKI, Krzysztof [Mr])
 NACSA, Lórinç [Mr] (CSÖBÖR, Katalin [Mme])
 NÉMETH, Zsolt [Mr]
 NENUTIL, Miroslav [Mr]
 NICK, Andreas [Mr]
 OBRADOVIĆ, Žarko [Mr]
 OMTZIGT, Pieter [Mr] (MAEIJER, Vicky [Ms])
 OOMEN-RUIJTEN, Ria [Ms]
 OZOLA, Linda [Ms]
 PANTIĆ PILJA, Biljana [Ms]
 PASHAYEVA, Ganira [Ms]
 PAVIČEVIĆ, Sanja [Ms] (SEKULIĆ, Predrag [Mr])
 PERILLI, Gianluca [Mr]

PIROVANO, Daisy [Mme]
 POLIAČIK, Martin [Mr] (*KAŠČÁKOVÁ, Renáta [Ms]*)
 POMASKA, Agnieszka [Ms]
 POPA, Ion [M.] (*CUC, Alexandru Răzvan [Mr]*)
 PRINGLE, Thomas [Mr] (*HOPKINS, Maura [Ms]*)
 PRUIDZE, Irina [Ms]
 PUTICA, Sanja [Ms]
 RAMPI, Roberto [Mr]
 REISS, Frédéric [M.] (*ABAD, Damien [M.]*)
 RIBOLLA, Alberto [Mr] (*BILLI, Simone [Mr]*)
 RIZZOTTI, Maria [Ms] (*FLORIS, Emilio [Mr]*)
 RUBINYAN, Ruben [Mr]
 SAYEK BÖKE, Selin [Ms]
 SCHENNACH, Stefan [Mr]
 SCHNEIDER-SCHNEITER, Elisabeth [Mme] (*LOMBARDI, Filippo [M.]*)
 SCHOU, Ingjerd [Ms]
 SCHWABE, Frank [Mr]
 SCOMA, Francesco [Mr] (*BERGAMINI, Deborah [Ms]*)
 SEGER, Daniel [Mr] (*EBERLE-STRUB, Susanne [Ms]*)
 SEYIDOV, Samad [Mr]
 SILVA, Adão [M.]
 SOTNYK, Olena [Ms]
 STIENEN, Petra [Ms]
 STRIK, Tineke [Ms]
 TERIK, Tiit [Mr]
 TOMIĆ, Aleksandra [Ms]
 TOUHIG, Don [Lord] (*SHARMA, Virendra [Mr]*)
 TROY, Robert [Mr] (*COWEN, Barry [Mr]*)
 UCA, Felekna [Ms]
 VEJKEY, Imre [Mr]
 VEN, Mart van de [Mr]
 VENIZELOS, Evangelos [M.] (*TZAVARAS, Konstantinos [M.]*)
 VERCAMER, Stefaan [M.]
 VESCOVI, Manuel [Mr]
 VLASENKO, Sergiy [Mr] (*SOBOLEV, Serhiy [Mr]*)
 WADEPHUL, Johann [Mr] (*ULLRICH, Volker [Mr]*)
 WARBORN, Jürgen [Mr]
 WASERMAN, Sylvain [M.]
 WENAWESER, Christoph [Mr]
 WISELER, Claude [M.]
 WONNER, Martine [Mme] (*SORRE, Bertrand [M.]*)

XUCLÀ, Jordi [Mr] (*BARREIRO, José Manuel [Mr]*)
 YAŞAR, Serap [Mme]
 ZINGERIS, Emanuelis [Mr]
 ZSIGMOND, Barna Pál [Mr]

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

ÅSEBOL, Ann-Britt [Ms]
 BOCCONE-PAGES, Brigitte [Mme]
 CHRISTENSEN, Jette [Ms]
 ENGBLOM, Annicka [Ms]
 GAJDÚŠKOVÁ, Alena [Ms]
 IGITYAN, Hovhannes [Mr]
 MOORLAG, William [Mr]
 ROSE, Guillaume [M.]
 TILKI, Attila [Mr]
 TRISSE, Nicole [Mme]
 ZAVOLI, Roger [Mr]
 ZRINZO AZZOPARDI, Stefan [Mr]
Observers / Observateurs

BENAVIDES COBOS, Gabriela [Ms]
 DE LÉON VILLARD, Sasil [Ms]
 HERNÁNDEZ RAMOS, Minerva [Ms]

Partners for democracy / Partenaires pour la démocratie
 AMRAOUI, Allal [M.]
 EL MOKRIE EL IDRISSE, Abouzaid [M.]
 LABLAK, Aicha [Mme]

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

CANDAN Armağan
 SANER Hamza Ersan