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REPORT

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Tuesday 9 April 2019 at 3.30 p.m.

In this report:

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

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

(Ms Maury Pasquier, President of the Assembly, took the Chair at 3.35 p.m.)

THE PRESIDENT* – The sitting is open.

**1. Election of judges to the European Court of Human Rights in respect of Malta and Turkey
(continued)**

THE PRESIDENT* – Colleagues, we have to continue with the elections of the judges for Malta and Turkey today. The list of candidates, along with their CVs and the opinions of the committees, are in Documents 14846, 14840 and 14855 Addendum 2. The poll was suspended between 1.00 p.m. and 3.30 p.m.; it will now open again and close again at 5.00 p.m., so I urge those who have not voted yet to go and do so. The count will happen afterwards, in the usual fashion, with the tellers checking, so they should meet behind the President's chair at 5 p.m. The tellers are Mr Soleim, Ms Gafarova, Ms Pashayeva and Ms Günay. If possible, the result will be announced before the end of the sitting this afternoon, so the poll is now open again. In the meantime, we continue with our work.

**2. Establishment of a European Union mechanism on democracy, the rule of law
and fundamental rights**

THE PRESIDENT* – The first item of business this afternoon is on the report on the “Establishment of a European Union mechanism on democracy, the rule of law and fundamental rights”, Document 14850. This report is presented by Ms Petra De Sutter on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs. We will also hear an opinion presented by Lord Balfe from the Committee on Legal Affairs, Document 14862, and an opinion from the Monitoring Committee presented by Mr Šircelj, Document 14860.

I remind members that speaking time in this debate is limited to three minutes. In order to finish by 5.55 p.m., I will interrupt the list of speakers at about 5.40 p.m. to allow time for the reply and the vote. I call Ms De Sutter as rapporteur. You have 13 minutes in total, which you may divide between presentation of the report and the reply to the debate.

Ms De SUTTER (*Belgium*) – I do not have an easy task in presenting this report in the current context, where the future of Europe but also the future of the Council of Europe spark lively debates, as we all know. We also know the dramatic outcome of the budgetary gap generated by the non-payments since 2017 from the Russian Federation to this Organisation, which was established 70 years ago as a political co-operation project and a guarantor of peace, freedom and democracy. Coming to the European level, Brexit, the rise of populism and the migration crisis dominate political discussions and create tension within societies. These tensions, if used in bad faith to secure power, distort the purpose of the project and endanger the rule of law and democracy.

Fortunately, some safeguards that were put in place for the sake of considerations which seemed to be theoretical in the past have been activated in the present to sound the alarm. For instance, for the first time, the Article 7 procedure under the Treaty on European Union was triggered in respect of Poland in 2017 and in respect of Hungary in 2018.

Some colleagues may consider it odd for me, as a member of the Parliamentary Assembly of the Council of Europe, to refer to the procedure taking place within another international organisation. I make three points. First, both organisations have members in common; two thirds of Council of Europe member States are also members of the European Union, and some other Council of Europe members are European Union candidate countries. Secondly, the values of human rights, democracy and the rule of law occupy a place in the institutional framework of both organisations.

In the case of the Council of Europe, those values have been central to its operational logic since its very creation. In the case of the European Union, the question of compliance with human rights and rule of law standards was progressively introduced into the institutional narrative, initially from the viewpoint of sound economic integration. This historical perspective, however, does not change the fact that today both organisations are active in areas such as human rights, fundamental freedoms, the rule of law, democracy and good governance, democratic stability, intercultural dialogue, education, youth, social cohesion and others. Thirdly, both organisations have various reporting mechanisms, used to assess a State's systemic threats to human rights and the rule of law – whether it be through a reporting procedure or a compliance procedure.

To sum up, the two major European organisations have almost identical interlocutors and share many priorities. That is why, when in 2016 the European Parliament adopted a resolution calling for an European

Union mechanism on democracy, the rule of law and fundamental rights to be established, my primary objective was to analyse the implications for the work of the Council of Europe if the proposed mechanism was to be set up. In particular, I considered whether there was a risk of duplication and competition with the Council of Europe mechanism or a risk of overlap of standards.

I have also found that two years after the adoption of the European Parliament resolution, no concrete initiative has been taken by the European institutions to implement the resolution. It is therefore doubtful that the mechanism in the form proposed by the European Parliament will be set up. However, various initiatives to have a proper European Union human rights monitoring mechanism continue to be regularly introduced. For instance, the Governments of Germany and Belgium have recently proposed the creation of an expert-led peer review of the rule of law. The European Commission's rule of law framework, adopted in 2014, is now being revised with the objective of a new proposal being presented in June this year.

The European Union Commission has also proposed the suspension, reduction or restriction of a State's access to European Union funding in the case of rule of law deficiencies. These new proposals are to be added to already existing European Union monitoring tools such as the European Semester, the Cooperation and Verification Mechanism and the European Union Justice Scoreboard. I would like to briefly mention that the idea of the Justice Scoreboard, which compiles data on the independence, quality, and efficiency of national justice systems, was first put in place by the Council of Europe's European Commission for the Efficiency of Justice. However, the Scoreboard data was not given such attention before it was compiled under the European Justice Scoreboard by the European Commission.

This is one of the examples of how the two organisations created a strategic partnership, as was prompted by the memorandum of understanding signed in 2007. The organisations have also managed to keep the coherence of actions and the consistency of criteria that apply in the field of human rights and the rule of law. The Council of Europe's position as "a benchmark for human rights, the rule of law and democracy in Europe" has not been called into question, and it continues to gain political support in Brussels. However, some practical arrangements, which I detail in the draft resolution, are required at all levels in order to continue ensuring synergy of action and to avoid fragmentation of the understanding of fundamental values and their implementation on the European continent.

I would like to highlight, in particular, an invitation for the European Union not to merely make use of or to cite available reports, opinions or recommendations of the Council of Europe's advisory or monitoring bodies, but also to take into account their final conclusions in the assessment by the European Union institutions, aiming to determine whether the issue of a systematic threat to fundamental values exists. Because Council of Europe mechanisms are introduced in each of the European Union mechanisms, we need safeguards to ensure that the assessment or action of the European Union will not affect existing procedures. Similar wording already exists in Article 53 of the Charter of Fundamental Rights of the European Union.

Finally, one of the key proposals of the draft resolution concerns the holding of an annual or a biannual debate, here in the Parliamentary Assembly of the Council of Europe, on the topic of the rule of law, with the participation of representatives of the European institutions. Holding such a debate in this Chamber would level the playing field and provide a favourable environment for a dialogue between national parliaments and the European Union institutions. It would create a two-way street enabling national parliaments and the European Union institutions to inform each other about their priority issues and related underlying reasons. Also, it would help to create a common feeling that a country's situation is not unique and that the same problems are shared by others. I hope this idea is going to win the approval of this Chamber as well as of our European Union partners.

As the first Vice-President of the European Commission Mr Timmermans recently put it, "The Rule of law is a responsibility for everyone". That is why we also recommend that the Committee of Ministers adopt a more integrated approach involving a direct dialogue with the European Union institution concerned every time an assessment of a common member State is carried out as to whether the risk of a serious breach of common rule of law standards exists, or whether the deficiency has been remedied or ceased to exist. Thank you for your attention.

The PRESIDENT* – Thank you Ms De Sutter. You have four minutes remaining to reply to the other speakers later on.

I call Ms Ævarsdóttir to present the opinion of the Committee on Legal Affairs and Human Rights.

Ms ÆVARSDÓTTIR (*Iceland*) – Today I have the pleasure to present the opinion by our committee colleague Lord Richard Balfe, who had to leave Strasbourg this morning because of other international commitments.

The report by Ms De Sutter examines in detail the initiative taken by the European Parliament in its resolution of 25 October 2016 on the establishment of an European Union mechanism on democracy, the rule of law and fundamental rights. It examines at length the possible impact of the proposed mechanism on the functioning of the Council of Europe and includes pertinent recommendations. Although the mechanism has not been put in place yet due to lack of inter-institutional agreement, the Council of Europe as a whole and the Assembly in particular should follow closely any further development concerning its possible establishment or the development of similar proposals.

Our committee has already dealt with the issue of relations between the European Union and the Council of Europe. In the past 10 years, it adopted reports which led to the Parliamentary Assembly's Resolution 2041 (2015) and Recommendation 2065 (2015) on European institutions and human rights in Europe, and also Recommendation 2027 (2013), "European Union and Council of Europe human rights agendas: synergies not duplication!", and Resolution 1756 (2010) and Recommendation 1935 (2010) on the need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights.

The Committee on Legal Affairs and Human Rights has always welcomed the synergies developed between European Union and Council of Europe bodies and the good co-operation with the European Union Agency for Fundamental Rights. It has also called on the European Union to accede as soon as possible to the European Convention on Human Rights, as foreseen by the Lisbon Treaty. At the same time, our committee has stressed that the expansion of the European Union's activities into areas covered by the statutory mandate of the Council of Europe and touching upon democracy, human rights and the rule of law created risks of overlap and unnecessary duplication of work. The 2007 memorandum of understanding between the Council of Europe and the European Union recognises the Council of Europe as the "benchmark for human rights, the rule of law and democracy", in Europe and its provisions should be taken into account by European Union institutions when launching and implementing any initiative in this field.

Since March 2015, when the Assembly adopted Resolution 2041 (2015) on European institutions and human rights in Europe, the European Union has taken several steps in order to reinforce its capacity to monitor respect for the rule of law by its member States. Therefore, the need to avoid duplication and ensure coherence and complementarity between the European Union and the Council of Europe in the fields of human rights, the rule of law and democracy in Europe has become even more of an issue.

To conclude, the Committee on Legal Affairs and Human Rights generally agrees with Ms De Sutter's analysis and conclusions. However, we would like to propose some amendments to further strengthen the draft resolution and draft recommendation. They are aimed at refining certain terminologies and underlining further the role of the Council of Europe as a pan-European Organisation tasked with the protection and promotion of human rights, the rule of law and democracy.

Thank you all for your attention.

The PRESIDENT* – Thank you, Ms Ævarsdóttir. I call Mr Andrej Šircelj to present the Monitoring Committee's opinion.

Mr ŠIRCELJ (*Slovenia*) – It is clear that the European Parliament and the European Commission have developed several monitoring instruments in the fields of democracy, the rule of law and human rights, and it is also clear that they have been referring more and more to the work done by monitoring entities of the Council of Europe. That cannot be ignored.

We need to take the positive attitude, which is that that is promoting the Assembly's monitoring procedure by accentuating our co-operation with the European Union; if we want to be taken into consideration, we have to go to it. This is what the report of the Committee on Rules of Procedure, Immunities and Institutional Affairs is about and I fully support that. The objective is to guarantee the primacy of the Council of Europe in setting the standards for the three pillars. For that, two conditions should be fulfilled: accession of the European Union to the European Convention on Human Rights; and the proposition of the De Sutter report that the Assembly could organise a parliamentary annual debate on democracy, the rule of law and the human rights, with the participation of the three European institutions of the European Parliament, the Commission and the Council. The Assembly is an interparliamentary forum composed of national parliamentarians, so it is completely legitimate for us to organise this type of event.

The Assembly and the Monitoring Committee must be visible, because now European institutions know the Venice Commission, GRECO and the Council of Europe European Commission for the Efficiency of Justice but they do not know that there is a Monitoring Committee in the Parliamentary Assembly, what its powers are and what it does. Work needs to be done on that through common exchanges of views, and/or through direct talks with rapporteurs from the European Parliament on countries our committee is monitoring.

To conclude, I fully support Ms De Sutter's report and have nothing to add to the draft resolution of the Committee on Rules of Procedure, Immunities and Institutional Affairs except one amendment. That is because the draft resolution did not mention the Monitoring Committee so the least the Assembly could do is remind the European Union that a monitoring procedure within the Parliamentary Assembly has existed since 1993 and that our work is at its disposal.

The PRESIDENT – The rapporteur will reply at the end of the debate, but does Ms De Sutter wish to respond at this stage? That is not the case.

I remind members that the vote for the election of the judges is now ongoing and will shut at 5 p.m., and please will those who have not voted go behind the President's chair to vote.

I call the first of the group spokespersons, Mr Howell.

Mr HOWELL (*United Kingdom, Spokesperson for the European Conservatives Group*) – At the heart of this debate is the need for the Council of Europe to show that in the fields of democracy, the rule of law and human rights it is the pre-eminent Organisation in Europe. I believe it sits above the European Union in this respect. The European Union looks after 27 or 28 members, but this Council looks after 47 or 48 members. The European Union has assumed a role in some areas over its own members, but it has not done so over this Council. The European Convention on Human Rights remains the pre-eminent statement of human rights in Europe and also in many other places in the world. It is for the European Union to show that what it wants to put in place for its members at the very least conforms with our Convention and standards.

It would be wrong, for example, for the European Union to take on itself the work of the European Court of Human Rights, which remains a multilateral body. The expertise lies with this body and we must protect and indeed enhance it. That does not mean there should be no co-operation, but it needs to be based on this approach. This body has high standards of which we can all be proud, and it is crucial that it should have the highest job of monitoring these standards and principles.

If we as a body can monitor France, we can also monitor the European Union, and we should do so through the Monitoring Committee. It is necessary for the European Union to sign up to the European Convention and to be part of the system that has stood this continent in good stead for so long.

I cannot see what the European Union can do in this area that we cannot do. Of course, like any country, it can introduce rules to govern the human rights issues in its own area, but it cannot introduce rules to govern us. In other words, the Council of Europe must be seen as top dog and must hold ultimate responsibility for maintaining standards. Those standards have been established over a long period of time, with the help of the European Court of Human Rights, and we should make sure that they remain the standards to which Europe conforms.

Mr MARUKYAN (*Armenia, Spokesperson for the Alliance of Liberals and Democrats for Europe*) – I thank the rapporteur, Ms De Sutter, for her extraordinary work and for this important report. It might help to establish concrete measures to enhance dialogue with national parliaments, under conditions favouring an open debate on the recommendations emanating from both organisations concerning the respect by member States of standards relating to human rights, the rule of law and democracy, and to bring European decision makers and representatives of national parliaments closer together. The Alliance of Liberals and Democrats for Europe strongly supports the report and the resolution, because we share the vision behind them.

It is regrettable that two and a half years after the European Parliament's adoption of the resolution of 14 November 2018 on the need for a comprehensive European Union mechanism for the protection of democracy, rule of law and fundamental rights, the European institutions – the Council and the Commission – have undertaken no concrete initiatives to give effect to the resolution or prepare the inter-institutional agreement that it called for.

Several European Union rule of law initiatives exist, but they are driven by different institutions, have different dynamics and are based on different paradigms. However, there are some points of convergence, such as the greater involvement of national parliaments. The Assembly can provide a platform for a Europe-

wide discussion about the rule of law. The development of European Union tools and mechanisms concerning the rule of law, the ongoing procedures and their implications for the Council of Europe deserve further analysis. The Assembly should reflect on their potential impact on its own operation, and the compatibility of procedures for monitoring member States' compliance with standards and values. It is therefore important to support the effective implementation of benchmarks at European level using the Council of Europe's rule of law standards, including the case law of the European Court of Human Rights, relevant recommendations from the Committee of Ministers, the standards and opinions of the Venice Commission – including the rule of law checklist – and opinions and conclusions of the relevant Council of Europe advisory and monitoring bodies.

I emphasise that the necessary steps must be taken to inform national parliaments about the conclusions and recommendations of the various reports on member States' compliance with the standards of human rights, the rule of law and democracy. On behalf of the Alliance of Liberals and Democrats for Europe, I call on the Committee of Ministers to create a more integrated approach to political decision making. That approach should involve dialogue with the relevant European Union institution every time an assessment is made of whether a Council of Europe or European Union member State risks committing a serious breach of the common rule of law standards, and whether that deficiency has been remedied or has ceased to exist. We should also promote safeguards along similar lines to those in Article 53 of the Charter of Fundamental Rights, according to which any European Union rule of law mechanism shall ensure that the assessment or action of the European Union will not affect existing procedures arising from the Council of Europe advisory or monitoring mechanisms.

Mr GAVAN (*Ireland, Spokesperson for the Group of the Unified European Left*) – On behalf of the Group of the Unified European Left, I welcome this balanced and well thought-out report on the establishment of an European Union mechanism on democracy, the rule of law and fundamental rights, and I commend the rapporteur. We need to ensure the highest level of respect for human rights and democracy on our continent, especially considering the rising threat posed by the far right and fascists, particularly within the European Union.

I welcome the Assembly's reaffirmation in paragraph 6 of the draft resolution that "under the 2007 Memorandum of Understanding, 'the European Union regards the Council of Europe as the Europe-wide reference source for human rights'". We are concerned that steps towards a European mechanism may undermine that principle. As the report states, we must avoid the development of "double mechanisms, double standards, fragmentation or inconsistency of applicable standards and 'forum shopping'". I am especially concerned that the proposal may lead to a duplication of work between the European Union and the Council of Europe. Let us not forget that the Council of Europe represents our whole continent, and the European Union represents just 28 countries – soon to be 27.

If the European Union sets up mechanisms that could be seen as alternatives to those of the Council of Europe, what message does that send to other powers who might want to avoid the Council of Europe's judgment or jurisdiction? We already have one major power in the world – the United States – that disregards human rights bodies and all judgments except its own. Do we really want the European Union to start down a similar road? What message would that send to the Russian Federation? We need fruitful co-operation between the European Union and the Council of Europe, but European Union member States cannot be treated differently from other States in the Council of Europe because of their European Union membership.

I agree with the statements in the report about the Council of Europe's primacy in assessing European Union member States' compliance with common fundamental values. I also agree that we need to promote safeguards along similar lines to those in Article 53 of the Charter of Fundamental Rights, according to which any European Union rule of law mechanism shall ensure that the assessment or action of the European Union will not affect existing procedures arising from the Council of Europe advisory or monitoring mechanisms.

The European Union must urgently complete the work of accession to the European Convention on Human Rights. That is the most meaningful contribution that the European Union can make to human rights. It should also make accession to the European Social Charter a priority, as reflected in Amendment 1.

Those are the priorities of the Group of the Unified European Left. We commend the report, and we urge members to adopt it.

Ms DALLOZ (*France, Spokesperson for the Group of the European People's Party*)* – On behalf of the Group of the European People's Party, I thank Ms De Sutter for this report. The European Union's gradual establishment of agencies or mechanisms to deal with human rights and the rule of law has been raised on many occasions during my time in the Parliamentary Assembly of the Council of Europe. I particularly remember the reluctance expressed in the Assembly about the European Union Agency for Fundamental

Rights. At a time when the Council of Europe is experiencing an unprecedented political and budgetary crisis, today's debate is especially important. Ever since its creation, the Council of Europe has spearheaded action in defence of human rights, democracy and the rule of law as its core business. Its expertise is recognised by all, including the European Union.

In view of the rise in populism, I do not consider the establishment of a mechanism to monitor the application of the Copenhagen criteria to be shocking. However, the European Union should not create competing bodies or agencies to do the work of the Council of Europe. The European Union should build on the work of the Council of Europe and recognise the specific place of our Organisation so that it can regain the visibility it deserves and thus make the analysis and actions that are undertaken more coherent.

Paragraph 13 of the motion for a resolution is fundamental. The creation of common standards and the defence of our expertise should be at the heart of our relations with the European Union, and the Parliamentary Assembly of the Council of Europe also has a role to play in that process. The monitoring and post-monitoring procedure, which concerns two member States and some European Union candidate countries, assesses the commitments of those States as a condition at the time of their accession. That would not be possible without the information provided by the Council of Europe's election observation missions. Such missions are a valuable tool for assessing democratic processes.

Yesterday, we discussed the elections in the Republic of Moldova – or, rather, democracy and the rule of law in the country. The organisation of an election, the way in which it is conducted and voters' ability to exercise their right to vote freely and without pressure are all positive or negative signs of the vibrance of the rule of law. Having been involved in election observation missions in European Union countries such as Bulgaria and in European Union candidate countries such as Montenegro and, soon, North Macedonia, I can assure the Assembly that our task as parliamentarians is fundamental. Election observation is a tangible activity. An electoral law can meet standards, but if it is not properly implemented, democracy will no longer have the same strength. That is what we are observing, because elections are the heartbeat of democracy. The European Union should consider this practical and effective tool for assessing respect for the rule of law.

Mr SCHÄFER (*Germany, Spokesperson for the Socialist Group*)* – The report addresses the relationship between our institution – the Council of Europe and its Parliamentary Assembly – and the European Parliament, with its much greater budgetary powers. The important thing in it is that we keep the right spirit. I thank the rapporteur and all those who were involved in drawing up the report.

In the Council of Europe and the European Union, we have created a form of multilateralism or supranationalism that is unique in the world. It is worth defending, every day and in everything we do – every piece of work, every report, every debate – because the values underlying the report have never been so endangered in our day and age. Preserving them depends on our 47 States complying with their promises to one another, which is possible only if we in the Parliamentary Assembly of the Council of Europe are fully aware of our role and if we fight in our national assemblies to uphold the decisions that we make here. It is a question not just of issuing our important reports, but of defending them and making them an everyday reality.

We must confront the idea that in a democracy the majority can do whatever it wants. That is wrong: democracy lives on the basis of shared values and inalienable rights, which includes a critical, independent media. As a philosopher has said, democracy is based on prerequisites that it can never quite live up to. We can live up to them only if we fight for democracy and for our principles at every turn. On a practical level, that means that our alternatives today are to be united in diversity or to be divided in unity. We are in favour of diversity, of the principles expertly described in the report, and of the restrictions that we have to impose on ourselves in politics every day.

The PRESIDENT* – Thank you, Mr Schäfer. We now move on to the general debate. I call first Ms Duranton.

Ms DURANTON (*France*)* – Our colleague Petra De Sutter has submitted an exhaustive report on an issue that may sound technical but is eminently political: the relationship that should exist between the Council of Europe and the European Union. It is a recurring issue on the Assembly's agenda; we have already discussed it in connection with the Fundamental Rights Agency of the European Union, on which we still have not clearly defined our position.

Our Organisation is in deep political and budgetary crisis. How do we position ourselves vis-à-vis the European Union, whose remit is much broader and whose resources are not comparable with ours? The 2007 memorandum of understanding referred to a strategic partnership between the two organisations, based on common values and including mechanisms to avoid duplication of remits. However, how do we apply such

mechanisms properly, particularly bearing in mind that the partners are not on an equal footing? From that point of view, our rapporteur has adopted what I think is an ambivalent and in fact rather awkward position.

The European Parliament has suggested setting up a permanent mechanism to monitor democracy, the rule of law and fundamental rights within the member States of the European Union. Is that not the role that the Council of Europe should already be playing? After all, all member States of the European Union are also members of the Council of Europe. The mechanism that the European Parliament is considering would grant pride of place to the Council of Europe, with our *acquis* as a reference. Our Organisation's role would therefore be enhanced, but as the report quite rightly notes, there is a risk of overlap in standards and procedures, and a question whether it would make sense to keep a redundant mechanism in place.

The idea of the European Union signing up to the European Convention on Human Rights is a recurring institutional issue for us, and it raises the same question. The draft resolution proposes going back to the negotiating table over accession, but I wonder whether that is a realistic position. As we know, in December 2014 the Court of Justice of the European Union delivered an opinion on the draft accession agreement. As well as highlighting some legal difficulties, it had a political bearing: the judges in Luxembourg made it quite clear that they would not play second fiddle to the judges of Strasbourg with regard to respect for human rights. I therefore seriously doubt that accession will happen any time soon, even though it is part and parcel of the Lisbon Treaty.

Finally, I take note of the fact that neither the European Commission nor the European Council have followed up on the initiative of the European Parliament. Does that mean that they refuse to allow a duplication of European Union internal mechanisms? From looking at the current texts, it is clear that they did not prevent the triggering of infringement procedures against Poland with regard to the rule of law, following an intervention by the Commission, or against Hungary, following an initiative taken by the European Parliament.

Ms BAYR (*Austria*)* – I would like to underscore the importance of the report and sincerely thank Ms De Sutter for it. Human rights, the rule of law and democratic governance are too important to be allowed to suffer as a result of duplication, fragmentation, turf wars or inconsistent application. Paragraph 15 calls on the European Union to sign up to the European Convention on Human Rights and the Criminal Law Convention on Corruption.

We debated the 2030 sustainable development goals agenda in this Chamber only this morning. SDG 16 is "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Its 12 targets include overcoming violence, protecting children from violence, ensuring that people have their voices heard in parliaments and that decision-making mechanisms listen carefully to the will of the people. It is not a question of undue influence, as some people may have inferred; we should think rather about the issues raised by the SDGs, including goal 16.3, "Promote the rule of law at the national and international levels and ensure equal access to justice for all", and goal 16.5, "Substantially reduce corruption and bribery in all their forms."

If we adopt the report, we will have made a significant contribution as parliamentarians to attaining the sustainable development goals and achieving what we set out in our discussion this morning: ensuring that the Assembly does not just spout pious wishes, but takes steps to ensure progress. It would be a very significant step on that path.

Lord FOULKES (*United Kingdom*) – I rise today with an apology and a thank you. First, I apologise sincerely to all European Union members for the Brexit fiasco. We had an unnecessary referendum that was lost because the government of the time was so unpopular. It turns out now that it was also a corrupted referendum, as our Electoral Commission has pointed out – which, by the way, has only been covered on German TV, not in the British media. Some supine members of parliament treated that corrupted referendum as an instruction from the British people, instead of realising, once they understood the disaster that was looming in a parliamentary democracy, that they should exercise their rights as members of parliament who are there as representatives, not as delegates. That problem was compounded by the stubbornness and dogma of the leadership of both main parties. I apologise.

I want to thank all other European Union members for their patience and understanding in what has been a moving picture – in fact, a disaster movie. The latest deadline is only 80 hours away. I hope that before then, some sense is seen by our leadership, and they are forced to either revoke Article 50 or have a proper people's vote and let the people decide, now that we know the implications of withdrawal. The United Kingdom can then continue to be a good, active and positive member of one of the greatest unions that has ever existed for peace, prosperity, democracy and the rule of law: the European Union.

Mr ZSIGMOND (*Hungary*) – First, I would like to thank the rapporteur for her report. The values of democracy, the rule of law and citizens' rights occupy a different role in the institutional frameworks of the Council of Europe and the European Union. In the case of the Council of Europe, those have been the most important values from the very beginning of the Organisation. The legal condition to "accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms" constitutes a firm treaty commitment that member States have to accept when becoming a member of the Council of Europe.

In the case of the European Union, only the Maastricht Treaty in 1992 introduced human rights, the rule of law and democracy to the Union's agenda. Even today, the question of compliance with human rights and rule of law standards is addressed by the European Union based, in many cases, on vague and unfounded political accusations, which has the danger of weakening the unity of the European Union by further widening the gap between citizens and European Union institutions.

Given previous practices of the European Union in setting up mechanisms to monitor respect for the rule of law and human rights, I express reservations and highlight the risks of creating double mechanisms or double standards, as well as the risk of wasting limited budgetary resources when such a mechanism already exists in the framework of the Council of Europe. On the other hand, I would welcome the European Union joining the European Convention on Human Rights, to ensure the convergence of human rights standards all over Europe.

I consider it essential to maintain the primacy of the Council of Europe in the assessment of European Union member States' compliance with common fundamental values. The latest development in the European Union where the conflict of different political positions is often viewed as a matter of democratic deficit is very dangerous. Political issues should be dealt with differently from legal matters. Some countries are held responsible for representing different democratic political opinions. We see reports that are motivated by party political interests and have nothing to do with concerns for democratic values. Supporting narrow-minded political manoeuvres and threatening countries with Article 7 based on political considerations would seriously endanger confidence in the European institutions. Unfortunately, it has become part of the election campaign that rule of law issues regarding eastern and central European member States are regularly kept on the agenda.

In conclusion, it is extremely important to maintain the primacy of the Council of Europe regarding the mechanism for monitoring the rule of law in every member State by applying the same rules for every country.

Mr BILDARRATZ (*Spain*)* – First and foremost, I would like to take this opportunity to thank Ms De Sutter for this magnificent report. It raises a really important issue for us. The European Union and the Council of Europe need each other; it is mutual. We need to be clear about that, and there needs to be no inferiority or superiority complex in the equation. This is an issue for both the European Union and ourselves. It is all about how we reach out to citizens and make sure that they know us and are aware of the work we do. For that reason, we need to work together, hand in hand.

We may not have so many resources, but here in the Council of Europe we can reach out to the governments of the 47 member States, and not only the most important governments but the tiniest municipalities and regional authorities. That is a real added value, and it is something the European Union does not have. We need to co-operate as we try to bring citizens closer to the institutions, including regional and national parliaments. We have so many resources in our arsenal, and we must use them effectively.

In terms of the remit of each institution, we need to be aware of what the Council of Europe is, and the European Union needs to be aware of exactly what it is. We need to have better and increased co-ordination – we owe it to the citizens. We must be more efficient and more transparent, and we need to use our resources much better. The citizens give us resources not so that we can just spend it but so that we can properly and adequately represent them and help them.

The European Union and the Council of Europe both have their problems. More than 50% of Council of Europe member States have Europhobic governments. That is important, because it calls into question the rule of law, democracy and fundamental rights. That is why we have a major role to play. As Ms De Sutter said, this is a problem that we need to be aware of. The Russian Federation is the elephant in the room. This Organisation needs to be credible; in other words, we need to act authoritatively and to have authority. We have that through GRECO and our fundamental rights work. We need to be able to demonstrate to the European Union and our citizens that we are capable and can resolve our problems, because if we cannot, frankly, I am pessimistic about us finding the solutions we need for the future.

Mr TRUSKOLASKI (*Poland*) – I would like to present the current state of the rule of law and the issue of respecting fundamental rights in Poland, which is ruled by the Law and Justice party. Ever since the party came to power, it has seized control of State institutions such as the Public Prosecutor's Office, the National Council of the Judiciary and the constitutional tribunal. The revolution conducted by the Law and Justice party also afflicted the supreme court and common courts, but it was possible to constrain that thanks to a large-scale mobilisation of the opposing parties and social organisations, as well as pressure exerted by the European Commission. The effect of the Law and Justice party breaking the rule of law was initiation of the Article 7 procedure against Poland.

The Law and Justice party started appropriating State institutions from the moment it assumed power in Poland. At the beginning, the party merged the offices of the minister of justice and the attorney general, eradicating independent and apolitical prosecution. Both of those functions are currently held by an MP selected for the Polish Parliament from the lists of the Law and Justice party. Next, in a political attack on the independent constitutional tribunal, the government did not publish orders of the institution in the Polish Journal of Laws, violating the provisions of Polish law. The Law and Justice party passed an act that literally destroyed the functioning and system of the Constitutional Tribunal in Poland. In place of judges who were appointed in accordance with the constitution, the president, who was formerly affiliated with the Law and Justice party, swore in stand-in judges who were also associated with the party. Next, the Law and Justice party passed controversial acts that literally destroyed the tripartite division of power in Poland. The judiciary was to be subject to the control of the party minister of justice, which in practice would mean an obvious end to independent courts in Poland. In turn, in common courts new presidents, frequently affiliated with the Law and Justice party, were appointed. Attempts were made to remove Supreme Court judges from their positions by means of their premature retirement. Only thanks to international pressure and social mobilisation were we able to succeed in preventing such harmful pseudo-reforms by the Law and Justice party. Unfortunately, the ruling party managed to take control of the National Council of the Judiciary, a body the aim of which is to protect sovereign courts and independent judges.

This year, the Poles face parliamentary elections. If they are won by the opposition, we will restore law and order, as well as the rule of law, in our country. The tripartite division of power will cease to be a fiction and will start to function anew.

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

Mr VENIZELOS (*Greece*) – In the light of the excellent report, I have some minor remarks to make.

In the field of the protection of not only democracy, the rule of law and fundamental rights, but European values in general, the Council of Europe's great advantage lies in the existence of the European Court of Human Rights and the individual application. In the same field, the European Union has the great advantage of the high degree of integration of its far fewer member States, and the possibility of exercising much stronger pressure for compliance with the values of democracy, rule of law and fundamental rights. The critical factor is the European Union's ability to exert political as well as economic, fiscal and financial pressure on European Union member States that deviate from European values. The European Union also exerts serious political and economic pressure for reasons related to democracy, the rule of law, fundamental rights and respect for international law, against countries of Europe more widely that are members of the Council of Europe but not of the European Union.

It is absolutely reasonable that the Council of Europe demands from the European Union, all member States of which are members of the Council of Europe, respect for the long tradition and expertise of the Council of Europe, and that the European Union makes use of the Council of Europe's existing instruments. In this time of multi-level constitutionalism, there is fortunately more than one level of control and protection. This means there can be forum shopping, when each level blocks the other. In the case of the Council of Europe and the European Union, each level strengthens and complements the other.

The PRESIDENT – I remind colleagues that the vote is in progress to elect two judges to the European Court of Human Rights. The poll will close at 5 p.m., which is in less than 30 minutes. Those who have not yet voted may still do so by going to the area behind the President's chair.

Mr HAMMARBERG (*Sweden*) – The report is excellent, as were the commentaries on it. I cannot add much, other than to testify that the problems presented in the report are real. Like others who have tried to represent the Council of Europe on missions in different countries, I have faced cases in which co-operation with European Union representatives has been good, but I have also had too many bad experiences. There have been cases of unnecessary overlap and duplication in our work, which in turn has resulted in different messages from the two organisations, as well as confusions and inconsistencies.

There have also been obvious cases of forum shopping, when the fact that European Union representatives had more money to offer than we at the Council of Europe could offer has played a certain role. The discussion of this issue started when the European Union took the decision not to use the term “human rights” but to use “fundamental rights”. The difference between the two was, of course, never defined. The creation of the Fundamental Rights Agency also created confusion as to which of the two bodies is superior in respect of human rights. The situation with the Fundamental Rights Agency has been smoothed out, and there is now good co-operation and understanding of how we can support one another, but the problem is that there is a certain arrogance on the part of European Union representatives. It would be good to have a frank discussion with that authority so that we can avoid any further problems, because after all we work towards the same purpose.

Ms KARAMANLI (*France*)* – I thank our colleague, Petra De Sutter, for the observations and proposals in her balanced report.

The Council of Europe and European Union are two institutions that neither have the same origin nor automatically propose to the same States a framework for the rule of law and advanced rights for citizens. Our Assembly has greatly developed its contacts with the European Parliament. In general, like a lot of people I remain surprised by the European Union’s non-accession, as an entity, to the European Convention on Human Rights. That accession would enshrine the importance of the Convention in the European Union and the right of the citizens of each State to petition the European Court of Human Rights as a last resort, if they consider that they have not been able to secure legal redress before national and European Union courts. The European Convention on Human Rights should be regarded as a unique mechanism for the protection of rights around the world.

I wish to make two comments, the first of which is institutional in nature. I note that the major economic and social choices that the European Union has imposed on the eurozone States have had particular ramifications for social rights and have been made on the basis of non-standard bodies, because they are not provided for by the treaties. That is the case for the Eurogroup and for the eurozone summits. In this respect, the proposal in the report for the creation of a mechanism to co-ordinate the work of the Council of Europe and the European Union in the fields of fundamental rights and democracy seems to me not only to be a legitimate concern of the Council of Europe but to be unlikely to face any major obstacles from the European Union, unless there was a lack of political will on the part of the European executive, which would be a surprise.

My second observation concerns the importance of giving national parliaments renewed impetus in the promotion of the rule of law, an important point addressed in the report. The Council of Europe works to ensure that national laws respect the fundamental rights recognised and promoted by the European Convention on Human Rights. For example, I have just tabled a new resolution in the French National Assembly to allow members of parliament to debate the judgments of the European Court of Human Rights.

More generally, when the time is right we should consider forging a new alliance on fundamental rights through the co-ordination of and joint initiatives between national parliaments, the Parliamentary Assembly of the Council of Europe and the European Parliament. Everyone stands to gain from such an alliance: on the one hand, our Assembly and the European Parliament would benefit from national parliaments taking ownership of fundamental rights, which will enable public debate, and thus ownership of the issues at stake, as close as possible to the citizens; and on the other hand it would benefit national parliaments because it would ensure that rights are always used that require a shared approach between States and pan-European institutions. I congratulate the rapporteur.

Mr HUSEYNOV (*Azerbaijan*) – Efforts to establish a more comfortable and liveable European house, in which respect for human rights will be fully ensured and there is a guarantee that the rule of law will be maintained in all areas, do not appear to be new. Debates on these issues and the preparation of various related projects have been going on intensively for more than half a century. However, recently these efforts have intensified and become more focused. In my opinion, the main reasons for this are the continued problems towards European integration, the lack of smooth functioning of European machinery mechanisms, and the increasing number of crisis situations. Notwithstanding the fact that the European Parliament covers 28 countries and the Council of Europe unites 47 member States, such that they differ in their style of work, they are close to each other in their philosophy and have essentially matching objectives.

A special resolution of the European Parliament initiated the establishment of a permanent mechanism for the European Union in 2016 to monitor the processes of democracy, the rule of law and human rights in member States. However, that work was not completed and discussions are ongoing. The formation of such

a comprehensive, collaborative, compulsory mechanism cannot be achieved without close co-operation with the Council of Europe, which is another important European institution.

More than 10 years have passed since the signing of the memorandum of understanding between the Council of Europe and the European Union. During this period, a growing strategic partnership paved the way for closer co-ordination between the two institutions in the legal sphere, and the determination of more unilateral positions on common values.

By the way, I would like to share some of my views on the European Parliament here. Unfortunately, double standards, streamlined positions and biased approaches are regularly observed in this Organisation. During the past few years in the European Parliament, we have repeatedly witnessed that with regard to my country, Azerbaijan. Striking examples of this are biased resolutions, as well as speeches that distort the truth and openly demonstrate support for the forces involved in aggression against Azerbaijan. Moreover, a number of Members of the European Parliament have openly expressed their support for separatism and occupation by making illicit visits to the occupied territories of Azerbaijan.

Loyalty to democratic values and respect for the rule of law are criteria that are of a general nature and one cannot refrain from them, or stick to them, in particular matters. It is impossible to be a semi-democrat. Democracy is an important value that is incompatible with hypocrisy. The Council of Europe's efforts to build a democratic space on the European continent and its decades-long commitment to the formation of common law are highly commendable. Currently, the European Union and the European Parliament benefit from the experience of the Council of Europe and its Parliamentary Assembly; that experience is both necessary and important.

Mr LOUCAIDES (*Cyprus*) – What lies at the heart of Ms De Sutter's excellent report is the need to ensure convergence of human rights standards all over Europe. As the report correctly suggests, many institutional arrangements and other arrangements need to be made before the proposal for the establishment of a permanent European Union mechanism on democracy, the rule of law and fundamental rights can be put into concrete form and take action. However, if those conditions are not met, prospects will be dim, and surely we do not want to create a structure that will reflect a duplication of efforts, an overlap of activities and competences, and a waste of resources between the two organisations, which would inevitably lead to fragmentation.

At present, two major factors hinder these prospects. First, there is no consensus as to the legality or indeed the necessity of creating such a permanent mechanism within the European Union. Secondly, and most importantly, the establishment of such a mechanism would require the accession of the European Union to the European Convention on Human Rights and the European Social Charter, neither of which it is yet a party to. We support the immediate resumption of negotiations in this respect. At this crucial point in time, when the legitimacy of European Union institutions and decisions is increasingly being questioned, accession of the European Union to the European Court of Human Rights will subject European Union institutions to external monitoring and compliance with fundamental rights, giving decisions that are taken by the European Union increased visibility, legitimacy and accountability.

Given these two major factors, therefore, it would be better first to prepare the ground and to seek to define the competences of each organisation in a well-defined partnership, based on a renewed institutional co-operation framework. As has already been mentioned by other colleagues, the Council of Europe needs to preserve its primacy in setting the benchmark as regards compliance with common fundamental values. It is a positive factor that the Council of Europe and some of its specialised monitoring bodies and expertise have been included in the new permanent mechanism of the European Union. However, any discrepancies from the European Union in the reporting procedures and working methods of the Council of Europe, as well as the geographical scope of the monitoring procedure, need to be well thought out, so that there is no conflict or discrepancy regarding conformity with human rights standards and values.

Mr NICK (*Germany*)* – Dear colleagues, this debate and this report are coming at the right time, so I give heartfelt thanks to Madam De Sutter for this excellent report, because both the European Union and the Council of Europe face a new challenge that they have never experienced before. We have seen the success story of the support of the young democracies and the movement towards pluralist democracy, human rights and the rule of law, but we also get the impression that this is a one-way street that can only go in one direction. The European Union has had a similar experience with the accession and the Copenhagen criteria, regarding States that want to embark on the road towards strengthening democracy and the rule of law.

The challenge that we face is that we may possibly come across member States that no longer share that objective and no longer want to go in that direction; indeed, they might even want to go back and choose

a wholly different direction to those standards. Both the European Union and the Council of Europe are finding that they are not adequately prepared for that situation. Yes, there is the Article 7 procedure in the European Union, but it is very cumbersome and is always in danger of being politicised. So, all sorts of proposals are being made for a different mechanism, which the rapporteur referred to. There is also the Weber and di Fabio suggestion of an independent rule of law body. It all shows how the European Union is trying to get to grips with these new challenges.

Secondly, of course, there will also be questions asked about the relationship between our institutions and the European Union. Is our expertise being used sufficiently? Are we the benchmark? The European Union has often resorted to the Venice Commission and other institutions. However, there is also the question of duplication, and whether there are there different rules – one for the 27 countries in the European Union and one for the 20 countries that only belong to the Council of Europe. These are the questions that we have to ask ourselves.

We have to defend our corner with the European Union, but we must also be critical of ourselves and consider whether the position that we have taken hitherto is right. In the last 20 years, only once have we opened a new monitoring procedure for a State, which was for Turkey. There might have been good reasons for that, but in two cases – Poland and Hungary – we have the situation that the Article 7 procedure has been launched in the European Union but the Council of Europe has not done anything in that respect.

In Poland, in May 2016, there was a report about the functioning of democratic institutions that we asked for and yet it is still not ready. We get the impression that it will be delayed, perhaps because of the elections in Poland, and it has nothing to do with the fact that the Chair of the Monitoring Committee is a member of the Polish governing party. Then we brought in for Hungary the periodic review.

I will just close by saying that what we must also deal with – I say this looking at the Kox report now – is how we punish States. The European Union has been looking at budgetary considerations and budgetary measures, and it has a sharper sword in that respect than we do.

The PRESIDENT – Before I call the next speaker, I again remind you that the vote to elect two judges to the European Court of Human Rights is in progress. The poll will close in about 10 minutes. Those who have not yet voted may still do so in the area behind the President's chair. I call Mr Corlăţean.

Mr CORLĂŢEAN (*Romania*) – The report is timely and more than necessary to clarify a number of issues deriving from a future establishment of a European Union mechanism on democracy, the rule of law and fundamental rights. I thank the rapporteur for her wonderful contribution, and I definitely support the proposed recommendations. As mentioned in the draft resolution, the existing co-operation between the Council of Europe and the European Union institutions and agencies, starting with the Fundamental Rights Agency, has been positive and has contributed to a strengthened framework for the promotion of fundamental rights. I give the positive examples of the former Communist central eastern European countries that are members of both the Council of Europe and the European Union.

In that context, there is a clear need to resume the negotiations as a priority, with a view to finding a legal solution for the accession of the European Union to the European Convention on Human Rights. As previous speakers have mentioned, the setting up of a new European Union mechanism should avoid duplications, and the Council of Europe should monitor advisory instruments. Its promotion must be in full compliance with the Council of Europe's standards as agreed in the 2007 memorandum of understanding between the Council of Europe and the European Union. The indivisibility and universality of human rights require a coherent human rights protection framework in Europe, while observing the European Convention on Human Rights and European court case law. We cannot afford to spare the vast expertise of the Council of Europe bodies, especially the Venice Commission, acquired in so many areas in times of financial constraints encountered by many of us.

There is also an important positive dimension of the future European Union mechanism, finally to eliminate the double standards and discriminatory approaches towards European Union member States that unfortunately exist. One such instance is the functioning of confidence-building measures for 11 years on only two member States, despite serious challenges in most European Union member States concerning corruption, money laundering through the banking system, fraud or even organised crime. The European Commission has a serious responsibility for the selective and sophisticated discriminatory approach.

I welcome the proposal contained in the draft resolution to have an annual debate on the rule of law, gathering representatives from European Union institutions and Assembly members. That could be a good

platform and a unique opportunity to solve the lack of information in national parliaments about the recommendations of different European bodies, and perhaps to better understand the reality in some nations.

Mr KANDELAKI (*Georgia*) – I thank the author of the report and of the important and useful proposal. However, irrespective of whatever well-designed frameworks and mechanisms may be put forward, unless the rules and regulations of this Organisation are applied equally to all members, and unless exemptions for any members are ruled out, there will always be a grave risk of the mechanisms malfunctioning, however perfectly they may be designed. It has been an open secret for the last 10 years or slightly more that the calibre of the Council of Europe and its ability to scrutinise democracy in member States has gradually but dramatically fallen. If the Council of Europe was at the level it should be, there would be no need to improvise with this mechanism, in my biased view. The Council of Europe would have been able to scrutinise member States effectively, irrespective of whether they are in the European Union, and would have been able to help them to fix various problems in their democracies. That is not the case, and we are trying to tackle the problem from different angles.

There were several milestones in the deflation of the Council of Europe's calibre. Perhaps the first was when the credentials of the elephant in the room were restored after it was first challenged in 2002, when it did nothing to address the grave atrocities in the second Chechen war. The second milestone was in 2008 when, after the Russian invasion of Georgia and the first open brutal use of force since the Second World War, no effective reflection followed. We are still dealing with that. This issue has hijacked the Council of Europe's agenda and has undermined its ability to scrutinise important issues in other member States, my country included. Enemies of democracy and freedom are rejoicing. The only force that benefits from such implosion of the Council of Europe's effectiveness is Vladimir Putin, who views democracy as a bad thing. Unless we finally manage to sort it out and agree that there will be no exemptions from the rules for anyone, we will not be able to go forward.

Lord ANDERSON (*United Kingdom*) – I draw one clear conclusion from the speeches thus far: this is an excellent report that points to a sensible way forward for the two institutions to work together for the common good of the people we seek to represent. The Council of Europe is in its 70th year. Its Convention is a living instrument. Over that period, the Council of Europe has built up remarkable expertise in the field of human rights. Compared with that, the European Union is a relative newcomer. When I first heard of the initiatives and the coming into operation of the European Union instrument after the Lisbon Treaty, I thought, "There they go again. There will be duplication. It is a form of empire building on the part of the European Union and we must resist it." But we have now had some experience of the practice, and in spite of the problems that have been pointed out by Mr Hammarberg because of his own experience as Commissioner, there is a great degree of mutual respect and there are ways and means of working together for the common good as we examine its practice.

This report shows further ways in which we can work together against the new challenges. The European Union Charter is the overarching framework for human rights. The European Union Agency for Fundamental Rights provides independent advice to the European Union institutions. The rights from the French Revolution, American independence and the 1948 European Union can be called the key traditional rights, but the European Union has extended those rights into social, economic and environmental fields, for example workers' rights, social security, collective bargaining and health and other matters. There can therefore be very fruitful working together; the two organisations can be complementary, and friction can be avoided. Under the 2016 initiative, the two can, with mutual respect, work together.

The Council of Europe is in a major budgetary crisis. Already, the European Union provides funding for about 50% of extra-budgetary costs. Surely we can find ways and means of working together on projects. Initiatives such as the World Forum for Democracy – a fairly recent development of ours – might be transferred to the European Union. Overall, I look forward to further effective co-operation, particularly if we can solve the European Court of Justice's blocking of the European Union's adherence to the Convention.

The PRESIDENT – Thank you, Lord Anderson.

It is nearly 5 p.m. Does any member still wish to vote in the election of judges to the European Court of Human Rights? I do not think so. As nobody else wishes to vote, the ballot for electing judges to the European Court of Human Rights in respect of Malta and Turkey is now closed. The counting of votes will take place under the supervision of the tellers, Mr Soleim, Ms Gafarova, Ms Pashayeva and Ms Günay. I invite them to go at once to meet behind the President's chair. I hope to be able to announce the results of the election at the conclusion of this debate.

I return to our list of speakers. Mr Bulai is not here, so I call Ms Trisse.

Ms TRISSE (*France*)* – The political context for this debate on very important issues is crucial: it takes place a month and a half before the European elections, and while we are celebrating 70 years of the Council of Europe. The report is on the mechanism that the European Parliament created when it adopted its resolution of 25 October 2016, but it goes beyond that and touches on the relationship between the European Union and the Council of Europe – what kind of relationship should we build and maintain to consolidate, improve and guarantee democracy, rule of law and fundamental rights in all our member States?

I am a European by conviction, and I am happy to see that the European Union has put humanist and democratic values centre stage. Its work is more recent than ours; in 1949, when the Council of Europe was set up, its purpose was to build a continent where the rule of law and freedom would bring about peace and harmony between and within our societies. Of course, the Council of Europe is still the essential symbol of all those values.

Unlike other members in this House, I am not taken aback by the fact that the European Union is now addressing these issues, too. It has often relied on the expertise of the Council of Europe and its entities, such as the Venice Commission, to assess the progress made by States, particularly candidate countries. Today, it seems ever more determined to call out and penalise governments of States that fail to comply with their obligations and breach the values to which they have signed up.

So far, use of Article 7 of the Treaty on European Union has not been perfect, but it has at least been used – twice. Its use has made the headlines and put the brakes on some very dubious initiatives, which is good. Like many members of our Assembly, I think we need to make sure that the mechanisms of the European Union and the Council of Europe are in sync. We do not want forum shopping on fundamental rights.

The 2007 memorandum of understanding should of course continue to prevail. I am convinced that the European Union will continue to do its work within a framework that is largely inspired by the work of the Council of Europe. Our rapporteur has some interesting proposals for translating these values into practice. Let me mention two. One of them is that we should hold annual parliamentary debates on the rule of law, in which the Parliamentary Assembly of the Council of Europe and the European Parliament would be involved. That would allow us to compare and contrast European and national points of view. Another is that we return to the accession procedure, and that the European Union signs up to the European Convention on Human Rights.

To conclude, obviously I shall vote for the resolution and the recommendation. I warmly thank our rapporteur, the Chair of the Committee on Rules of Procedure, Immunities and Institutional Affairs, for her work. I hope that as of 2 July, she will continue to work on these issues, but at European Union level.

Mr MONTILLA (*Spain*)* – Two and a half years ago, the European Parliament resolved that the European Union should in the long term establish a binding mechanism for considering the rule of law and fundamental rights in its 28 countries – there will shortly be 27 – and guaranteeing respect of fundamental rights and compliance with treaties. Why two and a half years ago? Because since then, those values have been shown to be in danger in some member States; I think of what we have heard from our Polish colleague this afternoon.

The European Union claims that this binding mechanism provides for monitoring of, and follow-up on, adherence to the principles in Article 2 by member States and institutions. I agree that this was a legitimate and coherent initiative from the European Union's point of view, but there are questions about the initiative from the Council of Europe's point of view, because it could lead to duplication of work done through existing mechanisms, including the monitoring mechanisms of this House. That is what is most worrying.

The Council is monitoring institutional work with great interest, but following the report, we realise that initiatives have sometimes not been taken because of doubts about legality and the need for this. There are numerous references in the Council of Europe's work to the European Union, as is logical; that comes out of the co-operation between the two institutions. Implementation of the European Union's resolution would affect the Council of Europe, and particularly enforcement mechanisms relating to our conventions, at a time of crisis for this Council and the European Union. It would be desirable if the new mechanism came about, although it is not very probable that it will.

Joint reflection on this by both institutions would enable us to avoid fragmentation, and help us to understand better fundamental values on our continent. Hence the remarks made by Ms De Sutter, whom I congratulate. Paragraph 7 of the report, on this House's contribution to a future mechanism on the rule of law, is apposite and constitutes excellent work.

Mr ÇEVİKÖZ (*Turkey*) – Honourable members of the Assembly, the report is reassuring on the subject of enhancing dialogue between the European Union and the Council of Europe, and I commend the rapporteur. Coming from a country that is under the influence of growing populism and authoritarianism, I underline that my party, the Republican People's Party, insists that the Council of Europe's position be the benchmark for human rights, the rule of law and democracy in Europe. My country is gradually being deprived of its strong ties with the European Union. My party insists on maintaining the prospect of full membership of the European Union, and non-suspension of the accession talks.

The European Parliament elections, due to take place in May, raise our concerns about the rise of right-wing politics in Europe. As we all know, the European political spectrum is coming under the influence of right-wing populism and we might witness serious populist advances in the European Parliament elections. One of the essential practices of populism is to control the legal system. A kind of discriminatory legalism is put into practice, and this discriminatory process targets mostly the opposition parties and civil society. We have witnessed this situation in my country, yet it is our duty to remind the populists of the merits of diversity and pluralism, and the vital separation of powers, the rule of law and fundamental rights and freedoms, which are the basic and founding principles of the Council of Europe and of the European Union.

The European Council's rule of law dialogue sets the political agenda with the presidency of the European Union. May I add that we should also look for opportunities to raise awareness of the works of different institutions affiliated to the Council of Europe, such as the Venice Commission and GRECO? In 2019, for instance, we can consider the possibility of a general discussion on organised crime and money laundering with the assistance of GRECO. As Yasar Mon states, populists are highly skilled at weaponising forms of resentment. Their rhetoric simultaneously aims to turn the growing anger at affluent people against the ruling elite, and to turn the growing focus on ascriptive identity against immigrants as well as ethnic and religious minorities. We have to prevent the discriminatory legalism and intolerance to protect our democracies. Thank you.

Mr HUNKO (*Germany*)* – I congratulate Ms De Sutter on this important report, which has been submitted at just the right time. We have also been discussing the background to this debate at European Union level and in a number of national Parliaments. We are looking at this backsliding that there is of the rule of law in a number of countries within the Council of Europe and the European Union. How can we respond to this? A number of proposals have been made within the European Union to respond; proposals that entail the risk of impinging on the structures of the Council of Europe, or even duplicating or replacing its structures. There are proposals designed to work with the mechanisms and sanctions, and with budgetary measures as well. I wonder whether these are the right instruments to adopt. This is why it is very important for the Council of Europe to be involved in this debate and take a clear position, and this report is a good answer to this debate. We have developed a number of institutions, which have been mentioned already – the Venice Commission, for instance – and they have huge expertise and a great reputation. There is a broader acceptance of their expertise and they have a huge influence on the development of the rule of law and democracy in other member States. The danger of course is that structures are going to be replaced within the Council of Europe.

Let me come back to one point which has been addressed by a number of previous speakers and look in more detail with regard to the fact that the European Union has not, up to now, signed up to the European Convention on Human Rights. This dates back to 2009, when there was a motion to do so. It is a very important development for human rights, in fact, but also from a practical point of view. There are agencies in the European Union which are currently being expanded at a huge rate, for instance Frontex. There are 10 000 employees who are due to be working for Frontex who will be working not only under the responsibility of a member State but as a supranational agency of the European Union. What does this mean? It means that any potential violations of human rights which are carried out by Frontex employees could no longer be subject to the European Convention on Human Rights. It is no longer possible to bring people to justice or to make a complaint about them because of the employees of the agencies. These supranational agencies are not covered by the territory of the European Convention on Human Rights, and this is why we should really attempt to avoid this. It is ever so important for us to ramp up the pressure to ensure that the Convention is signed up to and implemented. That is an incredibly fundamental point in this debate. Thank you very much indeed.

Mr KITEV (*North Macedonia*) – First, congratulations on this very useful report. Dear colleagues, democracy and the rule of law are equally important and mutually supportive. In fact, the rule of law is a precondition for democracy but in a democracy, where the majority rules, there is also a danger of violating the needs of some people rather than others. To avoid any abuse of power and control the principle of law so that it can be applied coherently, it is necessary to have the protection of human rights. The core principle of

the separation of powers makes it possible for democracy to function. We should be aware that the rule of law and democracy are at risk when the separation of powers, and human and civil rights, are undermined.

The rule of law is the vehicle for the promotion and protection of the common normative framework. It provides a structure through which the exercise of power is subject to agreed rules that guarantee the protection of all human rights. The rule of law requires that legal institutions and substantive norms are consistent with human rights, including the core principles of equality under the law: accountability before the law and fairness in the protection and vindication of rights. Human rights cannot be protected in societies without a strong rule of law, which is the implementation mechanism for human rights – turning them from a principle into a reality. In a universally agreed democracy, human rights and the norms and standards of the rule of law provide its normative foundation. They must be heard in a national context, including its culture, history and politics. States have different national experiences in the development of their systems; nevertheless, as affirmed by most of the international institutions, there are common features found in international norms and standards.

We should therefore highlight the importance of supporting the national rule of law and human rights institutions to ensure that governments have all the tools necessary to comply with their obligations. The Council of Europe has the necessary mechanism to do this in the member States, and it should impose its position on this important field, bearing in mind its respected role within the scope of human rights.

The PRESIDENT – Thank you, Mr Kitev. Our next speaker is not here, so I move to our next speaker, Ms Christodouloupoulou.

Ms CHRISTODOULOPOULOU (*Greece*) – My name is difficult to pronounce. I am from Greece and I will speak in Greek.

(The speaker continued in Greek).

Colleagues, it seems to me that this initiative by the European Union is an important one. There is of course an issue with overlap, and we need to be careful about that. We need to know who exactly is in a position to create this mechanism. Who is best placed to establish a mechanism that will allow us to protect democracies? It would have to be a country that is democratic, of course. For some years now, as I am sure you are aware, criticism has been levelled at the European Union. We are told that there is a democratic deficit, which is giving rise to really serious issues with democracy – lacunae.

Some bodies simply do not work properly because we have not properly understood what representation means. In fact, we have seen that the European Union has failed with the migration crisis. The migration issue is really important for this continent, but the European Union has been unable to find a mechanism that would enable it to take the decisions that must be taken and make sure that countries abide by the percentages allocated when it comes to welcoming migrants into the respective countries. When the borders were closed, the European Union did nothing but sign an agreement with Turkey, which is a red herring – a non-binding legal arrangement. It is now trying to impose this system on countries that fall within its purview and are supposed to welcome a large number of refugees.

We should read the report carefully; I acknowledge that Ms De Sutter has done an excellent job. However, we should mention a sine qua non condition: there is a need to ratify the European Convention on Human Rights and recognise the role of the European Court of Human Rights. Even in the run-up to elections, those will not be able to protect democracy if in the countries themselves there is no democracy. Then the far right can gain ground.

We should conclude that the Council of Europe respects human rights and has the European Convention on Human Rights and the European Court of Human Rights as its instruments. Therefore the Council of Europe can act – it is the only one that can act. The European Union should not give priority to its budget or financial profits. It should not turn a blind eye to the major political decisions that member States need to take. It needs to face up to issues such as migration and refugees, otherwise it cannot sincerely speak about democracy and the rule of law. What is the rule of law without a mechanism that enables the taking of necessary measures and defends democracy and the rule of law?

The Geneva Convention Relating to the Status of Refugees needs to be respected, as does the European Convention on Human Rights. All those conventions were drafted after the great losses of the Second World War because we wanted to respect human lives. Our duty today is to raise our voices and demand that the European Union become genuinely democratic and be able to intervene when necessary. That is not the case at present. If it is to happen, we need to set up a mechanism. Right now in Europe, people

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do not really know what they are supposed to abide by. There are big decisions, which need to be complied with. In conclusion, we have had wars, even in the 1990s, in which human life seemed to have no value.

The PRESIDENT – Thank you, Anastasia, for your understanding about my mistake with your name. I call Mr Gattolin.

Mr GATTOLIN (*France*)* – I thank Ms De Sutter for her interesting report, the tone of which is commendably measured – perhaps too measured. It reminds me of the adverts in the 1980s and 1990s for a disposable double-bladed razor: the first blade cuts a little and the second cuts even closer. I do not know whether that was scientifically proven, but it ran well in the press, although the process has to be renewed every day. Then there were three-bladed and four-bladed razors; I am really not sure whether the fourth blade was very useful.

I am not sure whether the Council of Europe is the first blade highlighting problems with freedoms and whether the European Union can be the second blade cutting the problem closer to the skin. The European Union and the Council of Europe have very different powers and resources but they pursue pretty much the same goals and share the same values. They also share the same afflictions: they are being challenged by large countries from outside that contest the universal nature of their values and they are being contested from inside by more authoritarian governments, which are saying that only national solutions can get to grips with cross-border problems. That is why, despite the risks of an overlap in the work of the two organisations, we should take a positive view of the European Parliament's proposal to set up at European Union level a mechanism for democracy, the rule of law and fundamental rights.

At this stage, this is only a parliamentary initiative and we are not sure what will come of it. Of course we need to reaffirm the quality of the Council of Europe's work as a reference for the rule of law and human rights, and we have to reaffirm the fact that the European Union should accede to the European Court of Human Rights. I should add that the European Union has not only financial resources, which are vastly greater than the Council of Europe's, but greater financial retaliation opportunities if there is non-compliance with a number of fundamental rules to which countries have signed up; I am thinking of conditions applied to the receipt of certain parts of the budget in the multi-annual financial framework. I am not talking only about Council of Europe or European Union countries. Some of the generalised preferences systems and the Everything but Arms scheme are conditional on the implementation of 15 international conventions. The European Union has to be able to work with the Council of Europe and reinforce the effectiveness of laws that we adopt here.

The PRESIDENT – Thank you, Mr Gattolin. The next speaker, Ms Hayrapetyan, is not here. I call Mr Kleinwaechter.

Mr KLEINWAECHTER (*Germany*) – I thank the rapporteur for this detailed, concise and important report. We absolutely must insist on our position in human rights and the rule of law – we must talk about it and define it. What we see in the project of the European Union is that the European Parliament wants to redefine some terms; it wants to give definitions. We must always keep the political context in mind when we talk about the European Union. There is always talk about the big enemies – we read about them very nicely in Emmanuel Macron's letter to the Europeans, in which the main enemies are the Internet giants and Russians. Then there are the nationalists and the populists.

Let me tell you something: even a nationalist and populist opinion is an opinion, which is generally protected by democracy and the rule of law. We have to make a distinction. Executive power should not define what the rule of law is and take measures such as those the European Commission intends to take. I am very happy about how nicely the explanatory memorandum put it, noting that we will see more attempts to expand the European Union's scope of activities within the framework of human rights, but that we should insist on our position here and should also adopt the third attitude proposed, namely to promote the Assembly's monitoring procedure by accentuating its co-operation with the European Union. Let us turn this discussion around and really take an active position in promoting our Assembly and the Council of Europe with all its history and experience in order to develop a mechanism, a discussion forum and structures to better define and oversee the rule of law and any frictions or problems with that, but let us keep the primacy of the Council of Europe over this matter and lead the discussion from here.

I thank Ms De Sutter very much for her excellent report, which we all support.

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

Mr GYÖNGYÖSI (*Hungary*) – I congratulate the rapporteur on a concise and comprehensive report.

I wish to refer back to our Greek colleague who said mechanisms are welcome and should be put in place to ensure compliance with all the values we have set out and have set up at the very beginning. This report is timely because some of the challenges we are facing are great and immense. The relationship between the Council of Europe and the European Union and European Parliament is strategic in nature, and these two institutions must co-operate to serve best the people, whom the politicians are elected to serve. As has been said, the Council of Europe must insist on its positions. It has the expertise, makes all the recommendations and does the monitoring in order to ensure democracy, the rule of law and fundamental rights. These are the fundamental values our civilisation and continent are built on, so it must protect these values. This is the sine qua non condition for all the countries that form it.

I have been speaking of the great challenges our countries face these days, and there is a new trend not only in this part of the world but elsewhere in western civilisation whereby governments or parties that enjoy a majority tend to sideline some of the democratic institutions, so there is a dispute. Some governments say they should not be criticised because they enjoy the support of the majority of the people so they can do as they will and sideline free media, independent authorities, the judicial system or even the parliament. That is a very worrying trend. Through mechanisms, reports, monitoring and recommendations we should look not only at the form, but at the substance. Some of these countries that are experimenting in a laboratory with introducing a hybrid system will always refer to the democratic institutions in place, and in terms of form they are doing so, but if we look at the substance we see that democracy is in danger. If anybody is looking to analyse this situation further they should refer to my country of Hungary where this practice is going on at the moment.

It is also very important that we hear some of the critical voices. The European Union has been criticised a lot for a democratic deficit, and it is important that we take these criticisms on board and act on them by correcting the mistakes, introducing reforms and making this institution more efficient for the future. These institutions, the recommendations and the monitoring procedures are of great value and we have a common responsibility to safeguard them.

Mr ALTUNYALDIZ (*Turkey*) – I thank the rapporteur for this comprehensive report.

The strengthening of democracy, the rule of law and fundamental rights must always be a priority for European politics, and the European Union has the right to invest in this area. However, the European Union initiative we are discussing today has the potential to duplicate Council of Europe work in the field of democracy and human rights.

I believe that if the European Union focuses on how to further strengthen the Council of Europe's dominant role on democracy, the rule of law and fundamental rights and aims at gaining more from the Council's guidance, we as Europe may have more effective results in protecting and promoting human rights. In addition, since all members of the European Union are also members of the European Council, the European Union can use all the mechanisms established by the Council of Europe, and thereby the European Union will save time and budget and can allocate resources to solve other important and urgent issues.

No concrete initiative has been taken by the European institutions to give effect to the European Parliament resolution of 25 October 2016 for the establishment of a European Union mechanism and preparing the inter-institutional agreement it called for. As emphasised in this report, on 14 November 2018 the European Parliament tried to relaunch the aforementioned process. However, no further steps have been taken yet to implement this. Therefore, there is still need and room for full consultations with the European Union on the modalities of co-operation within the framework of an international and inter-institutional agreement at this stage.

In order to prevent the establishment of a dual system with the same goals in Europe, the Council of Europe and the European Union must work in co-operation regarding democracy, the rule of law and fundamental rights on the basis of the already established and achieved mechanism of the Council of Europe, with the existing nature of the relationship between the two organisations.

The PRESIDENT – Thank you, Mr Altunaldiz.

That concludes the list of speakers. I call Ms De Sutter, rapporteur, to reply. You have four minutes remaining, but as a chair you also have two minutes, so I give you the floor for six minutes.

Ms De SUTTER (*Belgium*) – Thank you, colleagues, for an interesting and constructive discussion and for the positive reactions to the report, which I guess is important in view of our relationship with the European

Union and the mechanisms it is developing. I now wish to address a few points, which most of you have also, of course, mentioned.

First, this is not the first debate on the danger of duplication and the risk of forum shopping, double standards and so on. This Assembly has discussed this matter before. The question is why we have not been more successful so far in addressing and solving the problem. One reason is pointed to in the report: we in the Council of Europe have a clear idea of our institution, how it is composed and the mandate of the different parts, but at the European Union level things are more complicated because there is the parliament and the Commission, and there also is the Council and the member States, and they all have different ideas of which is the best mechanism to monitor human rights, democracy and the rule of law. That complicates things.

There are also very different dynamics, as the report states. The Committee of Ministers, which is the political engine of the Council of Europe, does not really have a direct relationship with the three institutions of the European Union. That complicates things, and it has a direct impact on the discussion of the European Union's accession to the European Convention on Human Rights and the Social Charter, which has been mentioned; we will come back to that in the amendments.

We say that it is a shame that the European Union has not acceded to the convention so far, and we might think that it has not done so because it does not want to, but the situation is more complicated than that. I do not agree with the speaker who said that it was not realistic to think that the European Union would accede to the convention in the near future. Member States have respected their part of the deal by negotiating the accession protocol, but the Court of Justice has found some legal impediments to accession. Now it is for the European Commission and the member States to solve those legal problems and complete the process. An opinion was issued recently by the Court of Justice. I think the dynamic is rather positive, and we should not think that the European Union will not accede one day; perhaps the Romanian presidency can take the matter further. The louder our voices in our national parliaments, the better.

The report attempts to offer some practical solutions to improve dialogue between the Parliamentary Assembly of the Council of Europe and the European Union about mechanisms for monitoring the rule of law, democracy and human rights. The proposed joint debate is crucial, because the Parliamentary Assembly represents national parliaments. We are best placed to be interlocutors with the European Parliament and institutions on this issue.

I come back to the question of double standards and the risk of duplication. It is right for the Council of Europe to be the benchmark for human rights, because we have existed for 70 years and we are very robust and resilient, even in times of crisis; we have very good systems for dealing with crises, as we should. The European Union is a much younger player in the domain of human rights, and there is a lot of political influence in the European Union. The mechanisms that the European Union is developing might raise the bar and introduce standards different from those in the Council of Europe, but the political situation in the European Union could also go in the opposite direction. Political forces are rising that do not really like the principle of the rule of law, and that attack the values that we stand for.

In conclusion, I repeat what Mr Bildarratz said: this is not a matter of superiority or inferiority, but a matter of collaboration and, above all, of citizens. One of our most important institutions is the Court, and the potential for citizens to make individual applications to the Court is what really distinguishes us from the European Union. I thank everyone for this rich debate. I will not finish without thanking the secretariat, and Kateryna Gayevska in particular, for their help with this report.

The PRESIDENT – The debate is closed.

The Committee on Rules of Procedure, Immunities and Institutional Affairs has presented a draft resolution, to which nine amendments have been tabled.

The committee has also presented a draft recommendation, to which one amendment has been tabled.

I understand that the chairperson of the committee wishes to propose to the Assembly that Amendments 3, 5, 2, 10, 6, 7, 8 and 1 to the draft resolution, which were unanimously approved by the committee, should be declared as agreed by the Assembly. Is that so, Ms De Sutter?

Ms De SUTTER (*Belgium*) – Yes, that is correct.

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

Amendments 3, 5, 2, 10, 6, 7, 8 and 1 are adopted.

I call Ms Ævarsdóttir to support Amendment 4. I remind members that speeches on amendments are limited to 30 seconds.

Ms ÆVARSDÓTTIR (*Iceland*) – The current wording of the sentence in question in paragraph 4 of the draft resolution gives the impression that the Council of Europe, which was set up to protect and promote certain values, should not interpret them independently. Therefore, it is proposed to rephrase it and use the word “coherent” in the context of interpretation of the shared values and principles.

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

What is the opinion of the committee?

Ms De SUTTER (*Belgium*) – The committee is favour.

The PRESIDENT – The vote is open.

Amendment 4 is adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 14850, as amended.

The vote is open.

The draft resolution in Document 14850, as amended, is adopted, with 77 votes for, 8 against and 5 abstentions.

We now come to the draft recommendation, to which one amendment has been tabled, with an oral sub-amendment.

I call Ms Ævarsdóttir to support Amendment 9.

Ms ÆVARSDÓTTIR (*Iceland*) – The amendment proposes deleting “, on the basis of standards common to both organisations,”, from the fourth sentence, because the sentence is about “assessments provided by various Council of Europe expert bodies”, which refers mainly to Council of Europe standards, not European Union standards.

The PRESIDENT – I have been informed that Ms De Sutter wishes to propose an oral sub-amendment that the word “standards” in the recommendation be replaced with the word “values”. In my opinion, the oral sub-amendment is in order under our rules.

Do 10 or more members object to the oral sub-amendment being debated? That is not the case.

I call Ms De Sutter to support her oral sub-amendment.

Ms De SUTTER (*Belgium*) – I agree that the European Union and the Council of Europe do not have common standards, but I guess and hope that they have common values. Rather than deleting “, on the basis of standards common to both organisations,”, I therefore propose replacing the word “standards” with the word “values”.

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

What is the opinion of Ms Ævarsdóttir on the oral sub-amendment?

Ms ÆVARSDÓTTIR (*Iceland*) – Personally, I am in favour, but I cannot speak on behalf of Lord Balfe or the Committee on Legal Affairs and Human Rights at this point, so I have no definitive conclusion for you, Madam President.

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

The vote is open.

The oral sub-amendment is adopted.

We will now consider the main amendment, as amended. Does anyone wish to speak against the amendment, as amended? That is not the case.

What is the opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs on the amendment, as amended?

Mr ŠIRCELJ (*Slovenia*) – The Committee was in favour.

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

The vote is open.

Amendment 9, as amended, is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 14850, as amended.

The vote is open.

The draft recommendation in Document 14850, as amended, is adopted, with 85 votes for, 6 against and 4 abstentions.

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

3. Election of judges to the European Court of Human Rights in respect of Malta and Turkey (result)

The PRESIDENT* – May I inform the Assembly of the results of the election of judges to the European Court of Human Rights? In the election of a judge from Turkey, Ms Saadet Yüksel received an absolute majority of votes cast. She has been duly elected as a judge of the European Court of Human Rights; her term of office of nine years will start three months from her election, at the latest. In the election of a judge from Malta, Ms Lorraine Schembri Orland received an absolute majority of votes cast. She has been duly elected as a judge of the European Court of Human Rights; her term of office of nine years will start on 20 September 2019. I pass on my warmest congratulations to both successful candidates.

4. Promoting parliaments free of sexism and sexual harassment

The PRESIDENT* – The next item of business this afternoon is a debate on a report entitled “Promoting parliaments free of sexism and sexual harassment”, presented by Ms Thorhildur Sunna Ævarsdóttir on behalf of the Committee on Equality and Non-Discrimination. I remind members that at our Monday morning sitting the Assembly decided to limit speaking time to three minutes.

Madam rapporteur, you have the floor. You have 13 minutes in total to present your report.

Ms ÆVARSDÓTTIR (*Iceland*) – Thank you, Madam President, for your kind co-operation with the report.

Article 1 of the German constitution reads: “Die Würde des Menschen ist unantastbar. Sie zu achten und zu schützen ist Verpflichtung aller staatlichen Gewalt.” Loosely translated, it means that human dignity is inviolable and that protecting and furthering it is the duty of us all. Inherent in that principle, which has deeply influenced me throughout my career, is the ability for women to work and take part in democratic processes without harassment.

Important steps have been taken in recent years to combat sexism, sexual harassment and violence against women. To note just a few extraordinary examples, the Istanbul Convention was adopted in 2011, while the much older United Nations Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979. At a regional level, Latin America has been a pioneer in tackling the phenomenon of violence against women in politics, with the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women leading to the adoption of the Inter-American model law on the prevention, punishment and eradication of violence against women in political life in 2017.

Most recently, our Committee of Ministers has adopted a recommendation on preventing and combating sexism in member States. The recommendation includes the first ever definition of sexism in a dedicated legal instrument – “a manifestation of historically unequal power relations between women and men, which leads to discrimination and prevents the full advancement of women in society” – and proposes concrete ways to identify and address sexist behaviour.

The connection between gender stereotypes, gender inequality, sexism and violence against women is recognised both in the Istanbul Convention and in the United Nations Convention on the Elimination of All Forms of Discrimination against Women. Acts of everyday sexism, in the form of sexist behaviour, comments and jokes, contribute to a social climate in which women are demeaned, their self-regard is lowered and their activities and choices are restricted. Sexism becomes a silencing force when individuals refrain from reporting sexist behaviour because they fear that they will not be taken seriously, that they will be ostracized or even that they will be held responsible for the behaviour or punished for reporting it. Social phenomena such as the #MeToo campaign have shed light on the ubiquity of sexism and on the need for stronger measures to combat it.

This report originates from a motion for a resolution that I authored, “Promoting parliaments free of sexism and sexual harassment”, and was tabled by 74 members of the Assembly. It forms part of our Assembly’s response to the #MeToo movement, as well as to a study jointly conducted by the Assembly and the Inter-Parliamentary Union on sexism, harassment and violence against women in parliaments in Europe in 2018.

The study contained some alarming results about the hostile environment that women in politics live in today. It was based on confidential interviews with 81 female members of parliament from 40 member States and 42 parliamentary staff from 32 member States. As many as 24.7% of women asked had suffered sexual violence and 14.8% had suffered physical violence in the exercise of their mandate or work. Psychological violence is the main type of violence experienced by women members of parliament in Europe, with 85.2 % of respondents reporting having experienced such offences.

In addition to my report, the study will have various follow-up actions taken. The IPU has developed an interesting gender sensitivity toolkit to measure sexism in national parliaments. The toolkit includes definitions of key concepts such as “gender-sensitive parliaments” and “gender mainstreaming”. It also contains an overview of good practices. The IPU is already working on drawing up guidelines addressed to national parliaments on how to tackle sexism and sexual harassment. Meanwhile, under the aegis of its parliamentary network “Women Free from Violence”, the Assembly is planning to publish a compendium of best parliamentary practices in this area.

The Council of Europe already has a mechanism to ensure the protection of human dignity. Rule 1292 set up a Commission against Harassment tasked with investigating complaints of sexual or psychological harassment. However, no case of harassment involving a member of the Assembly has been submitted, so work is ongoing to enhance its effectiveness.

The recommendations in my report are threefold, focusing on how to ensure that the momentum we have been building leads to concrete, noticeable change. First, we must raise awareness and change the culture around sexism and violence against women in politics, changing mindsets through active engagement of women and men and awareness-raising initiatives, spreading information and organising training. Secondly, we must have effective sanctions. We need to introduce an explicit obligation to refrain from sexism and violence against women, as well as mechanisms to protect victims and avoid impunity for perpetrators. Thirdly, we must introduce effective mechanisms and procedures and disseminate information about them.

I have described some important milestones in the road to gender equality. Nevertheless, we must remain forever vigilant, because it seems that every time we achieve tangible results, there are those who would take them back. We can clearly see a backlash towards women’s rights developing in Europe today. Far-right political forces are on the rise, aiming to revert our nations back to traditional roles of women in society. International alliances have been formed aimed at fighting against important steps forward that have been taken in recent years. An alarming example is the international Alliance Defending Freedom – ADF – which is an American faith-based legal advocacy organisation with the stated goal of advocating, training and funding on the issues of “religious freedom, sanctity of life, and marriage and family.” The ADF opposes same-sex marriage and adoption; has been active in fighting for healthcare staff’s right to refuse women their reproductive rights, such as access to abortion and contraceptives; and opposes aspects of important tools to combat violence against women, such as the Istanbul Convention.

Cases of denial of abortion care and even refusal to sell or provide contraceptives to women, with reference to freedom of thought, conscience and religion, are being fought before national courts as well as the European Court of Human Rights. Even in my own country of Iceland, which is often considered one of the most advanced in the world in terms of gender equality, a group of members of parliament – including a former prime minister – were recorded in 2018 using crude and offensive sexist language against their female colleagues in politics. That unacceptable behaviour was met by a wave of public indignation and is currently being investigated by the ethics committee on the grounds of breaches of the parliamentarians' code of conduct. Regrettably, there are no sanctions in Iceland for violating the code of conduct. Even more saddening is the fact that the parliamentarians involved have chosen to attack the credibility of the woman who recorded them and sue her for breaches of privacy law, instead of owning up to their behaviour. That reaction is particularly reprehensible because politicians have a special responsibility to abstain from hate speech, including sexist hate speech.

Combating sexism and sexual harassment in politics is not a feminist or a women's cause. It is a cause for the whole society in which women and men alike should partake. Many actors should be involved in this effort, including political parties and parliaments. The latter should set the example, given their centrality in democratic systems, but also because if something is considered acceptable in parliament, it will be considered acceptable in society at large. It is time that we all unite around this important human rights issue. It is time that we unite under the banner of the beautiful words: "Die Würde des Menschen ist unantastbar."

The PRESIDENT* – Thank you, Ms Ævarsdóttir. You will have three minutes to respond after the debate.

We come now to the speakers on behalf of political groups. I call first Ms Fresko-Rolfo.

Ms FRESKO-ROLFO (*Monaco, Spokesperson for the Alliance of Liberals and Democrats for Europe*)* – Less than a fortnight ago, the Committee of Ministers provided a clear definition of sexism that referred to "dignity", the "inherent" rights of the individual and the almost unbelievable reality of a "hostile" and "degrading" environment. Although the definition may apply to men and women alike, let us have no doubt for a moment that women are the prime victims of such behaviour.

For a number of years, the Parliamentary Assembly of the Council of Europe has been adopting resolutions to enhance the role of women, combat discrimination and tackle harassment. While much progress has been made as a result of that work, we have not yet managed to wipe out all gender-related differences. The figures provided by the joint IPU-Parliamentary Assembly study are dreadful. For example, 85.2% of women parliamentarians have had to deal with psychological violence. That has awful consequences. Sexism and violent behaviour in parliaments creates an environment that intimidates and deters women from speaking out and defending their rights. Little by little, these working conditions prevent women – whether they are parliamentarians or staff members – from doing their work. Sexism offers a vision according to which women have no legitimacy to sit in parliament or champion their ideas. Ultimately, the representation of half the population is jeopardised, and even more so for women who belong to minorities.

This evening we must extend our support to a major text on promoting women's rights in parliamentary institutions, and on behalf of my group I wish to thank the rapporteur for her work and the solutions she proposes. Normalisation of this behaviour is a grave danger to our democratic countries. It is often accompanied by sexist and threatening hate speech on the Internet, which prevents voters from getting a proper grasp of the political issues. Let us commit our parliaments and political parties to implement measures such as a code of ethics, training and sanctions. The rapporteur says in her draft resolution that "a culture of impunity for sexism prevails amongst parliamentarians." Let us put that right. Let us adopt this resolution, so that women, like men, may carry out the work that they are elected to do and that people want them to do.

Ms KAVVADIA (*Greece, Spokesperson for the Group of the Unified European Left*) – It is a sad fact indeed that the Parliamentary Assembly of the Council of Europe, the democratic voice of the peoples of the Council of Europe, is forced in 2019 to debate the suppression of women's rights through sexism that extends even to the point of sexual harassment in several European parliaments. Politics is by default a highly antagonistic arena, and traditionally the majority in politics are men. As that stereotype is being challenged by female politicians all over the world, phenomena like sexism and sexual harassment, which have to do mainly with power and dominance through suppression, make regular appearances.

Even more worrisome is the fact that more often than not sexism and sexual harassment go unreported and are underestimated. Are we afraid, as women, to report and denounce such behaviour in our parliaments? I come from a country where in the past politics was considered more or less a male playground, but I also come from a political group that upholds feminism, emancipation and equality, and as such I say to the

Assembly, loud and clear, that no, we are not afraid. We are not afraid to stand up against sexism in our parliaments and we are not afraid to state clearly that even this Assembly has not always been immune to sexist behaviour. Female members of the Assembly, especially women MPs who chose to present and defend reports on gender equality, family rights for LGBTQI people, the reproductive rights of women and other such “sensitive” topics, have sometimes found themselves targeted by sexist remarks. That is why initiatives such as the #NotInMyParliament campaign initiated by President Maury Pasquier are more than necessary to make sure that everyone understands that attacks of this kind must never go unanswered.

Women who choose to enter politics and have the ambition actually to make a difference through their work often find that they need to be not only hard working, prolific and talented, but tough, in order to cope with male-peer competition. Rather than merit, ideas and the spirit of hard work and progress, this toughness is too often considered a necessary skill for a woman politician. I ask all members: is this something that we in Europe today should be proud of? Is it not a failure? Is it not something problematic and disturbing?

Parliaments are, of course, the mirrors of the societies that elect them, at least in democratic principle. With Europe in crisis, societies have to defend themselves against not only neoliberalism but resurgent fascism. We need to acknowledge that openly. We all know fascism’s ideas about women and women’s rights; feminism, tied to class struggle and the fight for equality and social rights, is therefore more relevant than ever today.

Ms KYRIAKIDES (*Cyprus, Spokesperson for the Group of the European People’s Party*) – I congratulate the rapporteur, Ms Ævarsdóttir, on her important report.

The European People’s Party must strongly condemn all forms of gender-based violence in all aspects of life, the world of politics being no exception. The report will help to raise awareness of the fact that many incidents of sexism and harassment affect women in politics, and to turn greater awareness into tangible change. If we do not clearly and decisively address this phenomenon, we will keep sweeping under the carpet what constitutes a form of violence against women, and consequently we will become indifferent to taking specific measures to combat it at any level. It is crucial that we deal with these acts precisely because sexism and violence affect the very foundations of democracy, as they undermine the willingness of women to run for public office, holding them back from positions of leadership.

We all know that there is a strong relationship between sexism, gender inequality and violence against women. The Council of Europe and the European Parliament have in place strong mechanisms to ensure the protection of human dignity – the dignity of both men and women – against any form of sexual and psychological harassment in the work place. In fact, as we all know, the Council of Europe has been a pioneer in setting standards and guidelines to prevent and combat all forms of violence against women.

How do we create the momentum for change? The answer is pretty straightforward: by raising awareness; by educating people, thus pushing for a change in the culture around sexism and violence; and by creating appropriate and effective mechanisms for the safe reporting of such incidents without fear or shame. I thank most warmly our President, Ms Liliane Maury Pasquier, for launching the #NotInMyParliament campaign, which has raised the visibility of this form of violence and asked national parliaments to take specific actions and measures.

We need to set an example in our parliaments, and our efforts can be successful only if the #NotInMyParliament campaign and the resolution are actively supported by all colleagues. We cannot put an end to, or even move the needle on, discrimination, sexism, sexual harassment and all forms of violence against women and girls, without men playing a great part. The solution needs to involve men. The reality is that we need men to end men’s violence against women. We all need to work together, so we all need to speak out, men and women together. Not doing something is not an option and keeping silent is not an option. As Martin Luther King said: “Our lives begin to end the day we become silent about things that matter.”

Ms CHUGOSHVILI (*Georgia, Spokesperson for the Socialists, Democrats and Greens Group*) – I thank the rapporteur, Ms Ævarsdóttir, for the tremendous job she did on the report. It is an honour to present my group’s opinion on the promotion of parliaments that are free of sexism and sexual harassment.

We were all shocked last year by the findings of the Inter-Parliamentary Union report on sexism, harassment and violence against women in European parliaments. The numbers are shocking: 85% of the female MPs who took part in the study said that they had suffered psychological violence in the course of their term in office; 47% had received threats of death or rape; 58% had been targeted by sexist attacks on online social networks; 67% had been the target of comments on their physical appearance; 24% had suffered sexual violence; and 14% had suffered psychological violence. This Assembly is well aware of those numbers, but

we should keep repeating them, because we need our politicians and societies back home to be aware of the scale of the problem.

The Council of Europe has very effective mechanisms. My country is a good example. The Istanbul Convention on Preventing and Combating Violence Against Women and Domestic Violence is a good and effective tool that helps countries to deal with gender-based violence. My country ratified the convention in 2017. In the short period of time since, there has been a dramatic transformation and change in the fight against gender-based violence. If implemented effectively, this tool can be tremendous and transformational in helping women to escape sexual violence.

Sexual harassment is another type of problem, because it is less reported. Women decide to remain silent on sexual harassment because when they report it they come under double pressure. That is why we need to take more effective action to deal with the problem. I agree with the statements of those in the Chamber about the importance of the united efforts of men and women politicians. I take this opportunity to thank my male colleagues in the Georgian Parliament who volunteered to initiate the entire sexual harassment legislation and to help us to advocate the legislation in our parliament.

Working together helps us to stay united and to explain to our male and female colleagues that the scale of the problem is huge and that we need to stand together while dealing with it. Yesterday, the Commissioner for Human Rights spoke in the Chamber about the problem of the rise in nationalistic ideas in member countries; indeed, this is an additional challenge that we face. The rise in nationalistic ideas means that women are challenged even more. It is difficult to deal with the challenges in respect of the internet bullying faced by many politicians, but it is definitely important that we do so.

I join in the thanks to Ms President, who initiated the #NotInMyParliament campaign. We must join it and stay united to defeat the huge challenges that women face, not only in this Assembly but in the national parliaments all around Europe. Once again, I express my appreciation to the rapporteur for her work.

Ms STAMENKOVIĆ (*Serbia, Spokesperson for the European Conservatives Group*) – The issue that we are debating is very close to my heart. After just five years in politics and three years in the Serbian National Assembly, I can personally confirm up to 90% of the negative examples from this report about sexism in the political arena. However, there is one particular issue that I feel has not been emphasised enough. I propose that political competitors recognise the fact that the easiest and fastest way to discredit a female politician in the public eye is to attack her on the grounds that she is a female and that, most importantly, this is done on purpose, in a premeditated way and in the form of a well-organised campaign.

This practice might not be as widespread in the developed democracies as it is in the countries that are democracies in name only. When you are a female opposition leader in a country in which the ruling party controls all the media outlets, state institutions and the judiciary, the picture becomes very grim. In such an environment, no amount of prescribed codes of conduct can provide the necessary help. It boils down to the existence of political will, or the lack of it. I hate to say this, because it sounds awfully pessimistic, but I have to say it, because it is true: if there is no political will, female politicians are left with just three options. The first is to settle into the role of being seen but not heard, in order to make themselves less vulnerable to such attacks; the second is to leave politics altogether; and the third is just to put up with it.

Just last week, a photograph of me and two other high-ranking officials in my political organisation was published on a tabloid news-style Internet portal that is connected to a very popular tabloid newspaper, with the headline claiming that we are filming a pornographic movie. Personally, I take it as a sign that the public rating of the political organisation that I have been leading for the past five months is growing and that our political competitors want to control the damage they are sustaining by resorting to this awful campaign to smear my image in public. So I put up with it, and please tell me: in the environment that I have just described, what else can I do? If you have a remedy to propose, I am all ears.

Mr ÇEVİKÖZ (*Turkey*) – I would like to express my sincere appreciation of and congratulations to the rapporteur for the preparation of this report, which will become a significant reference document for our future work.

On 5 December 1934, Turkey accepted women's right to vote and to be elected. Since then, women have been active in Turkish politics. Unfortunately, in the United Nations 2017 women in politics report, Turkey was ranked 132nd among United Nations members. In the 2018 general elections, only 104 women parliamentarians were elected to the Turkish Parliament from 600 seats. That is only 17%, which is a serious under-representation of women. Women's participation in politics in my country should definitely be improved and women's presence in politics should be increased.

Turkey was one of the first signatories of the Council of Europe Convention on preventing and combating violence against women and domestic violence, namely the Istanbul Convention. Turkey is also a member of GREVIO, or the Group of Experts on Action against Violence against Women and Domestic Violence. However, Turkey nowadays faces criticism from some Islamic NGOs and from a Government-sponsored NGO called KADEM, or the Turkish Women and Democracy Association. The main set of criticisms are that gender equality will “violate families”, “create ungended youth” and “enhance creation of secular generations”. As a result of these criticisms, one of the projects of the Ministry of Education that is jointly funded by the European Union and Turkey is now in serious jeopardy.

In Turkey, the Monitoring Committee on Violence Against Women, which is an essential mechanism for facilitating organisational co-ordination at the national level, convenes annually with the participation of representatives from relevant public organisations, universities and NGOs. The term “sexual harassment” is defined in article 105 of the Turkish criminal code, and in the 24th and 25th articles of the Labour Act. So, in theory, women should feel quite confident that they do not face any challenge of gender inequality, harassment or violence. Violence against women is not only “physical”, however; it can also be “sexual”, “psychological”, “economic” and “verbal”. These kinds of harassment and intimidation make women vulnerable in a society. Also, women politicians are targeted because of their gender; they are called “incapable” and face “verbal” violence.

In January, my colleagues from the Republican People’s Party and I participated in and strongly supported the #NotInMyParliament campaign, and we carried the concept and the initiative to our own national parliament, to promote gender equality on each and every level of employment, as well as in politics. Therefore, I underline once more the importance of this report and I support it entirely.

Ms BOCCONE-PAGES (*Monaco*)* – In a democracy, the parliament needs to be a model institution at all levels, and a workplace where women and men can work as equals in full freedom and safety. This is important for the effectiveness of the institution, for the image of the parliament in the eyes of the public, and for the role that a parliament can play in the wider society by making real such equality between women and men.

Sexual harassment and bullying are the two forms of discrimination based on sex that are the most extreme but also the most widespread, in which 90% of the victims are women. Up to 55% of women in Europe have been victims of sexual harassment and one woman in 10 has been targeted via new technologies.

Violence and sexual harassment show flagrant contempt for gender inequality and therefore do not comply with the exhaustive international legislation on this issue, which has been in force for decades now. This is a very real problem and one that persists almost all over the world. Within this phenomenon, victims and their attackers can be of any age, of any level of education, of any income bracket and of any social class. Its roots lie in gender stereotypes and sexism, which can give rise to other forms of violence that demoralise not only the victim but the victim’s whole family. Women are not always aware of what is being done to them and do not always understand that it is sexual harassment or bullying, and therefore they do not complain. Moreover, many victims of violence and harassment do not go to court, because they know that they have limited chances of success and that they also risk retaliation.

As for political life, violence against women is often used to discourage women from taking an active part in politics, or even from thinking of doing so. Worldwide campaigns to combat violence against women in politics, such as #NotTheCost, have been established, which I welcome.

For the Monaco Parliament, the striving for equality between men and women is a major preoccupation, and beyond our Parliament the whole of Monaco is committed to it. We have established the Committee for the Promotion and Protection of Women’s Rights, with a woman specially appointed to lead it. This Committee’s job is to co-ordinate, implement and evaluate our national policies in order to promote gender equality, and to combat the violence and discrimination that it engenders. On average, women make up only 24% of parliaments. I am proud to say that in Monaco one third of our parliament is made up of women. That is another step in the right direction.

Ms HEINRICH (*Germany*)* – Thank you, Ms Ævarsdóttir, for the relevant and topical report. Talking about sexism in parliament is long overdue; it concerns us all – men and women – possibly far more than we may realise. Women members of parliament and parliamentary staff know only too well the situations that are described in the report, but very often we keep these things to ourselves. Few women have the courage to report sexual assault or harassment, to lodge complaints or even to go public. Sexual harassment or assaults against women are not just about men not being able to keep their hands to themselves; they are about

showing women their place. Men assume that they have the right to grope women. Far more often, they assume they can criticise and pass judgment on women's appearance, in order to insult, demean and intimidate them. It is a question of exercising and retaining power. Men who conduct themselves in such a way know exactly how difficult it is for women politicians to defend themselves in an adequate manner. The women concerned often feel shame and are afraid to confront their perpetrators. They are told that they just do not understand a good joke, or that they have been given back-handed compliments.

Imagine how difficult it is for parliamentary staff to defend themselves if they are in a subordinate employment situation. Often, the only solution available is to resign. But biting the bullet does not get us very far. If things are to change, such incidents must be reported, which is why we need robust mechanisms. A list of things that can be done is to be found in the report. We can all understand that, when faced with such incidents, women might be afraid to do harm to colleagues, their superiors or the party. Not tolerating such conduct, challenging it and taking adequate measures is a strength. If we cannot defend women from sexism in our own parliaments, how can we expect to be able to defend women against sexism in societies in our own countries?

Mr KOPŘIVA (*Czech Republic*) – We all agree that violence in politics is unacceptable in all its forms. Sexual harassment is a form of violence. Unfortunately, as the study by the Parliamentary Assembly of the Council of Europe and the Inter-Parliamentary Union has shown, incidents of sexual harassment in parliaments are not rare, but rather common. We must stop trivialising this topic and actively provide systemic instruments to put an end to sexual harassment and gender-based violence. I wish I could say that parliaments lead by example and deal with sexism and harassment resolutely, but sadly I cannot. I am sure we all have heard of, witnessed or even personally experienced sexism and harassment in our parliaments. That is an appalling truth and clearly is unacceptable. Therefore, I express my full support for this resolution and thank Ms Ævarsdóttir for taking action and presenting this draft recommendation. Political competition is harsh but there must be no place for violence.

Colleagues, I ask you to support this resolution and promote it in your home parliaments.

Mr GHILETCHI (*Republic of Moldova*) – I, too, thank Ms Ævarsdóttir for presenting this report on the importance of promoting parliaments free of sexism and sexual harassment. I believe that as leaders in our national parliaments, we have a moral duty to set a high standard in assuring full respect for our fellow female politicians. Although under no circumstances should indecent, vulgar remarks and jokes be accepted and tolerated in the public sphere, some of the proposed solutions fall short of solving the problem, and in some cases may even worsen it.

Lately, it seems that our solution to every single problem is prosecution. If we do not agree with someone, we prosecute him or her. If a family does not accept vaccinations, the parents should be fined and given jail time. If somebody has the courage to express a different viewpoint based on his or her values, like I do, that is called hate speech and must be prosecuted. I truly believe that a balanced approach must exist, and prosecution should not be the default option for intervention. We must be careful, because in our zeal we could make matters worse. An atmosphere in which senior men are cautious of mentoring young women, for fear of being accused of harassment, hurts women's careers. Unless our approach changes, I assure you that most men will tend to avoid situations where they have to deal with women, because the risk of being misunderstood and shamed is very high. The recent accusation of Joe Biden is a good example of that. The #MeToo movement shows that every reaction has a counter-reaction. For example, Americans now think that false accusations of sexual assault are a bigger problem than attacks that go unreported. Surprisingly, the change in public opinion towards victims has been slightly stronger among women than men. Rather than breaking along gendered lines, the #MeToo movement increasingly appears to be a partisan one. It is obvious that the #MeToo movement is not the holy grail and will not solve our problems – in some instances it can make the problem worse.

The draft resolution asks the member States to: "introduce or revise the codes of conduct for their members with a view to setting out the explicit prohibition of sexist speech and sexual harassment and introducing sanctions for breaches of the obligation". I am a believer in democracy. The people put us in parliament, so it should be the people who remove us from there unless a concrete crime has been committed. In countries with fragile institutions, such rules could be easily abused and used to intimidate opposition members. We should strive for a culture change. We should educate the public not to accept such behaviour. At the same time, we should be very careful when creating non-political punishment measures for politicians. Instead of inventing such punishments, we should encourage more self-regulation. Commitments by political parties or politicians to refrain from harassment speech towards women should be applauded. Otherwise, a set of new problems could arise as a result of being too zealous in fighting this problem with administrative and penal measures. A balanced approach should and must prevail.

In spite of my criticism, I support the report because I believe that the problem should be tackled.

Ms BOSCHI (*Italy*)* – Every generation of women in politics has had battles to wage to make progress. Think of our grandmothers, thanks to whom we have suffrage for women. We have the possibility to stand in elections thanks to our mothers' generation who fought for access to all kinds of roles, including the highest ones. I am proud to have been part of the first government in Italy to be made up of as many women as men. We had to wait for the Renzi Government in 2014 for that to happen.

Our generation's battle to wage is to call for effective, substantial equality between men and women in politics. Anti-discriminatory measures are not enough when it comes to acceding to elected office. We need parity when it comes to election campaigns and women holding positions of leadership, but of course that is possible only if women are not being harassed, threatened and intimidated because they are women. That is why the report is particularly important. I thank the rapporteur, and the President for her support.

We need to tear aside this veil. Sometimes women do not denounce harassment, even in fully fledged democracies; they are afraid to. The report is a rather worrying snapshot of the situation in a number of our parliaments. Very often, it is the youngest women entering politics, and their families, who are the victims of sexual harassment. This kind of thing is happening in my country, Italy, where a government spokesperson has said that a woman's role is not in politics, but in the kitchen, and women from opposing political parties have been compared to inflatable dolls.

We should not forget the role of social media; 75% of tweets and other posts are anonymous sexist comments targeting women, with a view, of course, to restricting our freedoms, so that we are undermined and lose confidence. We are criticised for our physical appearance and the way we dress, not our political ideas or manifestos. This is not the normal price to be paid by anyone who wants to engage in politics. It is the price that this generation of women and the previous one had to pay. Let us see to it that our daughters do not have to pay it. Every time a woman is attacked in this way, it violates not only her rights, but the democratic rights of all women. Every woman, no matter their political party, has to stand up for all other women who are victims of sexual harassment, because this is a fight for democracy.

Mr ÓLASON (*Iceland*) – I welcome this discussion on promoting parliaments free of sexism and sexual harassment, but I will strike a somewhat different note from the parliamentarians who talked before me. I am very familiar with the events described in paragraph 44 of the report. Without going into detail, I must say that I hope that the rest of the report is more firmly founded than that part of it.

Parliamentarians, despite being a species with limited rights when it comes to private matters, must have certain rights to privacy, and should reasonably be able to demand fairness at times of political turmoil. We must not jump on to a political correctness wagon every time one passes and act in an opportunistic way when complicated matters arise. I am certainly not implying that discussions about sexism in parliaments should be viewed that way; rather, I am pointing out that there is always a risk that political opponents will take opportunities to exaggerate and make things worse than they really are to further their political agenda. Something along those lines can be seen in paragraph 44.

The case outlined in paragraph 44 is that of the six MPs who were at the infamous bar in Iceland last fall. It took that group of MPs almost four months to get the information to paint a realistic picture of what took place that evening. To put it mildly, the transcript of the whole discussion, and the viewing of the security tapes from the bar, paint a completely different picture from that described in the months before.

We must act carefully when it comes to sanctions, which the report says should be "proportional to the gravity of the case". I have my doubts that a body made up of political opponents could be seen as an objective platform for assessing the gravity of a case. If an assessment of what really happened is to be swift and effective, the risk is that we will sacrifice fairness. I urge you all to move slowly and carefully in this matter. We must all work together to fight sexism in all aspects of life. Personally, I will do my best.

Ms CHRISTENSEN (*Norway*) – Sexual harassment in parliament is not about sex. It is not about flirting. It is about power. It is not a price that women should pay to be in politics; it is an attempt to keep women out of politics. Unfortunately, it is very effective. Sexism and harassment are so trivialised and normalised that it feels like an individual problem, and like the victim is doing something wrong in reacting. A death threat in an email is something that you can show someone, and you will then be guaranteed protection, but sexual harassment is invisible. Very often, only you see and feel it.

The cost of reacting is high; it might cost you your career. Maybe that is why so many choose not to report – because it can undermine their political standing and harm their political party. “Why are you reacting?”; “Why can’t you just deal with it?”; “It’s not that bad”; “He’s just flirting”; “He’s just being funny”. Sexual harassment is not funny. It is not flirting. It is a very effective way of keeping women out of politics, because as long as nothing happens, and no one stands up to it, the harasser will stay, and the women will leave. Why on earth should we stay in a work environment where people do not respect us?

I congratulate the Council of Europe on its campaign, #NotInMyParliament. I thank it very much for that; it is very important. Unfortunately, “not in my parliament” does not go for my parliament or my party. Women who have reported sexual harassment have been accused of having a political agenda. They have been accused of a power play. Standing up against sexual harassment is not power play; it is not having an agenda. Standing up against sexual harassment is simply being against sexual harassment, and that is the only right thing to do.

The report says that we should organise training on sexism for members of parliament and staff. Ladies and gentlemen, not sexually harassing anyone is easy. You do not need an information campaign to not sexually harass your colleagues; just don’t do it.

Ms BLONDIN (*France*)* – Ms Ævarsdóttir’s comprehensive report is a guide to combating sexism, discrimination and violence against female politicians. Her draft resolution and recommendation are bold, and their implementation – I stress implementation, because they have to be implemented – would allow substantial progress to be made. There is a women’s rights caucus for both chambers of the French Parliament; it marks its 20th anniversary this year. I have been a member of it for 10 years, and I have established a link between it and the work that our Assembly does through the Committee on Equality and Non-Discrimination. That work dovetails.

I would like to mention an initiative taken by the French Senate in 2017-18 following reports of dubious behaviour. A group of MPs and staff came together to work on a charter of good conduct and good practice, with a precise definition of the rights and obligations of each party. They worked in co-operation with the occupational doctor and a psychologist. This follows on from work done in the European Parliament; we held a hearing on that, and drew inspiration from it. We then drafted an information brochure and a procedural guide, to be followed if there should be problems. That has been distributed and is displayed in the MPs’ offices, so this is additional work to combat harassment.

The badge I am wearing generated a lot of questions among my colleagues, Madam President – not so critical a set of comments as some of those mentioned earlier. I commend you on your initiative, which should be replicated at national level. As I said, the same questions keep coming up: “Oh, surely not here in our Parliament”; well yes, there too because it affects all circles including politics and Parliament. As the #MeToo movement has highlighted, it exists in all circles but only 5% of the cases have gone to court. We should admit that we expect politicians, western ones to boot, to be exemplary. These very important points have to be highlighted and there needs to be greater awareness. The Minister for Women’s Rights has had public awareness meetings for male colleagues and all their staff. We still have work on our plate, dear colleagues, and we need more women in our respective Parliaments.

Mr HOWELL (*United Kingdom*) – I agree with the comments that have been made about this issue affecting men as well as women, and I am sickened by the violence that many of my female parliamentary colleagues are facing. It is particularly offensive to us all that these attacks are aimed at women. We have all come into politics to serve our constituents to our best abilities. We may disagree on the best way to achieve that and on policy, but we have all come in to serve our constituents. However, these attacks on women make it less likely that we can achieve Parliaments which truly reflect society. In the United Kingdom, it is not just Brexit fury that influences this. It is also the spread of anti-Semitism and the attacks on female Jewish parliamentarians. It is clear that more women are facing aggressive attacks than men.

The report also mentions the current report in the United Kingdom on bullying and effective remedies. Abuse, bullying and intimidation are covered in it where those are mainly directed at women. I want to raise some general points on this. It should never be acceptable for women to have to experience this sort of activity and for no remedy to be available. It shows that a parliament that is doing this does not take the whole issue seriously. In the United Kingdom, as many of you will have seen, this has even raised questions about the behaviour of the Speaker of the House of Commons. The report rightly points out that if we do not tackle this, it may affect the ability or willingness of women to participate in political life, as so many speakers in this debate have already said.

I support the two recommendations made in the report that we are looking at, but the first of them is by far the more difficult: to change the culture. I think that we have underestimated the difficulty of changing the culture. You have only to look at a recent poll where one in two French-speaking Belgians think that society is still dominated by men to see the problems, but we must try to change that culture. The introduction of effective procedures for dealing with sexism and sexual harassment is much the easier thing to tackle. We are all doing that and, hopefully, all changing the situation.

Ms SAYEK BÖKE (*Turkey*) – This very diligently prepared report is extremely timely and relevant, so I congratulate the rapporteur.

We as politicians aim to be intermediaries in creating solutions to societal challenges. Sexism, gender inequality and sexual harassment continue to be prevalent societal challenges which we face. If as politicians we are to create solutions to these problems, we have to start in-house. As such, this report is extremely relevant and critical. Coming up with solutions requires making note of the patriarchal system that is conducive to sexism, sexual harassment and inequalities. This patriarchal system has three layers, hence any comprehensive solution has to be multi-layered, as outlined in the report.

The first of these layers includes the jurisdictional constraints and illegal practices that are sexist in nature. In some countries, laws are not punitive enough to avoid violence. In others, where the law provided is punitive enough, de facto the implementation turns out to be extremely lenient in sentencing. Sexual harassment cases that are filed hardly make it to trial and those that do often leave scars on the public conscience when the defendants are easily granted good conduct abatements. The solution set must therefore clearly include laws, regulations and institutions to tackle outright violence, oppression and discrimination. As such, I commend the call for the introduction or revision of the codes of conduct in Parliaments and a review of immunity rules, among other items listed in this report.

The second layer includes the indirect and often intangible barriers that women encounter. This sexist environment increases the psychological and physical cost that we women who enter into politics face. The skewed financing of politics usually renders us a lack of financial resources, which become an intangible barrier in itself, and economic inequalities translate into a sexist political outcome as a result. As such, policies that push for positive discrimination to level the playing field and continue the drive for gender inequality are of great importance in tackling this intangible barriers. The report definitely supports this.

The third layer is the often overlooked sexist discourse in politics, which ultimately perpetuates inequality and undermines democracy. The rising trend of identity-based politics has inherited sexism in it and creates intangible barriers even in the most inclusive societies. Sexism goes hand-in-hand with bigotry, xenophobia and racism. Therefore the elimination of sexism is not only a women's rights issue per se; rather, it is an issue of democracy. Overall, this report contributes to ensuring we move in the right direction: one where gender equality is achieved and democracy prevails; one where the backlash towards the Istanbul Convention is halted. All these steps start in and grow upwards from our Parliaments. Thank you very much.

Ms LOUIS (*France*) – I start by offering thanks to the rapporteur of this excellent report.

Combating sexual and sexist violence is all to do with equality and democracy. In fact, it is to do with civilisation. Sexism is what many women face daily. They have literally had to adapt and change the way they live. Since parliaments are an image of society, they too are in the same boat. National and European parliaments are supposed to be the incarnation of democracy; they should therefore be exemplary. We know from this report that that is not the case because we are in a culture of impunity. Sexism is normal, and open or tacit sexism is part of life. There are even anonymous attempts to discredit women who become active in politics.

Sexism, paternalism and insults, particularly those on social networks or in comments on their clothes or figure, are just aimed at getting women out of politics. The result is that many women decide that they will not even try to get into it: "They need to know their place". Those who are willing to go into politics have to work twice as hard to prove themselves. In France, almost 40% of our deputies in the National Parliament are women and women's equality is the issue for this five-year period. We punish the first attempt at sexist behaviour without the woman having to make preliminary complaints. The Assemblée Nationale decided to establish various units that will be working in the direction laid down in this report, to provide equality and support for those in the front line fighting against sexism.

However, we need to go much further and to be radical. We need to ensure that the law of silence is broken: too many victims do not feel free to speak. There is no point in trying to say that it is just humour; we have to be vigilant at every moment. We need to tackle all aspects of the problem and take preventive as well

as punitive measures. Sexism and harassment should no longer be seen as the price that women have to pay to participate in politics.

Ms BRYNJÓLFSDÓTTIR (*Iceland*) – I welcome this report on sexual harassment as an ongoing response to not only the #MeToo movement but the shocking and horrendous findings of a recent joint report of the Inter-Parliamentary Union and the Council of Europe. The report proved the amount and scale of sexism, sexual harassment and sexual violence towards women in politics. Its scope is so widespread that we can talk about an epidemic – as we witnessed when the #MeToo movement began. When we have an epidemic, we react fast and in a thorough manner to tackle the disease so it does not continue to affect more people. When it comes to sexism and sexual harassment, we have to react in the same manner, so that our societies will not continue to be contaminated by sexism and sexual harassment, let alone sexual violence.

If sexism and sexual harassment are so vast against women in politics, who have been elected and have a podium and voice in the public sphere to raise the issue, how is the situation among other women who do not have the same status and opportunities? How can they stand up, tell their stories and address sexism and sexual harassment to raise more awareness, if we cannot do it? It is exactly our privileged situation as politicians that gives us an opportunity to raise awareness, our ethical bar and our ethical standards, so that we can eliminate sexism, sexual harassment and sexual violence and send a very strong message out to society as a whole.

Given the shocking #MeToo stories and the findings of the Parliamentary Assembly and IPU report, we have to change things. Let us address sexism and sexual harassment in our parliaments in a real way. As this report suggests – I welcome it, of course – let us introduce or revise the codes of conduct for parliamentarians. Let us prohibit explicit sexist speech and sexual harassment and introduce sanctions for breaches of the obligations. Let us review immunity rules that provide immunity from prosecution to members of parliament for sexual harassment and violence against women. Let us introduce complaint mechanisms to prevent and sanction sexual harassment, sexual violence and misconduct. Let us bring in a mechanism of confidential counselling for victims of sexism, sexual harassment, and sexual violence because that is our responsibility.

I think it extremely inappropriate and unacceptable that an Icelandic MP was caught on tape using offensive sexist language against female politicians. He is still speaking here as he did previously. There can be accusations about political enemies, and that is why we need strict and clear rules about the behaviour and ethical standards in all our parliaments. The responsibility does not lie with the victims but with where it comes from: those who talk and act in a sexist manner.

Ms CHRISTODOULOPOULOU (*Greece*)* – The report, the rapporteur and those who have spoken have made it clear that women started to enjoy rights when they were able to cast their votes. Men became fully fledged citizens following the French revolution, but at that time women were excluded from any form of political participation.

Today, however, we still live in a patriarchal system. Politics is often a male stamping ground. When I was a Minister with responsibility for migration and refugees, a wave of migrants were arriving in Greece. I will never forget the threats and attacks I received from my right-wing political opponents: they had only to do with the fact that I was a woman. They were sexist harassment and discrimination. Sexism should worry us greatly at the Parliamentary Assembly of the Council of Europe. Last year on Women's Day, I recall that a member of the Greek far-right party said that women were not up to the job, were less intelligent and had fewer skills than men. This man was a member of parliament here in Europe.

We need to condemn such expression. We are women in politics speaking out on behalf of women who have no voice and cannot defend themselves. We enjoy a lot of privileges as women parliamentarians and we need to defend other women in society.

Ms KASIMATI (*Greece*) – Having had the honour of participating in the presentation of the joint study of the Inter-Parliamentary Union and the Council of Europe last October in Geneva and delved into its findings, I take this opportunity to stress one dimension of sexism, harassment and violence against women in parliaments, which, unfortunately, given its nature, goes unnoticed even among women who suffer it – when it is psychological and not physical.

I am talking about politically motivated gender-based violence. As page 13 of the study shows, this type of violence or harassment is aimed at or has the effect of restricting or violating their freedom of expression. That constitutes a violation of human rights per se. The study confirms that women leading the fight against gender inequality and violence against women are often prime targets for such attacks.

There comes a time for each of us. I had an experience of my own that reaffirmed my long-standing conclusion. A male colleague parliamentarian abused his status on the electoral committee on a major vote for constitutional revision. Just because he disagreed with my views and vote, he decided to photograph my ballot and send it to the press during the count. He thus disclosed my vote one day before everybody else's was disclosed, creating a political and media frenzy.

The electoral committee was made up of three men, who allowed each other this indecent course of action against a woman parliamentarian, who was put on the spot because she had the courage to vote in favour of her beliefs and against theirs – perhaps they thought I would think twice before I did it again. The perpetrators, one of whom was head of a country delegation in NATO, denied the deed until a video was released, making a fool of them. Yet the gender dimension of this politically driven violation of human rights and democracy is not fully acknowledged by those who ignore this major study. Thus even the most sensitive parliaments are tolerant of such sudden violations. But we are obliged to keep speaking out and upholding the “not in my parliament” campaign, shedding light on all forms of violence, sexism and harassment of women in politics.

The PRESIDENT* – Thank you, Ms Kasimati.

The list of speakers is now finished. If anybody would like to speak who was unable to put their name on the list they may do so now as we have time. That is not the case.

I call Ms Ævarsdóttir, rapporteur, to reply.

Ms ÆVARSDÓTTIR (*Iceland*) – I thank all the speakers for an interesting debate. I would like to address all contributions but will have to restrict myself to responding to just a few in the interests of time.

I thank Ms Fresko-Rolfo, Ms Kyriakides, Ms Chugoshvili and Ms Kavvadia for pointing out some very important aspects: the normalisation of sexist behaviour being a great danger to democracy; sexual harassment having to do with dominance more than anything else; the toughness women are expected to have in order to participate and the #NotTheCost initiative; and finally for emphasising the importance of the Istanbul conference. I thank Ms Stamenković for pointing out that the easiest way of discrediting a woman in politics is to attack her for being female; I find this is often the case. I also thank Mr Kopřiva for pointing out that sexual harassment is indeed a form of violence, and we should stop trivialising this problem.

I would encourage my colleague Mr Ghilechi that if you worry about mentoring young women for fear of being misunderstood to seek appropriate training, to understand the difference between harassment and professional conduct, or perhaps to just not mentor women if you are afraid of them.

I thank Ms Christensen most sincerely for your speech. You rightly point out that harassment revolves around pushing women out of politics, and we should all join together to prevent that.

Finally, on my compatriot Mr Bergþór Ólason, who discredits a paragraph in my report that relates to his own conduct and implies I maintain my own political agenda in writing this report, I say to you dear colleagues that he is peddling the same nonsense he and his colleagues have been trying to feed the Icelandic public for months now. Regardless of the circumstances, he and his colleagues have not been able to refute that it was him and five other members of parliament who sat in a bar and objectified several female politicians, sexualised and demeaned them based on their appearance, made light of domestic violence and belittled a disabled activist, to name just a few examples of what went down that night. He now would have you believe that my motivation for writing this report is somehow sinister, and that it is politically motivated. Dear colleagues, my report is politically motivated but not to attack Mr Ólason, but to attack a political environment where women are excluded, belittled and objectified just for being women. That is politics I am very proud to promote. Thank you very much.

The PRESIDENT* – Thank you, Ms Ævarsdóttir.

I give the floor to the chairman of the committee.

Mr KOVÁCS (*Serbia*) – The committee strongly supports this report. Sexism, sexual harassment and violence against women in politics, including in parliaments, are an everyday reality. In fact they are considered, as we heard from some speeches, to be the price to pay for women to be in politics. This is wrong. It is high time we had an Assembly resolution to say this state of affairs is not acceptable and to recommend measures that must be taken without any further delay.

The first area where action is needed is awareness raising. Mindsets need to change and at the same time policies, legislation and other measures aimed at ending sexism and violence against women in politics must be strengthened. Data collection, monitoring and research should also be stepped up.

Parliaments should set the example by revising their codes of conduct with a view to explicitly prohibiting sexist speech and sexual harassment and introducing sanctions for breaches of this obligation. They should also introduce effective complaint mechanisms which are accessible to members of parliaments and parliamentary staff.

Fighting sexism, sexual harassment and violence against women is a matter for us all, women and men politicians. We should be the ones who set the example in the interests of a good functioning democracy.

The PRESIDENT* – Thank you, Mr Kovács. That concludes the debate.

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

We will start with consideration of draft the resolution. I understand that the Chairperson of the Committee on Equality and Non-Discrimination wishes to propose to the Assembly that amendments 1 to 3 to the draft resolution, which were unanimously approved by the committee, should be declared as agreed by the Assembly. Is that so, Ms Kovács?

Ms KOVÁCS (*Serbia*) – Yes.

The PRESIDENT* – Does anyone object? As there is no objection, I declare that Amendments 1 to 3 to the draft resolution have been agreed to.

Amendments 1 to 3 are adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 14843, as amended.

The vote is open.

The draft resolution in Document 14843, as amended, is adopted with 59 votes for, 3 against and 1 abstention.

We now come to the consideration of the draft recommendation, to which one amendment has been tabled.

I understand that the chairperson of the committee wishes to propose to the Assembly that Amendment 4 to the draft recommendation, which was unanimously approved by the committee, should be declared as agreed by the Assembly. Is that so Ms Kovács?

Ms KOVÁCS (*Serbia*) – Yes.

The PRESIDENT* – Does anyone object? As there is no objection, I declare that Amendment 4 to the draft resolution has been agreed to.

Amendment 4 is adopted.

We will now proceed to vote on the draft recommendation on the report titled “Promoting parliaments free of sexism and sexual harassment” contained in Document 14843, as amended.

The vote is open.

The draft recommendation in Document 14843, as amended, is adopted, with 62 votes for, 2 against and 2 abstentions.

Thank you to the rapporteur, the committee and everybody who participated in this and the previous debate.

5. Next public business

The PRESIDENT* – The Assembly will hold its next public sitting tomorrow morning at 10 a.m.

The sitting is closed.

(The sitting was closed at 7.20 p.m.)

CONTENTS

1. Election of judges to the European Court of Human Rights in respect of Malta and Turkey (continued)
2. Establishment of a European Union mechanism on democracy, the rule of law and fundamental rights

Presentation by Ms De Sutter of the report of the Committee on Rules of Procedure, Immunities and Institutional Affairs, Document 14850

Presentation by Ms Ævarsdóttir of the opinion of the Committee on Legal Affairs and Human Rights, Document 14862

Presentation by Mr Šircelj of the opinion of the Monitoring Committee, Document 14860

Speakers: Mr Howell, Mr Marukyan, Mr Gavan, Ms Dalloz, Mr Schäfer, Ms Duranton, Ms Bayr, Lord Foulkes, Mr Zsigmond, Mr Bildarratz, Mr Truskolaski, Mr Venizelos, Mr Hammarberg, Ms Karamanli, Mr Huseynov, Mr Loucaides, Mr Nick, Mr Corlăţean, Mr Kandelaki, Lord Anderson, Ms Trisse, Mr Montilla, Mr Çeviköz, Mr Hunko, Mr Kitev, Ms Christodouloupoulou, Mr Gattolin, Mr Kleinwaechter, Mr Gyöngyösi, Mr Altunyaldiz

Draft resolution in Document 14850, as amended, adopted

Draft recommendation in Document 14850, as amended, adopted

3. Election of judges to the European Court of Human Rights in respect of Malta and Turkey (result)
4. Promoting parliaments free of sexism and sexual harrassment

Presentation by Ms Ævarsdóttir of the report of the Committee on Equality and Non-Discrimination, Document 14843

Speakers: Ms Fresko-Rolfo, Ms Kavvadia, Ms Kyriakides, Ms Chugoshvili, Ms Stamenković, Mr Çeviköz, Ms Boccone-Pages, Ms Heinrich, Mr Kopřiva, Mr Ghilechi, Ms Boschi, Mr Ólason, Ms Christensen, Ms Blondin, Mr Howell, Ms Sayek Böke, Ms Louis, Ms Brynjólfssdóttir, Ms Christodouloupoulou, Ms Kasimati

Draft resolution in Document 14843, as amended, adopted

Draft recommendation in Document 14843, as amended, adopted

5. Next public business

Appendix I / Annexe I

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]	GJERMENI, Eglantina [Ms]
AČIENĖ, Vida [Ms] (<i>BUTKEVIČIUS, Algirdas [Mr]</i>)	GOGUADZE, Nino [Ms] (<i>KATSARAVA, Sofio [Ms]</i>)
ÆVARSDÓTTIR, Thorhildur Sunna [Ms]	GOLUBEVA, Marija [Ms]
AGHAYEVA, Ulviyye [Ms]	GRAF, Martin [Mr]
ALTUNYALDIZ, Ziya [Mr]	GRECH, Etienne [Mr] (<i>CUTAJAR, Rosianne [Ms]</i>)
ANDERSON, Donald [Lord] (<i>McCARTHY, Kerry [Ms]</i>)	GRIMOLDI, Paolo [Mr]
ARIEV, Volodymyr [Mr]	GRIN, Jean-Pierre [M.] (<i>MÜLLER, Thomas [Mr]</i>)
ÅSEBOL, Ann-Britt [Ms] (<i>OHLSSON, Carina [Ms]</i>)	GYÖNGYÖSI, Márton [Mr]
AYDIN, Kamil [Mr]	HAJDUKOVIĆ, Domagoj [Mr]
BASTOS, Regina [Ms] (<i>MARQUES, Duarte [Mr]</i>)	HAJIYEV, Sabir [Mr]
BAYR, Petra [Ms] (<i>HAIDER, Roman [Mr]</i>)	HAMMARBERG, Thomas [Mr]
BERNACKI, Włodzimierz [Mr]	HEINRICH, Frank [Mr] (<i>MOTSCHMANN, Elisabeth [Ms]</i>)
BERNHARD, Marc [Mr]	HEINRICH, Gabriela [Ms]
BEUS RICHEMBERGH, Goran [Mr]	HERKEL, Andres [Mr] (<i>TIIDUS, Urve [Ms]</i>)
BILDARRATZ, Jokin [Mr]	HJEMDAL, Silje [Ms] (<i>WOLD, Morten [Mr]</i>)
BLONDIN, Maryvonne [Mme]	HOWELL, John [Mr]
BOCCONE-PAGES, Brigitte [Mme] (<i>BADIA, José [M.]</i>)	HUNKO, Andrej [Mr]
BOSCHI, Maria Elena [Ms]	IBRAHIMOVIĆ, Ervin [Mr] (<i>ČATOVIĆ, Marija Maja [Ms]</i>)
BOUYX, Bertrand [M.]	IGITYAN, Hovhannes [Mr]
BRANDT, Michel [Mr] (<i>WERNER, Katrin [Ms]</i>)	IONOVA, Mariia [Ms] (<i>GERASHCHENKO, Iryna [Mme]</i>)
BRYNJÓLFSDÓTTIR, Rósa Björk [Ms]	JENSEN, Mogens [Mr]
BUCCARELLA, Maurizio [Mr]	KAIMIŇŠ, Artuss [Mr] (<i>CILEVIČS, Boriss [Mr]</i>)
BÜCHEL, Roland Rino [Mr] (<i>HEER, Alfred [Mr]</i>)	KANDELAKI, Giorgi [Mr] (<i>BAKRADZE, David [Mr]</i>)
BULAI, Iulian [Mr]	KARAMANLI, Marietta [Mme] (<i>BECHT, Olivier [M.]</i>)
BURIAN, Jiří [Mr] (<i>HAMOUSOVÁ, Zdeňka [Ms]</i>)	KASIMATI, Nina [Ms]
BUSHATI, Ervin [Mr]	KAVVADIA, Ioanneta [Ms]
BUSHKA, Klotilda [Ms]	KILIÇ, Akif Çağatay [Mr]
ÇELİK, Sena Nur [Ms]	KIRAL, Serhii [Mr] (<i>LABAZIUK, Serhiy [Mr]</i>)
ÇEVİKÖZ, Ahmet Ünal [Mr]	KITEV, Betian [Mr]
CHRISTENSEN, Jette [Ms] (<i>CHRISTOFFERSEN, Lise [Ms]</i>)	KLEINWAECHTER, Norbert [Mr]
CHRISTODOULOPOULOU, Anastasia [Ms]	KLICH, Bogdan [Mr]
CHUGOSHVILI, Tamar [Ms]	KOÇ, Haluk [M.]
COMTE, Raphaël [M.] (<i>MAURY PASQUIER, Liliane [Mme]</i>)	KOPŘIVA, František [Mr]
CORLĂȚEAN, Titus [Mr]	KOVÁCS, Elvira [Ms]
DALLOZ, Marie-Christine [Mme]	KYRIAKIDES, Stella [Ms]
D'AMBROSIO, Vanessa [Ms]	LACROIX, Christophe [M.]
DE CARLO, Sabrina [Ms]	LEITE RAMOS, Luís [M.]
DIBRANI, Adnan [Mr] (<i>JALLOW, Momodou Malcolm [Mr]</i>)	LEŚNIAK, Józef [M.] (<i>TARCZYŃSKI, Dominik [Mr]</i>)
DURANTON, Nicole [Mme]	LEYTE, Carmen [Ms]
ECCLES, Diana [Lady]	LOGVYNSKYI, Georgii [Mr]
ESSL, Franz Leonhard [Mr]	LORSCHÉ, Josée [Mme] (<i>MUTSCH, Lydia [Mme]</i>)
ESTRELA, Edite [Mme]	LOUCAIDES, George [Mr]
FIALA, Doris [Mme]	LOUIS, Alexandra [Mme]
FOULKES, George [Lord] (<i>PRESCOTT, John [Mr]</i>)	MAELEN, Dirk Van der [Mr] (<i>DESTREBECQ, Olivier [M.]</i>)
FOURNIER, Bernard [M.]	MAIRE, Jacques [M.]
FRESKO-ROLFO, Béatrice [Mme]	MANIERO, Alvise [Mr]
FRIDEZ, Pierre-Alain [M.]	MARUKYAN, Edmon [Mr]
GAFAROVA, Sahiba [Ms]	MASIULIS, Kęstutis [Mr] (<i>TAMAŠUNIENĖ, Rita [Ms]</i>)
GAJDÚŠKOVÁ, Alena [Ms] (<i>BENEŠIK, Ondřej [Mr]</i>)	MASŁOWSKI, Maciej [Mr]
GALE, Roger [Sir]	MASSEY, Doreen [Baroness]
GATTI, Marco [M.]	MIKKO, Marianne [Ms]
GATTOLIN, André [M.] (<i>CAZEAU, Bernard [M.]</i>)	MONTARULI, Augusta [Ms] (<i>FIDANZA, Carlo [Mr]</i>)
GAVAN, Paul [Mr]	MONTILLA, José [Mr] (<i>GUTIÉRREZ, Antonio [Mr]</i>)
GHILETCHI, Valeriu [Mr]	NACSA, Lőrinc [Mr] (<i>CSÖBÖR, Katalin [Mme]</i>)

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NÉMETH, Zsolt [Mr]
NENUTIL, Miroslav [Mr]
NICK, Andreas [Mr]
OBREMSKI, Jarosław [Mr] (*BUDNER, Margareta [Ms]*)
ÓLASON, Bergþór [Mr]
O'REILLY, Joseph [Mr]
ORLANDO, Andrea [Mr]
OZOLA, Linda [Ms]
PASHAYEVA, Ganira [Ms]
PAVIČEVIĆ, Sanja [Ms] (*SEKULIĆ, Predrag [Mr]*)
PERILLI, Gianluca [Mr]
PIROVANO, Daisy [Mme]
PISCO, Paulo [M.]
POLIAČIK, Martin [Mr] (*KASČÁKOVÁ, Renáta [Ms]*)
POMASKA, Agnieszka [Ms]
PSYCHOGIOS, Georgios [Mr] (*MEIMARAKIS, Evangelos [Mr]*)
RAMPLI, Roberto [Mr]
REICHARDT, André [M.] (*GROSDIDIER, François [M.]*)
RIBOLLA, Alberto [Mr] (*BILLI, Simone [Mr]*)
RIZZOTTI, Maria [Ms] (*FLORIS, Emilio [Mr]*)
SAYEK BÖKE, Selin [Ms]
SCHÄFER, Axel [Mr]
SCHENNACH, Stefan [Mr]
SCHNEIDER-SCHNEITER, Elisabeth [Mme] (*LOMBARDI, Filippo [M.]*)
SCHOU, Ingjerd [Ms]
SCHWABE, Frank [Mr]
SEGER, Daniel [Mr] (*EBERLE-STRUB, Susanne [Ms]*)
ŠEŠELJ, Aleksandar [Mr]
SIRAKAYA, Zafer [Mr]
ŠIRCELJ, Andrej [Mr]
SOCOTAR, Gheorghe-Dinu [M.] (*PLEȘOIANU, Liviu Ioan Adrian [Mr]*)
STAMENKOVIĆ, Branka [Ms]
STANĚK, Pavel [Mr]
SUTTER, Petra De [Ms] (*DUMERY, Daphné [Ms]*)
TILKI, Attila [Mr] (*CSENGER-ZALÁN, Zsolt [Mr]*)
TRISSE, Nicole [Mme]
TROY, Robert [Mr] (*HOPKINS, Maura [Ms]*)
TRUSKOLASKI, Krzysztof [Mr] (*MIESZKOWSKI, Krzysztof [Mr]*)
VAREIKIS, Egidijus [Mr]
VARVITSOTIS, Miltiadis [Mr] (*BAKOYANNIS, Theodora [Ms]*)
VEN, Mart van de [Mr]
VENIZELOS, Evangelos [M.] (*TZAVARAS, Konstantinos [M.]*)
VERDIER-JOUCAS, Marie-Christine [Mme] (*WASERMAN, Sylvain [M.]*)
VESCOVI, Manuel [Mr]
VOGT, Ute [Ms] (*BARNETT, Doris [Ms]*)
WARBORN, Jörgen [Mr]
WENAWESER, Christoph [Mr]
WIECHEL, Markus [Mr]

WISELER, Claude [M.]
XUCLÀ, Jordi [Mr] (*BARREIRO, José Manuel [Mr]*)
YAŞAR, Serap [Mme]
YILDIZ, Zeynep [Ms] (*TÜRKEŞ, Yıldırım Tuğrul [Mr]*)
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**

AVETISYAN, Sos [Mr]
BADIA, José [M.]
BERTI, Francesco [Mr]
CORREIA, Telmo [M.]
LEGUILLE BALLOY, Martine [Mme]
MUNYAMA, Killion [Mr]
ROSE, Guillaume [M.]
SOBOLEV, Serhiy [Mr]
SURIANO, Simona [Ms]
TOMCZYK, Cezary [Mr]
ZAVOLI, Roger [Mr]

Observers / Observateurs

Partners for democracy / Partenaires pour la démocratie

AMRAOUI, Allal [M.]
ATMOUN, El Mehdi [Mr]
BENAZZOZ, Abdelaziz [M.]
EL HAMMOUD, Latifa [Mme]
EL MOKRIE EL IDRISSI, Abouzaid [M.]
EZZOUMI, Khadija [Mme]
HAMIDINE, Abdelali [M.]
LABLAK, Aicha [Mme]
SABELLA, Bernard [Mr]

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

CANDAN Armağan
SANER Hamza Ersan

Appendix II /Annexe II

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

ÅBERG, Boriania [Ms]
 BARNETT, Doris [Ms] / VOGT, Ute [Ms]
 BUCCARELLA, Maurizio [Mr]
 ČATOVIĆ, Marija Maja [Ms] / IBRAHIMOVIĆ, Ervin [Mr]
 ÇELİK, Sena Nur [Ms]
 CHRISTODOULOPOULOU, Anastasia [Ms]
 CHRISTOFFERSEN, Lise [Ms] / CHRISTENSEN, Jette [Ms]
 CILEVIČS, Boriss [Mr] / KAIMIŅŠ, Artuss [Mr]
 CORLĂȚEAN, Titus [Mr]
 DE CARLO, Sabrina [Ms]
 DESTREBECQ, Olivier [M.] / MAELEN, Dirk Van der [Mr]
 DI MICCO, Fabio [Mr]
 DURANTON, Nicole [Mme]
 ECCLES, Diana [Lady]
 FRESKO-ROLFO, Béatrice [Mme]
 GRIMOLDI, Paolo [Mr]
 HADRI, Shpresa [Ms]
 HAMMARBERG, Thomas [Mr]
 KITEV, Betian [Mr]
 KYTYR, Jaroslav [Mr]
 LOUIS, Alexandra [Mme]

MAIRE, Jacques [M.]
 MARINELLO, Gaspare Antonio [Mr] / MARILOTTI, Gianni [Mr]
 MARSCHALL, Matern von [Mr]
 MASSEY, Doreen [Baroness]
 MIESZKOWSKI, Krzysztof [Mr] / TRUSKOLASKI, Krzysztof [Mr]
 MOTSCHMANN, Elisabeth [Ms] / HEINRICH, Frank [Mr]
 MULDER, Anne [Mr] / BRUIJN-WEZEMAN, Reina de [Ms]
 MUTSCH, Lydia [Mme] / LORSCHÉ, Josée [Mme]
 OHLSSON, Carina [Ms] / ÅSEBOL, Ann-Britt [Ms]
 ORLANDO, Andrea [Mr]
 PERILLI, Gianluca [Mr]
 PISCO, Paulo [M.]
 POMASKA, Agnieszka [Ms]
 PRESCOTT, John [Mr] / FOULKES, George [Lord]
 SCERRA, Filippo [Mr]
 SEKULIĆ, Predrag [Mr] / PAVIĆEVIĆ, Sanja [Ms]
 STANĚK, Pavel [Mr]
 WASERMAN, Sylvain [M.] / VERDIER-JOUCLAS, Marie-Christine [Mme]
 WIECHEL, Markus [Mr]
 WILSON, Phil [Mr] / RUSSELL, Simon [Lord]
 WOLD, Morten [Mr] / HJEMDAL, Silje [Ms]