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20 November 2020

Standing Committee

Minutes

of the meeting held by videoconference on:

Monday 12 October 2020 from 14:30 to 18:00

Tuesday 13 October 2020 from 09:30 to 13:00 and from 14:30 to 18:00

Thursday 22 October 2020 from 09:30 to 13:00 and from 14:30 to 18:00

Friday 23 October 2020 from 09:30 to 13:00

1. OPENING OF THE MEETING BY THE PRESIDENT OF THE PARLIAMENTARY ASSEMBLY

Mr Rik Daems, President of the Parliamentary Assembly, opened the meeting on 12 October 2020 at 14:30.

2. EXCHANGE OF VIEWS WITH MR MILTIADIS VARVITSIOTIS, ALTERNATE MINISTER OF FOREIGN AFFAIRS OF GREECE, CHAIRMAN OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

Mr Varvitsiotis mentioned the relief felt after the meeting of the Turkish and Greek Foreign Ministers in Bratislava as they decided on the immediate beginning of preliminary talks. Mr Varvitsiotis stated that the announcement of new surveys on the Greek continental shelf at just six and a half miles from Greek shores escalated the situation in the region. This, together with opening of the Varosha seafront, were two signs that occurred during the past few days and violated international law and all relevant UN Security Council resolutions. These actions contravened the latest conclusions of the European Council, which reaffirmed its commitment to a comprehensive settlement of the Cyprus problem within the UN framework in accordance with the relevant UN Security Council Resolutions 550 and 7089. Turkey had to be called on to cease all illegal actions by which it was systematically undermined the peace and security in the region and to come back to the table of negotiations for a fruitful solution. The joint statement was issued on Belarus calling for Belarus authorities to release all detained protesters immediately and underlining that legitimacy could not come from repression, but from an electoral process that was free, fair and based on the rule of law. Regarding the Nagorno-Karabakh conflict, the agreement on the ceasefire was welcomed. Commitment to the peaceful resolution of the conflict together with the OSCE Minsk Group implication was also reiterated. On the Covid-19 pandemic, Mr Varvitsiotis explained that epidemiological data was being followed while the original position on the protection of human life and public health was reaffirmed as a top priority regardless of the consequences for economic activity. The uninterrupted activities of institutions in member States should also contribute to contain the negative effects on society, social cohesion, the economy and employment. Violence against women and domestic violence was also highlighted as it surfaced in a more pressing manner than before. He regretted that seven member States expressed their will to withdraw from the Convention of the Council of Europe. In the past few weeks, work was intensified on the Athens Declaration on the protection of rule of law and human rights in times of pandemic. There was a fruitful discussion going on in the Committee of Ministers, and the last draft of the Declaration was, a very inclusive document addressing the key issues that should be tackled.

A final note was made on issues concerning migration, an issue that the Parliamentary Assembly was very focused on and aware of. It was important to condemn the instrumentalisation of refugees for political reasons. He also noted that after the fire at the Moria refugee camp in Lesbos, a new camp capable of hosting more than 1 000 people, and better organised than the prior one, was put up in only one week. Facilities still did not match those of the prior camp, and they were still being built. Tents would be gradually substituted for more permanent structures such as containers or other buildings to help migrants live in better conditions.

Ms Marra raised the issue of the Moria refugee camp by mentioning that Greece and other southern countries were affected by the Dublin Treaty's inequality of treatment. She noted that the refugee camp did not have dignified living conditions as NGOs and the Council of Europe claimed. Given the difficulties and time requirements for the relocation and the importance of respecting human rights, were concrete decisions for the relocation of these people elsewhere in the European Union being taken?

Mr Maire asked whether the institutional dynamic between the Committee of Ministers and the Parliamentary Assembly would be strengthened. As to the budget, given the current annual surplus and the lack of digital solutions for the hemicycle, he asked if there would be an indication by the Greek Presidency of a quicker transition towards digital systems.

Mr Varvitsiotis mentioned that relocation was an important tool within the proposals that the European Commission presented recently and that were being reviewed. He mentioned that a comprehensive immigration system was needed, and a new policy needed to be put together despite some European countries not believing in relocation schemes and not willing to participate in them. Burden sharing schemes were being examined as a step forward for the European Union to finally come up with a comprehensive policy to comply both with the ideals of protection of human life and the protection of borders. Although this would be a heated debate in the coming years, all parties need to work together in the search of common grounds. The Commission's proposals were also referred to as being in the correct direction.

Everyone knew the difficult times the Council of Europe went through regarding budget. The Committee of Ministers adopted the programming budget for the next two-year period 2020-21 last November. The overall budgetary envelope was based on zero real growth, which limited the horizon of the institution, and the Council of Europe had to stand by what the Committee of Ministers had already done: to invite the Secretary General to consider and prepare in consultation with member States, a four-year strategic framework reflecting the priorities of the Council of Europe and its long term mission. In order to deal with that, the Covid-19 constraints on economies had to be kept in mind. Mr Varvitsiotis was not excessively optimistic and compelled payments to the organisation to be maintained and prompt.

Mr Kox expressed recognition for the Minister hard work in the preparation of the Athens ministerial conference and inquired whether it would be a good idea for them to also invite their President of the Assembly and rapporteurs to make the interaction between the Committee of Ministers and the Parliamentary Assembly visible.

Mr Howell recalled the Minister speaking on the impact of the Covid-19 and on the topic of Belarus, but expressed that Europe was much more than that. He inquired whether there was something left of what he set out in the beginning of his agenda for Europe that he was still willing to achieve.

Mr Igityan congratulated the Minister on his very clear speech and what could be done from the Parliamentary Assembly and the Committee of Ministers to stop the negative role of Turkey in many regions.

Mr Seyidov thanked the Minister for his good presentation and inquired about the tragedy occurred the day before where one of the biggest cities of Azerbaijan, Ganja, received a missile attack from Armenia destroying large parts of the city. Mr Seyidov described it as a genocide and a humanitarian crime carried out after the signing of the peaceful ceasefire agreement with Armenia under the auspices of Russia and asked for the Minister's opinion on such a crime that caused the death of 10 women and children and over 50 wounded.

Mr Varvitsiotis responded that if the Athens meeting finally took place the Parliamentary Assembly would definitely be represented by the President. The Minister regarded the agenda as being very big and raised his regret on the number of events that were managed to put together due to the effects of dealing with Covid-19 in all its political, economic and social dimensions, which turned into the main issue on agendas during the past six months. There was an attempt to highlight the impact and response to the pandemic in a comprehensive manner. Regarding the Turkish issue, he recalled that he was standing before members as the Chairman of the Committee of Ministers of the Council of Europe. He reminded that the Greek Minister for Foreign Affairs, Mr Dendias, stated in the Foreign Affairs Council of the European Union that for Greece, Turkey was always involved in all problematic situations in the region. In Nagorno-Karabakh, Syria, Iraq, Cyprus and the south-eastern Mediterranean, Turkey was always problematically involved, but he preferred leaving these mentioned points aside from the current discussion. Regarding the Nagorno-Karabakh situation, he acknowledged the heat of the conflict, conveyed his condolences to the families of the victims of all the assaults occurred the last few weeks, and issued a call for the immediate effect of the agreed ceasefire. Additional belligerent actions could not be tolerated. The ceasefire should be the number one priority followed by the return to the negotiating table under the OESCE Minsk Group.

The President thanked the Minister.

3. EXCHANGE OF VIEWS WITH MR ÁNGEL GURRÍA, SECRETARY-GENERAL OF THE OECD

The President welcomed Mr Angel Gurría, Secretary-General of the OECD.

Mr Angel Gurría was honoured to be invited to the enlarged meeting of the Standing Committee of the Parliamentary Assembly of the Council of Europe. He thanked Georgios Katrougkalos, the rapporteur of this year's report on the OECD work on taxation of the digital economy, which would soon be debated.

He focused on three issues: digitalisation, taxation and the green recovery.

He talked about the economic outlook, commenting that the Covid-19 pandemic unleashed the worst health, economic and social crisis of our lifetimes, claiming over a million lives. Global GDP was expected to fall by 4.5% this year and some of the hardest hit G20 economies would see their GDP shrink by as much as 10%. The actions of governments and central banks should continue to focus on a strong recovery. Maintaining a very accommodating macroeconomic policy remained essential, which meant monetary accommodation,

fiscal accommodation and structural change, all three pillars. He pleaded that the stimulus not be stopped too soon, as this was the mistake made in the crisis of 2008-09, which should not be repeated.

There were also some issues that stemmed out of this: developing countries, for example, which had less financial space, fewer financial possibilities to respond and of course had weaker institutions. The question of the debt of many developing countries, not only the weakest or the poorest, which were the object of the G20 initiative, but also middle-income countries that were now finding it very difficult. Then there were the question of Overseas Development Assistance (ODA), which was only 154 billion officially yet as much as 11 or 12 trillion were thrown into the fight against Covid-19, and just a fraction of that could do a lot of good in the developing countries or emerging economies.

He turned to some of the issues the Standing Committee would be discussing over the next few days. First, he mentioned the OECD Coronavirus Hub, a single channel with all information the OECD had available on Covid-19 and the fight against Covid-19. So far, 155 policy briefs were deposited on it for the benefit of all policy makers around the world. It received more than one million visits so far, mostly from policy makers. The teams have created sections like "Education and Covid", "SMEs and Covid", "Tourism and Covid", "Taxes and Covid", "Health and Covid", "Digital and Covid", "Gender and Covid", "Jobs and Covid", "Environment and Covid", "Finance and Covid". It included every OECD aspect but related to the Covid-19 virus and the consequences. He invited parliamentarians to visit the site, as he was certain that many of the pieces produced would be useful for policy purposes.

Regarding the issues under discussion, the first one was digitalisation. Covid-19 was accelerating an already rapid digitalisation transformation. Digital tools helped many economies and societies avoid a complete standstill, keeping businesses running, children learning and families connected. Artificial intelligence was playing a key role in every aspect of the crisis and of the crisis response, from detecting and diagnosing the virus to supporting the search for a vaccine. He stated that he was aware that no less than eight reports on artificial intelligence would be debated in the next few days. He observed that policy makers' biggest responsibility was to think carefully about how to ensure responsible stewardship of trustworthy artificial intelligence. This was why last year the OECD launched its Artificial Intelligence Principles, the first ever intergovernmental standards to ensure that artificial intelligence systems were designed in a way that respected the rule of law, human rights, democratic values and diversity. The OECD's AI policy observatory was helping countries put these principles into practice and the OECD was also supporting the Global Partnership on Artificial Intelligence. The G20 adopted the OECD's Artificial Intelligence Principles and made them the G20 Artificial Intelligence Principles, adopting them and calling them their own – the OECD was very happy to contribute in this way.

As part of the OECD Global Parliamentary Network, the OECD established the OECD Parliamentary Group on AI, a legislative learning hub created for parliamentarians only; its membership and substance were enhanced by the PACE rapporteurs on artificial intelligence, confirming that PACE was participating very actively in it. He remarked that the initiative brings so much promise, but also so many unknowns of course, huge regulatory challenges, competition, privacy, consumer protection, etc.

A second issue was to deliver a global agreement on taxes. The OECD was working hard to build a fairer, more transparent international tax system, tackling BEPS issues, meaning Base Erosion and Profit Shifting, as well as the bottlenecks that were being faced by developing countries when it came to taxing multinationals. He stated that the OECD was also making tremendous progress on delivering a global solution to the tax challenges presented by our digitalised economies, known as Pillar One by experts in the field.

The OECD was also working on delivering a global minimum tax, known as Pillar Two. He confirmed that a few minutes earlier, 137 members of the OECD/G20 Inclusive Framework on BEPS (Base Erosion and Profit Shifting) released the blueprints of the two-pillared approach: the blueprint of Pillar 1 and the blueprint of Pillar 2. He commented that the finish line was close but political differences remain to be bridged and further technical work had to be finished; political compromises were therefore needed so that a fully-fledged consensus can be delivered by mid-2021. This was being delivered to the ministers today and will be presented to Ministers of Finance and Central Bank governors on Wednesday. He observed that even when there were disagreements, this 137-country group was very wise in deciding to put their differences to one side and continue on the technical work.

The OECD's work on automatic exchange of information was also helping boost transparency about taxes. He stated that, in 2019, automatic exchange of information resulted in the exchange of 84 million offshore accounts with a total value of around €10 trillion. To this end, each tax authority had the names and the details of the accounts of their own citizens. There were about €10 trillion, about half of the US economy. This added to the over €102 billion in additional revenues already identified through voluntary compliance programmes

in advance of the automatic exchange of information. This was occurring because people know that there was nowhere to hide and therefore, they were going to the authorities, who were receiving hundreds and thousands of requests of this kind all over the world, and they were dealing with it appropriately.

Lastly, he confirmed that the recovery was the opportunity to build back the economy in a way that protected the environment and public health, and safeguards people's well-being (women, the elderly, the young, the children and the unskilled). This meant restructuring key sectors towards low emissions, job creation, boosting renewable energy, energy efficiency, ecosystem restoration and sustainable agriculture. Finance also had a critical role to play in support of a green, sustainable recovery. Large flows of private capital would need to be directed to new sectors and to new activities. The rise in environmental, social and governance investing, the so-called ESG, was a positive development in this respect. But he recalled that the most important intergenerational responsibility was to protect and preserve our planet for our children and grandchildren, and so the homework was yet to be done on climate change or on biodiversity. Millions of vertebrates were becoming extinct, corals were disappearing, mangroves were disappearing, forests were disappearing, the soil was disappearing, water was being misused or abused, oceans and the drama of plastic, waste, overfishing, the air we breathe – we were talking about nature as a whole, the whole of our planet. And this needed to be done on a multi-lateral basis. The only way to deal with trade and investment, migration, climate, biodiversity and even pandemics, was globally. These issues should be dealt with multilaterally, otherwise progress would not be made.

The Covid-19 pandemic was a stark reminder of the transformational changes needed to build back better. But we could only change course if we act together, so let us harness the transformative power of collective action to create better policies for better lives. He assured that the OECD would continue working with PACE but also for PACE to shape the post-Covid-19 world in a way that was more inclusive, greener and more resilient.

The President thanked Mr Gurría and pointed out that Mr Gurría's work had made transparent 84 million of shore accounts, with a total value of more than ten trillion euros, which was half of the US economy. One might figure that a small portion of that could maybe help to do exactly what he said. Namely, the intergenerational responsibility that we all had in order to make sure that the environment was preserved for the coming generations. The Council of Europe and the Parliamentary Assembly tried to address this missing link between environment and human rights. He was very glad that Mr Gurría mentioned it. Artificial intelligence would be addressed by the Assembly with a holistic approach next week on Thursday, and Mr Gurría was invited to join the meeting, and tomorrow the Standing Committee would address human rights and Covid-19, also with a holistic approach. Lastly, at the January part session, the Assembly would consider the report on fighting fiscal injustice, taxation and digital economy. It was the large issue of multinationals, who obviously had a global activity, but as it so happened, they were not always easy to address in terms of contributing to the country's economy in which they were active. The way you do it, how you do it, to what extent you do it, probably most of them had a different opinion. However, taking into account that any economic activity also had another side of the coin (meaning the contribution to society in which they thrive) it seemed logical that it needed to be addressed.

Mr Papandreou pointed out that the previous financial crisis left European countries with deep inequalities, but one could also see that today: those who were wealthy were getting wealthier while, on the other hand, we were seeing inequalities in health, education, etc. Those who were lucky might do online jobs, but this was also linked to a very important transformation and transition, to a green and sustainable economy. He asked Mr Gurría how the OECD assessed these challenges, what his plans were, how he prepares and motivated leadership around the world in order to move this world towards a socially just and green transition. Did leaders understand the gravity of the situation and the challenges the world faced? If those challenges were not dealt with there would be more suffering, social conflict and global conflict. And, of course, authoritarianism and demagoguery.

Mr Katrougkalos said he had had the honour of working with Mr Gurría as Minister of Labour and as a rapporteur for the OECD and asked him to elaborate further on the OECD proposals regarding webs, tax fairness and digital taxation. He believed that now this was extremely pertinent because multinationals of the digital economy were stronger than ever. Jeff Bezos of Amazon won 13 billion dollars in one day, more than the budget of many countries and Apple was now more valuable than the entire FTSE 100 companies. What the Council of Europe could do to help the OECD forward their proposals? Regarding the United States, did Mr Gurría hope that after the elections there can be a breakthrough?

Mr Vardanyan asked about the steps of the OECD towards limiting the transfer of artificial intelligence technologies to the countries that use them for weaponry production, which ended up in hands of people who

committed international wrongful acts. The Prime Minister of Canada decided to stop sending munitions and technology to Turkey because they were being used to commit international wrongful acts.

Mr Leite Ramos said that the Covid-19 epidemic plunged the world into extreme uncertainty. There was a temptation to go back to business as usual, but we needed to combat climate change. He asked what the OECD was doing to convince national governments to use their recovery plans to invest in more inclusive and greener development. Should public support and the financial system require companies to respect social clauses and green development to receive public support? Lastly, most countries want to keep certain parts of their economy within their countries for strategic reasons.

Ms Bayr recalled Mr Gurría's words regarding the poor official development assistance performance of many countries. Many did not yet meet the 0.7% of their GNP for development cooperation. Besides development assistance, also coherent policy was a key for a good life for all, one that supported and did not undermine the development goals. Which mechanisms the OECD could provide to motivate countries to perform coherent policies for sustainable development, including trade, economy, tax, investment, ecology, human rights, climate and many more fields of politics?

Mr Gurría explained that the problems Mr Papandreou described were not new because we already had problems and felt pressure related to climate change, poverty and development, but with Covid-19 all of this became dramatically obvious. In many cases, we could no longer hide the inadequacy of our systems and the fact that they were underfunded and understaffed, including in some of the most developed countries in the world. When talking about different types of production, how to assess the challenges, how to restore a more resilient, inclusive, greener transition while at the same time avoiding authoritarianism, these were basically the same agendas. And they were the very same agendas were being pursued in the Parliamentary Assembly, because they involved the well-being of all people. Covid-19 accelerated this understanding and created a certain brutality, because this was not only a very contagious disease, but also the single biggest global phenomenon that we had fought in the last 100 years. When talking about building back better, he said we should invest more in infrastructure that was greener and that took care of social justice, we should invest more in policies that would train the unemployed to have skills. The current problem was that the greatest impact was felt by the unskilled, whereas in the crisis of 2008–2009 the greatest impact was felt by the semi-skilled. The other big difference was that in 2008–2009 we knew how much it costed to save General Motors, or to save Ford Motor Company, or the creditors of Lehman Brothers. We decided that the Lehman Brothers were not going to be saved—but the creditors of Lehman Brothers were saved, and we knew how much that cost. The problem was that we did not know when Covid-19 was going to stop. There was now a second wave—or it could be the end of the first wave—we did not know. The number of waves was flaring up. It was growing in practically all of Europe, including the countries that had defeated it, so we to learn how to prepare better. But we were faced with a false dilemma: should we fight for our health and our lives or should we fight for our livelihood, which meant the economy. Many countries were using Covid-19 as an excuse to deny to their citizens their inherent rights and, therefore, some authoritarian streaks were being identified or perceived. This could not be allowed, and the Council of Europe was the platform to denounce this.

Regarding BEPS, Base Erosion and Profit Sharing, and in response to Mr Katrougkalos' claim that the GAFAS or GAFAM were stronger than ever and therefore they were going to resist change, Mr Gurría said that this was not necessarily the case. The more enlightened of them were saying that they would like the legal certainty that came with having an internationally agreed framework for the taxation of digital activities. Therefore, more support currently existed among the private sector and digital businesses for a negotiated multilateral solution than for a 'leave it alone, let's see what happens' position. He claimed that the alternative to no agreement for the OECD proposals, on Pillar 1, Pillar 2, on the digital economy, etc. was a multiplication of many countries going alone, giving in to the political imperative of taxing the digital economy and then facing retaliation from other countries that would think it was against their own companies. The last thing we want in today's world was a revival of the trade tensions that costed already, even before Covid-19. We needed growth, well-being, jobs and investments.

The United States was among the 137 countries that were working with OECD, even though in December 2019 the United States sent a letter about the safe harbour, which caused a lot of stress among the different members of the inclusive framework. However, the inclusive framework decided to continue to work together with the United States towards the technical solutions. And all of that was now on the table and hopefully the OECD would be able to resume this work. Plans were delayed and the deadline was moved from December 2020 to the middle of 2021, but as the rest of the work was there and as the countries were wise enough to continue working on it.

To Mr Vardanyan's question about limiting artificial intelligence transfers to things like weapons production and other undesirable objectives, he replied that artificial intelligence was not anybody's monopoly; it did not

emerge from single place and you could not control where it went. Artificial intelligence was used every day and in virtually all companies. Algorithms were being produced for everything we do in the world and AI was developing with incredible speed, much faster than we could track it. As such, could we limit its use for undesirable objectives? This could be done to the extent that it could be identified and regulated in certain countries, but one should not underestimate the capacity of companies and even state-sponsored research by the countries that would like to have a stronger position. Working more on “good AI” was certainly an advisable course of action as a way to overcome and even overwhelmed the “bad AI”. Ethics should be the number one consideration.

Responding to Mr Leite Ramos, Mr Gurría mentioned Business for Inclusive Growth: 40 companies, the largest companies from every continent employing more than four million people and selling more than a trillion dollars. All of them signed a pledge committing to be good citizens in the world. This was before the Covid-19, but then they changed their focus to fight Covid-19 and to protect both their employees and their clients. So, it was not a choice based solely on health or on energy; all different angles, subjects and themes were addressed.

He agreed with Ms Bayr in claiming that not even 0.7% was reached, which was the stated, self-declared goal of the developed countries, DAC members countries. 0.7% was an internationally agreed, UN-blessed target. He said they were only half-way there but if they doubled the 154 billion, they could reach the 0.7%. It would take merely take one-sixtieth or one-seventieth of what countries invested to fight Covid-19, because they invested around 10 trillion, so there was a lot of room for generosity but also for the common sense and wisdom of the more developed countries. It would not mean much for them, but it would give a lot to the developing countries and the emerging economies, including on the side of debt relief and debt forgiveness.

Mr Lloyd commented that the international cooperation needed to defeat Covid-19 globally was simply not there. As we move to a green recovery, technological transfer was going to be fundamental and a simple question—possibly very difficult to answer—was how we incentivise the world to agree to that technological transfer.

Mr Kox thanked Mr Gurría for his fruitful and interesting debates and collaboration over the past 15 years in the OECD. He quoted Mr Gurría by saying “we need to completely overhaul our economic thinking and the policy advice that follows from it.” One did not have to be a radical—and could be a very realistic person—to come to this conclusion. How did this conclusion was developed?

Ms Brynjólfssdóttir praised Mr Gurría and the OECD for the actions and focus on green recovery, as it was the only way. As previously said, the current crisis would hit the most vulnerable groups harder than the crisis in 2008, especially women, immigrants, young people and unskilled people. How optimistic he was that the member States of the OECD and other States would embrace the OECD policy? In addition, how we could fight the risk of increased inequality that was now a huge challenge as the World Bank’s new poverty prediction showed that an additional 110–150 million people would have fallen into extreme poverty by 2021?

Dame Cheryl Gillan, as a former rapporteur on the OECD, echoed Mr Kox’s thanks. She said that democracy should not be sacrificed on the altar of Covid-19, and wondered if it was seen as an ever and present danger. She commended the OECD’s focus on green recovery but questioned if it would be put on hold as most countries were still dealing with the crisis on a day-to-day basis, giving the example of the postponement of COP26 by 12 months. Lastly, she requested more specific remarks on the recommendation of a shift towards public investment in new forms of growth rather than propping up sectors that might take years to recover.

Mr Eker appreciated the work of the OECD, especially in the fight against Covid-19. He wondered if the OECD would consider a cooperation project on food security in the food and agricultural sectors, as there were around 800 million people suffering from hunger and malnutrition in less developed countries.

Mr Maniero commented that Europe was more worried about inflation than unemployment, and cited examples of central banks in America and Japan being more intense with monetary interventions and programmes than Europe. He wondered if it might be time to completely review the pillars of economic fiscal policy in the European Union.

Mr Altunyaliz pointed out to the importance of a governance of skills system in a rapidly changing world and questioned how it could be linked to artificial intelligence opportunities.

Ms Wonner commented that the French government has been particularly sensitive in helping the self-employed, entrepreneurs and businesses during lockdown with state-backed loans and recognised that the

economic crisis was going to continue. She asked Mr Secretary-General for his outlook for the first six months of 2021 in Europe.

Mr Gurría said that one of the biggest problems at that moment was that, besides the trade tensions, there were tensions about technology, which were leading to an East-West divide again. This time between China and the United States, but also the rest of Europe. Before, technological progress in each country would complement the rest; there was a competition but also complementation. He also stated that incentive to transfer technology was going to be very difficult.

He thanked Mr Kox for his compliments and then answered him by saying that the OECD did not mean to be radical, but they needed to over hold the economic thinking. That was why they had launched the NAEC (New Approaches to Economic Challenges), which in its first meeting had some of the brightest minds in the world, such as Piketty and Esther Duflo. However, asking these intellectuals about their views did not mean that they were going to move towards that way of thinking in terms of public policies, because there were constraints: not all the best practices could be adopted by countries immediately. Finally, the WISE centre (well-being, inclusiveness, sustainability and equal opportunity) had been created with the idea of focusing on the person, rather than on the economy.

He answered Ms Brynjólfssdóttir by saying that the risk of increasing inequality was already happening and that they had been denouncing inequality in their reports since 2008. The Covid-19 pandemic had created the danger of exacerbating a trend that was already there and they were going to do everything they could to document it, denounce it and then propose policies to stop it.

He highlighted Dame Cheryl Gillan's words "democracies must not be sacrificed in the altar of Covid-19". He said green recovery was at the heart of the problem, but urgency was overcoming how green we wanted to become. 2020 was going to be the year of the environment, but all the environmental events that were planned had been moved to next year. This meant that there was more time to prepare, but these issues could not be delayed, because what we did today would be there for the next forty years. Regarding public investment, the private sector would not find immediate benefit from investing in this area, but the public sector could invest and encourage the private sector to do so too. Lastly, saving the private sector involved large companies but also millions of SMEs, which may not survive the Covid-19 pandemic.

He answered Mr Eker by stating that the supply side was continuing to produce, but there were losses in transport, tourism and losses of income. The demand side of the economy was suffering because there were many people who no longer had jobs. Having millions of people in that situation meant that we would have problems in every sector of the economy.

He disagreed with Mr Maniero and said that there was not an imminent danger of inflationary pressure, that the economies were under the threshold and there was a lot of spare capacity. Countries that could afford it were doing what they had to do and so was the European Central Bank. The ECB was also promoting unheard of new approaches, like buying debt that was not proportional to the stakes that each country had or considering the possibility of buying private debt. However, public expenditure should follow and structural change should continue.

He told Mr Altunyaliz that the hardest hit sector were low skilled workers, people who, once they move away from the labour market, could stay away for a very long time and then they would be more difficult to rescue. Therefore, the work should be done to enable these people to have enough skills to face the new world.

Finally, he answered Ms Wonner saying that state guaranteed loans played a very important role, but they were an instrument that was being underutilised. He also argued that in many cases, especially for SMEs, debt might not be the solution and that they needed to find ways of re-capitalising companies rather than indebting them even more. The first half of 2021 would be confronted with all the damage and losses, we would then see which industries were in a position to overcome the challenges we face. At the end of 2021, they expected per capita income to be below that of the end of 2019, because the drop this year was brutal. Moreover, if there were a growing second wave and lockdowns in different sectors, there would continue to be a negative impact on the economy. They forecast a jump of 5% in world economy as a whole in 2021, but in Europe, things would be more difficult if the infection trends continued into the future.

The President thanked Mr Gurría and invited him to attend the January part-session.

Mr Gurría replied that he will be there in January.

4. EXAMINATION OF NEW CREDENTIALS

The Standing Committee **ratified** the credentials of new members of the Assembly submitted by the delegations of Croatia and Spain (Document 1563).

5. MODIFICATIONS IN THE COMPOSITION OF COMMITTEES

The Standing Committee **approved** changes in the composition of Assembly committees (Commission (2020) 08).

6. REQUEST FOR A CURRENT AFFAIRS DEBATE OR DEBATE UNDER URGENT PROCEDURE (UNDER RULES 52 AND 53 OF THE RULES OF PROCEDURE)

The President said that there was a new request entitled “*New crack down of political and social opposition in Turkey: how to safeguard human rights, fundamental freedoms and the protection of Turkish citizens by the European Court of Human Rights*”, and a second request for a current affairs debate entitled “*Armed conflict between Armenia and Azerbaijan, failure of peaceful conflict resolution and a risk to regional stability*”, which was submitted by the Monitoring Committee. The Bureau agreed to recommend holding a debate on the urgent procedures on the above topic. If the proposal was also accepted by the Standing Committee, the matter would be referred to the Monitoring Committee and the debate would take place on Friday, 23 October at 9:30 a.m.

Mr Pocij was in favour of having the debate on this topic given the circumstances.

Mr Yildiz was strongly against the debate under urgent procedure. The title of the request included the phrase “new crack down”. He said this was a judicial issue that was now in the hands of the judiciary and they should wait for their decision. Therefore, this was not an issue for urgent procedure and that it failed to meet the admissibility criteria. The most appropriate venue for this matter was the Monitoring Committee but the issue had already been dealt with by it, so there was no need to do the work twice. Ultimately, it was an issue of a judicial nature and he found it inappropriate to discuss it here.

Mr Jensen spoke on behalf of the Monitoring Committee and said that they wanted to push this proposal forward of having a current affairs debate about the conflict between two of the member countries: Armenia and Azerbaijan. He thought it was important to talk about sensitive issues. They already saw how countries like Turkey were also involved, and therefore the Monitoring Committee believed that it was extremely important to have a discussion about this and hoped that the discussion would lead to some ideas on how to facilitate a peaceful solution to this conflict.

The request to hold the debate under urgent procedure **was agreed** to by 30 in favour, 3 against and 2 abstentions.

The President resumed the discussion on the request to hold the current affairs debate on “*Armed conflict between Armenia and Azerbaijan, failure of peaceful conflict resolution and a risk to regional stability*”. He mentioned that the Bureau recommended holding a debate on the conflict between Armenia and Azerbaijan today. He invited anyone who might have an objection to speak up by asking for the floor. As no objections were raised, the request to hold the current affair debate on the above topic was **agreed to**.

7. AGENDA

Mr Tornaritis proposed to add another item to the next day’s agenda, under the general title “The illegal decision of Turkey to reopen part of the costal front of the fenced off town of Famagusta in blunt violation of United Nations Security Council resolutions”.

The President suggested to take this topic under the item “Other business” to be added as the last item to the tomorrow’s agenda.

Mr Yildiz spoke to object the inclusion of the new item to the agenda, because it was an issue of bilateral nature.

The Standing Committee **decided** by 22 votes in favor, four against and three abstentions, to add a new item “Other business” at the end of the tomorrow’s agenda.

The draft agenda, as amended, **was adopted**.

8. MINUTES

The minutes of the meeting of 15 September 2020 were **approved**.

9. DATES OF ASSEMBLY PART-SESSIONS (2023-2025)

The Standing Committee **took note** of the dates of Assembly part-sessions (2023-2025).

10. REFERENCES TO COMMITTEES

Mr Yildiz strongly objected to the reference for report to the Committee on Political Affairs and Democracy of the motion regarding peace and stability in the eastern Mediterranean, because the real remedy for the Turkish-Greek problem was serious bilateral negotiations. This motion would cause continuous heated debates in the committee. He called on his colleagues to reject it.

With 5 votes in favour, 15 against and 5 abstentions, the **proposal stood**.

11. LEGAL AFFAIRS AND HUMAN RIGHTS

The President reminded that the draft resolution and the draft recommendation “Drug policy and human rights in Europe: a baseline study” had not been adopted at the last meeting given that the quorum condition had not been met. All the amendments to the draft resolution, except for Amendment 12 and a sub-amendment to Amendment 12, **were unanimously adopted** by the Committee on Legal Affairs and Human Rights and therefore were considered as adopted according to Rule 34.11. So only Amendment 12 and its sub-amendment were to be voted.

Amendment 12, **Mr Leite Ramos** supported on behalf of the Committee on Social Affairs, Health and Sustainable Development, was sub-amended by **Mr Boriss Cilevičs** on behalf of the Committee on Legal Affairs and Human Rights.

The sub-amendment to Amendment 12 **was adopted** with 23 votes in favour, two against and two abstentions.

The amendment 12, as sub-amended, **was adopted** with 30 votes in favour and one against.

The draft resolution, as amended, **was adopted** with 29 votes in favour, one against and no abstentions [Resolution 2335 (2020)].

Three amendments tabled to the draft recommendation were approved according to Rule 34.11.

The draft recommendation **was adopted** with 30 votes in favour and one against [Recommendation 2177 (2020)].

12. CULTURE, SCIENCE, EDUCATION AND MEDIA

The President reminded that the draft resolution and the draft recommendation “Time to act: Europe’s political response to fighting the manipulation of sports competitions” had not been adopted at the last meeting given that the quorum condition had not been met.

The draft resolution **was adopted** with 31 votes in favour, no votes against and no abstentions [Resolution 2336 (2020)].

The draft recommendation contained in Document 15116 **was adopted** with 28 votes in favour, no votes against and no abstentions [Recommendation 2178 (2020)].

13. CURRENT AFFAIRS DEBATE (UNDER RULE 53 OF THE RULES OF PROCEDURE)

ARMED CONFLICT BETWEEN ARMENIA AND AZERBAIJAN, FAILURE OF PEACEFUL CONFLICT RESOLUTION, AND A RISK TO REGIONAL STABILITY

Mr Jensen commented that the Council of Europe may not be the United Nations or the OSCE Minsk Group, but when two member States were engaged in an armed conflict against each other, it was a matter for every member of the Assembly. He reminded that it was an obligation of all member States to resolve any differences peacefully and refrained from the use of force. This obligation did not only concern the States that were in conflict. It was an obligation for all member States to refrain from any action or discourse that incited or abetted other member States to resolve their disputes in any other manner than by peaceful means. The Assembly discussed the Nagorno-Karabakh conflict before both countries became member States in 2001. In 2000, when the Assembly gave positive opinions to the application of membership of the Council of Europe by both Armenia and Azerbaijan, it accepted both countries fully aware of the unresolved conflict but expecting the two member States would work to resolve the conflict peacefully, hoping that their membership would encourage them to resolve their dispute peacefully. In 2005, the Assembly adopted Resolution 1416 on the conflict of the Nagorno-Karabakh region dealt with the OSCE Minsk conference, which was and remained the cornerstone of the Assembly's position on the conflict. In this Resolution, the Assembly recognised that, in essence, this was a conflict between two competing internationally recognised principles: territorial integrity and a right to self-determination. At the same time, the Assembly underscored that the independence and succession of a regional territory from a State may only be achieved through a lawful and peaceful process based on the democratic support of the inhabitants of such territory and not by armed conflict, forced expulsion and or the de facto annexation of such territory by another state. It was also important to note that in this Resolution the Assembly called on Armenia and Azerbaijan to foster reconciliation and to restore confidence and mutual understanding through education and the media. It was stressed that without such reconsideration, hatred and mistrust would prevent stability and may lead to new violence. The recommendations were not heard and regretfully, as witnessed over the last two weeks, the result was exactly as was anticipated. When the hostilities broke out on 27 September, all international organisations and representatives, including our Secretary General of the Council of Europe, the Commissioner for Human Rights, the co-rapporteurs on Armenia and Azerbaijan, as well as most, but regretfully not all member States called for immediate ceasefire and a return to the negotiating table. As a result of the mediation of the Russian Federation, the countries agreed to a new ceasefire, while regretfully there were reports that the ceasefire not being fully respected, it also raised some hopes. It was now equally important that both countries commit themselves again to resolve their conflict peacefully through the OSCE Minsk Group and on the basis of the Madrid Principles, which were the only realistically and even-handed principles that could resolve the conflicts between them. He remarked that the Assembly should insist that the countries now commit themselves seriously to reconciliation and restoring confidence and mutual understanding among their people without which the conflict would never be resolved. The current debate was important for four reasons. First and foremost, the losses of lives, both civilian and military, were very high. According to the United Nations High Commission of Human Rights reported by 8 October, at least 57 civilians were killed, including children. In recent days, it was reported that populated areas were targeted and shelled with heavy weaponry in and around the conflict area. Amnesty International and the UN High Commission for Human Rights referred to the use of banned cluster munition against civilian areas. This was, of course, totally unacceptable. Secondly, even in an armed conflict, even when martial law was declared, which was the case in both countries, Armenia and Azerbaijan had the obligation under the European Convention to safeguard the right to life and to protect people from torture and inhumane or degrading treatment or punishment. Moreover, fundamental liberties should not be diminished in these times of crisis. The Commissioner for Human Rights emphasised that their freedom of expression and their freedom of information should be protected in order to allow objective reporting, as misreporting and propaganda could only inflame tension further. Both countries should allow accredited media professionals access to crisis areas and ensure that journalists were safe. However, several journalists were reported injured. International humanitarian law or the law of war obliged warring parties to protect civilian areas and cultural heritage. We knew that both parties shelled cities and civilian areas and the historic cathedral of Shusha was targeted. The Council of Europe insisted that both countries complied with this obligation. He re-emphasised the obligations of Council of Europe member states to resolve differences peacefully and in such context condemned the fact that the Turkish authorities, which had a great influence on the Azerbaijani government, were not using this to return the parties to the negotiating table but were openly encouraging and reportedly abetting Azerbaijan to continue the armed hostilities. Azerbaijan and Turkey had often made reference to four resolutions of the Security Council of the United Nations, which were not implemented. Resolution 884 of 12 November of 1993 stated "the Security Council urge all states in the

region to refrain from any hostile acts and from any interference or intervention, which would lead to a widening of the conflict and undermine peace and security in the region." Not only the French or the Russian authorities made claims of direct Turkish involvement in the conflict, also the European Court of Human Rights ordered interim measures and called on all states directly or indirectly involved in the conflict, including Turkey, to refrain from any action that contribute to the breaches of Convention rights of civilians and to respect their obligations under the Convention. He encouraged putting an end to inflammatory rhetoric and hate speech to create an environment conducive of negotiations. He concluded that recent efforts were made by both countries and the Co-chairman of the Minsk Group to resume discussion and hoped that the huge progress on Friday 9th would now be fully implemented and would lead to substantial negotiations and a peaceful resolution.

Mr Schwabe absolutely agreed with everything that Mr Jensen just said. It was not possible for the Assembly to put an end to conflicts given its resources, but it was its task to keep an eye on human rights violations and to ensure that cultural heritage and civilians should not have to pay the cost of the conflict. Nagorno-Karabakh belonged to Azerbaijan, but it was equally obvious that the conflict could not be resolved through violence, which was why the cessation of hostilities was so important. The situation had huge human rights violation consequences for all those involved. The fact that Russia was mediating was a good thing, exports of weapons to this region needed to stop, because that could only fuel the conflict. Sending Syrians into the conflict was a disastrous human rights violation and Turkey had to do all it could to bring peace to the situation, which was badly needed.

Mr Pocij appreciated that Mr Jensen had not made a politicised statement but, at the same time, had spoken so directly. On behalf of his political group, the EPP/CD, Mr Pocij supported and underscored the position that the party agreed. According to the information received, there were many civilian victims which required an immediate cessation of hostilities. The EPP/CD condemned all forms of violence and would appeal to the parties in the conflict to resume dialogue with the assistance of the Minsk Group.

Mr Maire said when two member States of the Council of Europe were involved in an armed conflict between one another this was obviously a concern, and this involved a third member State as well. The humanitarian and human consequences of the conflict were awful. International Humanitarian Law was being violated. There was use of prohibited weapons. This was a conflict that was the result of a negative dynamic of the last 20 years. Armenia and Azerbaijan should have been working hard to find a compromise and instead they allowed the hatred to blossom. There was also an insufficient effort on the part of the international community and especially of the Minsk Group. But there were two points that were explicitly recognised by Azerbaijan and Turkey. First of all, Azerbaijan did not accept the occupation and wanted to reconquer the territory and it was doing that with the support of Turkey. And this upsetting of the status quo through violence was unacceptable. The efforts of the Minsk Group and of Russia made it possible for a cease-fire to be signed. But that was just the first step. The ALDE called on the three parties involved to immediately apply the cease-fire and in particular that Azerbaijan respected that cease-fire. The ALDE also would like to urge Turkey to take a neutral position in this conflict.

Sir Roger Gale said his group the EC/DA enjoyed the presence of members of the Azerbaijani and Armenian delegations and regretted that that spirit of cooperation could not be extended to the international situation between two countries. As one of the two rapporteurs on Azerbaijan he studied the situation with care and it seemed to him that the only way forward was the maintenance of what was clearly a very fragile cease-fire, the exchange first of all of bodies and prisoners. A spirit of good will could hopefully be built along with the possibility of some kind of long-term reconciliation even though a frozen conflict was always very difficult to resolve. This was a human right issue, people were being killed in Nagorno-Karabakh and it was imperative that the Council of Europe did everything to secure the human rights of the residents of Nagorno-Karabakh and to seek a resolution.

Mr Kox explained that what used to be a frozen conflict actually turned into a bloody war, with over 300 people killed and thousands of people displaced. Like most frozen conflicts, this conflict too had a long history to which no sustainable solution was found yet. According to the UEL, even without a sustainable solution no party was entitled to use violence in order to create some kind of solution. The Council of Europe was to figure out what happened, what went wrong and how things could be fixed. Therefore, it was necessary to send the four rapporteurs to Yerevan. He also proposed to consider the idea of sending the Presidential Committee as well, similarly to what they did on the occasion of the war between Georgia and Russia in 2008. This was a strong sign of interest and conviction that it was unacceptable that member States of the Council of Europe use fire against each other. He urged everybody to mobilise as much resources and networks as possible in the Council of Europe and in the member States to strengthen the fragile truce that was now at stake and try to prevent that more people get killed or displaced.

Mr Seyidov gave a recollection of the most recent crimes committed against his country by Armenia, focusing on the dropping of ballistic missiles in a residential area in the city of Ganja, second largest city of the country, as a consequence of which ten civilians were killed and more than 15 were wounded. He defined this act as genocide and a war crime committed by Armenia and whose responsibility lied especially with their political leader. He explained that in his view this was a war against the terrorists and for the liberation of his land. He claimed that they tried to find a peaceful solution for 27 years, but their opponent had done everything to destroy it. He claimed that even at the present moment, Azerbaijan was the party that wanted to return to the negotiation table, which was why their Minister for Foreign Affairs went to Geneva and meet with the representative of the Minsk Group. That was also why they have signed cease-fire agreements in Moscow. But, unfortunately, Armenia violated those agreements targeting civilians in Ganja, killing 41 innocent people, destroying houses and committing war crimes against Azerbaijan He ended his speech with a plea to convince Armenia to take part in substantial negotiations, which Azerbaijan was pushing strongly.

Mr Vardanyan said it would have listened Mr Seyidov with interest if it wasn't a really serious issue and said that if one really wanted to talk about genocide, he should go back to 1915. He quoted the UN Charter, article 2.4, as saying that the "use of force is prohibited" and that Azerbaijan had violated this rule. He spent half of his life teaching international law and knew that there were a lot of international law violations in this whole story. Everything should be solved by exclusively peaceful means: this was one of the pillars of contemporary international law. He hinted at some very suspicious flights leaving off of Turkey directed to the middle of Azerbaijan: cargo flights leaving on a daily basis. He also called for a stronger engagement of the Council of Europe on this issue, telling how the people of Armenia were under the imminent threat of being victim of genocide. And Armenian cities were shelled, people got killed, civilians and journalists, even international journalist were under attack. He urged the Council of Europe to understand that they were dealing with international aggressors backed up by Turkey and that it was absolutely necessary to find a peaceful solution to the conflict.

Ms Åberg started by stating how terrible and tragic it was that members of the Council of Europe were engaged in a conflict against one another. She reminded that both Armenia and Azerbaijan, by becoming members of the Council of Europe, agreed and committed to resolving their conflicts in a peaceful manner and that both countries had the obligation to safeguard their right to life and to protect the populations from torture, inhuman and degrading treatment and punishment. But, unfortunately, both countries breached this obligation. She described the situation as a humanitarian disaster that had to cease immediately. She urged Azerbaijan and Armenia to return to the negotiating table and expressed deep concern about the role of Turkey in this conflict. She told how last week, the Turkish Minister of Foreign Affairs, Mr Çavuşoğlu, had reiterated that Turkey would support Azerbaijan in the field. Any country that offered support in the field to Azerbaijan or Armenia was also violating their obligations to the Council of Europe. She expressed concern about the hate speeches in this conflict: calls for hatred and violence spread by social media were used to fuel the conflict and dehumanise the other side. She urged the governments to lower their level of inflammatory rhetoric because, for peaceful negotiations to be successful, its terms had to be accepted by the people and the people needed to be prepared for that.

Ms Arpadarai talked about what happened on the 10th of October in Ganja, the second largest city in Azerbaijan, with over 500.000 people, which was under attack: four people killed, more than 40 wounded and no military target in its vicinity. She told how the civilians living there and a four-storey residential building was heavily damaged because of a ballistic missile launched from the territory of Armenia. And this happened just a few hours after the humanitarian cease-fire agreement was signed. Just a few days before that, senior advisor to the Prime Minister of Armenia said on Russian television that military attacks on civilian targets were carried out to spread panic. And how, later on, the press secretary to the occupying forces leader said that in a few days Ganja would only be able to be discovered by archaeologists. Armenians started acting like they were on a crusade with slogans such as "clash of civilizations" or "stronghold of freedom" and were even the word "Christianity" in the hope that this discourse will wake up some medieval sentiment in the western society. Europe moved on from this rhetoric long ago. She explained that her country was committed to negotiations for 26 years and that the UN called for a withdrawal of all Armenian troops from Azerbaijani territory. Azerbaijan was doing everything in full compliance of international law and the UN charter.

Mr Melkumyan reported that civilians were being victims of bombings. He asked if the Council of Europe could stop the barbaric aggression initiated by Azerbaijan with the help of Turkey. The Cathedral in the town of Shushi had been destroyed in flagrant violation of various international conventions. Could the Council of Europe assess this matter in lucid terms and if Europe recognised that there was a war in Artsakh? It was the first time Turkey directly participated in this war against the people of Artsakh and terrorist attacks were being carried out within the dividing line, with international terrorists brought from Syria. An international anti-terrorist coalition should be set up immediately to stop this aggression. Lastly, he asked if the Council of Europe would react to Azerbaijan taking civilians and civilian infrastructure as their target.

Mr Yildiz emphasised that Armenia's record during the last three decades did not make him optimistic. There was no base for the affirmation that Turkey was participating in the conflict and this had been denounced by both Turkey and Azerbaijan presidential offices and first ministries. He stated they supported Azerbaijan and would continue to do so, because 20% of Azerbaijan territory, including Nagorno-Karabakh but not only, had been under illegal Armenian occupation for 28 years. Which was the subject of four UN Security Council resolutions that call for immediate, complete, and unconditional withdraw of all occupation forces from Azerbaijan territory. He was shocked by Armenian colleagues defending a peaceful solution and asked if the territory had been occupied by peaceful means and if almost 1M people had left their settlements through peaceful means. He reminded everybody that neutrality between aggressors and the victim encouraged the aggressor.

Mr Kiljunen stressed that, when both countries entered the Council of Europe, they agreed to solve all misunderstandings related to the Nagorno-Karabakh conflict peacefully. Now we had two States of the Council of Europe fighting against each other and, although it was stressed that defence and security were not directly on the Council of Europe agenda, these types of humanitarian crises were a serious matter to be considered seriously. Hate speech was spreading everywhere, from Istanbul to Moscow. He also welcomed the fact that a humanitarian cease-fire had been agreed upon, which was a first step, but the war continued. Human rights should be respected; he hoped that both Azerbaijani and Armenians found the way to a solution.

Mr Rasmussen said Turkey was threatening all of its neighbours by attacking them; one could see that it in Syria, Cyprus, Greece and now in Armenia. It was important to remember the genocide of Armenian people committed by Turkey, which Turkey still denied. He condemned the fact that Turkey was sending jihadist terrorists to attack the Armenian population and stressed there was proof. Erdogan had been making threats against the Armenians and also to European countries, journalists were being imprisoned in Turkey, and Turkey was also supporting jihadists in Libya and Syria. Moreover, colleagues that were against this in Turkey were being put into prison. This was not only about Azerbaijan and Armenia; it was also about Turkey stopping this.

Mr Maniero was greatly concerned about what was happening. The armed conflict was in itself a tragedy that should be tackled within the Council of Europe. However, as we had heard from various sources, including the Head of the French government and Russian Intelligence services, according to various reports Turkey was establishing contact with militia from Syria, which were being placed in the combat line. He claimed that this was a further danger for peace in the region. It was very a serious matter and, aside from calling for immediate respect of the cease-fire and returning to the negotiating table, it was important that other parties should abstain from interfering, because they were just aggravating a conflict that was already a tragedy. They should not forget the dangers of bringing foreign troops into the region, as which happened with ISIS in North Africa. They should be reminded of the consequences of such steps.

Mr Merezko considered that the key to the solution of this conflict was international law. The observance of the UN charter and complete implementation of four obligatory resolutions of the UN Security Council which said that the occupying state, Armenia, should withdraw its occupying troops from Azerbaijan. This would be the first step towards durable peace in the region.

Mr Hamid expressed deep concern for the large-scale military action between Armenia and Azerbaijan, resulting in military and civilian casualties on both sides. He urged the parties in the conflict to make every effort to de-escalate the situation and continue to seek ways to resolve the conflict peacefully based on generally accepted principles of international law and the four resolutions of the UN Security Council. He also referred to the Resolution 1416 of 2005 on the conflict over the Nagorno-Karabakh region, which by recalling resolutions of the United Nations Security Council, called the parties concerned to comply with them and reiterated that the occupation of foreign territory by a member State would constitute a great violation of the state's obligation. He pointed out to the right of displaced persons in an area of conflict to return to their homes safely and with dignity. Finally, he stood once again for a political settlement of the conflict based on the principles and norms of international law and respect for sovereignty and territorial integrity.

Ms Hayrapetyan expressed concern for the state of affairs between Azerbaijan and Armenia, not only for the situation in Nagorno-Karabakh but also for the entire region. She also pointed out that her Azerbaijani colleagues obviously contest that it was Azerbaijan that had started the war in Nagorno-Karabakh on the early morning of September 25th and that it was them who bombed churches and killed civilians. She urged her Azerbaijani colleagues to look at what their political leaders did before they started blaming Armenia. She talked about how today Armenians and especially the inhabitants of Nagorno-Karabakh were in a situation of existential insecurity. She urged the Council of Europe to ask one simple question, in the 20th century: are we going to create new Hitlers? Are we going to let Erdoğan do that? Are we going to create a new area of

instability in the south Caucasus? She explained how in this context it was very important to condemn the aggressive attitude of Azerbaijan, which was fully supported by Turkey and also involved a terrorist. She concluded her speech expressing sorrow as a human being for all the deaths on both sides of the conflict.

Mr Gadirli spoke about the principles of territorial integrity and self-determination of people and how there were some contradictions by law experts in academic writing on the topic. The bottom line, he claimed, was that territorial integrity was a priority. He stressed that the obligations of the member states within the Council of Europe were important but did not prevail over the right to self-defense stemming from article 51 of the UN Charter, and this was exactly what Azerbaijan was doing. There was no such thing as a peaceful resolution of conflict and that if one read carefully all the documents about international law one would find that there was a principle of peaceful settlement of disputes. When a dispute developed into a conflict, then the right to self-defense came into effect, which was very important. Turkey was not the third player in this conflict, because Russia was always been in the picture and thus Turkey, if anything, was the fourth player in the field.

Mr Rubinyan said on September 27th Azerbaijan attacked Nagorno-Karabakh with military and political support from Turkey. Also, Turkey deployed jihadist terrorists from Northern Syria to the war zone. And Turkey had also shot an Armenian military plane in the territory of Armenia. He claimed these to be facts and he said that he even had sent videos of these jihadist terrorists fighting the ethnic Armenian people of Nagorno-Karabakh. He addressed those people in the Council of Europe who, in his view, put quality marks between Armenia and Azerbaijan. He explained that the situation was that there were 150.000 Armenians living in Nagorno-Karabakh and that every city or village that the Azerbaijani forces and jihadist terrorists enter would result in all ethnic Armenians living in those cities either being killed or being subjected to an exodus. He insisted that this situation was not the type of situation where you could call for cease-fire, or if so, everybody should respect it, all sides: Azerbaijan and Turkey. He urged the Council of Europe to not put artificial quality marks between the ones who were about to be subjected to genocide and those who were using terrorists and attacking civilian populations. Finally, he urged the Council of Europe to ask a fundamental question and make a decision: were they going to allow another genocide and another ethnic cleansing happening on the territory of the Council of Europe or not?

Mr Jafarov listed the fact that the Prime Minister of Armenia claimed that Nagorno-Karabakh was Armenia, but he was lying because no country, including Armenia, recognised the illegal regime in Nagorno-Karabakh. Armenia did not seek any resolution of conflict but rather presented a new formula for conflict: a new war for new territories. In Armenia a criminal investigation was launched against the former president, leader of main opposition party and MP, who was stripped of his immunity and was arrested just 2 weeks ago. He claimed that domestic problems, internal crisis in social and economic situation and racism lead to the beginning of the war. And Armenia was the one that started the war. Azerbaijani had no problem with Armenian people, but they did have a problem with the constructed and aggressive policies of Armenian military political leadership. Azerbaijani believe in multiculturalism and as a proof of that there were 30.000 Armenians co-existing peacefully with the Azerbaijani population. On the other hand, he pointed out that there was not one single Azerbaijani living in Armenia. Azerbaijan had been committed to the peaceful resolution of conflict for almost 30 years. However, did it mean that it should wait 30 more years or forget their own homeland. Why the Assembly did not condemn the provocations of the Armenian leadership. He pointed at the fact that Armenian's aggression was also against the interest of this Assembly as they attacked the pipelines that contributed secure energy to the European countries. He then added that the French president made false accusations regarding third parties involved.

Ms Çelik started by claiming that there were several issues to understand in this situation. First of all, Nagorno-Karabakh was under illegal Armenian occupation for the past 28 years. The UN Security Council resolutions tried to secure the territorial integrity of Azerbaijan and called for immediate withdrawal of all Armenian troops from the territory of Nagorno-Karabakh. For almost 30 years the international community turned a blind eye to the situation: a clear violation of international law and the suffering of over one million internally displaced people who had been forced to leave their homes. Furthermore, the establishment of the Minsk Group brought no viable solution to the problem. In the latest escalation, during the cease-fire, Armenia performed military attacks not only on military areas but also on civilian areas, including the city of Ganja, a clear violation of international humanitarian law and the Geneva convention. Armenia launched a campaign to try to involve Turkey in the situation as a scapegoat to try to divert attention from its illegal actions. Turkey simply called on the international community to facilitate a pacific resolution of this conflict, preventing more human suffering and achieving stability in the region. Azerbaijan believed in dialogue and diplomacy to resolve this dispute and that the first step to ending this dispute was ending the Armenian occupation of Nagorno-Karabakh in line with international law and the principles of the Council of Europe. Turkey was simply on the side of international law, and international law was on the side of Azerbaijan in this issue.

Mr Marukyan argued that Azerbaijan attempted to outsource its own aggression against the Armenian people in Nagorno-Karabakh using terrorists and mercenaries from Syria and Libya. The day before, the US Embassy in Azerbaijan and the British Foreign Ministry asked their citizens to refrain from traveling to Azerbaijan due to the terrorist threats. The information was already out at an international and expert level proving that Azerbaijan was using mercenaries and terrorist groups in Nagorno-Karabakh to kill civilians and the peaceful population. Another war crime was that Azerbaijan was using cluster bombs to bomb Stepanakert, the capital city of Nagorno-Karabakh, Hadrut, Martuni and several other large villages and cities in Nagorno-Karabakh. The situation was even worse, and that the bloodshed needed to be stopped. The only solution was to recognise the status of Nagorno-Karabakh, to recognise the right of the people of Nagorno-Karabakh to live in their homeland and guarantee security and peace. Otherwise, another genocide would happen before our eyes in the 21st century. Azerbaijan should be punished for using terrorists from Syria and Libya.

Ms Fataliyeva asked what it would be called if sleeping cities were attacked by rockets in members' countries and, as a result, innocent civilians died and innocent children and women were injured: it would be called terror. When the second biggest city of Azerbaijan which was far from the conflict zone was being attacked by missiles at night, it was also called terror. After serving as a general rapporteur on children for the Council of Europe for two years, she remembered how they worked with colleagues from all member states for the wellbeing of children suffering, killed and injured in Syria and in other Middle Eastern countries which were not member States of the Council of Europe. It was not the first time that Armenia committed genocide and terrorist acts against Azerbaijani civilians. The Khojaly genocide costed the lives of 600 Azerbaijani people who were cruelly killed, including the murder of innocent children living on the frontline. Since the beginning of the conflict Armenia continuously and deliberately targeted civilians. They constantly showed disrespect for and noncompliance with international law, violating the Geneva convention and humanitarian international law. Armenia repeatedly showed its inability to remain committed to a ceasefire for humanitarian purposes as agreed by its officials. It raised acts of aggression and occupation to the level of state policy. Azerbaijan reserved the right to decent reaction and action. The member States were invited to respond with the right attitude to the events going on at the frontline and in Azerbaijan.

Ms Zohrabyan highlighted that it was a constant fact that the armed forces of Azerbaijan, with the open support of Turkey, were intensively bombarding civilians and residential areas in Nagorno-Karabakh and the international community was not taking into consideration these facts. This could result in the war spilling over beyond the borders and affecting the whole region. The international community should take very resolute steps to stop that from happening. Mercenaries were being used on the Azerbaijani side to intensify the attacks by the military. This shows that Turkey was openly participating in the war. President Macron and the Russian side declared that there was hard and fast information about the presence of Syrian and Libyan terrorists sent by Turkey to the region. It was in fact a war of terror and antiterrorism actions should be taken. In the city of Shushi the cathedral was bombed, and in the course of that bombing by Azerbaijani forces, a number of civilians were wounded. The elderly, women and children were hiding in the basement of the cathedral and they suffered as a result. There was a right to live on the land of one's ancestors, and that right was being threatened. It had to be understood that this was an aggression against the people of Artsakh.

Mr Mollazada stated that Armenia always refused to recognise international law and said no to the UN Security Council resolutions, to the European Parliament resolutions to the Parliamentary Assembly of the Council of Europe resolutions, and even recently when the Russian president offered them a humanitarian truce. Immediately after the signing of that truce by the Armenian Foreign Minister in Moscow, they shelled Ganja, almost killing women and children. Killing women and children was a tactic to create horror and chaos and continue ethnic cleansing. Armenia did not expect that when they started an offensive against Azerbaijan, that Azerbaijan would have a modern army. Azerbaijan did not need military support from Turkey or Middle Eastern groups. Armenia were the ones who invited the PKK and ASALA. When the governments of the United States and the United Kingdom warned Mr Marukyan about terror, they meant Armenian terror because they were afraid of Armenian terror. Azerbaijan had military operations on its own land. The Armenian army occupied Azerbaijani territory and saw shelling and killing people in big cities outside the conflict zone. Mr Mollazada insisted that the international legal system should be implemented, and that Armenian aggression and terror needed to be stopped with support from the international community. If there was rule of law, Armenia would stop, if there was a rule of power, Azerbaijan has a modern army and Azerbaijan can defend itself. He concluded by hoping that the Council of Europe would support the rule of law.

The President concluded the debate by emphasising the equal basis on which parties had been treated in the debate regarding number of speakers and timing, especially given the highly sensitive nature of the debate. He finally appreciated the civilised manner of all participating parties and hoped it would continue and go towards resolving the matter.

The meeting was **adjourned**.

JOINT DEBATE

Ms Nicole Trisse, Vice-President in the Chair, **opened** the meeting.

14 DEMOCRACIES FACING THE COVID-19 PANDEMIC

15. THE IMPACT OF THE COVID-19 PANDEMIC ON HUMAN RIGHTS AND THE RULE OF LAW

Mr Liddell-Grainger, rapporteur of the Committee on Political and Democracy on “Democracies facing the Covid-19 pandemic”, said this pandemic was the greatest public health crisis in recent history, claiming over a million of lives across all continents and had heavy political, societal and economic consequences. It also had a crash test for government systems and institutions at national and international levels. The report was structured around three main themes: democracy safeguards in emergency situations including crisis management; democratic requirements and guiding principles relating to elections during emergency situations; national parliaments facing Covid-19. With respect to the first point, governments were taking immediate and extraordinary measures to slow down the spread of the virus. These measures had a significant impact on people’s lives, both professionally and socially. On 25 March, a statement was made by Dame Cheryl Gillan that said that democracies could not be put on hold. Democratic systems needed to be protected during the pandemic and they needed to ensure transparency of public debate to preserve citizens’ trust in democratic institutions. We recorded a fundamental principle that had to be respected by governments and public authorities at all levels to cope with a pandemic: democracy and human rights could not become the collateral damage of a pandemic. It was stressed that the pandemic and the measures might have been used as a pretext to destroy democracy acquisition. Emergency measures always affected society and they restricted human rights. It was thus important to recall that all measurements in response to the pandemic had to be limited in duration and had not to exceed the duration of the emergency situation. Parliament had to continue to play its triple role: representation, legislation and control. Parliaments needed to provide public coverage of their work during a public health crisis in order to participate in democratic decision making. Politicians needed to be responsible to minimise damage to our economies, populations, social structure, and public institutions. Equally, post pandemic recovery plans had to be drafted, and we should be prepared for future crises. The draft resolution asked member states to respect the system of democratic balances and presented a list of principles in paragraph 7. The pandemic disrupted the normal course of election cycles in many countries. In some cases, elections were postponed; in others the organisations of elections gave rise to controversy. We therefore had to ensure that the principles applied, such as when to decide to hold or postpone elections. During an emergency health situation, elections could be held based on recommendations by the Venice Commission. The Assembly had to be able to observe elections during an emergency situation. Chapter three of the report dealt with the importance of parliaments during times of crisis. It gave an overview of the response of parliaments and member states to the pandemic. Fortunately, most European parliaments responded with flexibility by adapting their work to extraordinary measures. They continued to act by implementing a combination of measures listed in the draft resolution in order to see maximum efficiency compliant with democracy, human rights and the rule of law. This chapter also presented good practises for pandemic management and platforms of cooperation with international partners. However, the extraordinary measures should not become the norm. The last chapter dealt with global challenges. International relations were at risk and we saw the shortcoming of international health systems. Governments and private firms invested billions in the development of a vaccine which hopefully would be ready by 2021. Clinical trials were being carried out in dozens of countries. Vaccines needed to be affordable and available to all people. For that to happen, States needed evidence based international coordination and human rights compliance. There was a need for a common European approach so that all European citizens could benefit from equal protection for Covid-19. We had to support the World Health Organisation in the international response to the pandemic. Lastly, we should not forget about conflicting countries and countries in which the pandemic added another layer on top of an already existing crisis. In all these situations there was a need for urgent unity and mutual support. Solidarity and leadership were vital. The Joint Declaration of the Alliance for Multilateralism Declaration was signed by 24 countries. We were only as strong as the weakest link and building a more sustainable international cooperation was absolutely right. All member States had to respect this and strive for multilateral development.

Ms Lovochkina, rapporteur for opinion of the Monitoring Committee, shared the rapporteur’s astute conclusions and especially his emphasis on the fact that under no circumstances should a global health crisis be allowed to undermine the fight for democratic acquis and the proper functioning of democratic institutions. The opinion put forward a number of additional observations in support of the overall leitmotif of Mr Liddell-Grainger’s report, building on the experience of the Monitoring Committee. Firstly, when assessing how different member States reacted to the global pandemic, it was essential to take into account the specific constitutional and legal order as well as the democratic environment in each country. The committee had committed itself to assessing the compliance of emergency measures with democratic standards in its regular monitoring and periodic review reports. Secondly, the Covid-19 pandemic caught many countries off guard.

As a result, they were forced to adopt and implement specific measures at very short notice. In countries with more polarised political climates this was marked by increased political tensions. All member States therefore had to develop adequate constitutional and legal frameworks to deal with global health emergency situations. These measures should be based on wide consensus between all stakeholders in order to ensure their wide public acceptance. They should do it now – before confronted by a new pandemic. Ms Lovochkina fully shared the conclusion that parliamentary oversight and control were crucial in emergency situations. It was essential that the legitimacy of the parliament and its functioning was not questioned under emergency situations. While she agreed that conducting genuine elections under pandemic conditions was difficult, she was equally concerned about the democratic deficit that could result from a lengthy postponement of elections. It was therefore important that all member States ensured that an adequate legal framework was adopted providing clear criteria for the postponement of elections as well as conditions under which elections could be held in pandemic situations. This should be based on a consensus between all political stakeholders and agreed upon before the next elections were called for. Mr Liddell-Grainger had rightfully highlighted the importance of election observation. At the same time, the assessment of an election did not depend only on observing the ballot on election day. The Parliamentary Assembly always used a more holistic approach to assess elections. It also considered the political environment, the long-term electoral preparations and the legal framework for elections. It was especially important to strengthen this component of the assessment of elections. In Ms Lovochkina's view, with new measures introduced in the pandemic such as postal and internet voting, information obtained by the Monitoring Committee had to be a crucial component of the holistic assessment. Such an approach also ensured that an assessment of an election by the Parliamentary Assembly could not be questioned, even when the physical observation of the vote on election day was not possible due to the pandemic. These observations were at the core of two amendments to the draft resolution that the Monitoring Committee had tabled.

Mr Vardanyan, rapporteur of the Committee on Legal Affairs and Human Rights on “The impact of the Covid-19 pandemic on human rights and the rule of law”, said the report discussed the core business of the Council of Europe and whether member states respected basic standards of human rights when responding to the public health crisis in accordance with the European Convention on Human Rights. In the early stages of the pandemic, measures were taken that had no clear legal basis, due to its unexpected nature and states not being prepared. Lessons were therefore learned and member states had to ensure their legal frameworks were reviewed and reformed as necessary and should refer to the Venice Commission for guidance. The report explored the concern for liberal democracy, human rights and the rule of law, and if authoritarian regimes could protect their citizens better than democracies. The results showed that this would not be the case as liberal democracies managed to control the virus without sacrificing fundamental values. The report examined the situation until the end of June, exploring examples of the mistakes made throughout Europe. This illustration aimed to correct any outstanding problems and ensure they were not repeated. The draft resolution dealt with matters of general principles that were applicable to all member states, calling on solidarity and consensus from all. It described the areas in which some of the most serious problems arose. These were the following: emergency measures taken in response to the pandemic; states of emergency, that was, the exceptional legal regimes that many states introduced; derogations to the European Convention on Human Rights, which were introduced by 10 member states; data protection, especially concerning contact-tracing smartphone apps; the functioning of judicial systems; the situation in prisons and other places of deprivation of liberty; corruption in public procurement and economic stimulus and recovery measures. The report provided a reminder of the most important and accessible sources of information on Council of Europe standards. The resolution affirmed the Assembly's endorsement of those standards. A draft recommendation focused on two issues: harmonising national practice on derogations to the Convention; and a pan-European review of recent experience, so that member States could learn from one another. Member states needed to ensure that populations keep faith in their government in view of further restrictions during the second wave. This meant that restrictive measures had to be transparent, understandable, proportionate and democratic. People should be convinced that the measures were based on objective evidence and scientific reasons and were proportionate and non-discriminatory. The report concluded that this was possible within the standard model of democracy that the Council of Europe had developed and promoted over the decades, and it reminded member states and other actors of how to achieve these goals.

Mr Sonik, rapporteur for opinion of the Committee on Culture, Science, Education and Media, stated that his committee fully shared the analyses and conclusions of the report. The global health crisis posed an unprecedented challenge to human rights and the rule of law, because in extraordinary situations there was a great risk of exceeding the limits of what was necessary or justified. The report pointed out how, even in situations of national emergency, member states could not suppress freedoms, dismantle democracy or violate the rule of law. In giving the opinion the committee focused on freedom of expression, including freedom of the media: a freedom that had often been put to the test during this crisis. The report rightly argued that in such a pandemic, information was crucial and sometimes vital to ensure that the public was warned of the dangers at hand. For this reason, measures that restrict freedom of expression, access to information and

freedom of the media were difficult to justify. Paradoxically, during the pandemic, threats to media freedom and the safety of journalists multiplied, as confirmed by the platform of the Council of Europe. Numerous verbal and physical attacks against journalists were denounced. The risk of disinformation was used as a pretext to muzzle those media that were critical of government action. Journalists were detained and mistreated under the pretext of not respecting quarantine. The committee fully supported the draft resolution. At the same time, they suggested strengthening the resolution and stressed the urgency for the member states to fully embrace the obligation to protect the freedom of the media and the safety of journalists, even in times of crisis. The committee proposed two amendments which, in their opinion, were likely to complete the report with regard to the impact of the pandemic on freedom of expression and freedom of the media by introducing the following sentence: "The Covid-19 pandemic - and other similar potential crises that may occur in the future - should not be considered as a pretext for the adoption of emergency legislation introducing restrictions on freedom of information that go beyond what is legal, necessary, proportionate and non-discriminatory."

Mr Pocij explained that the world was a much different place than it had been one year ago. The Council of Europe's Parliamentary Assembly had the responsibility to go into greater depth to ensure that difficult times do not lead to an erosion of democratic institutions, and to defend freedoms, human rights and the rule of law. That meant resisting pressure from the media and judgement from social media, which all too often distorted information. He questioned how to respond to the crisis and what measures should be taken to regain confidence and legitimacy. He expressed the need to continue ensuring that executive power did not usher in measures which circumvent democracy, as this was witnessed all too often in elections over the last eight months. Everything should be done to bolster democracy and strengthen people who felt lost and support those countries, which perhaps used the pandemic in the wrong way by restraining democracy.

Mr Cottier commented that this was a key debate on democracy, the rule of law and human rights, and he showed gratitude for having institutions that did not just create and shape them but defended them. These values were at the heart of the institutions as the previous speaker had mentioned. Limits to fundamental freedoms could be justified to preserve something as important as health under exceptional circumstances, but they should be limited over time and in scope and based on law. There was the need to maintain the smooth working of counterweights—above all in times of crisis—and that parliaments had their role. He commended the European Parliament for being creative and flexible and said that justice had to continue to function. The Venice Commission opinion on the state of emergency was important and should be better integrated into national legislation. Freedom of expression and freedom of the press were essential, as was the need to fight against misinformation, which should not serve as a pretext to weaken democracy. He urged for clear and strict rules and dialogue with the opposition to ensure free and fair elections, as well as the capacity to effectively campaign for and monitor elections. The Assembly needed to think this over as the context had changed. In addition, there was the need to cooperate, better and more, on a multilateral level beginning with distribution of vaccines once they were available. Another cooperation was necessary between national and regional and local authorities. All of the points and many others mentioned in the reports should be the subject of intensive work in the states and in the Assembly. He congratulated all those who had committed to defending these values throughout the crisis.

Sir Roger Gale congratulated the rapporteurs and commented that the pandemic should not interfere with the democratic process. He confirmed his belief that freedom of the press was instrumental in the democratic process and in elections. He supported the amendments proposed by the Monitoring Committee but rejected those made by the representatives of the Russian Federation, whom he believed had never been particularly wedded to the democratic process.

Ms Karamanli appreciated the tone and concern of the two reports and emphasised that rule of law, democracy and human rights must not become collateral damage in the pandemic. She expressed the need to remain vigilant and the fact that parliaments and our Assembly must be active to ensure that any restrictions on freedom must be limited over time and in scope, and they must be proportionate to the goals sought. She commented on technological advances, either telephone applications to detect virus spreaders, or artificial intelligence to identify patients and high-risk groups. We had to be careful with the collection and use of these data, and make sure they were being used for the benefit of society. New technology needed to be regulated, and we had to fight against any excessive use or misuse of it. Democracy should be upheld under the pandemic. The draft also considered the holding of elections and the role of parliaments and good parliamentary practices, and the role and the place of the press. She commented that the press was suffering many aspects; its independence was under threat, so we need to encourage independent media and external stakeholders to ensure there was a legal framework which was innovative to guarantee freedom in general and particularly in times of crisis. Not only should technical aspects be considered—we saw the approach from authorities and the measures they wished to take—but we also needed to think about the effect that this could have on data and its collection. Experts and authorities were cited and, when expressing their opinion,

they sometimes responded in an unconscious way when stating their preferences. The diversity among societies had to be considered, and we had to ensure we had collegiate decision-making and an exchange of different views. The Assembly should work to ensure that these things were preserved and defended. She called for reflection from this angle in light of the uncertain future.

Mr Kox recalled the terrorism crisis in Europe that threatened so many of the member states, when the question of how to protect the fundamental values of the Council of Europe had to be answered. He drafted a report on how to combat terrorism while upholding the Council of Europe's values and standards. That report was adopted by a large majority and he trusted that the present reports would be accepted by a vast majority of the members of the Assembly. Parliamentarians had to stand strong in times of crisis in order to uphold democracy, human rights and the rule of law. He commented that far too many governments were taking power away from parliaments during this Covid-19 crisis, and there were too many derogations from the European Convention on Human Rights. Parliamentarians were obliged to stand strong for parliamentarism and for the rights of the parliaments in these times of crises. He called for vigilance to see how things develop in the 47 member states of the Council of Europe and stated that more democracy was needed in times of crisis, not less. He congratulated both rapporteurs for their excellent reports.

Ms Šuštar denounced some facts mentioned in the report of the Committee on Legal Affairs and Human Rights as well as in the relevant opinion. In particular, she referred to paragraph 8 of the report and paragraphs 35 and 21 of the opinion in which Slovenia was mentioned in a negative context. However, she conceded that the report and the opinions were acceptable, in principle; it was only the specific examples that she was questioning and criticising. She added that the facts mentioned in paragraph 31 of the opinion were incorrect. The opinion about their Prime Minister and his office's actions on social media was inaccurate. She pointed out that a journalist investigated the matter and discovered that someone had hacked into the Prime Minister's account and re-tweeted inappropriate tweets, but that no other incidents were connected to that twitter profile afterwards. She explained that it was unnecessary for this incident to be mentioned in the committee's opinion, at least not in its current form, because it was untrue and only served as a provocation against the current government in Slovenia. As such it was misleading. She said that knowing all the facts it was utterly inappropriate to compare the situation in Slovenia with Turkey or with the Russian Federation, as indicated by Mr Sonik.

Ms Lep Šimenko started by responding to some facts stated about Slovenia in the report by the Committee on Legal Affairs Human Rights, as well as in the relevant opinion. She maintained that the statement in paragraph 31 of the committee's opinion was untrue, as the Prime Minister had not written that tweet. She specified that the government crisis headquarters had re-tweeted it. She also contested paragraph 25 of the committee's opinion for placing Slovenia alongside Russia and Turkey in terms of threat and pressure on journalists, which was something that Slovenia could not agree with, as there was no pressure on journalists from political authorities in Slovenia. She pointed out that Slovenian authorities could not be held accountable for pressure from individuals who did not agree with the journalists' reports. She stated that, in Slovenia, the media and journalists had complete media freedom. She mentioned that Slovenian media enjoyed the most freedom at the time of Janez Janša's first government between 2004 and 2008, when Slovenia ranked 9th and 10th for media freedom. Therefore, she suggested that it might make more sense to wait until the end of the current government's term and then judge how the international public views press freedom in Slovenia. Regarding commodity reserves and the contracts signed for protective equipment, which was also mentioned in the report, she added that there had been no whistleblower at the agency for commodity reserve, as reported, but merely a repented who had been pointing the finger at others to disguise his own signature on the contract (worth hundreds of millions) that should never have been signed. This person's disclosures were only motivated by a political agenda. She then drew attention to the specifics of the Slovenian media landscape. She explained how media found it difficult to admit that they historically originated from a left-wing political opinion. Anyone who followed them knew how much they support the left-wing and how negative their attitude was towards the right-wing government (led by Janez Janša). She also pointed out that the sources of information on Slovenia provided in this report were not independent or objective at all.

Mr Howell thought this to be a crucial moment in the functioning of the Council of Europe to make sure that its aims and objectives were well understood and put into play. He insisted that the rule of law, democracy and human rights were not academic concepts, but rather real concepts that should guide the action and work of the politicians in Council of Europe member countries. He mentioned one criticism about the reports, which concerned the efforts to implement them in Council of Europe member countries. He explained that this was a duty that fell on all parliamentarians and that it was very important they approach it not from a blame-and-shame perspective, and that the Council of Europe should not single out countries that did things wrong or did not approach the situation in the right way. They needed to share information, make sure that people understand the rules, and make sure that the rule of law and democracy and human rights were at the centre. One of the key elements consisted in convincing their populations that what they were doing was right. As an

example, he mentioned that in the UK that very afternoon they were going to have a large debate on the Prime Minister's proposals for tackling the next stage of Covid-19. He agreed with Sir Roger Gale on his statements about the freedom of the press, but that he would draw a line when it came to social media. He criticised social media for its fickle and exaggerated depiction of reality, showing on the one hand that the pandemic was over, but on the other that it was about to destroy humanity. He argued that some control needed to be exercised on social media to make sure that an accurate picture was portrayed. He finished by congratulating the rapporteurs once again for their excellent work and urged his colleagues to make sure that these recommendations were fully implemented in each country.

Mr Zsigmond congratulated the rapporteurs. Mr Ian Liddell-Grainger correctly explained the legal situation in Hungary and how to understand it. It stated that the Parliament of Hungary was working non-stop and that a state of emergency was declared. Hungary was dealing with a unique situation and using a different approach that depended on its legal system, while the opinion by Mr Sonik stated that the Hungarian government wanted to use the situation to silence all criticism by certain independent journalists. He praised the reports for providing such a detailed account of Hungary's legal system and pointed out how useful these documents were for the delicate legal situation that Hungary was facing. Every state had a special legal system and Hungary used different approaches. However, he wanted everybody to understand that the principles used in Hungary were fully in line with the rule of law and human rights. He agreed with the previous speakers on the fact that they needed more democracy, and they had to be able to rely on each other to fight against the Covid-19 pandemic.

Mr Rasmussen, Vice-President, took over as Chair.

Mr Bashkin thanked the rapporteurs and mentioned that it was both important and symbolic that those reports came out at the same time, as both of them referred to similar issues and were vital to understanding the situation after the virus. He expressed his belief that they all needed to reduce the spread and that countries had to try to unite in combating this problem. He pointed out that regardless of one's political views, Council of Europe member countries needed to rise above them and protect their citizens. He urged his colleagues to understand this and take a calmer approach. He pointed out that most speakers had said that counter-epidemic measures usually had involved limitations, including those on the right to assembly. In that respect, he highlighted the importance of finding a middle ground rather than going to extremes with excessive measures and restrictions. He stated that a particular role was played by two pillars in Europe: the media and the parliaments. The role of parliaments could not be reduced at all; in fact, it should be even more responsible than ever, especially when it came to law-making. Even in these strenuous times, parliaments needed to be able to meet and resolve problems for their citizens.

Mr Efstathiou said that the reports rightly focused on the challenges we faced as democratic societies, and that the depth of a democracy was always proven in times of crisis. He said that the current crisis was analogous to that of the mid-30s in Europe. With the pandemic being far from over, he urged everybody to be more vigilant than ever so the situation does not get out of hand. He urged Council of Europe members to prioritise their actions and allocate sufficient resources to implement these measures. Emergency restrictions had to be anchored in justice and the rule of law, and judicial independence and transparency in all member states had to be safeguarded. Governments had to maintain their role as guarantors of stability and democracy. No ministerial decree had to substitute the legislative. The problem laid in disguised restrictions and interventions to human and political rights. He expressed his particular concern with the idea that the pandemic might be used as a pretext for unacceptable measures and stated that no intervention should be allowed that goes beyond the democratic society standards. He urged everybody once again to be rigid and vigilant on that issue.

Baroness Doreen Massey thanked the rapporteurs for their thorough and interesting reports that dealt with issues everybody was struggling with due to Covid-19, and issues which were applicable to other pandemics. Speaking on Mr Vardanyan's report she pointed out to the need to balance individual rights with public interest, and the importance of applying measures that were lawful, necessary, proportionate and non-discriminatory. She said that some might feel like we were in free fall with this situation, so it was a great idea to give terms of reference through appropriate intergovernmental committees. In the United Kingdom there were complaints that instructions from the government were confusing and inconsistent and should not be trusted, for example, with contact-tracing apps. She explained how the situation was particularly complex with children and young people, and she pointed out that she was appointed by the Social Affairs Committee on the subject of the impact of Covid-19 on children's rights. She mentioned that some countries had closed schools, which was a measure that could have serious long-term effects—especially for vulnerable children. There was a risk of falling behind in education, not be able to socialise, not having a routine and not having access to children's services through schools, which could be devastating and have serious impacts on mental health. Some families did not have access to facilities like the internet for home-schooling. Child poverty had increased.

Domestic violence had increased. Some countries were systematically failing to take into account children's rights in the context of this emergency situation. She concluded by saying that Covid-19 had highlighted existing deficiencies in many systems including those towards children and that how we deal with those systems was an enormous problem, particularly in times of hardship. She praised the report for suggesting ways to move forward and for providing a comprehensive review of the challenges.

Mr Leite Ramos urged the Council of Europe to act quickly in light of the emergency by taking effective measures that respect the law. The Council of Europe had to reaffirm the role of parliaments and ensure that they were in a position to exercise their mission. Member countries should allow the WHO to perform its task more efficiently for the benefit of each and every person. The reform of the organisation will allow the WHO to benefit from voluntary contributions. It performed a crucial role by strengthening international health regulations in order to improve global governance of the epidemic. He explained that if WHO health recommendations were implemented, we would have a chance to prevent health disasters and catastrophic economic consequences.

Ms Stienen complimented both rapporteurs on their excellent reports. She stated that human rights, democracy and rule of law were not a luxury for good times; they were a necessity for turbulent and difficult times, and this was what we were facing today, tomorrow and maybe next year. She was particularly impressed by the chapter on the elections during emergency situations and the guiding principles in the report on democracy. What does this mean for the work of PACE when it comes to election observations? How do we deal with the travel restriction some of us have faced by our governments? And how do we actually implement paragraph 11 of the draft resolution on ensuring that we can still maintain or role, our duty, in election observations?

Speaking on Mr Vardanyan's report **Mr Altunyaliz** explained that he perceived some criticism concerning Turkey's actions during the pandemic. Covid-19 was one of the greatest challenges that humanity tried to overcome, and it caused disasters in various fields and paralysed many economies. To combat this pandemic, although a state of emergency had not been declared, Turkey adopted necessary measures in line with the framework in this context while striving to protect human rights and the rights of its citizens and of the refugees that lived in Turkey without any discrimination. All Turkish institutions and facilities were mobilised for this purpose and, first and foremost, to protect the right to life. Turkey was at the top of the list of countries that were taking care of the most vulnerable and fragile groups, and it was trying to safeguard the rights of women, children, families, the elderly and people with disabilities. He mentioned the importance of applying health measures in penitentiary institutions to avoid the spread of Covid-19. He stressed the importance of global solidarity and international cooperation as a successful means to overcome Covid-19 and urged decision-makers to provide cross-country medical assistance in a fair and inclusive manner.

Mr Liddell-Grainger thanked Ms Stienen for her very good point and added that they were looking at the observation of elections. This work still needed to be undertaken. Further work needed to be done in partnership with the Bureau and the Venice Commission, the OECD and others. The report was evolving as they were still in the middle of the pandemic. More work needed to be done as this has been not yet resolved. Lessons were still being learnt, and points made by colleagues still needed to be incorporated. Whenever this situation would happen again—because it would—the report could be taken off for people to follow and to acknowledge what had happened in 2020.

Dame Cheryl Gillan, chairperson of the Committee on Political Affairs and Democracy, thanked the rapporteur in the Political Affairs Committee and Mr Vardanyan for two excellent reports. On 26 March she launched an internal consultation among members of the committee asking for their ideas and information. She was thankful to all 16 colleagues who replied and provided very valuable input. In order to get better insight into the various responses provided by parliaments of member states, a questionnaire was sent to national parliaments via the European Centre of Parliamentary Research and Documentation. Dame Cheryl Gillan was pleased to report that 37 parliaments had replied. She also thanked the Venice Commission for contributing to their work, particularly through its new observatory on emergency situations, together with the participation of experts in hearings. The pandemic was ongoing with consequences for everyone's lives and societies, and follow-up was therefore necessary. The draft recommendation invited the Committee of Ministers to build on national experiences and good practices in responding to the pandemic and developed checklists of parameters to help member states enable the fullest democratic participation possible in these situations. This work had to be carried out by the Venice Commission and had to help inform future work of the Council of Europe. She also mentioned that they invited the Committee of Ministers to prepare guidelines on multilevel governance and response to emergencies. In particular, coordination and exchange of information and good practices between the different tiers of government proves crucial for the efficiency of member states' responses to the pandemic.

The Political Affairs Committee planned on continuing to study the impact of the crisis, but also to try to prepare for future ones. The pillars of democratic systems needed to be looked at, particularly the functioning of parliament and the conduct of elections in emergency situations. She ventured that a more in-depth look was required as this was just a work in progress. Dame Cheryl Gillan was heartened by the reports they looked at that day, but a very careful look was needed on how democracies communicate with citizens, what the roles of unelected actors like scientists and medical advisors were, and even pharmaceutical companies and researchers in vaccine development. The peacetime use of military support had to also be investigated when the war was against an unseen enemy. Equally, the suspension of manifested commitments also required observation. She concluded by echoing some of the speakers' requests to make sure that reports were distributed widely and more efficiently than ever before amongst member states, and to a wider audience. She underlined that the Council of Europe's role as a guardian of democracy needed to be ensured, and Mr Liddell-Granger's report was a great contribution towards that.

Mr Vardanyan conveyed that the report had been prepared within the mandate of the committee. That was why some issues were not widely discussed. They based the report on the very basic idea that the rule of law, during emergency situations, was not on sick leave. Mr Vardanyan went on to address new technologies, stating that it was one of the challenging issues in their report. They tried to do their best by contacting the Convention 108 Committee and obtained guidelines on how to react in these situations. All states tried to use some sort of technological applications, but not with relevant results in every case. The report did not intend to shame or blame any country. To allow messages denying the pandemic and Covid-19 on social media should be allowed under the grounds of freedom of expression. The best option was to keep information as free as possible and fight against these messages. Mr Vardanyan addressed his Hungarian colleague stating that the report covered issues until mid-June, explaining why some information might have been outdated. He insisted that each country tried to use their own system to protect their population, although the report concentrated on the measures and issues that were useful for other countries to address. Mr Vardanyan concluded by reaffirming that parliaments should never be substituted in emergency scenarios. Parliamentary oversights of governments were particularly important. He finally raised the issue of children's rights as an overly complicated issue which was not sufficiently addressed and which required precise state regulation. Regarding his Turkish counterparts, Mr Vardanyan stated that declaring or not declaring a state of emergency was not the issue. The focus was on whether the measures undertaken by countries were based or not on the principles of rule of law and the basic standards set by the Council of Europe.

Mr Cilevičs, chairperson of the Committee on Legal Affairs and Human Rights, thanked Mr Vardanyan for his work. He stated that the pandemic could not be combated only through legal means, but without an adequate legal framework that ensured the safeguarding of human rights and democratic principles, any effective measures against Covid-19 would be certainly impossible. Mr Cilevičs also expressed his gratitude to other bodies and institutions of the Council of Europe and in particular to the Human Rights Commissioner, the Venice Commission and CEPEJ, and other contributors to this report. Paraphrasing Mr Vardanyan, he stated that many types of challenges were always faced, putting their organisation to test. He believed that the reports, including the one by the Committee on Legal Affairs and Human Rights, were an important contribution to handling the pandemic effectively.

Amendment 1 to the draft resolution, presented by Ms Lovochkina, to which no objection was made, was **adopted** with 20 votes in favour, 0 votes against and 2 abstentions.

Amendment 3 to the draft resolution, presented by Mr Bashkin, to which M. Liddell-Grainger opposed, was **rejected** with 1 vote in favour, 20 votes against and 4 abstentions.

Amendment 4 to the draft resolution, presented by Mr Bashkin, to which Dame Cheryl Gillan opposed, was **rejected** with 2 votes in favour, 21 votes against and 2 abstentions.

Amendment 2 to the draft resolution, presented by Ms Lovochkina, to which no objection was made, was **adopted** with 22 votes in favour, 0 votes against and 4 abstentions.

The draft resolution on "Democracies facing the Covid-19 pandemic", as amended, was **adopted** with 24 votes in favour and two abstentions [Resolution 2337 (2020)].

The draft recommendation on "Democracies facing the Covid-19 pandemic" was **adopted** with 26 votes in favour and two abstentions [Recommendation 2179 (2020)].

Amendment 1 to the draft resolution, presented by Mr Sonik, to which no one opposed, was **adopted** with 23 votes in favour, 2 votes against and 2 abstentions.

Amendment 2 to the draft resolution, presented by Mr Sonik, to which no one opposed, was **adopted** with 21 votes in favour, one against and one abstention.

The draft resolution “The impact of the Covid-19 pandemic on human rights and the rule of law”, as amended, was **adopted** with 30 votes in favour and two abstentions [Resolution 2338 (2020)].

The draft recommendation on “The impact of the Covid-19 pandemic on human rights and the rule of law” was **adopted** with 27 votes in favour and two abstentions [Recommendation 2180 (2020)].

The meeting was **adjourned**.

16. ANNUAL ACTIVITY REPORT 2019 BY THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS

Mr Andreas Nick, Vice-President in the Chair, **opened** the meeting and welcomed **Ms Mijatović**, Commissioner for Human Rights of the Council of Europe.

Ms Mijatović regretted not being able to meet in person on account of the pandemic to circulate her annual report as usual. She focused on pressing human right issues affected by Covid19 pandemic and the measures adopted to cope with it, including the rule of law, democracy, migrants, gender equality and discrimination, considering the reports very timely. The Covid-19 pandemic put a strain on the functioning of our democracies and exacerbated long-standing human rights problems. Some emergency decrees often adopted without parliamentary debate had a disproportionate impact on particular groups of people. In many member states older persons paid the highest toll not only due to the health vulnerability associated with age but also on the account of the bad management of the health crisis including neglect, abuse, and lack of preparedness in long-term care facilities. Those living independently also suffered due to lockdown measures that further isolated them from their families and the rest of the community and little was done to reduce the suffering. These issues predate the pandemic. They were the result of structural failings that were neglected over the years. The human rights of migrants were also disproportionately affected by the measures adopted to contain the spread of Covid-19. Migrants in distress at sea found themselves in an even more precarious situation. Member states became even more reluctant to carry out rescues. Disembarkation of survivors was often delayed for prolonged periods, including from a lack of solidarity, thus endangering the health and lives of the migrants or of those who rescue them. The pandemic also seemed to have reinforced member states’ already strong tendency to ensure that asylum seekers and migrants arriving irregularly were kept out at all costs even when this entailed clear violations on the right to apply for asylum or freedom of ill-treatment and of the prohibition of collective expulsions. Reports of pushbacks were becoming more frequent and the way they were being carried out was more blatant, while governments often proved unwilling to investigate credible allegations.

The pandemic also put a magnifying glass on continuing violence against women, gender inequalities, and barriers in women’s access to sexual and reproductive healthcare. The lockdown imposed in several European countries placed women at greater risk of gender-based violence, in particular domestic violence and sexual violence. Women’s access to sexual and reproductive rights also continued to be hindered by pre-existing and new barriers, such as sometimes high cost of contraception, economic difficulties or unlimited freedom of movement. In several European states, there were reports of harmful practices imposed on women in childbirth, medically unjustified separations of mothers and new born babies, refusal of a birth companion’s presence and other failures to ensure adequate standards of care and respect for women’s rights, dignity, and autonomy in childbirth. An additional problem which predated the Covid-19 pandemic, but which somehow gained momentum during the health emergency was that some countries were still opposed to ratification of the Istanbul convention, while others were threatening to leave it. This would be a terrible setback for the fight against domestic violence and violence against women. Instead of going down this path, states had to take constructive steps, including in parliament, both towards ratifying the convention, if they did not do so yet, and towards fully implementing it and raising awareness about it.

She emphasised that more equality was needed, and the pandemic underscored that was not the case with the most disadvantaged facing even greater disadvantages. Although different kinds of problems were affecting different groups of people, such as older persons, people with disabilities, women, children, Roma, detainees, migrants LGBTI people and media professionals, they all share a common denominator. Their rights were already undermined before the pandemic.

She stressed that parliamentarians had a crucial role to play in reversing the current trend with knowledge of the Council of Europe standards being instrumental in reinforcing human rights. At national level,

parliamentarians were fundamental, democratic players active in assuring the government's public accountability and legislating in accordance with human rights law. It was an immense responsibility to ensure that laws and measures adopted to tackle Covid-19 did not outlast the emergency. She also encouraged member states to give more consideration to the role of international human rights institutions, ombudsmen institutions and equality bodies in strengthening their ability to continue their hard work and heeding their advice and recommendations to ensure a human rights compliant response, not only to the pandemic but also more broadly to the challenges confronting our democratic society.

She concluded that one lesson from the Covid-19 pandemic was that we all had to work with more resolve to mend the cracks in our human rights protection systems and make sure that we came out of this difficult time stronger and more united.

Mr Schwabe thanked Ms Mijatović for her report and for underlining the necessity of multilateralism. First, on the question of migrants and refugees, what she thought about the approach of the Council of Europe and member states, specifically Greece, which was in a very difficult position but still had to respect international law? Did she see examples of Greece not fulfilling their international commitments? His second question was about racism. In Germany, the parliament was discussing racism and racial profiling by the police. Did she think it was necessary and positive to have a study on racism in the police in all member states? His last question was about Belarus and the possibility of this country joining the Council of Europe. Because of the death penalty and because in the past 95% of the people in the country were in favour, the country could not be a member of the organisation. What she thought about this situation and if she saw a development in Belarus and in other member states regarding their opinion about the death penalty?

Ms Stienen also congratulated Ms Mijatović on her work and her excellent report. She began by asking about the view of the Commissioner on the underlying reasons for the staunch resistance in some states to signing and ratifying the Istanbul Convention. If in their counterterrorism approach they had learned to look at root causes of terrorism in order to understand how to prevent people from radicalising and to deal with perpetrators of terrorism, why didn't they also look at the root causes of, what she would call "terror behind the front door", instead of domestic violence? Why was it that men hit women? Why did men threaten women in the public space and online? Why were they threatening women (also online) or committing rape? How could they contribute as an organisation to understand better the underlying reasons for this behaviour, in order to be more effective in eradicating violence against women? To conclude, she referred to what was happening in Moria and pointed out that in her country, people didn't want to accept young men for relocation because they saw them as a threat. She pointed out that it was a very stereotypical view of masculinity that was also very harmful.

Mr Howell thanked the Commissioner for her presentation and asked her how much she was concentrating on making sure that Europe was clean, from a human rights perspective, in tackling those companies that were involved in the supply chain for making life difficult in China for the Uyghur Muslim population?

Mr Kox again thanked the Commissioner for her report. He then argued that, although the European Convention was there for everybody who lived in the territory of the 47 member States, there was a growing number of so-called grey zones where the government was *de facto* not in charge and, therefore, no protection under the Convention and by the Court was being given to all those people. Nor by her, as Commissioner for Human Rights, who would be very much needed over there, because they were the places where probably human rights were being violated the most. Had she a strategy to enter all these grey zones, one way or another, in order to protect all citizens of Europe?

Ms Mijatović answered Mr Schwabe first, regarding migrants and the situation in Greece. Since she had been appointed, she visited Greece twice and had the opportunity to go to the islands, in particular to Lesbos, to Moria camp, also to Samos and camps in the mainland. She had extensive discussions with the previous government of Greece and the current government in relation to migration issues. She mentioned that, on many occasions, she had raised an issue that was quite embarrassing for the Council of Europe member states: the unwillingness to show more solidarity with countries like Greece, Italy or Malta that were on the forefront when it came to immigration problems. She pointed out that there was also a need to protect the human rights of migrants and it was a huge challenge. Living conditions in Lesbos, in the new facility set up following the fire, were very concerning. They were following this situation and reports pointed to limited access to sanitation or heavy rains provoking infiltrations in tents. In this context, she was puzzled by the Greek authorities' decision to close two well-functioning reception facilities run by the municipality and civil society volunteers. This issue raised the question of the conditions in which non-state actors were operating in the islands. They would continue to monitor and work on this issue not only in Greece, but also in many other member states.

Regarding the issue of racism, which was unfortunately present in many member states, she welcomed any kind of report related to police violence and ethnic profiling. It would be very useful to tackle human rights violations. She dedicated quite an amount of time, with her team, to analysing police violence and they would follow soon with more information and reports in relation to this. The year before, she had issued a human rights comment on ethnic profiling, which also showed that the situation was quite problematic.

She considered Belarus a difficult topic. It was clear that if they wanted to become a member State of the Council of Europe, the death penalty was something that was unacceptable in democracies. However, the situation was not that simple. Many current member states were also facing challenges in many issues that were in relation to human rights. In a way, she believed that they were all hoping that, once a state became a member, things would move in a better direction. In a statement on Belarus, she pointed to serious human rights violations, ill-treatment of people detained and imprisoned, which was something of great importance, but also a great concern for her. In her previous position, she visited the country on many occasions. She met amazing, courageous and outspoken people that needed assistance and help from the Council of Europe and many other international organisations. However, the Council of Europe should promote further engagement with Belarus in order to not leave citizens and civil society without any hope. That was their obligation, and she knew that the Secretary General and many others were very eager to find the right way of engagement.

Answering to Ms Stienen about the Istanbul Convention, she explained that she had addressed the issue of reluctance in the ratification of the Istanbul Convention with many officials, even in the states that had ratified it and now were trying to distance themselves from the Istanbul Convention. She had heard many quite embarrassing replies in relation to this, such as “it is part of our culture” or “it is taboo”. Then her question was always “which kind of culture, which kind of tradition actually gives you the right to beat your wife or your partner?” It was something very basic when it came to human rights, but it was used by many Council of Europe member States and governments when it came to refusing to ratify or move forward in implementing certain laws. She assured Ms Stienen that she would continue working on this, trying to make sure that they moved forwards with the ratification, but also implementation and educating society in order to explain why this was something that we should not accept in democracies. She also emphasized this was not something that only women should be raising, also men, as it was an issue of the well-being of the society, families and citizens of all Council of Europe member States. Lastly, when it came to migrants and people coming from states where there were different views on the role of women in the society, parliaments should put more effort in integration programs in order to make sure that there was a full understanding of human rights obligations.

Mr Howell’s question was quite outside her mandate, but was very much connected as well, because it was part of the anti-Muslim rhetoric, which the Council of Europe was very eager to look at. She was very much aware of the problems in China and was sure that the Council of Europe’s view on this was that it was absolutely unacceptable. Not only what was happening in China, but also in Myanmar and in some other parts of the world.

Regarding Mr Kox’s question about “grey zones”, she stated that since the beginning of her mandate, she was trying to reach out and to make sure that they could work and access those regions. It was extremely complicated and politicised. It was very difficult, as Commissioner for Human Rights, to do the work and at the same time avoid any kind of politicisation of the institution and of human rights work. She managed to visit Transnistria, just before the pandemic, which was the first gray zone that she managed to visit since the beginning of the mandate. She was in constant talks with all actors engaged in this process in order to be able to visit more gray zones. She was in contact with civil society and also with people that were suffering tremendously in many of those zones. They were trying to monitor as much as they could wanted to travel to more “gray zones” as soon as possible.

Ms Yaşar mentioned that the problem of migrants had increased, especially with regard to refoulement and international humanitarian law and the Protocol of the European Convention of Human Rights that clearly prohibits the collective expulsion of foreigners. There was a need to ensure protection against the refoulement of asylum seekers. In spite of the number of appeals, the humanitarian situation of migrants subjected to refoulement worsened. She questioned what the Council of Europe could do to better protect them and uphold the rights of refugees, and what can be done in the future to prevent the application of refoulement.

Ms Castel thanked the Commissioner but showed her disappointment that no reference was made to the nine Catalan political prisoners and no statement made prompting an investigation on police violence. She asked when a visit to Spain was scheduled since the pro-independence leaders spent 23 hours every day in a cell; their visit and work permits and so on were seriously restricted. She encouraged the Commissioner to make a public statement condemning the repression against peaceful political dissenters but also those

holding the same political opinions: more than 2,500 civilians were facing judicial harassment and a whole movement was being retaliated against. She asked what the Commissioner would do in this regard.

Ms Trisse expressed her thanks for the report before discussing artificial intelligence and its very rapid rollout, which was causing serious challenges for human rights and fundamental freedoms. She cited the Commissioner's recommendation of 14 May 2019, which encouraged member states to assess AI, to undertake public consultation and establish contact with the private sector. She asked how it had been received by member states.

Ms Mijatović said those pushbacks were a longstanding issue which she had raised on several occasions during her visits. In her 2018 report on Greece, she urged the Greek authorities to put an end to pushbacks and to investigate any perpetrations of ill treatment by any members of the Greek security forces in the context of such operations. She and her team were also in contact with other member states, and she had even visited her home country of Bosnia-Herzegovina, where she had also raised the issue of pushbacks both from the side of Bosnia-Herzegovina and from the side of Croatia. When people at borders were returned without any identification or procedure, member states could not establish whether they were sent back to face human rights violations contrary to Article 3 of the Convention and the non-refoulement principle. Such practices could not be ignored. Ms Mijatović insisted on urging member states to do their utmost to investigate any accusations of this nature and to carry out effective investigations given that they continuously heard allegations of that kind. She underlined that they would continue following and investigating. Despite noting how much the Council of Europe could do, she acknowledged that it was ultimately the responsibility of each and every member state to investigate and not to allow that type of violations that was unfortunately happening.

Regarding Ms Castel's question, Ms Mijatović's introduction was dedicated to Covid-19 and she did not make any statement in relation to any particular country or any particular issue regarding statements she had made in the previous period. When it came to police violence, Ms Castel was probably aware that since the very beginning of the demonstrations Ms Mijatović had made a very clear statement and communicated her message to the Spanish authorities. Ms Mijatović had also met with the president of the Catalan parliament and many interlocutors in order to tackle these issues. She was also planning on visiting Spain. They still did not know the date, but if it were scheduled, members would be informed. Ms Mijatović reiterated that she would continue following the issue, and stated that she issued statements whenever she deemed them necessary while always making use of all instruments at her disposal to tackle any potential allegations of human rights violations.

Ms Mijatović thanked Ms Trisse for raising the issue of artificial intelligence. She believed that topic was slightly neglected because of the pandemic despite its great impact on human rights. She also showed her gratitude for the mentioning of her publication. At a very early stage of her mandate, she gathered a group of experts and received a lot of information from member states who moved fast on artificial intelligence such as France. Although the recommendations were there, it was still too early to see how those recommendations were implemented. Member states were taking it into account, and Ms Mijatović would take advantage of country visits as soon as possible to check if there were any examples of the impact artificial intelligence had on human rights. She noted that it was known that when it came to healthcare, social security, employment, or anything that were to be done by algorithms, there could be serious violations. These issues had to be taken as examples for many member states not to repeat their mistakes. Ms Mijatović believed that the pandemic was giving governments and international organisations an even greater responsibility to tackle the challenges of artificial intelligence. Her office was continuously trying to engage not only within the Council of Europe but also with other international organisations. She recalled that CAHAI also had a very strong position because they were an intergovernmental body. Altogether, greater transparency and more responsibility for governments were to be established to make sure that human rights were not violated. She concluded affirming that artificial intelligence was something that should be embraced and perceived as a benefit for society, and that fears that undermined the development of these technologies should be avoided.

Ms Arslan raised her question regarding non-married partners possibilities of visiting their partners in other countries. She mentioned the campaign in Europe called "Love is not tourism", and inquired whether that was also a matter Ms Mijatović was also looking into, and whether she had any solution for this situation.

Mr Yildiz appreciated Ms Mijatović's focus on refugees and acknowledged their vulnerability. He then inquired about Ms Mijatović's criticism of some member States of the Council of Europe for not sharing the burden of some frontline states such as Italy, Malta and Greece, without mentioning Turkey, which he believed was the first frontline state. This raised his curiosity as to whether when Ms Mijatović visited Turkey, she visited refugee camps, and if so, what were her impressions of the burden on Turkey's shoulders.

Mr Vardanyan expressed his gratitude to Ms Mijatović for her excellent report. He then asked about the failure to mention in the report the influence of armed conflicts on the dissemination of Covid-19 in Europe. He mentioned that they had exceptional results: under 10% of people infected by Covid-19. However, following the Azerbaijani aggression, many people in Armenia and in Artsakh were obliged to find refuge in shelters and this led to a real increase in the infection numbers: from approximately 10% to 30%. Mr Vardanyan considers this a very serious issue for the protection of human rights given people were obliged to take shelter somewhere, and he found there was no mention in the report of these considerations.

Ms Mijatović started by addressing Ms Arslan's question concerning same-sex marriage, an issue that was very high on her agenda and that she was also discussing with member states and they were welcoming new legislation. She admitted that she had not yet tackled the problem of crossing borders and joining partners, which did not mean that this was not an important topic, but of course there were many other issues that she had been trying to tackle.

She admitted that she did not mention Turkey, but not for any particular reason – this did not mean in any way that she was not aware of the situation and of the burden that Turkey had when it came to migration. She mentioned Turkey in connection with migration on many occasions, both during her visits to Turkey but also on the occasion of many public appearances, such as when she had spoken about migration, sharing burdens, and solidarity with states. She also pointed out that she had met with many officials and international organisations working in Turkey, including UNHCR, in order to tackle the issues that Turkey was going through in terms of migration and the enormous number of people who were making their home in Turkey.

Ms Mijatović said that she was following the impact of Covid when it came to any kind of conflict or any situation, including situations in migration camps, in prisons, or anywhere where there was a huge number of people, and the problems that states were facing when it came to access to health and also the spread of poverty. She added that, however, when it came to what happened between Armenia and Azerbaijan in the last few months, this was not an issue that she looked at. Of course, she looked at the issue of protection of the civilians, hate speech and many other issues that were related to this conflict. She also pointed to the fact that today they were discussing the previous period.

Ms Bayr addressed the Commissioner concerning her comments that during the pandemic sexual and reproductive rights were under pressure and access to services was very limited. She pointed to the fact that we were now at the beginning or in the middle of a second wave and asked the Commissioner what she thought we should do to be better prepared to avoid a lockdown of human rights, especially in terms of violence against women, often caused by an unbalanced distribution of power. Were there good practices learned during the first wave of the pandemic that could transfer to a later time? What Council of Europe instruments we should foster to guarantee the fundamental rights of migrants, minorities, marginalised and vulnerable people and groups and which activities should most urgently be used to adapt or improve our legal instruments to protect them?

Ms Yasko thanked the Commissioner for her work and her leadership in protecting one of the most important pillars of the Council of Europe: human rights. She mentioned reading in the media that Russian authorities were very critical of the work of Ms Mijatović because she had said that she had not seen evidence of any restrictions on Russian language speakers in Ukraine. She asked the Commissioner her opinion on the situation of access to education in one's native language in occupied territories in Europe. And she specifically referred to Crimea, where Ukrainian and Crimean-Tatar language schools unfortunately could not function properly because Russian authorities did not allow them to do so.

Mr Seyidov said that, talking about the protection of civilians and the human rights of these people, he assumed that the Commissioner was well aware that two days earlier a ballistic missile from Armenia had directly targeted one of the biggest cities in Azerbaijan, Ganja city. This led to the destruction of a large part of Ganja, with over 10 people killed and over 30 people wounded. He described that as a real and a vivid example of a crime against humanity and asked the Commissioner her opinion about this kind of barbarian act which unfortunately Armenia prepared against Azerbaijan.

Ms Mijatović commented that she had already discussed violence against women during the pandemic, but it was crucial that the Istanbul Convention was ratified and fully implemented in order for something to really change in society, to move from words and commitments on paper to real action. She explained that she felt the Council of Europe had enormous resources and mechanisms in order to tackle the issue of violence against women. Many lessons were learned during the pandemic but also a lot of issues were exposed and there were many lessons to be learned from what happened, but unfortunately she was not aware of any all-out examples that could be used for the future.

She said she believed we had a long way to go when it came to this social phenomenon that had to be tackled with open eyes and also being very realistic that this was not going to be an easy task. To the question of how to make sure that we could do better during this so-called second wave, she responded that it was extremely important to recognise that we needed to do more and that the states and governments in place at the moment had a huge responsibility to tackle this issue and to engage with the organisations that could help, including the Council of Europe. She also recalled that in her introduction she had called on parliaments to do more to make governments accountable in order to tackle these issues because she thought the burden was on each and every one of us.

Responding to Ms Yasko's question about Ukraine she said that many member States of the Council of Europe had laws on the use of languages. The aim of these laws was often to reinforce the knowledge and also the use of beneficial or state languages, which was perfectly legitimate. Sometimes, however, this was done without sufficient consultation with the speakers of the minority language, and concerns for their needs and rights, which she thought was extremely important. She explained that we should recognise this but be aware that this was not something that could be done overnight, without consulting the minority. She recalled that, precisely for this reason, in October 2019 she had published a human rights comment on language laws and policies, in which she had stressed the need for language laws and policies in all Council of Europe member States to be carefully balanced with a view to accommodating diversity in society, protecting minority rights and defusing tensions in society. She warned that they should not be used as a weapon in order to confirm certain differences and for political gain. She also mentioned that while there was no one-size-fits-all solution, she did refer to laws and policies adopted in several specific member states and recommended that these should not be pursued at the expense of the rights of speakers of other languages, especially those belonging to national minorities. It was important to de-politicise language issues, if possible. She made reference to the work of the Advisory Committee on the Framework Convention for the Protection of National Minorities. The Council of Europe had many monitoring bodies and possibilities for tackling the issues by offering assistance, but it was not something that the Council of Europe should be engaged in alone. The full engagement, trust and genuine political will of the states in question was needed to tackle this very sensitive issue that was so important for the well-being of society. Excluding any part of society and making sure that they could not communicate and learn in their own language was a huge problem for any democracy.

Mr Hammarberg congratulated the Commissioner on her report and pointed out there were two aspects to the problem they were discussing. One was that governments had not managed to protect, in particular the most vulnerable people, from the problems that had come with the pandemic. The other was that in some cases, governments had used people's fear of the pandemic to introduce more restrictive ways of governing. And that could also lead to human rights problems. He then emphasised the need to secure the people who were forced to be in institutions, protect them from being neglected and thereby more vulnerable. The problems in prisons could also affect the health of prisoners. He asked the Commissioner what more could be done when it came to protecting the rights of those who were put in prison. There was the same problem for disabled people who were unfortunately still, in some countries, in institutions without full freedom of movement.

Mr Melkumyan also thanked the Commissioner and raised the question of what Ms Mijatović thought could be done to protect human rights in a time of war, taking into account the military activity that was currently underway in the Republic of Artsakh. This really needed to be looked at because, as a result of bombardment and military activity by Turkey and Azerbaijan, there were many victims among the civilian population. He then invited the Commissioner to go to the Republic of Armenia and to the Republic of Artsakh to see what the problems were and asked her what could be done in concrete terms to resolve the situation. A report was an excellent thing, but he asked again about what could be done to bring this problem to an end and to protect human rights even in a time of war.

Mr Tolstoi wanted to draw the attention to a problem of double standards. His question was related to a violation of human rights to which rapid reaction was required. He was thinking in particular of the systematic persecution of Russian language speakers in the Baltic countries and removing rights to education in one's maternal tongue for 20 million residents of Ukraine. This was a huge problem for Europe and for Russian language speakers. The Council of Europe should not be pretending this problem did not exist. He asked the Commissioner about the concrete actions that would be taken in order to change this situation, which had deteriorated since the coup d'état in Ukraine in 2014. He also referred to Crimea and said that there were three official languages in which education was provided: Russian, Ukrainian and Crimean Tatar. Whereas in Ukraine there was a systematic persecution against a language used by 20 million residents of that country.

Mr Mollazada stated that, recently, a military adviser of the Armenian Prime Minister said on Russian TV that they were shelling Azerbaijani cities out of zones of conflict with the goal of creating panic and chaos. As a result, there were many victims who were children, women, and civilians. He then asked if it was possible to

create a specific tribunal for the military crimes that had happened. It was possible that there was a violation of human rights that should be punished with the goal of preventing this type of crimes in the future in the European system. This type of prevention should be a goal of the European juridical system.

Ms Mijatović apologised to Mr Seyidov for not replying earlier to his question, which could be related to several questions about the Armenia-Azerbaijan conflict. She believed it was necessary to take into account that she did not represent the security body or dealt with the political issues when it came to creating a tribunal, which was under the United Nations' mandate. Impunity for war crimes was unacceptable. She showed her deep concern about the devastating and indiscriminate impact of shelling on the civilian population. She deplored the growing number of civilian casualties on both sides. She urged the parties to the conflict to abide by their international humanitarian and human rights obligations that they were aware of, protect civilian population from the effects of armed conflict and preserve civilian infrastructure and essential services. She mentioned that she was from a country that no longer existed, the former Yugoslavia, which had been dissolved due to a terrifying war and the death of thousands of people. After a certain period of time, it was necessary to look back and look at war crimes and human rights. It was important to make sure that all sides of the conflict be made aware and to focus on all human rights aspects of this conflict also including the situation of those who had lost their homes or who had to leave their place of residence for safety. She described her last visit to Azerbaijan, when she had met many internally displaced persons and learnt of their suffering. She used the example of cluster bombs, which violated international human rights law, which prohibited indiscriminate and disproportionate attacks. It was of utmost importance that civilians be spared. She explained that she was following political efforts to find solutions to bring a dialogue that would stop suffering and she would continue looking at human rights issues in time of war and conflict.

In response to Mr Tolstói's statement, she insisted upon her awareness of the situation in many Council of Europe member States. She mentioned that there were other mechanisms available from the Advisory Committee on the Framework Convention for the Protection of National Minorities Role and the Venice Commission. As a matter of general principle, she called for the prioritisation of language issues and stressed the importance that this issue not be used as a political weapon by any side in order to steer political debate or incite hatred among people. She mentioned human rights comments and raised the issue particularly in Ukraine. She raised the issue with regard to the education law in Latvia that was going reduce the share of teaching in Russian in secondary schools in a move away from the established bilingual system. She was critical of the situation in some other countries too. She stressed that when there was a need to react to a given country, she would ultimately decide and not be influenced by any statements or calls from governments. She confirmed that she would continue looking at these issues and following the situations and hoped to visit some of the countries in question soon and raise these issues directly.

Mr Hammerberg mentioned an issue that was high on the agenda during lockdown: the situation in prisons. Tough many states made positive moves in relation to relaxing situations to make sure that COVID-19 did not spread in prisons, it was not always enough. She commented that now was the time to do as much as we can before the second wave. She underscored that it was a population that definitely needed better protection. She discussed the need to do more for disabled people as recommended in her statements during lockdown.

She reflected on Ms Bayr's comment that it was not just women's rights or those of certain groups, it was also those of minorities, Roma, LGBTI, all people that had suffered before the pandemic suffered even more with regard to human rights during the pandemic. This was one of the lessons that should not be forgotten once we moved forward to a so-called normality.

Ms Fataliyeva stated that the protection of children's rights was without a doubt a priority in human rights protection. As a result of the Armenian armed forces shelling of Azerbaijani settlements that started in September, 37 schools were destroyed, and three school children were killed as the result of targeting civilians. They day before, as a result of the attack on Ganja city, children were wounded and some of them lost their parents. Ms Fataliyeva encouraged Ms Mijatović to agree with her on the need to punish crimes. She affirmed that the inaction and absence of reaction was regarded as a direct encouragement of terrorism. She then inquired on Ms Mijatović's position as Commissioner for Human Rights on the violation of the rights of Azerbaijani children who were suffering from that armed conflict.

Mr Jafarov asked about the current situation in Armenia. He mentioned the criminal investigation launched against the previous president, and recalled how two weeks before, the leader of the main opposition party had been stripped of his immunity and jailed. It was said that he was jailed because of criticising Pashinyan's government for not handling the COVID-19 pandemic correctly. Mr Jafarov wanted to know if Ms Mijatović was aware of that fact and what was her position.

Mr Jallow thanked Ms Mijatović for her work, her report and the leadership she had been showing. He then raised his concern on racism, more specifically on the violation of human rights and structural racism related to the discussions held on what happened in the US with George Floyd. There had been several related developments within the EU, for example there now was a EU Commissioner for Equality, an EU Anti-Racism Coordinator, an EU Action Plan Against Racism, an EU Anti-Racism Summit for next spring and potential new legislation including the widening of existing hate speech and hate crime legislation, together with EU member states anti-racism action plans to be put in place before the end of 2020. Mr Jallow asked what the Commissioner was doing from the perspective of the Council of Europe to tackle structural racism in member states.

Ms Hayrapetyan began by thanking Ms Mijatović for her very detailed report. She recalled the existence of the ongoing war between Nagorno-Karabakh and Azerbaijan because of Azerbaijan's military aggression against peaceful population that commenced on September 27th. Ms Hayrapetyan affirmed that civilians were suffering the consequences of the war, and asked that since racism was the topic at hand, if she would in the future visit Nagorno-Karabakh due to people there being continuously bombarded and standing before a real humanitarian catastrophe. She insisted on Ms Mijatović paying a visit to the conflict zone and reiterated that human rights were beyond any political consideration.

Mr Avetisyan drew Ms Mijatović's attention to the humanitarian catastrophe that occurred because of the Azerbaijani aggression supported by Turkey and terrorists. He further inquired on the terrorist aspect given the existence of reputable sources that claimed that mercenaries from Syria had been transferred with the support of Turkey to operate against the people of Nagorno-Karabakh. Mr Avetisyan also stressed the importance for the Human Rights Commissioner to witness with her own eyes the cluster bombs that had been shed on Stepanakert and the targeting of civilians. He acknowledged the difficulties of the issue and the emotions involved, but insisted on the need to assess the facts from the ground.

Ms Mijatović stressed the importance of recognising the suffering of people and of all children of all nations that were affected by the war. She underscored that she would remain on top of this issue and visits were a possibility to go to member States and assess human rights violations. She hoped that wisdom and common sense would prevail to stop the suffering of people with the full understanding of the international law, international order and a need to respect human rights. She recalled that the European Court of Human Rights had decided on 6 October to apply Rule 39 and had indicated an interim measure, calling on all states directly or indirectly involved in the conflict, including Turkey, to refrain from actions that contribute to breaches of the Convention. She showed concern towards the use of certain weapons, especially cluster bombs, which was an issue that she was following and in which she would engage further. She confirmed her awareness of other international organisations and the latest statement from High Commissioner Mr Bachelet, who mentioned hate speech as a tool to create problems in society. She assured both countries that she would continue working with both governments to ensure that assistance from her office would contribute to the peaceful solutions and the end of people's suffering.

She agreed with Mr Jallow's comment on structural racism. Some of the Commissioner's documents should be presented soon on this matter, for which close collaboration had been maintained with Fundamental Rights Agency and their landmark report regarding the treatment of Black people in Europe. She apologised for not answering all questions in detail but appreciated the questions especially at this time of pandemic, where communication was virtual. She hoped the next session could be longer to ensure active communication and that her work was transparent and she was accountable to any kind of criticism and questions that she welcomes.

The President announced that this marked the conclusion of the exchange with the Commissioner for Human Rights, Ms Dunja Mijatović, and thanked her sincerely for her informative statements and for the thoughtful and very extended Q&A session and exchange of views with the members of the Assembly, as well as for the time and the effort that she put into this.

JOINT DEBATE (*continued*)

17. **UPHOLDING HUMAN RIGHTS IN TIMES OF CRISIS AND PANDEMICS: GENDER, EQUALITY AND NON-DISCRIMINATION (Doc. 15129)**
18. **HUMANITARIAN CONSEQUENCES OF THE COVID-19 PANDEMIC FOR MIGRANTS AND REFUGEES (Doc. 15142)**

Mr Gutiérrez, Vice-President, took over as Chair.

Ms Stienen, rapporteur on “Upholding Human Rights in Times of Crisis and Pandemics: Gender, Equality and Non-Discrimination” said that she was very impressed by these 1.5 hours they had with the Commissioner for Human Rights and felt that her report contained many of the same views that had been expressed by the Commissioner. She said that tonight the Prime Minister of the Netherlands, Mark Rutte, would announce new measures in an attempt to stop the growing numbers of Covid-19 infections in the Netherlands and that her country was concerned as to whether they would have to go back into lockdown and about their freedom to move, to see family, and to be with friends. She explained that Mark Rutte, like all leaders in the Council of Europe member States, was faced with a very difficult balancing act. She wondered how we could protect the public health of all of citizens and in the meantime how we could uphold their human rights. She explained that her report focused on the impact the Covid-19 crisis and the following measures had on different groups and different genders and announced that she would call on all the people present in this call but also people who could read the report to learn from this pandemic not just for the next stages of this pandemic or future crises but also for how we could deal with diversity in our society in a very inclusive, intersectional way. Because this would increase the resilience of our citizens in case, we had to deal with this pandemic longer than we expected. She said she believed that it was important that we ask ourselves the following questions: where were our blind spots in the way we were dealing with this pandemic? Who was at the table when decisions and emergency measures were being discussed? What data did we have at our disposal? Whom and what did we miss and how could we prevent it from happening again? She stated that in her report there were three lessons to be found which might provide answers to these questions. She moved on to listing three lessons: this crisis had put a spotlight on structural inequalities in our society; a case in point being the increase in gender-based domestic violence; the blame game that targeted, for example, minority groups or migrants through hatred and racism would get us nowhere, only an inclusive, intersectional approach at every level of our governments, parliaments, and healthcare institutions would ensure the long-term protection of human rights of our citizens. Ms Stienen spoke about a friend of hers who was a family doctor in a mixed neighborhood in the Hague and the conversation with her reminded Ms Stienen of the saying “we're all facing the same storm but not all with the same shelter”. She told about how this family doctor was deeply worried because most of her patients did not live in the neighborhoods most of us lived in. She assumed that most of the people on the call lived in spacious apartments or houses that allowed for social distancing and that probably all of them had proper functioning Wi-Fi and computers that allowed for homeschooling and parks nearby that allowed for necessary exercise. She also assumed that most of them did not have to worry about becoming infected on public transport because they could either walk or afford a car. She went on to show how the first major lesson of the Covid-19 crisis was clear: this pandemic had put a spotlight on structural inequalities in our societies, which, in many cases, had been aggravated by the government measures in response to this crisis. She told how millions of citizens in our member States lived in difficult circumstances, and they experienced the first wave of the pandemic in a completely different way than many of the politicians, parliamentarians and decision-makers did. They did not find information that was accessible to them. People with disabilities and speakers of minority languages were not immediately integrated in communication strategies from the start. Women and children were often in lockdown situations with their abuser while shelters were being closed. She also urged everybody not to underestimate the special position of men, especially men of a certain age, suffering from obesity. Elderly people and persons with certain co-morbidity factors had a higher risk of contracting and suffering severely from Covid-19. Many of these citizens worked as frontline workers in supermarkets, hospitals, factories. They were often low-paid workers and they were often working in precarious circumstances, and therefore were being exposed to a greater risk to the illness. She also expressed concern about the communication of many governments that were actually reinforcing stereotyping of what a family consist of, using a mom + dad + two kids model. She felt that a lot of other configurations had been neglected by government measures, like single-parent families, single people or same-sex couples or people within the LGBTQ community, who had been even faced with a lot of harassment. She claimed that clearly any one-size-fits-all approach was bound to exclude many of these citizens in our society. While there was much solidarity in our communities during the crisis, we also saw an increase in hatred and racism and even stigmatization and incitement to hatred. Many groups were depicted as vectors of contagion, even as a cause of the pandemic. Therefore, she found this increased manifestation of hatred and racism very concerning. She was not surprised that the Black Lives Matter Movement gained traction parallel to the Covid-19 crisis. She explained that this blame game, be it at a governmental level by parliamentarians or the media, would get us nowhere and would only increase the inequalities and discriminations in our societies. As a third lesson, she urged governments to work on an inclusive response to this crisis with a long-term view and pointed out that the measures taken had been intended to tackle the immediate crisis but would have long-term consequences as well. She pointed out that the Council of Europe had dealt with the biggest crisis of the 20th century and actually had originated because of this crisis. As a consequence, many of the treaties of the Council of Europe could be instrumental in being more inclusive in dealing with a pandemic such as Covid-19. She admitted that while we were aware that crises revealed inequalities in our society, this awareness did not immediately lead to change. Therefore, she urged everybody to take action to be inclusive. Initially the committee had been asked to write this report focusing on violence against women. They had then pleaded to have a broader scope for this report because as it was

understandable that this crisis had increased gender inequalities. They also saw that young people suffered greatly, such as children and teenagers who were not able to receive homeschooling. She called on the Council of Europe to make an inclusive, long-term view within the framework of all the outstanding treaties and conventions it had.

Mr Fridez, rapporteur on “Humanitarian Consequences of the Covid-19 Pandemic for Migrants and Refugees”, said the committee felt that it was important that migrants and refugees be considered when talking about the pandemic. Covid-19 had consequences for everyone, and it did not discriminate in any way affecting everyone: parliamentarians, heads of state and also migrants. Mr Fridez stated that more vulnerable groups such as migrants, refugees, asylum seekers, women migrants or unaccompanied child migrants had suffered even more than the population at large. Borders were closed, which prevented migrants from being able to move on, and asylum requests were suspended. Migrants were cramped in camps where it was impossible to impose social distancing measures. New dangerous trafficking routes arose, and migrants regularly faced hostility together with being victims of stigmatisation. Mr Fridez noted how migrants were prevented from moving, even more so than in the past under fear that they were spreading the disease. Recent months saw instability in several countries. Despite their doing everything they could, they were often overwhelmed by the scale of the difficulties and the challenges faced given the tens of thousands of deaths and the inward-looking reflexes. Mr Fridez, however, noted how the causes responsible for migration and asylum had not changed: war, suffering, hunger, dictatorial regimes oppressing their people. They had not disappeared. However, the absence of remittances contributed as an additional phenomenon to the destabilisation of many countries. This money was often essential to stabilise living conditions in many regions and countries. Regarding the consequences of the pandemic, Mr Fridez talked about the reopening of former trafficking routes which were often dangerous or of high risk given that in hope of finding better lives people were prepared to do whatever it took. For example, the reopening of the migratory route to the Canary Islands, which was very long and also perilous across the Atlantic. The Balkan route, too, was reopened as people continued their attempts to cross the Mediterranean in makeshift rafts. This situation was even worse than what was seen in the past given search and rescue vessels were forced to move out of the Mediterranean for a long period of time. Mr Fridez also noted the explosion in the attempts to cross the Channel in small boats, which had increased fivefold. Many European countries also saw tension and violence against migrants together with pushbacks. Those phenomena were seen in Greece and along the border with Bosnia-Herzegovina together with problems with the disembarkation of migrants in Malta. Mr Fridez noted how many countries saw their situations overwhelmed, which led to asylum seekers and migrants not being their top priority. He mentioned how many were left stranded and were left to survive through their own means. Situations were also complicated in overcrowded camps. People who were already vulnerable were pray to all kinds of trafficking. Additionally, the cramped situations and quarantines in many camps did not help prevent the spread of the virus. Mr Fridez also stated how stigmatisation was an easy recourse due to the lack of resources available. Some countries bore a particularly heavy responsibility when it came to migration and asylum. These were the so-called frontline countries. This situation led to raising the issue of relocation and equitable sharing of the burden. Mr Fridez mentioned countries such as Greece and Turkey, but also Spain, Italy, and Malta. Now that the virus had taken hold in many refugee camps, these countries needed an even greater show of solidarity. The international community needed to shoulder its responsibility rather than leaving the whole burden to some countries that geography were on the frontline. Regarding migratory routes, another particularly important point concerned the enhanced risks that migrant children faced, and in particular unaccompanied child migrants. According to the statistics made available by the EKKA in Greece and picked up by the High Commissioner for Refugees in July, out of 4600 unaccompanied children migrants in Greece, only one in four had appropriate accommodation. In the beginning of October, the plan to make new shelters for unaccompanied children in Athens was made public. Since the tragic fire in Moria, 724 unaccompanied children were transferred from the islands to the mainland with the view to be transported to other countries in Europe. Mr Fridez also paid tribute to those initiatives. Another problem he raised concerned countries of origin. He felt that the developing countries where most migrants came from were less affected by Covid-19 because among other reasons their population was particularly young, and age was a risk factor when it came to the likelihood of developing the virus. It was also felt that a warm climate would be another factor making the virus be less pernicious, but it was found not to be the case as it continued to spread in the summer. The ability to deal administratively with cases of Covid-19 was also to be considered. Many countries did not have the health and hospital services required to face the crisis. Mr Fridez also noted how the global crisis would have even further repercussions on these countries. The absence of remittances also needed to be factored in because they were essential for several countries in the developing world. Famine was also affecting a number of countries and the situation was worsening. This was a vicious circle for many countries of origin: the more people died of hunger, the more migrants there would be. That would lead to an increase in the number of tragedies. Mr Fridez insisted in those countries need to access financial assistance and other forms of cooperation on behalf of the developed world. Alleviating their debt was mentioned as an example. Nevertheless, climate change also had to be taken into account as it would aggravate the situation. The good news was that good practices had been identified in many countries such as renouncing the use of

administrative detention for migrants. Placing people who were not criminals in such promiscuous conditions was to impose additional risks upon them. Spain, Portugal, and the United-Kingdom stood out in that respect. In other countries, local authorities provided essential health services that were much appreciated by migrants together with support provided NGOs and members of civil society. Mr Fridez noted how after a temporary calm, the results of the second wave were seen. Better preparedness and an adequate draw of lessons from past months was needed. He concluded by adding that they were constantly reminded of the need to wear masks, maintain distances and wash hands. As a doctor, he showed his total agreement with those measures, but when it came to migrants, refugees, and asylum seekers he demanded hands were not washed of their situation, not to maintain distance when it came to providing them with assistance and certainly not to forget countries on the frontline in the south of Europe when it came to this crisis. Solidarity was to be shown without exception with all countries affected by the pandemic, and in particular with those most vulnerable: migrants, refugees, asylum seekers, and their countries of origin.

Ms Arslan expressed her thanks for the excellent reports. She agreed that the pandemic had affected some groups more than others, especially women affected by domestic violence in a lockdown situation. There was an increase in discrimination and measures being contested. She mentioned the example of unmarried partners not being able to cross borders to see each other. She discussed the issue of migrants, refugees and asylum seekers and the fear of contagion. She urged for a longer-term strategy of greater solidarity with the developing world, whether in the form of debt alleviation or expanding overseas development aid.

Ms O'Loughlin said it was timely that she should speak at that time as she mentioned that Ireland had its national annual budget and was certainly hoping that some of the vulnerable groups mentioned would be looked after. She agreed with Ms Stienen in that it was a balancing act for governments to protect the public health of all citizens and uphold human rights. She agreed that we had to learn from the pandemic. She mentioned that in Ireland, people in nursing homes, refugees and migrants in direct provision and people from other countries with low-paid jobs were more impacted by Covid-19 and did not receive the same support. She also commented on the increase in domestic violence for women in lockdown measures. She asked: what measures would be put in place to support those most vulnerable if we were starting this all over again? By their very nature, the Covid-19 restrictions impinged on the basic rights that any of our citizens expect in a moderate, forward-thinking Europe and in our own democracies. In Ireland, when they brought in their first restrictions to movement and association, it had been for a very limited time but now they found they were in a very difficult the situation because of the second wave right across Europe. And while their restrictions had to be limited and monitored, it was also vitally important that the impact of Covid-19 on vulnerable groups was monitored. She supported and endorsed the two rapporteurs and their reports.

Ms Brynjólfssdóttir thanked the rapporteurs for their excellent reports and agreed with the Commissioner for Human Rights that these reports were timely and extremely necessary. As stated in Ms Stienen's report, the crisis cast a harsh spotlight on structural inequalities already present in our societies. We already knew that the groups most affected by the Covid-19 were marginalised groups as those that the two reports were covering. And as mentioned in Ms Stienen's report, lockdown measures had increased the risk of gender-based and domestic violence. Discrimination on grounds of gender, national or ethnic origin, disability, age, sexual orientation, etc., were amplified and progress towards equality was set back. Manifestations of racism and prejudice was also increased. She fully agreed with the rapporteur on the effects on gender equality and on non-discrimination, and that the discriminatory effects of the pandemic would not disappear overnight. If we did not respond to the lessons learnt, these effects would persist and those most harmed would be hardest hit by the next one. She therefore supported both reports that urged member states to strengthen measures to address existing structural inequalities and to uphold mainstream equality issues into the response work to Covid-19. And she agreed with Ms Stienen that there was a need to act now to transform our societies and overcome the inequalities that were so deeply rooted in them. Mr Fridez's report also so rightly stated that vulnerable groups such as migrants, refugees and asylum seekers were often the first to suffer and were doubly affected in situations of crisis. This group also faced many additional problems during this pandemic, closing of borders, longer and more perilous journeys at a time when search and rescue at sea had been curtailed. The increased risk of pushback and disembarkation became a bone of political contention. Irregular migrants and asylum seekers had to face prolonged periods of detention in cramped conditions. In times of crisis, basic rights of refugees and asylum seekers that were already regularly violated were also further jeopardised either through simple neglect or through the setting of priorities by hard-stretched authorities. Already substandard living conditions would become worse as movement was restricted and the most vulnerable among those people who were in that situation were children, women and the physically and mentally ill. Migrant children were in a more vulnerable situation than ever during the Covid-19 pandemic. As pointed out in Mr Fridez's report, the Venice Commission urged state parties to ensure that all children had to be confined in safe environments. The report urged member states to especially ensure the safety of separated and unaccompanied children. The pandemic showed that in times of crisis and catastrophe, migrants –and especially migrant women and children– had to benefit from the same protection as nationals.

This was just not in the interest of migrants but in the interest of us all. She urged agreement that solidarity among countries was essential in dealing with the pandemic, especially when it came to safeguarding human rights of the most vulnerable groups of our societies.

Sir Roger Gale began by thanking the rapporteurs and then raised two issues. One was the rise in domestic violence caused by lockdown and the inevitable restrictions on movement. He mentioned that generally it was directed towards women, although not exclusively, given men have suffered it as well. This could be considered a side product of a very grim circumstance affecting everyone. The other bizarre and unpleasant side effect was the dramatic increase in cross-Channel migrant traffic. That was mainly due on one hand to the fine weather, but also the difficulties migrants now faced in stowing themselves in lorries and using air routes to fly into the United Kingdom. This created a scenario where the hard right was taking advantage of the images of dinghies arriving in the southern counties to bring their messages forward. Sir Roger Gale considered this a very unpleasant aspect of life – migration had to be controlled, particularly illegal immigration, but that sort of situation was unacceptable for any civilised country. His government, and he suspected any government, was having a hard time in balancing both the need to protect public health and the need to protect the economy and jobs. There was a trade-off between how far peoples' ability to do anything was restricted and how hard economies were hit and what effects that had on jobs, with a dramatic rise in unemployment in the United Kingdom. The real danger in the context of these two reports was the restriction of individual liberty. He recalled that one man or woman's liberty was another man or woman's restriction. He concluded by again raising that difficult trade-off and showed his sympathy to those sitting in 10 Downing Street and all governments during those difficult times.

Ms Celik noted that since the outbreak of the pandemic, migrants and refugees had been one of the most vulnerable groups across the world. She congratulated Mr Fridez for the report and for introducing timely and worthy recommendations for increasing protection of these vulnerable groups during the pandemic. Ms Celik went on to raise some issues she considered had required special consideration in that context. Firstly, the rise of right-wing populism gained new momentum during the pandemic. As stated by Human Rights Watch, right-wing groups started to raise their anti-immigration, white supremacist, ultra-nationalist, antisemitic and Islamophobic discourse in relation to Covid-19. In many countries, refugees were demonised and xenophobic conspiracy theories about foreigners were manufactured by these groups. As a result, the number of hate crimes against vulnerable groups increased dramatically across the world. Member states needed to pay special attention to the misinformation campaigns by right-wing groups that claimed that the virus was spread through immigrants and refugees, advocated the permanent shutting of borders, restricting immigration processes, and endorsed the idea of governments discriminating against non-citizens in the provision of services. A worldwide information and education campaign was necessary to counter this disinformation and disrespect. Member states needed to take special precautions and implemented the necessary legal framework to stop the spread of hateful rhetoric which continued to increase hate crimes against vulnerable groups.

Ms Celik also highlighted the importance of taking all necessary measures so that migrants and refugees were protected from the virus and provided medical assistance during the pandemic. Outbreaks in camps and in other refugee/populated areas could ignite new waves of refugee flows with the potential of putting the lives of these communities in further danger. A special working group might be formed by the relevant committees in the Assembly to closely monitor the measures taken in camps and refugee populated areas, and the degree of access to medical assistance. Relevant recommendations to member states should be put forward in that respect. Ms Celik acknowledged the difficult situation of Syrian migrants, refugees and internally displaced people. Around four million refugees in Turkey continued to have the same rights as any other citizen to access healthcare during the pandemic. Turkey also provided medical assistance to internationally displaced people together with hospitals and medical centres in the Idlib and Aleppo regions in Syria. Managing the situation would become increasingly difficult if a major outbreak occurred. The international community and member states had to recognise that migration was a global phenomenon that required global solidarity and step up efforts to support refugees and migrants in frontline countries and internally displaced people in conflict zones to prevent further humanitarian tragedies.

Mr Jallow began by congratulating both rapporteurs for their very important and relevant work. He affirmed that the pandemic had revealed and exacerbated the impact of structural discrimination and the consequences of austerity and structural disinvestment. This caused serious social and economic challenges for the most vulnerable groups such as women, ethnic minorities, migrants, refugees and asylum seekers, and of course the LGBT community. He mentioned that the pandemic had rapidly ignited an economic crisis with unprecedented consequences for the poor and working class, and had also seriously affected democracy and human rights. Mr Jallow raised a particular concern about the implications of the pandemic for ethnic and racial minorities, people with disabilities and those with migrant backgrounds. These vulnerable groups were disproportionately affected, and the report was very clear when it came to that. This was the result of

longstanding structural and economic inequalities and a product of generations of systemic disinvestment, often packaged and made possible by deeply rooted and structural institutionalised racism and patriarchy. Mr Jallow considered that the best way to address the Covid-19 pandemic and its effects on society was to build inclusive societies with a level playing field and sustainable economies that work for everyone and not only for the rich. Societies had to aspire to change so that recovery was based on equality, human rights and social justice. He affirmed that they also needed to be sustainable and offer the highest possible standards of health for everyone, regardless of condition, race or gender. Mr Jallow concluded by adding that if anything had been learnt from the crisis, it was that policies based on austerity, privatisation and deregulation had an extremely negative impact on health systems in Europe, causing serious problems in guaranteeing universal access to healthcare as a fundamental right.

Ms Stienen thanked all the people and reiterated what Ms Mijatović had said: this crisis was a magnifying glass and we had to find the way to do this balancing act. She also explained that she believed there was no contradiction between individual liberties, economic well-being, and applying human rights conventions even in this crisis. And approved of what Mr Jallow had said: the best way to do this was to have inclusive measures and inclusive institutions. She mentioned that the resolution of her report listed 3 ways to do precisely this and that we needed a differentiation in the type of measures we would take. She also mentioned that her government was learning from the Irish government that implemented a roadmap in different phases of the crisis also showing how these were impacting different groups. There was a lot of mythology going around data and responses needed to be based on comprehensive inclusive data which took into account differences based on gender, age, socioeconomic status, nationality, ethnic origin, and so on. To conclude she added that we needed diversity or the inclusion of different voices as well as inclusive leadership. On a personal note she mentioned being amused by memes about female leaders being better in dealing with this crisis. In spite of being a feminist, she found this to be a wrong equation. She claimed that leaders who were doing well in this crisis were the leaders that were very inclusive and knew about intersectionality and that the fact that more of them were female was not necessarily a relevant or useful point to make. Finally, she urged the members of PACE to follow up on this report. She claimed that often reports were voted but then they were put in a drawer and not much was done. She said that PACE needed to learn from the recommendations, and they all had to follow up in the next session on what they had done with the insights they had gotten from this beautiful long day of discussions.

Ms Petra Bayr, chairperson of the Committee on Equality and Non-Discrimination, thanked both Ms Stienen and Mr Fridez for their excellent reports. She was very happy with the enlarged scope of Ms Stienen's report, which focused not only on the impact the Covid-19 pandemic had had on women, but also included another groups and issues: ethnic, linguistic or cultural minorities, elderly people and children, and people living with disabilities. It also examined the effects caused by populist parties or movements who misused the pandemic for conspiracy, for anti-Semitic racist propaganda. It was very important to have such a holistic approach. There were also some positive approaches, improvements and new methods of doing things that had happened in reaction to the pandemic to guarantee the rights and protect vulnerable people. For instance, it was possible very quickly to have available information also in minority languages, or it was possible for women in France and Spain affected by domestic violence to simply go into a pharmacy and use a code-word to start all the necessary mechanism to be protected from violence. Also it was possible to get free prescriptions for medicines via telephone consultation, which made it much easier for people to have access to contraceptives. We should treasure all these new ways of doing things we had learned and not forget the positive developments that this pandemic brought about. Ultimately, she wanted to point out that the pandemic had revealed that inequality was the root cause of many problems we dealt with, not only during the pandemic but also in normal life. And she urged all members to struggle and keep focus on changing this imbalance of possibilities, of power and of empowerment that different people had in different cases. She supported Ms Stienen's statement about follow-ups. What if the pandemic will not be over in a month or two and we can come into similar situations quite soon?

Mr Fridez said that the Covid crisis had exacerbated a number of already existing problems within society: inequality and the problems facing migrants. He regretted that some countries found it difficult to take the migrants in. But our societies in Europe were in a position to defend fundamental values that made the Council of Europe what it was in respect for human rights, solidarity, humanism: the fundamental values without which there would be no progress. He also commented on the interesting remarks made by Ms Celik about the rise of the far-right in Europe. He went on referring to the example of Germany in 2015 when Chancellor Merkel had taken in more than 1 million refugees: the poorest amongst the poor Syrians who were abandoned had been taken in by German and Sweden too, in great numbers. He described that as an act of solidarity and an essential one that should be saluted. He noted though how at the same time we saw that some sectors of the population reacted badly to that and encouraged to be more extremist, which was a danger. Europe should not become an inward-looking fortress, but we rather needed to hold high the colours which were those of the Council of Europe, our fundamental values that made our civilisation what it was. The problem of migration

forced us to look at the real issues and to shoulder our own responsibilities. We needed to raise the issues of inequality within our own societies and make sure that our societies could take in others and so that people could feel at home, whilst doing what we could in the countries that migrants had left so that they were not forced to leave. He concluded by urging the Council of Europe to take the real measure of the tragedies that were unfolding today and that would unfold in the future so it could take up these challenges.

The draft resolution “Upholding Human Rights in Times of Crisis and Pandemics: Gender, Equality and Non-Discrimination” was **adopted** by 21 votes in favour and two abstentions.

The draft resolution “Humanitarian Consequences of The Covid-19 Pandemic for Migrants and Refugees” was **adopted** by 19 votes in favour and two abstentions.

19. OTHER BUSINESS

Mr Tornaritis manifested his intentions to make a short statement regarding the developments in Famagusta. He mentioned the letter sent to the chairpersons of national delegations on the 16 September 2020 and the relevant video he had sent regarding the situation in Famagusta. He also conveyed that recent developments in Cyprus were a great cause for concern because of the blatant violation of the United Nations Security Council Resolutions 550 of 1984 and 789 of 1992. Despite warnings of the international community, Turkey proceeded unilaterally on 8 October 2020 to the opening of the fenced coastal front of the city of Famagusta, violated the status quo, and created new *fait accompli* on the ground. Also Turkey threatened to open other areas of the city, which would further exacerbate tensions that were already high as the result of Turkey’s repeated intrusions and illegal drillings in Cyprus’ exclusive economic zone. The UN Security Council expressed its deep concern and called on Turkey to reverse the course of action and fully respect the implementation of the aforementioned resolutions. That move caused bitter feelings among the populations, especially among the people who supported an overall settlement to end the division of Cyprus. Turkey was behaving as a bully in Cyprus and undermining the resumption of negotiations and the prospects for peace. He asked member states to exert pressure on Turkey to refrain from such hostile acts and to withdraw from Cyprus altogether.

The meeting was **adjourned**.

JOINT DEBATE

20. NEED FOR DEMOCRATIC GOVERNANCE OF ARTIFICIAL INTELLIGENCE

21. JUSTICE BY ALGORITHM – THE ROLE OF ARTIFICIAL INTELLIGENCE IN POLICING AND CRIMINAL SYSTEMS

22. PREVENTING DISCRIMINATION CAUSED BY THE USE OF ARTIFICIAL INTELLIGENCE

The President opened the meeting.

He thanked everyone working remotely, as well as the members in Strasbourg and the Vice-Presidents who helped him in discharging his responsibilities. It was also clear that a key part of the Assembly’s work was interparliamentary work and contact between parliamentarians, parliamentary diplomacy, observing elections and monitoring. It was difficult and sad to say, but it was a fact that to some extent 2020 was going to be a wasted year. However, the Assembly had to continue to work to produce results and defend the values of the Council of Europe and the Parliamentary Assembly in particular. Mr Varvitsiotis, Minister of Foreign Affairs of Greece, kindly agreed to join the Assembly again to continue the Q&A session that had been interrupted last Tuesday due to lack of time. The Assembly adopted a new way of working: on the one hand reaching out to national parliaments and on the other hand going thematic, which meant addressing a singular issue in depth. This was a holistic approach because a certain theme and problem was examined from all different angles on the basis of the various human rights related to the theme. The current session would cover aspects of Artificial Intelligence (AI) through seven reports. The pandemic amplified the tendencies in society, and they were giving rise to a new generation of rights. The environment and human rights among our priorities, as well as AI. One of these new rights was the right to know the truth. AI and social media were taking that away from our citizens. Who knew what was real and not real today on social media being pushed by, among others, AI? The right to know was becoming a basic right for all citizens.

He said he had received a letter signed among others by the heads of the delegations of Lithuania, Latvia and Estonia, suggesting that the Standing Committee hold a short discussion on the situation in Belarus and suggested to add the item “Other business” to the morning agenda.

Agreed.

Ms Bergamini, rapporteur on “Need for democratic governance of artificial intelligence” started by saying that, she hoped the report would make a useful contribution to the general debate that the Parliamentary Assembly was holding on the general subject of AI. AI was our new reality; it was the new world, which was increasingly transforming society. We talked about a technology, a revolution which could bring major benefits and also a number of risks. Our job had to be to ensure that we saw a multiplication of the benefits of AI and prevent its negative aspects. Given our role, it was obvious that we looked at the impact of AI on the democratic functioning of society and democratic institutions. We needed to recall what had happened when the Internet hit us as a phenomenon: when we saw this extraordinary technological revolution taking place in human history and opening up huge areas of freedom some 25 years ago. However, it was a technology that caught the government on its back foot when it came to enacting legislation and the use of the Internet. So today, 25 years later, we were seeing the effects and consequences of being caught on the defensive concerning the development of digital technologies and the ability to regulate them. We proceeded in a rather ambivalent manner, perhaps improvising to a certain extent. Very often when the legislator had intervened, it was too late. We saw enormous quantities of personal data, and we forfeited the rights to those personal data to big tech groups such as Facebook, Amazon, and other companies. Those data were no longer our as there were very few limits placed on the use of those very personal data and pieces of information. In exchange, we gained an illusory freedom of expression: freedom in terms of access to information and services that would become essential in our daily lives. She believed we needed to learn lessons from it and that we could not repeat the same mistakes when it came to AI. We needed to start protecting the rights of freedom straight away. AI represented opportunities for democracy and greater transparency and participation, possibly, but there were real risks in terms of manipulation of information or even disinformation. We thus needed to regulate. We could not leave matters to the big tech firms when it came to the development or use of algorithms. A number of countries today, including members of the Council of Europe, talked of direct democracy. In Italy the leader of the largest party in parliament Beppe Grillo openly said that it was wrong to vote every four or five years and that we should be voting on a daily basis instead. The whole population should be called to express their vote in the form of direct democracy. This might be a solution. It was right to engage in a debate, but we should not forget that when talking about direct democracy, we needed to ensure that the rules were clear if we wanted to arrive at global governance of the use of algorithms. The use of algorithms in terms of AI was already replacing human individuals. Algorithms could determine our actions to a certain extent. As a result of machine learning and the use of predictive algorithms, human behavior or tastes or priorities, or choices were predetermined. Algorithms were being used to predict possible human error, and we saw use of predictive AI in the criminal justice field for example to predict possible crimes that were being committed. We therefore needed to avoid excesses use of the predictive algorithms. We were saying Amazon, which was orienting our choices in certain directions and the same thing could happen when it came to political choices, and, therefore, the way we cast our votes. We already renounced ownership of our own personal data. We had to claim ownership of our own opinions and democratic choices. The risks were very high indeed. In a period of direct democracy we saw that our choices were being controlled as a result of predictive algorithms. Yet, we were not aware why our choices were being manipulated and for what purpose. We saw algorithms were replacing human beings in the democratic decision-making process. Human beings were being relegated to the role of a subject. These were the kinds of risks we need to tackle. The situation was an urgent one and governments needed to lay down clear rules that enjoy a consensus. We needed to regulate ownership of algorithms and the development and application of algorithms in order to protect human rights: human rights that were upheld by the Council of Europe. We were talking about the rights of individuals, of human beings. We needed to send out a very strong signal in support of the need to lay down a regulatory framework to recourse to AI, a framework possibly in the form of a convention that would be legally binding. The report covered a number of issues and proposals that governments needed to take on board when it came to their approach to a possible convention. There was an obvious need for action: all we need to do was look at the rapid progress of the internet. It was important that all the committees work together and CAHAI did very important work. We needed broad cooperation with other intergovernmental bodies to ensure we could provide further impetus to act and lay down the regulatory framework governing the use of AI.

Mr Cilevičs, rapporteur on “Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems”, started by citing an expression: justice with a human face. The development of AI, however, was introducing a new non-human actor into the systems of justice. This created new risks and challenges. The consequences of this were not fully addressed. This report explored the use of AI in policing and criminal justice systems and the regulator response that was required. AI was a difficult concept to define and the

report contained a description rather than a definition *sensu stricto*. The report also explored the subject of ethical regulation. Effective regulation of AI required much more than just voluntary codes of conduct or a last-minute ethics washing of new applications. Ethics had to be an inherent part of the development and environment from the very beginning, which was called “ethics by design”. This should include a human rights impact assessment. The relevant ethical principles were set out in this explanatory memorandum. It was understood that all of the Assembly’s rapporteurs on AI related issues included the same set of principles in their reports. These principles were based on the common elements most widely found in the world of academics, researchers and pertinent national and international bodies. They were not controversial in themselves, but it was important that they be reiterated. AI was being applied in an ever wider number of areas by a variety of entities that operated across borders, even worldwide. Regulation on a purely national level with different standards in different countries would not be affected. It would even be dangerous as it may push research and development towards places with lower regulator standards. CAHAI began work last year. It was examining the possibility of creating a binding international legal framework to regulate the use of AI. The rapporteur was in favour of CAHAI and supported the aim of adopting the Council of Europe instrument to regulate AI in accordance with the Council of Europe standards of human rights, democracy and the rule of law. The report was intended to contribute to this process. CAHAI took a nuanced and flexible approach. This recognised that not all applications of AI create the same risks. An AI system that made recommendations on, for instance, hotels did not raise the same concerns as one that made recommendations of granting bail to someone who drove a car. Some applications would need stricter regulations than others. This was where the Assembly’s specific reports would make an important contribution by exploring particular applications of AI and determining how great a threat they could be. The findings would help CAHAI to decide whether an international regulator instrument was feasible and necessary. The applications of AI in policing and criminal justice were one area with a particularly big risk. This report analysed the main types of applications currently in use. First was predictive policing: the use of AI to advise on where and when police resources should be focused, given historical criminal activity. Second was the prediction of the risk of rare findings recidivism. Here, AI used historical data on patterns of rare findings to predict whether certain characteristics of an individual suggested a high or low risk. This could be used for various purposes. The British hard system used it to decide whether an offender was suitable for rehabilitation. In the United States systems like COMPASS were used to inform decisions on bail, sentencing, and remand. Third was solving cold cases that were serious crimes that remain unsolved. In the Netherlands, for example, AI was used to analyse whether there was evidence in cold cases that could be re-examined using modern or ancient techniques. The applications that predict individual behaviour were the most risky. Some of this risk was due to the historical data that was used to train the algorithms. Often the data reflects racial, religious or other forms of bias and prejudice in the historical behaviour of police and judges. The AI system absorbed this bias even if its own function was mechanically objective. Decision makers might rely on the AI systems, especially where they were under the pressure of time or a lack of other resources. These risks were increasingly recognised by academics, specialised bodies and even the users of the systems themselves. The rapporteur had long conversations with ethics advisors and police officers who were already using AI in the UK and were well aware of these concerns. The report therefore proposed a series of measures to ensure that if AI was used in policing and criminal justice, the risks would be minimised. He also proposed a recommendation to the Committee of Ministers so that it and CAHAI might take note of the serious potential risks in the area.

Mr Lacroix, rapporteur on “Preventing discrimination caused by the use of artificial intelligence”, began by mentioning the risks that artificial intelligence posed to democracy, quoting writer Aldous Huxley in the book *A Brave New World* and his metaphor on slaves unknowingly enduring their condition as such “in prisons without walls”. AI could lead to efficiency gains, but could also create discrimination related to gender, sex, ethnic minority status, social insecurity and even the denial of human rights. The report provided for a national and international intervention addressed to all 47 member states, their parliaments and governments, but also recommendations to the Committee of Ministers for an international understanding of what was at stake, while providing tools to citizens and states. The absence of transparency regarding algorithms generated forms of discrimination in both the public and private sectors. In the private sector algorithms and AI were used in advertising job offers or housing on social media: for example the most attractive housing was shown to a socioeconomic white elite, as uncovered by Amnesty International, and the most lucrative job offers targeted males at the expense of females. In terms of public authorities’ competencies, governments had put monitoring systems in place to avoid fiscal and tax fraud, without any parliamentary debate or MP consultation. These systems targeted the most vulnerable, recipients of social benefits or those in socially insecure situations. As a consequence of these systems, in Australia and the United Kingdom, social benefits to the tune of 360 million euros had been eliminated. This happened as a result of substantial errors in these programmes, which were disproportionate and unjust without parliaments even knowing. This trend had to be reversed. The design of artificial intelligence needed to be the result of close cooperation among all sectors in society. AI operated in a biased fashion because the factors that went into algorithms were factors that were historically discriminatory, given they reflected society at a given point in time. Beyond this, the danger of AI was that it automatically learned about itself by compiling billions of pieces of data: knowledge and

learning of AI by AI itself. This recreated discrimination from the past in the present, and even in the future. Citizens needed protection. Teams devising AI needed to comprise men and women, and the design process had to include an ethical dimension related to the respect for human rights. All national anti-discrimination legislation had to be updated and, as previous colleagues stressed, international ex-ante rules be established, enabling not only a democratic debate, but a public debate. Before the deployment of any AI system, an independent expert body should oversee that there was no discrimination or infringement of citizens' human rights. He concluded by affirming that it was important for the report to contain recommendations along these lines: both in the resolution itself and in the recommendation to the Committee of Ministers. He emphasised the need for assurances regarding the transparency of AI. We should be able to look under the bonnet of the car, as it were, to penetrate the heart of artificial intelligence. Traceability and explicability should be made available not only to public authorities but also to citizens. If public authorities were to use artificial intelligence, we should ensure that the burden of proof was not placed on the citizen. Citizens were very often the victim and did not have the ability to reverse the burden of proof because AI and algorithms operated in a very complex fashion. The rapporteur reaffirmed the urgent democratic need to prevent such abuses – otherwise, as the first rapporteur said, we would end up with a non-democratic governance of artificial intelligence reserved for either a political elite or economic oligarchy, something to be avoided at all costs.

Mr Papandreou thanked the rapporteurs for highlighting the amazing potential but also the threats of this newfound power, AI. AI was ubiquitous, it was part of our daily lives, it was “a prison without walls” as Mr Lacroix quoted from Aldous Huxley, yet there was little or no transparency. It was like a black box; we did know how it was affecting our lives daily. Secondly, AI saw us simply as data and analysed us, our every behaviour. They understood our preferences and then they influenced us. And this influence came from big companies that own this data – Shoshana Zuboff called it “surveillance capitalism” – or it could be owned by big states and sometimes authoritarian states undermining civil rights and persecuting the opposition or it could influence our political or our consumption beliefs. Third, AI was the new legislator and created a para-legal system as Mr Cilevičs mentioned; whether it was in banking or predictive policing or admissions into college, there were in-bred biases (racial, ethnic); they evaluated our behaviour and rewarded us or penalised us respectively. The new generation of rights, mentioned by the President, implied a new generation of problems and challenges; going back to basics, what democracy means was important. Democracy dated back to ancient times: in part, it was invented to disrupt and impede the concentration of powers, such as from tyrants, to stop the abuse of powers and, finally, to have the right to know, transparency for all. Now, that was why we need democratic harnessing of this public power for the public good. This power can be an amazing power: in health, in tracing Covid-19, or for participative democracy. How could we develop the positive outcomes of AI? He supported creating a legally binding instrument to ensure democratic governance for this power to be harnessed for the public good.

Mr Zingeris began by commenting that artificial intelligence was a part of our reality. As political life steadily moved into cyberspace, a global approach to this problem was essential. It seemed that crime, hate and lies fuelled one another. “Hackers hide in the traffic generated by social media”, announced BBC World. Thus, the same evil strikes the content of public debate and the credibility of democratic procedures. Before AI threatened us tomorrow, we had to deal with the danger of fictitious democracy today. We could observe the interference in electoral processes, personalised political targeting, fake news, hate speech and hacker attacks, i.e. Cambridge Analytica or Brexit. From secret ballot, we imperceptibly had passed on to anonymous debate. From having fun in virtual reality, we had passed on to a world of fabricated facts. The marketisation of communication benefited both consumers and populists. What would be the difference between a shopping experience and an act of voting? The crisis of modern democracies affected almost all elements of democratic order, including erosion of, and loss of confidence in institutions, mis- and disinforming the public, break-up of cohesion and polarisation of society. Modern technologies, including AI-based systems, might both help resolve and aggravate this crisis. Indeed, the rapid integration of AI technologies into modern communication tools and social media platforms provided unique opportunities for targeted, personalised and often unnoticed influence on individuals and social groups, which different political actors might be tempted to use to their own benefit. Everything was recorded, everyone could communicate with everyone else, always and everywhere. Hadn't parliamentarism been left behind? Were parliamentarians not perhaps living in a bubble? And in real life didn't the world of universal communication require a new Montesquieu?

Mr Cottier stated that technological and scientific progress was a powerful instrument for improving daily life and therefore an ally for political action. It required a normative, political and economic framework which promoted research and innovation, particularly in the field of digitalisation. However, we knew that progress in science and technology had always been accompanied by new risks. It was therefore necessary to ensure an efficient and ethical framework; often regulatory action by public authorities was required. In doing so, care should be taken to find the right balance between limiting risks on the one hand and maintaining a climate promoting innovation on the other. The reports clearly showed that there were significant risks accompanying the opportunities linked to the development of what was known as AI. It was therefore necessary to ensure a

normative framework at European level: a coordinated approach and the action of the Council of Europe was therefore important. As was said earlier by Mr Lacroix, if you did a job search on Facebook today, for example, the algorithm would give you very different results depending on gender, as an experience in the Swiss media had just shown. This example, among a thousand others, such as housing, showed the extent to which algorithms could reinforce stereotypes and promote a fragmented, divided, discriminating society that increases inequalities – that was the very opposite of what we were striving to achieve.

We had to ensure that an ethical and legal framework safeguarded democratic principles and the rights that derived from the European Convention on Human Rights and the development of an inclusive society. AI technologies had to contribute to these efforts rather than undermine them. In order to do this, they had to be designed and developed to respect human rights. The ALDE group supported the five principles that had been outlined in all three reports. The reports proposed a certain number of avenues and they were right to insist on increased diversity within the technology sector, in particular women's access to these professions. The concepts of ethics and human rights protection should be better disseminated and taught. There was a role here for public authorities, particularly in education and training, and partnerships should be established with these economic sectors. He concluded by stressing the importance of ensuring that judicial and police processes used AI as an aid, preventing it from becoming a black box or a mechanism that reinforced discrimination or led to injustice, which was clearly the responsibility of governments. It was in this spirit that the ALDE group approved the resolutions and recommendations.

Mr Howell congratulated the rapporteurs for identifying a number of points and mentioned that he particularly enjoyed the discussion arising from the reports. From a UK perspective it fit in very well with the work that had been undertaken by the Bishop of Oxford, who had taken a particular interest in AI and had found some similar conclusions. He was also somewhat amused, as seen in newspapers in recent months, by the use and encouragement of the term “algorithm”. It was not a particularly popular expression to use in the UK after the mistakes that had occurred in the summer over allocating exam grades using an algorithm. He remarked that the reports above all give the feeling that AI could be a threat. Yet there was a need to stress the enormous advantages that AI could bring, e.g. in the medical sphere in operating procedures. He commented that this was predicated on the belief that human behaviour was not predetermined. Human behaviour was as erratic as it always had been and was not predictable. It was important to look at how human beings react to this and particularly from our perspective, to look at how it interacted with human rights, with the rule of law and with democracy. He believed that the reports had been good in identifying those areas to be looked at and taking them forward to what was proving to be a very interesting discussion. If there was some similarity in the arguments that we were putting forward, that was to be praised and taken forward in that sort of spirit.

Mr Kox recalled that in April 2019 the Assembly had adopted a draft resolution on the future role and mission of the Parliamentary Assembly. The then broadly-accepted proposals included the decision that the Assembly should focus its work and activities on helping to identify which new Council of Europe instruments and conventions should be developed in order to better respond to new societal challenges or situations. One of the challenges identified then was artificial intelligence. He was very pleased that now only 18 months later we had several reports on our agenda today dealing with this exact challenge of artificial intelligence. He shared the President's compliments to all colleagues, staff, and experts working with them that they had been able to present so many good reports on this issue in such short time. The Assembly was doing what it should do: working to develop new instruments, possibly conventions, in order to protect better human rights, rule of law and democracy in our Council of Europe member states. His group supported all three reports on the agenda. He praised the recommendations contained in Ms Bergamini's reports to create a legally binding instrument governing artificial intelligence, possibly in the form of a convention; he hoped one would be on the table shortly. At the same time, Mr Čilevičs warned the Committee of Ministers developing such a new convention or instrument to take into account the particularly serious potential impact on human rights of the use of artificial intelligence, especially in policing and criminal justice systems, when assessing the necessity and stability of such a European framework for artificial intelligence. He supported that warning as well. He mentioned that Mr Lacroix wanted the Committee of Ministers to take into account the potential serious impact of the use of artificial intelligence on the enjoyment of rights to equality and non-discrimination. His group whole-heartedly supported this warning too. He believes a major step had been taken in what should be done as an Assembly in developing new instruments and conventions where challenges were present.

Mr Igityan mentioned that all three rapporteurs touched very important topics regarding AI. He recalled how 25 years ago the discussions about AI had revolved mostly around adventures, while today they were about problems and sometimes dangers related to AI. He pointed to the fact that AI could be very useful in medicine and many other areas, but there were some problems like those brought up in the report of Mr Čilevičs: when artificial intelligence was used to determine whether a person was guilty of a crime. Problems could also arise when artificial intelligence interferes with privacy, e.g. face detection systems. He emphasised the fact that nowadays artificial intelligence was used to kill people. In the science fiction his generation had

enjoyed, Asimov's first rule of robotics was that artificial intelligence may not harm, injure or kill a human being. This was fantasy in science fiction, but now it became reality. He noted how Mr Čilevičs talked about criminal situations and joined responsibility, but who was responsible for killing people if AI, for example in the form of a drone, killed a person: the creator or the person who had pushed the button, or maybe the person who had given the order? This was reality today and we saw it in Nagorno-Karabakh: Turkey and Azerbaijan used drones against people. They programmed a machine, and the machine would kill people regardless of whether a child, a soldier or a civilian. So who was responsible for these killings? We needed to include these responsibilities not only in national legislation but also in international law. He finished by congratulating Canada for being the first country to declare that they would not provide any support to drones used by Turkey and Azerbaijan to kill people in Nagorno-Karabakh.

Mr Kozhin thanked Ms Bergamini for her very professional and detailed report and regretted that paragraphs 14 of the draft resolution was going beyond the purview. He acknowledged that CAHAI had been created to support all member states and experts in countries to prepare future fundamental documents. However, paragraph 14 of the current resolution contained a lot of detailed information and provisions meddling in the mandate of CAHAI. These issues required separate and detailed consideration. Therefore, he proposed to delete paragraph 14.

Mr Vardanyan expressed his happiness about the fact that the discussion was being kept relevant to the topic at hand because the Council of Europe was a place to discuss rule of law, human rights and developing democracy, not for battles. AI was part of our lives for a long time now and it was quite a good and useful thing, especially for developing new technologies that could save human lives and provide better living conditions. However, we were in the same situation that the world had been in the second half of the 1940s when nuclear technology had been being developed: nuclear technology had been being used simultaneously to provide nuclear energy and nuclear weapons. So today too it was up to us, our morality and our ethics to understand how AI should be used. It was very important to remember the first law of robotics according to which robots should not hurt human beings. This was especially important during warfare, because international human rights law provided a clear distinction between civilians and combatants. So what would be the ethics of autonomous weapons? How could we develop the necessary elements of ethical behavior for such kinds of machines? Twenty years ago this had been just science fiction and now it was reality, a reality that might kill innocent people. He claimed not to be speaking about the conflict his country was involved in but in general about times of war and times of peace. He argued that this was an urgent and important topic from the human rights and non-discrimination perspective and from the perspective of developing democracy. There were the two main challenges regarding this topic: providing the necessary international legal background and instruments to prevent artificial intelligence technologies being transferred to subjects who might use it for harming the very core values of the Council of Europe, because the same technology could equally be used for bringing us new prosperity or welcoming us to hell; and protecting human rights in the digital era. We needed an additional legal instrument.

Ms Jufereva-Skuratovski started by pointing out the great achievements in the development of digital technologies. The collection and analysis of a huge amount of data with the help of self-loading neural networks would inevitably lead us to the creation of AI which would be able to conceive not only within the framework of algorithms, but also without this framework. We had already implemented measures aimed at protecting users' personal data, but additionally she also saw a great need to create a moral choice machine, that was, norms and rules to become fundamental principles for the functioning of artificial intelligence. The moral choice machine should be based on the principles of humanity, rule of law and the European Convention on Human Rights. After all, the deliberation and implementation of the moral choice machine would be the basis and guarantee of safe and effective development of relationships between humans, machines, the environment and our future.

Mr Seyidov argued that the time was ripe to discuss these issues. AI was the great achievement of mankind and we should use it for peace, prosperity, and improving relationships between nations and people, but, unfortunately, we had seen very different developments. He mentioned that his colleagues who had talked about morality, democracy, rule of law and human rights had to understand that when ballistic missiles target civilians that was a serious problem which was created by these important technologies. He urged everybody to look in the mirror before accusing others. We should really think about human rights, the rights of those who were under the direct target of ballistic missiles. The major problem to be mentioned here was not only weapons, but the fact that AI was being used to produce fake news. He said that his country for example had this problem now, that a lot of fake news was being produced against them: it was being published online and presented to the public online as if it was reality, but it was misleading and false. He urged the Council of Europe to think about AI in terms of the human rights of those who should be protected. He also discussed the general environment of the use of this technology, and raised the issue of terrible pictures being published online by the same people who killed children. He added that those who talked about the moral use of artificial

intelligence should first take into account that they themselves had to take steps in order to protect the values shared in this organisation.

Ms Fataliyeva reminded the audience that they had discussed the role of AI during previous PACE sessions and mentioned the importance of these three reports which dealt with different aspects of our lives. The influence of AI was growing and that there were both positive and negative impacts. She urged to be very careful with the development of AI because sometimes AI could be programmed to do destructive things. Another issue was the use of AI in warfare: autonomous weapons were AI systems programmed to kill. We all understood this and saw it happening and it was very important to be very careful about who had their hands on this technology because they could cause mass casualties, as Azerbaijanis had witnessed in different parts of their country, not only in the Nagorno-Karabakh conflict zone. It was essential to know and control who was using this technology and whether their purpose was to defend their country and people or to kill innocent people. We had to also avoid a technology race where things could get out of control and think about human rights and the security and safety of people, and about the positive and beneficial impacts. We had to avoid destructive methods in order to achieve the goals of different states and different people. In conclusion, she recommended great caution in the use of AI.

Mr Melkumyan stated that while AI was mentioned as benefiting society, it sometimes led to problems, some regarding human rights. AI needed to be made manageable, for example, for it to help people with disabilities. But when there was a risk, it should be understood to what extent it could contravene the Convention on Human Rights. They knew since the start of the previous month that one country had unleashed a large-scale military aggression against the Republic of Artsakh with the complicity of Turkey. Civilian populations had been targeted with drones made by Turkey and Israel, including the bioraptor, that was causing many fatalities and wounded. The Republic of Artsakh was being attacked with the use of artificial intelligence. Mr Melkumyan asked about human rights in those actions. He inquired if integrating AI in weapons corresponded to the universal values of the Convention. They had to be able to ensure that strict sanctions were imposed in that regard. Mr Melkumyan addressed a specific question on the loss of human life because of the integration of AI in those processes. He asked if sanctions could be taken. If not, they would be idly standing by with respect to the loss of human life. He however recognised the complication of applying sanctions in such a case, but insisted on the need to take the high road and draw appropriate distinctions. In response to what Mr Seyidov said regarding the use of ballistic missiles against Ganja, Mr Melkumyan categorically referred to it as being fake news. He affirmed there had been no ballistic missiles fired on the Azeri city of Ganja.

The President reminded all colleagues not to use the debate on AI to head into other debates in referral to the Armenia-Azerbaijan crisis.

Dame Cheryl Gillan began her intervention by thanking Ms Bergamini for her excellent report together with all the people that had made the report possible. She also congratulated the other two rapporteurs for the coordination of the reports on that subject that showed the Council of Europe at its best. Dame Cheryl Gillan went on to underline how much of a timely contribution it was for all the reasons that had been outlined by the rapporteurs. It was especially important for her because the wider general public was now becoming very well aware of the use of AI. In the processes that affected their lives, people sometimes did not have a very favourable view of it. Her colleague Mr Howell referred to what had happened in the United Kingdom when an algorithm was used to deliver the exam results as people could not sit the exams because of Covid-19. That had to be suspended because it delivered unacceptable results and human assessment had to be resorted to. For many people this was their first encounter with algorithms, and it was not a pleasant experience. Dame Cheryl Gillan insisted on the need for a framework that would give people confidence in the use of AI, and that ensured they saw that the safeguards were there to protect them. If not, a backlash would be seen against those technologies. She expressed her thoughts on how governments tended to always be behind the curve when it came to technology. She recalled the debates around the human genome project and how they thought it would affect the ability of people to gain employment or their insurability, when a faulty gene or susceptibility to an illness was revealed. She manifested that the urgency was the same in the current case. A framework to respond to the human genome project and the advances of science had been necessary. That same framework was also needed now to respond to AI. Dame Cheryl Gillan mentioned the compelling evidence produced by all three rapporteurs on how the technology was far in advance of legislators and regulators. As noted by Ms Bergamini, there were many benefits, although AI was now amplifying some negative trends that were leading to the polarisation of democratic societies. Dame Cheryl Gillan insisted on the need to reap the benefits and guard against the dangers. Transparency and accountability had to be the key. She concluded by stating that she was happy to support the report put forward by her committee as well as the two other reports. She also stressed that the rapid development of a legal framework needed to be supported, and how important that role was for the Council of Europe.

Mr Yildiz informed the Standing Committee that a Turkish member of parliament that had served in the Assembly before, Mr Markar Esayan, who was Armenian, passed away the week before at a very young age. He also informed that the Turkish parliament would not gather in session that day to attend the funeral, and expressed his condolences to the family. Mr Yildiz went on to express his desire for the report to be adopted and thanked the rapporteurs for not having politicised it, given the importance it had for the future of the planet and future generations. He recalled that every human invention in history had been weaponised, but stressed that ethical and legal international rules were important. He also showed his surprise on how his Armenian colleague described the attack on Ganja as fake news. Two days before, the Turkish speaker of parliament had been in Ganja and visited the site that was bombed with missiles by Armenia causing a lot of casualties. Mr Yildiz insisted that the battle was going on in Azerbaijani territory and that Armenians had bombed the second largest city of Azerbaijan which was far from the battle area. He concluded by hoping that Armenian colleagues would not politicise the issue again.

Mr Gutiérrez, *Vice-President*, took over as *Chair*.

Mr Avetisyan stated the importance of the discussion on AI and criticised Azerbaijan and Turkey for trying to hide their aggression on the Republic of Nagorno-Karabakh. He also mentioned how they tried to hide the targeting of cities such as Shushi, Stepanakert, Martuni and Hadrut. Mr Avetisyan recalled the importance of the topic at stake and stressed the need for control over data, although he also regretted that government had fallen behind. He believed that the issue needed to be elevated to a higher level. From his understanding, the Council of Europe did not have all the necessary legal mechanisms to control the growth of AI. Even the companies that developed AI might lack serious technology transfer mechanisms for its development given the autonomous nature of those systems. The Council of Europe, as a democratic and human rights centred institution had to step efforts up in training citizens to be more resilient towards those technologies. Mr Avetisyan thought the same about fake news and propaganda. It could not really be stopped when a lot of oil money was being paid into it. But citizens could be trained to understand and differentiate between truth and manipulation. The same needed to be done with AI. It needed to be included in education curriculums. Mr Avetisyan insisted in ethical rules being put into practice to prevent malicious use of AI. Mr Avetisyan concluded by calling on Vice-President to be aware of the risk of the debate diverging from the topic at stake due to the number of Azerbaijani and Turkish colleagues that were on the speakers list after him.

Mr Mollazada began by acknowledging the interest of the report and the discussion. He recalled how current scientific development had enabled AI to fall directly under human control, far from any robot rebellion or computer rebellion against humanity. But simultaneously, some situations escaped control when old fashion computers or missiles like Saddam Hussein period's Scuds shelled people. Mr Mollazada reminded his colleagues that although computers were controlled by humans, people living with feelings of revenge or grief had killed women and children like in Khojaly. That had happened in revenge for the mythological Armenian genocide. It currently continued to happen in Ganja and many other Azerbaijani cities because Armenians were still old fashioned and could not be at a modern level. Regarding drones, Mr Mollazada said that new technologies gave the military the chance to use sophisticated methods to attack only military targets and not civilians. He explained that new sophisticated technology was now able to protect civilians in military zones. He recalled Armenians fighting with Turks, and stated that they were Turks too. They were Azerbaijani Turks. He affirmed that Turkey was not participating in any conflict, and reassured that Azerbaijan had new modern weapons created by Turkey, Israel and many other countries like South Africa. He insisted in it being Azerbaijani Turks fighting on their own land and their own United Nations recognised territory. He concluded by stating that their mission was to implement rule of law, UN Security Council resolutions, the resolutions of the Parliamentary Assembly of the Council of Europe and the European Parliament. Rule of law was a very important thing for the world if humanity was to prevail. He finalised reminding Armenians to let go of their hatred against Turks.

The President recalled that the debate was on AI and invited speakers to focus exclusively on this issue.

Ms Arpadarai congratulated the rapporteurs for the amazing job they had done. She specifically commented on Mr Lacroix's report which focused on AI, discrimination, and inclusivity. The report showed that AI should be checked against these criteria, which was fair. She pointed out another issue: the right to information. She gave the example: if we bought a smartphone and registered it with a SIM card, we had to download apps to be able to use it and accept points to share our personal information. If we did not accept the conditions, we could not use the smartphone. This meant that the current situation in relation to sharing personal information it was not efficient because we did not have a choice. If we wanted to be a functioning member of society, we had no choice but to accept it. Is this really sitting well in the concept of human rights and data protection? There was a huge problem in this regard. There were two answers: public and private domain. Public domain was about publicly available information on how publicly-procured algorithms work. We should have access to understanding how these algorithms were applied. Second was personal information, i.e. if we had

numerous apps downloaded on our smartphones, we had to be able to plug in somewhere and access our personal cabinet to look at our status and our personal information. We needed to know where these went. She commented that her Armenian colleague tried to speculate on the fact despite the President of the Assembly's asking to stay on topic. This was the country that launched missiles on Azerbaijan's largest city, and calling Ganja fake news was nothing but hypocrisy.

Mr Altunyalı thanked the rapporteurs for their reports. He commented that AI came into our lives with challenges and advantages. There was no doubt that AI was providing numerous effects that were making our lives easier, manageable and effective. However, AI was also something that we would not exactly know how to handle and how to make use of for the benefit of the people yet with no hindering effects of the development of AI. This was why he believed that international bodies had to work on AI to reach comprehensive and inclusive regulatory frameworks to be able to give basic guidance to national parliaments to go further.

Sir Roger Gale praised the rapporteurs for their coordination. Mr Howell and Dame Cheryl Gillan both had highlighted the beneficial aspects of AI as well as the downsides of which we were all aware of and hear of far too often. He mentioned the difficulties of summer exam results in the UK, of what the British PM had called a "mutant algorithm". Algorithms applied to Trace&Test for Covid-19 and housing difficulties, both without great success. There was a downside. The positives should be recognised, too. Dame Cheryl Gillan had referred to the human genome project, which would not be able to grow, as it hopefully would go ahead without AI. The genie was out of the bottle and we could not put it back. What could we do about it? Sir Roger Gale agreed with Mr Vardanyan's comparison with the development of nuclear power and devices. It was a force for both good and evil. He cautioned that we should learn from experience concerning people calling for legislation and legally enforceable conventions. He commented his first appearance on the Parliamentary Assembly in 1987 when dealing with the Trans-Frontier Broadcasting Convention, which as it had started, was a ridiculous piece of work because it had tried to be one-size-fits-all. He strongly urged against a one-size-fits-all approach as there were 47 member states, each with their own cultures and differences. There was need for a convention, but we needed to recognise within it the differences between member states. There were quasi-totalitarian states within the Council of Europe, some of whom would try to amend this report to water it down to their own advantage because it enabled them to meddle in the internal affairs, e.g. elections, referenda, of other member states. He hoped that present members would resist those attempts to water down the reports.

Mr Ganjaliyev thanked the rapporteurs for their excellent job and congratulated them for bringing this important topic to our attention. Unfortunately, we had seen some deviation from the Armenian delegation, which needed to be answered. First, he pointed out that Republic of Azerbaijan paid very important attention to the development and the implementation of AI. The armed forces of Azerbaijan used state-of-art weapons, i.e. precision weapon targeting, in order to end the ongoing Armenian occupation, unlike the Republic of Armenia, which indiscriminately shelled and bombarded Azerbaijani civilians and cities. The armed forces of Azerbaijan only used precision weapons to target military objects and even saved Armenian civilians. The Republic of Azerbaijan also recently launched other satellites into space to give impulse and develop this sphere of AI so as to monitor borders, to protect civilian objects and even property rights, which were in the occupied territories and needed to be protected and monitored constantly. That was why AI was needed. The Republic of Azerbaijan also created the centre of innovation called "Innoland", which developed new start-ups in connection with the development of AI, which was also used to fight illegal entities and illegal smuggling of drugs and trafficking of human beings through the occupied territories of Azerbaijan. This was necessary because in the past 30 years, there had been no full control, hence the need for these techniques to prevent such illegalities. Lastly, when the internationally recognised territories of Azerbaijan were liberated, the government was planning to create an AI centre in two cities, and was working on the plans to bring Council of Europe member states to collaborate in this direction.

The President, indicated to Mr Ganjaliyev that this was not the time to discuss the conflict between Armenia and Azerbaijan, even though it was obviously a conflict that worries and concerns us all. He urged all speakers to keep their interventions relevant to the subject matter.

Mr Gadirli said that AI was very relevant for the legal profession which was based on the idea of free will. If people stopped believing in free will, or if scientists found a way to prove that free will did not exist, the legal profession would become not only useless but also meaningless. In judicial and especially investigative procedures, if AI one day handled cases and delivered judgments, then we would need a technical and legal warranty. He referred to what another colleague had said about us needing a new Montesquieu for this era. He admitted that he did not know how the Council of Europe would be able to deal with all these challenges and its further developments. He proposed that the Committee on Legal Affairs and Human Rights organise a consultation with IT professionals on how AI could interfere with or hinder the legal profession. He ended

by commenting on the attack in Ganja and that he had been there when it had happened. Most of his relatives lived there and he did not know if this situation could be handled by human intelligence—let alone by AI.

Mr Jallow thanked the rapporteurs on their excellent reports and said he supported the recommendations. He said that technological advancements that were used effectively could bring enormous advantages to our societies, but if they were misused—as we had seen it happened—they could cause serious structural damages that undermine fundamental human rights and promote discrimination and racism. As Mr Lacroix mentioned, it could feel like a prison without walls. He explained that in the public and private sector, AI-driven decisions could have far-reaching consequences for people, and we had reports on that. We had seen how AI was used to determine policies, to determine who would get a job, a bank loan, or who got to rent an apartment (who was eligible and who was not). It had also been used to stop and search people at a disproportionate level. This was already a reality for a lot of people, as many small decisions were made by AI every day and they had a very serious impact on people's living conditions and lives. Some groups of people were constantly profiled and harassed, discriminated and criminalised with the help of biased algorithms written by biased programmers. There was hardly any form of diversity when it came to the creation of algorithms. He urged the Council of Europe to put in place relevant and legally binding instruments to effectively monitor and regulate this in order to mitigate the risk of discriminatory profiling. He stated that we needed stronger data protection laws and better monitoring and enforcement of current non-discrimination laws. This was a serious problem that needed to be taken seriously because it was taking over our lives.

Mr Fridez pointed out the welcome advantages of AI, especially for its tremendous advances in public health and for surgical techniques. Progress was unfortunately accompanied by the worst excesses. Along the lines of what Sir Roger Gale had said, he found that AI could also have very damaging or unpleasant consequences, subjugating populations. He mentioned George Orwell's novel *1984*, which was already becoming reality to some extent. He explained that these new technologies could be used to wage war and could lead to major changes in warfare. Democratic countries today were increasingly less willing to sacrifice their own soldiers, which could lead to a robotisation of armies with very effective means of waging war. You could carry out surveillance with drones but also surgical strikes and targeted killings—and without any risk to those who were attacking. This was used a great deal by US authorities towards jihadists. He argued that AI was going to be in the vanguard of future military action. Drones could be used to control democratic popular demonstrations and allow the state to carry out surveillance on the population and to identify demonstrators, but with consequences for human rights. As these new technologies were developed, it was important to update legislation especially concerning warfare, and to establish conventions and very clear-cut rules to protect human rights and freedom of expression, as well as safeguard privacy and the right to demonstrate.

Mr Vardanyan raised a point of order and urged the Vice-President not to permit any deviation from the topic at hand and to stop interventions if this rule was not respected. He also added that the Council of Europe had been widely criticised for lack of action. He said that the Council of Europe had spent millions of dollars to stop hate speech, but then it allowed Mr Mollazada from Azerbaijan to say that Armenian genocide was a myth. He stated that this was not the proper platform to start such a conversation.

Ms Hayrapetyan thanked the rapporteurs and expressed her appreciation for such an interesting and complex topic as AI. She explained how AI was meant to make our lives easier and make humans happier but, unfortunately, as one of her colleagues had already mentioned, this was not always the case. Not all Council of Europe member states were equally democratic and equally aim to the right thing. She said she was aware that the President had warned not to change the topic of conversation and to focus on AI, but they had received a lot of hate speech and fake news from the Azerbaijani colleagues, such as trying to deny the existence of the Armenian genocide in 1915, which was something that even the Council of Europe made declarations about. Secondly, she complained about their statements on finding military solutions to the conflict. She urged the Council of Europe to stop this behaviour because this platform was for constructive dialogue. She invited the members of the Assembly to visit Armenia and see with their own eyes what was happening in the region. She said it was really hard to see who was right and who was wrong if you were far away and outside of the situation, but even here it was clear from the speeches of the Azerbaijani colleagues that these people were trying to find a military resolution for the conflict, which she found unacceptable.

The President called Ms Hayrapetyan to order.

Mr Seyidov made a point of order and complained about how the delegates from Armenia were using this debate to sneak in unacceptable comments about Azerbaijan and to carry the conversation away from the important topic of human rights and AI. He then thanked the President for his attempt to keep the conversation on track and stop that behaviour.

Lord Foulkes commented that it was an appropriate time for him to talk because Mr Seyidov had raised a point of order. He deplored that the debate on a very important topic and excellent reports had been hijacked and Mr Seyidov had blamed the members of the Armenian delegation but, sadly, it was both the members of the Armenian delegation as well as the delegation of Azerbaijan. It was really unfortunate that we had had so many speakers hijacking a debate of such importance. He was fearful that it would continue for the rest of the debates on all reports. He hoped that the President would have the power to cut off the speakers who did not stick to the topic by muting their microphone and move on to another speaker to discuss the topic. He sympathised with both Armenia and Azerbaijan but commented that it was not going to resolve the problem by raising it on reports unrelated with that issue. It was taking away the attention from issues of importance. He pleaded with delegates from Armenia and Azerbaijan to respect the President and the Rules.

Mr Efstathiou admitted he was in line with Lord Foulkes. The rapporteurs had done excellent work since they discussed the real points on the challenges we face as democratic societies concerning AI. He apologised and underscored that he did not want to offend anybody, but this situation proved that sometimes we only talked without meaning or without saying something useful. AI had to be and was already conceived to supplement a human brain and not to substitute it or human reactions. That was why there was a need to regulate AI. After all, AI was pre-programmed by the one who had power to control it. If we did not control AI, we did not regulate this enormous power, and as a result we would have serious problems in our democratic societies. The one who controlled artificial intelligence or the media controlled everything and could be the master of the game when it came to power, economic strength and political influence. The main problem or challenges were the need to regulate this enormous power. We could not allow algorithms to substitute the human approach in justice or in our day-to-day lives; otherwise, we would be nice robots and not human beings.

Mr Jallow raised a point of order in relation to the whole debate being deviated to something else. He understood the situation in Armenia and Azerbaijan but pleaded that there was a need to focus on the issue at hand. When there was a deviation from the topic of AI, no respect was being shown to the three rapporteurs who had spent so much time and energy and resources to draft the reports. He pleaded for respect toward the rapporteurs. He requested that speakers who were not going to discuss the issue at hand withdraw their names from the list.

Mr Cilevičs showed his gratitude towards members that participated in the debate and appreciated their comments and remarks. Despite not being able to react to all of them, he made some comments and remarks to some of his colleagues' interventions. Regarding Ms Juefereva-Skuratovski who had spoken about the moral choice machine, he showed his full agreement on substance, but considered dangerous to introduce new definitions. He said that when dealing with a completely new area, it was initially important to agree on terms and notions used. In his report, he stuck to the principle of ethics. He was not sure if that was the best possible wording, but he believed a certain degree of convention to be necessary. Mr Igityan had mentioned drones and killings. Mr Cilevičs recalled how he had also briefly mentioned these issues in the introduction of his report, and reminded colleagues that five years before, in 2015, the Assembly had adopted a resolution on the use of drones and targeted killings. It had been prepared based on the report of their former Spanish colleague Mr Díaz Tejera. The issue needed further development on the basis of work already carried out by the Assembly. Mr Cilevičs dedicated his last comment to Mr Papandreou's remarks. He showed his total agreement towards him, although he could not agree on artificial intelligence becoming a new legislator. That was exactly what had to be prevented. Mr Cilevičs reminded his recent mention of Mr Díaz Tejera's report and expressed that the main idea behind the resolution was that humans always bared the responsibility.

Ms Bergamini thanked all colleagues that participated in the debate. She took note of Mr Kozhin's suggestions. She however insisted in them not tying the hands of CAHAI in any way nor putting any imperative on them and affirmed that it was only a matter of showing political direction.

Dame Cheryl Gillan, chairperson of the Committee on Political Affairs and Democracy, congratulated Ms Bergamini for her excellent work. She nevertheless regretted that the debate had been highjacked to a certain extent and wished to get it back on track. Dame Cheryl Gillan stated that AI was a fashionable notion. It had already been on their tongues for some time, yet it was still not easy for an average person to see what it was about. Many people were suspicious of it. The discussion would help to better grasp the ways in which this new technology could and already had transformed human society and the daily lives of individuals. As Ms Bergamini said in her presentation, Dame Cheryl Gillan stated that the Committee on Political Affairs and Democracy had focused on the impact of AI on the functioning of democratic institutions and on the political behaviour of individuals. They initiated the report back in April 2019 following an exchange of views with Jan Kleijssen, Director of Information Society at the Council of Europe Secretariat. Thanks to their rapporteur, they held a series of hearings with a number of high-profile experts. That was the old times when they were able to meet face to face. Sadly, it had to be done remotely these days. Under the new conditions that were

imposed on everyone, Ms Bergamini was congratulated for continuing her work with virtual meetings, including with the big IT companies, which she had been able to complete by the end of summer. The committees had the opportunity to virtually hear the chairperson of the CAHAI. The result was now there in front of them, and although there were still a lot of uncertainties, when it came to the future of AI, one thing was quite clear. A new international legal instrument was needed to govern that technology and make sure that it served for strengthening and not for undermining the basics of democracy. That was the main message of their resolution and recommendation: to support the work of their colleagues and governmental experts which were now working on this in the framework of the CAHAI, and also to express their views on what such legal instrument had to contain. Dame Cheryl Gillan concluded by recommending Ms Bergamini's report to all her colleagues.

Mr Lacroix believed points 5, 7, 9, 10, 12 and 13 of the resolution addressed the right to information. Regarding Mr Gadiri's mention of taking matters in hand when it came to judicial matters and the issue of free will, Mr Lacroix subscribed to his comments. He agreed that algorithms would imprison an individual within an information bubble where it could be seen as indoctrinated to a certain extent. AI could only exacerbate discrimination. AI, as well as dynamite, invented by Alfred Nobel in the nineteenth century was both a remedy and a poison. As he mentioned earlier, Mr Lacroix stated that they had to look beneath the bonnet to see what was going on in terms of AI, to see what it was all about, and for discrimination to be prevented. He was convinced that everyone was in favour of an AI that was inclusive and that above all was concerned with the human's well-being. An AI that did not discriminate on the base of an inbuilt bias. Mr Lacroix concluded that AI did not have to be seen as a form of augury and something that could tell our future once and for all.

Ms Bayr, chairperson of the Committee of Equality and Non-Discrimination, recalled a hearing they had had at the committee where they had learned about shocking examples on how the use of AI by social welfare institutions had created the withholding of social security transfers to the poorest, and had driven them to the utmost margins of society, and perpetuated poverty and discrimination. At the very end, some committed suicide because of that. Biased data sets created to generate efficiency of bureaucracy led to infringement of human rights. In most of those cases there was no parliamentary oversight to control, not to speak about the possibility to shape the use or effects of AI before it was established or implemented. That democracy gap was, in Ms Bayr's view, challenging, and did not have to be accepted by members of parliament. Parliaments had to play an active role in the oversight of the use of artificial intelligence-based technologies and ensure they were subject to public scrutiny. Victims of AI-based discrimination needed easy access to effective remedy. AI had to only be used if it was for the benefit of the many and never for discrimination. Ms Bays concluded by thanking all three rapporteurs for their excellent work and stressed that it was now up to all of them to implement the work with the recommendations.

That draft resolution "Need for democratic governance of artificial intelligence" was **adopted**, with 24 votes in favour, no abstentions and no votes against [Resolution 2341 (2020)].

The draft recommendation "Need for democratic governance of artificial intelligence" was **adopted**, with 26 votes in favour, no abstentions and no votes against [Recommendation 2181 (2020)].

The draft resolution "Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems" was **adopted** with 28 votes in favour, no abstentions and no votes against [Resolution 2342 (2020)].

The draft recommendation "Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems" was **adopted** with 29 votes in favour, no abstentions and no votes against [Recommendation 2182 (2020)].

The draft resolution "Preventing discrimination caused by the use of artificial intelligence" was **adopted** with 30 votes in favour, no abstentions and no votes against [Resolution 2343 (2020)].

The draft recommendation "Preventing discrimination caused by the use of artificial intelligence" was adopted with 31 votes in favour, no abstentions and no votes against [Recommendation 2183 (2020)].

23. OTHER BUSINESS

The President reminded that some members had asked to discuss the situation in Belarus.

Mr Pociiej stated that he had just received information that Interpol could be involved in trying to take Ms Tsikhanouskaya back to Belarus. She had run for President of Belarus and was now faced with criminal charges. He believed that no country should allow this misuse of international authorities and hoped that the Council of Europe would do everything it could not to let Belarusian authorities act this way. They should speak about what was going on in Belarus. He had experienced these kinds of events as a Polish citizen in Poland, where in the 80s the communist regime was said to have 80–90% popularity—which was not true. Later, during the first free elections, the popularity of the regime was shown to be only 1%. The Council of Europe had to help the Belarusian people to have free elections and democracy in their country.

Mr Kox congratulated the people of Belarus for fighting for democracy, rule of law and human rights and said that the response of the Belarusian government to these protests was unacceptable. The two reports on Belarus that the Council of Europe was preparing should be done quickly due to their urgency. His political group had urged the Council of Europe to offer its best services to create a round table of dialogue between the authorities and the opposition, and also to see if they could send a fact-finding mission to Belarus. He hoped that the Chairperson of the Committee of Ministers would be able to tell them if there was any progress regarding this request. Although Belarus was not a member state of the Council of Europe, it was in the heart of the continent and the Assembly should do their utmost to help the brave people of Belarus.

Mr Kislyak was disappointed that the situation in Belarus had been brought to the meeting. There had been external interference in Belarus, including from member states of the Council of Europe, and now they were witnessing an unprecedented situation. Any state that felt it was necessary to combat what it views as a violation of its national legislation has the right to turn to Interpol. He called on abstaining from interfering in the internal affairs of a country that was not a member state of the Council of Europe. The president of Belarus was working to develop a national consensus on a new constitution that would lead to new elections. He believed that process would help to bring the country out of its current crisis and free it from the pressure being dictated from external parties, which only works against the interest of the Belarusian people.

Mr Zingeris regretted that the government of Russia had supported Lukashenko in repressing its people. He wanted to remind his colleagues about the statements made by the Parliamentary Assembly and many other international organisations about Lukashenko's repression of the Belarusian people after the elections. Some former members of the Parliament of Belarus had been arrested, and most of the political opponents were tortured in prison. This called for an immediate statement by European institutions asking for the release of political prisoners and for the right to demonstrate. In addition, he requested that they invite representatives of civil society to talk about the real state of human rights in Belarus. Lastly, he encouraged the Parliamentary Assembly to invite Madame Tsikhanouskaya.

Sir Roger Gale pointed out that Mr Kislyak could not criticise the Council of Europe's interference in Belarus because there were Russian armed troops on the border that had indicated their willingness to intervene in order to support the regime if necessary. He supported Mr Pociiej's view that it was unacceptable that a lawful candidate in a democratic election should be subjected post-election to the kind of legal processes that Mr Pociiej had indicated. He wanted to formally suggest that the President of the Assembly write to the Belarusian authorities in very clear terms expressing its disapproval of the manner in which this was being conducted. If it required a formal resolution, he would like to move that resolution on behalf of the Standing Committee so it could be put to the vote.

Mr Igityan expressed that many colleagues, including the President of the Assembly, had asked representatives on both sides if they wanted to have the Council of Europe Parliamentary Assembly as a platform for dialogue. The Council of Europe had no political interest in Belarus and both sides knew that the only interest of the Council of Europe was human rights. He wanted to know what was happening with this issue because both sides had agreed to use this platform. They were also talking about sending a delegation if both sides agreed. The best platform for discussion, not negotiation, was the Parliamentary Assembly.

The **Secretary General** said that a few days prior a statement had been published on the situation in Belarus by the Foreign Minister of Greece, the President of the Assembly and the Secretary General of the Council of Europe. It was a very clear statement and it included the issue of political prisoners and the call for them to be released immediately. Regarding the possibility of a dialogue in the Council of Europe, within the Parliamentary Assembly, he reminded members that three reports were being prepared—two in the Political Affairs Committee and one in the Legal Affairs Committee—on the situation in Belarus. As part of the preparation of the reports and the debates in the Political and Legal Affairs Committees, representatives of

both the authorities and the opposition would be invited to sit together and to speak to committee members in order to include their positions on those reports.

Sir Roger Gale requested a vote on behalf of the Standing Committee. He noted that the Standing Committee had not made a statement to the authorities of Belarus. He would therefore like this aspect to be considered and possibly voted on.

The meeting was **adjourned**.

24. EXCHANGE OF VIEWS WITH MR MILTIADIS VARVITSIOTIS, ALTERNATE MINISTER OF FOREIGN AFFAIRS OF GREECE, CHAIRMAN OF THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE (CONTINUED)

The President welcomed the Minister.

Mr Varvitsiotis reminded that the President of the Assembly Mr Rick Daems, the Secretary General of the Council of Europe, and the President of the European Court of Human Rights and the Commissionaire for Human Rights were expecting on 4 November in Athens in order to hold the ministerial meeting and commemorate the 70th anniversary of the European Convention on Human Rights. He was appalled by the terrorist attack that had taken place in France two days earlier, an attack that touched the very heart of the Council of Europe's values and should be condemned in the strongest possible terms. He also wished to highlight the statements on the opening of Varosha seafront by the occupying forces in Cyprus: these actions should not be tolerated because they run contrary to the UN resolutions on Cyprus, and came as the next in a series of provocative acts by Turkey leading to dangerous escalation of tensions in the region. Turkish authorities prolonging their gas exploratory activities with the research vessel Oruç Reis also contributed to rising tension in the region and made the possibility of talks being renewed even less likely. It was located less than 12 nautical miles from the Greek island of Kastellorizo, which meant they were violating Greece's sovereign rights. An event on gender equality was held a few days earlier in Athens, organised by the Secretariat General for Family Policy and Gender Equality in cooperation with the Council of Europe, where the Minister had spoken alongside the President of Greece, Katerina Sakellaropoulou, and the Prime Minister of Greece, Kyriakos Mitsotakis.

The past six months were very strange for everybody, including the chairmanship, with few events taking place outside the internet. The chairmanship made a good effort to engage the younger generation in the web series. Also, in line with the tradition of the Council of Europe, it invoked also cultural alongside political issues. A series of events in several monumental areas of Greece was organised as well as the event organised last July in Athens for the opening of the chairmanship. The Athens declaration was going to be the road map for the future on how to act in times of a pandemic and in times of crisis while respecting democracy, the rule of law and human rights. On the Observatory on History Teaching, which was the topic inherited from the French chairmanship, the discussions almost came to a conclusion in the Committee of Ministers and would be presented in the next few weeks. Regretfully, it was not possible to visit Strasbourg in recent months: unfortunately, epidemiological data showed that there was a new wave in Europe and there was going to be an extraordinary session of the European Council on the matter next week. Some of the meetings would continue to take place online for a longer period than originally expected. Nonetheless, the Minister was planning to go to Strasbourg to pass the chairmanship to his German colleague Michael Roth who was going to take over. Hopefully, there would be the possibility to meet in November to exchange views and ideas and give an official presentation of what was accomplished.

The President thanked Mr Miltiadis Varvitsiotis and acknowledged that we were indeed going through a difficult time, with the pandemic gaining momentum again. An extraordinary European Council meeting on the matter would be held the following week. The Athens Declaration, which was the road map for the core principles for standard setting in terms of how a government managed a pandemic, was extremely important. Unfortunately, this might not be the only time that we would go through such a difficult situation. For the Observatory of History, hopefully the Greek chairmanship would be able to finish the work inherited from France. One of the most important elements of the parliamentary work was to go in the field, in those countries where there were issues to look at in person, and unfortunately this was not possible this year. On the other hand, thanks to the efforts of the Committee of Ministers and to the Secretary General, the staff and the members of the Parliamentary Assembly, it was possible to accomplish the work. They were even able to explore new working methods such as reaching out to national parliaments or having the Standing Committee involving all members of the Assembly.

Mr Yildiz said the references to the operations of Oruç Reis was a pretext not to start negotiation between the two countries. This reminded him of the so-called Seville Map, because it used the same approach, according to which Turkey, with its 1,800 km of coastline in the Eastern Mediterranean, had less continental shelf than the island of Meis which was only 10 km² and 2 km from Turkey. His question was then whether Greece acknowledged this Seville Map, whether the map represented Greek claims regarding maritime borders? If not, he asked Mr Varvitsiotis to denounce the Sevilla Map publicly now as the United States and the European Union did.

Mr Zingeris referred to recent events in Belarus, with one opposition leader forced to leave the country and another arrested several days earlier, and asked how the Council of Europe would protect Belarusian civil society? The second question regarded amendments to the Russian constitution, which probably meant not implementing the decisions of the Court of Human Rights. He also mentioned the events surrounding the poisoning of Alexei Navalny and the position taken by the EU.

Mr Pocij put the question regarding the security of European borders in the Mediterranean Sea.

Mr Varvitsiotis told if Turkey believed it deserved a bigger continental shelf, together with an economic exclusive zone, it needed to come to the negotiating table with their neighbours to define it or to raise the issue before the International Court of Justice. Using military force to exercise one's rights would not lead to internationally recognised results. It would only provoke insecurity and instability in the region. The unilateral use of exploratory vessels accompanied by the Turkish fleet provoked instability, a negative response from Greece, and the deterioration of the relationship between the European Union and Turkey, as it was described in all recent European Council decisions. Any problem had to be raised before the court instead of reverting to the eighteenth-century belligerent way of doing things. This was the spirit of the Council of Europe, the United Nations and the European Union, and it was the modern and European way of dealing with disputes. Mr Varvitsiotis recalled the trilogue statement issued on 13 October, that was the second trilogue statement in which the Council of Ministers, the Parliamentary Assembly and the Secretary General expressed their joint concern. They said they were ready to contribute with their experience and expertise to play a role in preparing the long-awaited constitutional reform, which included electoral reforms and the inclusion of the opposition in political debates. He himself was among the ministers in the European Council that had prepared and agreed on sanctions in Belarus. As regards the Navalny case, he expressed his concern and wishes for a full recovery. It was essential to reveal the truth about what really happened. In the two cases brought by Mr Navalny to the European Court of Human Rights, the Court strongly criticised his arrest, which pursued an ulterior purpose mainly to suppress political pluralism which formed part of effective political democracy governed by the rule of law. The Committee of Ministers examined Mr Navalny case last September. They called on the authorities to take action as a matter of urgency with a view to ensuring that the applicant was able to exercise his rights of freedom to peaceful assembly and freedom of expression without hindrance. Regarding the decisions made by the Court of Human Rights, Mr Varvitsiotis thought that everyone, as members of PACE, had to urge their governments to fully comply with the decisions. He particularly mentioned that in Greece they had made great efforts to progress in that direction, and he hoped that by the end of the year they would achieve even higher standards of compliance. Regarding Mr Pocij's concerns on border security, Mr Varvitsiotis understood that to mean migration, given that border security was an issue outside the sphere of their organisation and had more to do with issues he already addressed, such as Turkey's unilateral actions which jeopardised security in the region. Regarding border security and migration, Mr Varvitsiotis showed concern about the instrumentalisation of more than 20 000 refugees trying to illegally trespass their borders with Turkey last February, in the eastern-Mediterranean region of Evros. He stated that the work of the Greek government, supported by the European Council and other European institutions, to block the utilisation and weaponisation of those poor people by the Turkish government had led to a reduction in the inflow of arrivals to their borders—both by sea and by land. That was due to several factors: firstly, they had put together harsher policies to combat smuggling and to control their borders; secondly, they had closed their borders due to Covid-19; and thirdly, they had intensified their patrols in the Aegean Sea. Mr Varvitsiotis also commented on the reluctance of the Turkish authorities to rescue people in Turkish territorial waters when called by the relevant Greek authorities. He also said that they had witnessed a new source of tension in the area two days prior, when the Turkish Minister of Transport claimed half of the Aegean Sea—already controlled by the Greek authorities as a search and rescue area—to be covered by the Turkish authorities. That could lead to difficulties in search and rescue operations, as well as to the death of people who would be left stranded in the areas the Turkish authorities had claimed. Mr Varvitsiotis concluded by underlining the importance of upholding what they had always fought for as a basic value: the safeguarding of any human life at sea, first and foremost, followed by the security and safety related issues.

Ms Schou asked if Mr Varvitsiotis could share some of his experience—except from Covid-19 given its special circumstances—during this presidency in contact with member states that have difficulties.

Ms Stienen was a rapporteur for the Equality and Non-Discrimination Committee on “Upholding human rights in times of crisis” and the findings were clear that an inclusive approach by all governments was needed to protect the human rights of people who were not at the decision-making tables, e.g. young people, women, people with disabilities, migrants, Roma, and so on. The second observation was that there was a very large increase of violence against women, and there was a need for protection and ratification of the Istanbul Convention. How these discussions on inclusive policy and upholding and rectifying the Istanbul Convention could be reflected in the upcoming Athens Declaration?

Dame Cheryl Gillan’s question was linked to Ms Schou’s. There was an unprecedented loss of confidence in politicians and institutions, and in the political process, particularly from hearing accusations of interference in the electoral process. What advice the Minister had for the Council of Europe, how the Council of Europe could make a difference and restore confidence in democracy and if any more could be done.

Mr Varvitsiotis said that the difficulty of this chairmanship was the fact that the course of direction has been changed a few weeks before his taking-over. There was already a plan that focused on the new generation of Europeans, Generation-e, and how to engage younger people in politics and how to promote the agenda adopted by the Council of Europe, Agenda 2030. In the course of the preparation, Covid-19 erupted, lockdown was imposed and human rights were restricted. It was thought that this was the first time that we had to highlight the importance of human rights, democracy and the rule of law in times of confinement. Since the global community took the decision to treasure human life more than the continuation of economic activity, which was a unique decision taken by the global community, he believed that it was important for the Council of Europe to make a breakthrough and stand up for the values that should be followed. The reason for this was definitely what was seen in several member states, but also in countries around the globe. The prolongation of measures, the adoption and the way that this adoption of measures and the measures themselves were not proportionate and they really directed to only combatting the virus. For example, there was a country that actually replaced most of the opposition mayors in the country during the Covid-19 period by claiming that they were not cooperative with the Covid-19 directives. One of the major issues as highlighted by Ms Stienen was also the issue of equality. Highlighted yesterday were the importance of the inclusive approach and the measures that should be taken for the consequences that people were facing due to the economic consequences of the Covid-19 crisis. Most of those who were going to be jobless after this crisis were going to be women. This was something that governments should take into consideration in all the measures that they were going to take in the next few months. In Greece there was more than an 18 % increase in domestic violence. This was an alarming increase that should be highlighted to be responded to properly. Finally, in Greece the confidence in the government increased during Covid-19 for only one reason: experts’ recommendations were taken very seriously. When experts advised a lockdown, people went into lockdown. When they advised that masks be worn everywhere, they were worn everywhere. People did not do whatever they thought would be good for themselves. It was very important to build trust between governments and citizens in times of crisis. It was something that showed what we politicians should do in order for the younger generation, especially, to believe in us. To believe in our decisions was to build trust. There was only one way to do so: by being honest about the data in possession, honest about the information and by being very clear about the message sent. Conflicting messages and the implication of fake news from social media did not have a truth barometer. Sometimes foreign interventions or interventions on behalf of big companies were something that should be among the issues that the Council of Europe and especially the Parliamentary Assembly should examine. There was a need to make an effort that the countries that already announced that they were going to leave the Istanbul Convention did not. Violence against women was not fake news; it was a reality that millions of women were living within their own homes. We should be standing next to them and not trying to make the decision based on divisive lies that actually made intervention within the family and the homes into an unaccepted intervention. It was accepted when basic human rights and also people were threatened. This was a basic value that the Council was always focusing on.

Mr Igityan asked, how could the Council of Europe unite and coordinate its efforts to make its resolutions more efficient?

Mr Jafarov that on the 8th of October 2020 an aircraft Boeing 757 departed from the northern Iraqi city of Sulaymaniyah directed to Yerevan. This flight was operated by the Greek airline Olympus Airways, and he said to have all this information from flightradar24.com, a world-recognised independent radar system. He would like to know what or whom was being transferred. He reminded Mr Varvitsiotis that using civilian aircrafts for military purposes was a severe violation of the Chicago convention and exporting weapons by knowing that those weapons will be used for war crimes was a serious breach of Amsterdam treaty. He answered one of the points raised by Mr Igityan and said that, in order to bring the effectiveness of the resolutions of the Council of Europe the Armenians should implement them.

Mr Vardanyan started by to counterarguing to Mr Jafarov by showing the screen of his phone showing a flight. A couple of weeks ago, the interim measures were adopted by the European Court of Human Rights. He asked Mr Varvitsiotis what kind of practical steps under his chairmanship would he take to implement this particular decision.

Mr Seyidov claimed that, unfortunately, Armenia still resisted to all international documents, including documents drafted by the Council of Europe. He wanted to hear Mr Varvitsiotis' opinion on how the Council of Europe was thinking about the implementation of the documents adopted within the Council of Europe, the European Union, the United Nations, and other international organisations.

Ms Hayrapetyan talked about the fact that Turkey was having a destabilising role also in the south Caucasus region as well as in other different regions of the world. In this sense she asked what kind of common measures could be taken? What could be commonly done to stop Turkey from having such a destructive role? She also pointed out that Turkey deployed terrorists to fight for Azerbaijan, which created a real risk of turning the region into a terrorist hub.

Mr Mollazada's question concerned the use of missiles against civilians, adding that killing civilians with missiles was a military crime when done intentionally. He asked what the Council of Europe could do to try to protect children, women and civilians from Saddam Hussein-type of strikes and attacks.

Ms Arpadarai encouraged a discussion on the permanent failure of the international community to enforce international law in respect of the conflict of Nagorno-Karabakh. There should be some way to make sure that if one of the member states did not respect international law something got done about it. What the Council of Europe could do to make sure that member states respect international law and implement resolutions.

Ms Çelik asked why Greece continued to deploy military equipment and conduct military exercises in the eastern Aegean islands even though these islands were demilitarized according to the 1923 Lausanne and 1937 Paris treaty. On which legal basis Greece claimed 6 nautical miles territorial waters and 10 nautical miles airspace.

Mr Özşavli said Armenia and the group PKK and also ASALA were linked. He started talking in detail about what ASALA did between 1975 and 1980, including the murder of 30 Turkish diplomats.

Mr Varvitsiotis started by commenting on Nagorno-Karabakh. He said the recent ceasefire was something we should welcome. However, he wanted to express his concern and regret regarding the violation of the ceasefire agreement. He did not think the continuation of the injuries and suffering caused by the ongoing fighting would bring about any result. All parties should respect what had been agreed upon in order to move forward, and they should agree with the talks of the OSCE Minsk Group, which had their full support. He added that this also applied to other countries that wanted to intervene in one way or another. Some countries were trying to get involved by procuring arms or sending volunteers to the area, although this was not a constructive way of dealing with this crisis. The interim measures that had been decided upon by the European Court of Human Rights had to be implemented and all parties had to refrain from taking military action that would entail a breach of the convention rights of the civilian population. The settlement of the conflict was not the Council of Europe's responsibility nor was it part of its mandate. It might, however, help establish the conditions conducive to a peace agreement by encouraging confidence-building measures. With regards to the commitments of the member states to the Council of Europe, he believed this was part of the monitoring process. Azerbaijan had been monitored by the Committee of Ministers since its accession in 2001. Greece was executing military exercises in all the islands in the Aegean Sea as the result of the Turkish Parliament's vote. If Ms Çelik and other Turkish colleagues wanted Greece not to move forward, they should abandon this vote, which they made several years ago and which had created this friction. There was only one way for a peace settlement in the Aegean: to refrain from violating the sovereign rights of neighbouring countries. Greek airplanes were not flying over Turkey; Turkish airplanes were flying over Greek islands. Greek ships were not violating the territorial waters or the exclusive economic zone of Turkey. The opposite was happening. Moving towards a peaceful solution meant refraining from any unilateral military moves and coming back to the table of discussion to define the country's exclusive economic zones.

The President thanked Mr Varvitsiotis for his participation in the discussion.

25. JOINT DEBATE

26.

27. THE BRAIN-COMPUTER INTERFACE: NEW RIGHTS OR NEW THREATS TO FUNDAMENTAL FREEDOMS?

28.

ARTIFICIAL INTELLIGENCE IN HEALTH CARE: MEDICAL, LEGAL AND ETHICAL CHALLENGES AHEAD

ARTIFICIAL INTELLIGENCE AND LABOUR MARKETS: FRIEND OR FOE?

LEGAL ASPECTS OF “AUTONOMOUS” VEHICLES”

Ms Nicole Trisse, Vice-President, took over as Chair.

Mr Becht, rapporteur on “The brain-computer interface: new rights or new threats to fundamental freedoms?” of the Committee on Legal Affairs and Human Rights, began by mentioning that the topic was a very exciting and challenging field. He thought that if the issue was fully gauged, not only the progress accomplished in the field of AI needed to be bore in mind, but also in the field of nanotechnology: scaling things down to a minute scale. It was technology in both those fields that made it possible to harness the power of computers to mimic processes of the brain. The electrical as well as chemical processes that went on in their heads made it possible for a computer to be connected with the brain and to decode what actually went on in a more accurate manner. That would make it possible for them to control objects remotely. That was done using non-invasive methods such as electroencephalograms or MRI’s, or using invasive methods such as micro-chips and types of neuro-chips that were implanted into the cranial cavity and allowed for the monitoring of brain activity. Thanks to all of that, it was possible to restore mobility to paraplegics, because the brain was connected to computers and computers were then connected to an exoskeleton. People were then able to move and manipulate the exoskeleton using their minds and were therefore able to walk again when they had once been completely paralysed. It had also been possible to implant cameras in eyes to connect them to the brain, and the images that were seen by the camera were retransmitted into the brain producing images which could be seen even if somebody did not have the ordinary sense of sight. That capacity to read people’s minds or brains jeopardised the final refuge of liberty, namely thought. Research programmes were already attempting to wipe out people’s memories. There were American companies that were looking at treating soldiers who had been traumatised in the Gulf War. That was for military ends, but obviously, there were worries that people with nefarious intents would access those technologies and use them, as well as with programmed or hacked humans. He visited many leading companies in the field in Silicon Valley and talked to many tech companies whom he believed were far from hacking and programming human beings. All their technologies were rather designed for peaceful purposes and mostly for health applications. However there was the need to be mindful of existing dangers. For example, a month before, Elon Musk’s company Neuralink, implanted a brain implant into the brain of a pig. It was then able to direct the pig through that chip controlling its very sensitive snout. Elon Musk’s other company, an autonomous car company, had been hacked, which made it possible for the hackers to give instructions to all the autonomous vehicles throughout the world. What would have happened if the system that had been hacked controlled not cars but human beings? That was why human rights were at stake. That was not science fiction but technologies that were likely to be developed in decades to come. There were also other ethical considerations linked to AI. Developers could not simply be trusted to not depart from those ethical principles. The Council of Europe had to enshrine new ethical principles, termed neuro-rights. There were four such rights. The first was cognitive freedom: the right to remain sovereign over one’s own neuro-chemical processes. One’s mind had not to be controlled in the process of making thought. That was the root of all other freedoms: freedom of expression, conscience and thought. The next right was private mental rights. The fact that it was possible to enter our brains to read our minds without our consent had to be prohibited for data protection reasons. The third right would be the right to psychological integrity. That would provide protection against brain hacking. In other words, taking control of people’s brains. It seemed a little far-fetched for the time being, but it could not be ruled out at some point in the future. A fourth right would be the one to a stable personal identity, meaning the right to the preservation of oneself overtime with no interference in the neuro-chemical processes that go on in the brain. We were entering virgin territory with this report, and that all of that might have been rather worrying to many people: the potential to read people’s minds and to interfere with their cerebral processes together with all its implications particularly in political terms. By implementing these rights, the best had to be aimed for while trying to prevent the worst.

Ms Sayek Böke, rapporteur of the Committee on Social Affairs, Health and Sustainable Development on “Artificial intelligence in healthcare: medical, legal and ethical challenges ahead”, said that our health concerns were keeping us apart today, and that her report would hopefully allow for technology to ensure that we would not be isolated in a pandemic. We were going through a period in which we were realising the importance of good health. It not only influenced and enabled us in terms of our individual quality of life, it was also necessary

for societal progress. She said that AI had become an integral part of almost everything in our lives, but it was very prevalent in healthcare. It had a strong potential of improving both individual and public health, but it also implied significant risks regarding individual rights and public health. The development of technology was outpacing the development of legal and regulatory frameworks, so what they were discussing today was extremely critical in ensuring that a regulatory framework was established, and so that technology would benefit our societies and the individuals seeking human rights. AI applications had changed the paradigm in healthcare. They moved the focus from disease and therapy to self-managed health, well-being and prevention of illnesses. They made precision medicine possible, allowing us to tailor medicine towards our individual needs. Some AI provided faster diagnoses. There were certain tests where AI technologies matched human skills and even outperformed them; for example, in medical imaging. They have also seen more accurate diagnoses of certain illnesses using AI technologies. Some argued that AI machines outranked humans because they did not get tired and did not have emotions, but this created a risk that AI-powered machines could become increasingly autonomous and could escape human control, which was dangerous when concerning health issues. In this rapidly evolving environment politicians had the duty to better understand and anticipate the wide-ranging risks they might observe regarding the socio-economic impacts of this technology, but also the opportunities inherent in it, from its design to its end use. Therefore, they should not only focus on research, development and deployment. Only mature AI mechanisms should be deployed in the healthcare sector as a way to ensure safety, and so that human rights would be protected and human dignity preserved. The benefits from innovation should be spread out fairly and equitably across society. The right to health was a fundamental human right, which should be secured through legal instruments, and they had to ensure that everyone had universal access to publicly provided healthcare services. Any AI deployed had to abide by this general framework of public provision and universal access. The extent to which AI could help in resolving the pandemic was still not clear. AI was being used for real-time surveillance, assessment and management of disease data. She emphasised that, when using this technology—especially during the pandemic—they should not lower the essential safeguards in healthcare or in human rights and freedoms. The WHO had been warning them about extensive healthcare inequalities and the current digital divide, as well as AI technologies that were inherently biased due to the data and algorithms they involved, which could further exacerbate these inequalities. They must ensure that this digital divide would be overcome and the biases inherent in AI technologies, both data and algorithms, would not undermine their potential. The outcome of AI depended heavily on the quality of data and algorithms fed into it. If there were built-in biases, this could reproduce existing inequalities, so they needed a mechanism to ensure they could overcome these inherent biases. To date, much of the AI technology in the healthcare industry were driven by the private sector. It was urgent to bring forth a strong public sector involvement, for which their discussion and guidance was critical. The commercial capture of public health through AI had to be prevented and, for this reason, they should encourage national public health-care authorities to adopt a strategic approach, thus ensuring a healthy balance between individual, business and public interests. In this context, the committee reiterated the Assembly's earlier call to revise the Committee of Ministers' Recommendation [CM/Rec(2016)3] on "Human rights and business" to ensure that public rule was extended throughout AI technologies in healthcare. Regarding the need to better protect privacy and confidentiality of sensitive personal data and to prevent any misuse of such data by commercial entities or by states, she stated that the Council of Europe was well positioned to optimise guidance for various stakeholders on good governance of health data, especially in the AI era they were now in. She stressed that they must strengthen mechanisms of informed consent and cyber-safety of medical AI applications. Informed consent was not only about providing information. AI users needed to clearly understand the implications of their decision to 'click and consent', and they should therefore be given concise information. For this reason, it was critical for the authorities to put forth a public certification mechanism, which was called for in the resolution. It was still debatable how personal health data should be best coded, stored and shared. Again, this was where the Council of Europe's Oviedo Convention and Convention 108, plus the European Union's GDPR, was critical and should be further reconciled. She said that the current opacity of algorithms, especially in healthcare, required us to deal with the liability of stakeholders and to develop a clear definition of who was liable through regulatory authorities. They needed international cooperation, and this was where the Council of Europe could contribute as a guardian of human rights and freedoms, including the defence of the right to health. Nearly all of these points were included in the draft recommendation, and she called for inclusive and participatory policy-making, as well as extensive public debate in the national parliaments throughout the member states. She also called for a holistic national approach to AI within this discussion, in addition to sovereign evaluation, screening, and certification of AI applications in healthcare services. She asked member states to elaborate a legal framework in which stakeholder responsibility for risks and harms of AI were well-defined. She stressed the need to bridge the requirements of strong protection of personal data and the need to use personal health data for public good in a way that was compliant with human rights. Finally, she recommended the Council of Europe to launch a process to prepare a dedicated legal instrument on AI, preferably one with global outreach. It was important for all people to benefit from this technology in order to have a better future—but human rights should not be forgotten.

Mr Schennach, rapporteur on “Artificial intelligence and labour markets: friend or foe?” of the Committee on Social Affairs, Health and Sustainable Development, explained that AI technology was a major innovation that would transform the way we lived and worked. Like a knife, it could be used for good or evil. Comprehensive regulation would therefore be essential to ensure that AI was put to the service of human needs and well-being. Their role as lawmakers was to anticipate the sweeping changes ahead as AI was gaining importance in different domains. It was their duty to adjust and correct the existing laws, to monitor new developments, and to catch up by adopting new laws and regulation where necessary. The time was ripe for the Council of Europe to have a new set of competences regarding AI. When it came to the labour market, there was a triangle to consider. The three aspects of this triangle were robot technics, digitalisation and AI. All three had a very strong impact on the labour market and the future of work. The committee had discussed the potential impacts of AI on human work early on, considering that the game-changing aspects of AI technologies could offer countless new opportunities and benefits while also facilitating existing work. Conversely, it could significantly disrupt the current patterns of work and affect workers’ rights.

The starting point of his work was to look into the ethical aspects of AI in general and, more specifically, how it related to human work. Clearly, AI technologies and practical applications were developing extremely fast. AI no longer pertained to science fiction, and we were increasingly likely to encounter it in our daily life—sometimes without even realising it. Both commercial and public entities already employed AI to analyse, predict, reinforce and even control human behaviour via surveillance techniques. They could assist and facilitate our work and render it more efficient, but they could also manipulate our decisions or those which affect us in the context of employment. The Council of Europe, as a guardian of human rights—including fundamental social rights—could not and did not remain idle. He expressed his appreciation for the fact that AI-related developments were given adequate attention and had led to the creation of CAHAI for multi-sector, multi-stakeholder consultations. He urged the Council of Europe to launch a process for the preparation of a comprehensive standard-setting instrument on AI, such as a convention open to non-member states that would build on their collective wisdom and vision for the future they wanted. He noted that the European Commission’s High-Level Expert Group on AI had called for a human-centred development of AI with the ultimate aim of increasing human well-being. It issued guidelines for trustworthy AI stressing seven major requirements that AI applications should respect: human oversight, technical safety, personal data governance, transparency, diversity and non-discrimination, societal and environmental well-being, and accountability. The OECD adopted on 22 May 2019 the first intergovernmental policy guidelines on AI in seeking to uphold international standards towards ensuring the design and operation of robust, safe, fair and trustworthy AI systems which could deliver the best outcomes for all. The OECD principles on AI echo the European Commission’s guidelines for trustworthy AI. The ILO’s Global Commission on the Future of Work had proposed a human-centred strategy to cushion the impact of AI. It urged investment in people’s skills, lifelong learning (acquiring skills, reskilling and upskilling) and institutions for learning, as well as investment in decent and sustainable work. The latter aspects imply additional efforts to ensure work with freedom, dignity, economic security and equality. Some States - France, Germany, Italy, New Zealand and the United States of America - had already published national strategies for responsible AI. The Italian AI strategy was viewed as one of the most comprehensive. It took a human-centric approach, considering that AI should be designed as a service for humans and should not seek to replace humans but merely to enhance their capacities and lives. There was the need for strong government guidance and regulation of the labour market to preserve employment quality, to mainstream sustainability (notably inclusiveness and equal opportunities) and to prevent high levels of unemployment. It also pleaded for systemic changes in the education system so as to provide for robust lifelong learning paths for workers. The report highlighted the growing job insecurity and the transformation of jobs with AI, and in combination with the triangle that he mentioned before. AI crystallised fears around the possibility that AI could replace humans in more jobs than it could create, and thus uncertainty about how we were going to earn a living in the world with super-smart robots and black-box applications everywhere.

Mr Altunyaliz, rapporteur on “Legal aspects of “autonomous” vehicles” of the Committee on Legal Affairs and Human Rights, said it was likely that in the near future we would see a slogan such as “there will be no more bad drivers” on the billboards. The rise of autonomous vehicles surely promised revolutionary changes in this respect. But he added that the spectrum of impacts was much more than just avoiding bad drivers from the traffic. Neither AI nor the reports were about science fiction. All of them involved real technologies that were already in use to some extent. But in one way, this report was different. Probably all of the members already experience of vehicles that were at least semi-autonomous. Maybe being in the driving seat, maybe as passengers, or maybe a semi-autonomous car had passed by, and they did not even realise that nobody was driving. For many years, we had experienced cars with driver assistance, such as anti-lock brakes and cruise control. Autonomous vehicles had a larger space in our lives day by day. To such extent that the autonomous vehicle industry was expected to be worth more than \$600 billion over the next five years. Almost the 22nd biggest economy in the world. Now there were cars that could change lane and brake in emergencies. This went beyond assistance – this was automation. It did not add to the driver – it replaced him. This automation might not seem to be bringing big changes. But from a legal and ethical perspective, everything would change

dramatically and radically. It was expected that fully autonomous vehicles would cause far fewer accidents. AI did not get distracted or fall asleep. It was never intoxicated, tired or unwell. An autonomous car could see in the dark and react with greater speed and accuracy than any human being. But inevitably, and unfortunately, accidents would still happen. Who will be responsible? How can it be the driver, if the regulations allowed them to let go of the wheel? How can it be the car, if its systems were all working properly? How can it be the manufacturer, if the car met all the necessary standards? Whose insurance should pay for any damages? And what if the action of an autonomous vehicle violates not only the traffic code, but the criminal code? Can anyone be punished under the criminal law? How can you punish a machine? That answers to these questions were needed in order to give solutions. Road traffic was already very highly regulated, in many different ways. All of these regulations assumed that a vehicle was under the control of a human being. That was not the case with autonomous vehicles. It was not always the case with semi-autonomous vehicles. This created gaps in responsibility and legal liability. Underlying these legal issues was an ethical problem. Driving involved unavoidable choices. Sometimes these choices were a matter of life and death. We expected human beings to respond to such situations with sensitivity, and to be able to account for their decisions afterwards. If an autonomous vehicle had to choose between hitting a child or leaving the road and hitting a tree, it would respond according to its programming. In effect, the choice would be made in advance, according to general policy, by the company that manufactured the system. The interests of the company might not be the same as those of the general population. Someone who bought an autonomous vehicle might expect their own safety to be the priority. The population as a whole might prefer to prioritise the life of a child over possible injury to an adult. These were extremely sensitive issues that were expected to be answered by a machine. There was a lot of legal work to be done before autonomous vehicles could drive on our roads, such as applying new technical standards for the sensors and the control systems; fixing the general rules for decision-making processes; designing new civil and criminal laws on responsibility and liability; and new regulations on insurance. The Council of Europe was already working on autonomous vehicles, as an example of how criminal law should be applied when AI was involved. Another expert committee, the CAHAI, was working on the regulation of AI in general. Other organisations were working to contribute to the integration of autonomous vehicles into our lives, like the UN Economic Commission for Europe, the EU, the OECD, as well as national administrations. All regulations about autonomous vehicles should be undertaken with a common international understanding and all work should be co-ordinated, comprehensive and inclusive for all sides of this issue for the results to be coherent and as widely applicable as possible. The future regulation of autonomous vehicles had to be based on respect for human rights, beginning with the right to live. The interests of human beings, as determined by democratic process, should come before commercial interests or technical difficulties.

Ms Estrela thanked the rapporteurs for the high quality of their reports. She argued that the most recent technological developments in AI were transforming our contemporary societies. AI offered many advantages, such as transparency of governments and democratic participations, but it had also been used for disinformation, propaganda and hate speech. This could give rise to prejudice and stereotypes related, specifically, to gender. Digital technologies offered new areas of pressure on women and girls, which could in fact aggravate existing inequalities. It was necessary to ensure that technologies based on AI were developed with full respect for ethical principles such as transparency, equity and respect for private life. The world of work would be exposed more and more to AI technologies, with the risk that robots may replace human beings, and this would have a greater impact on women. Women were also very poorly represented in science and technologies. Finally, the draft resolutions called on member states to put in place education in innovative technologies and to develop national strategies for responsible use of AI. It was clear that the Committee of Ministers should develop an instrument in that field, preferably a binding one; to make sure that AI respected human rights, and even promoted basic human rights and social rights.

Mr Leite Ramos also thanked the rapporteurs for making them understand what was at stake. The reports raised the question of how we should deal with the impact of AI on human beings, fundamental values, what kind of practices should be encouraged and where should the red line be drawn. Legislation was lagging behind technological advances and they, as parliamentarians, needed to join forces. The reports sketched out some very complex problems that required urgent action. They had learned more about risks, as well as opportunities, of AI and its impact on rule of law and democracy. It was up to them to determine the right legislative framework and make sure that there was a binding international legal framework. AI ethics, freedom and responsibility, as well as human beings, were the key words that would guide them through their future work.

Ms Stienen pointed out that AI had a major potential for the general good, in all areas of our lives, health, jobs and traffic. However, they were already seeing examples of how the use of algorithmic systems could jeopardise public values, such as autonomy, privacy and equal treatment. They had the obligation to ensure that the future of their children and grandchildren would not turn out to be a dystopia, where only a few would be able to benefit from the positive aspects of AI based on their gender, health markers, surname, race, sexual orientation, ethnicity, income or postal code. Each report deserved a whole day discussion, but in the time she had, she wanted to ask each rapporteur one question. First, how could ordinary citizens be included in the discussion

about neurotechnology? What would be the appeal of techno-solutionism in the Covid-19 crisis? What Mr Schennach findings entailed for educational institutions and lifelong learning? Lastly, what was needed to unify legal frameworks in such a way that “autonomous vehicles” could be used cross border? The common thread in the four different reports was clear: how to deal with AI, algorithms and robotics while at the same time aiming to protect human rights and safeguard democracy and the rule of law in 47 member states. This could only happen if they were capable of formulating the right guiding principles for the application of 21st century technology and of expanding legal frameworks where necessary. Therefore, the ALDE group supported the call in all of the four reports for the preparation of a binding legal instrument on AI open to non-member states, with an emphasis on human rights, taking into account privacy, data rights, neuro-rights, criminal and personal liability.

Mr Kox mentioned how that afternoon, the chairperson of the Committee of Ministers had told them that although all organs of the Council of Europe had been important, that Parliamentary Assembly had been indeed the engine of the whole organisation. He thought that the contribution of four additional reports on AI and four recommendations to the Committee of Ministers proved that conclusion. He recalled having mentioned that morning that by focusing on the need to have new instruments and new conventions on new social challenges, the Assembly had showed that it had understood what its core business had been. Although much was discussed, deliverance had to be assured. All reports asked for a new legally binding instrument. It could be a convention that dealt with the positive and also negative sides of AI. He had read all reports with interest, but especially those on AI in healthcare and AI in the labour market. He showed his gratitude to both rapporteurs for showing not only the possibilities but also the concerns of AI being used against patients or workers. How all four rapporteurs intended to follow up on their reports? As it had already been said, that was just the beginning of the process that could only end when they could help the Committee of Ministers draft a new legally binding instrument. Preferably a new convention on AI.

Mr Pocij expressed that AI posed philosophical and ethical problems. One of the best Polish writers, Mr Stanisław Lem, had written about all those problems some 50 years ago and had raised the question of what would happen to the future of humanity if science had given humans the possibility to register their whole brains and feelings, possibilities of thinking and learning on some sort of tape. Would that give them something good? Or something evil? A problem such as the impossibility of dying?

Mr Aydın began by thanking all rapporteurs for successfully managing to draw attention to a very interesting and beneficial topic. Since the nineteenth century onwards, there had been ongoing development witnessed in terms of industry and technology, both under different names and numbers. On the one hand, it was obvious how these developments had been not only used for the benefit of people and humanity. On the other hand, it was learnt through devastating tragedies that occurred throughout history and that were used against the will of people or against peace and stability. Regarding such sophisticated and risky characteristics, and the level of technology, the clash between utopia and dystopia had to be mentioned. As a result of that fighting, human beings paid the worst price. Bearing that in mind, those concrete results of highly developed technologies under the name of AI, robotics, autonomous vehicles and so on, showed that their benefits were here to stay. On the other hand, extreme precaution was needed regarding the dystopian results of technological developments. From the reports, Mr Aydın wondered if a very crucial part should be set aside for the risks and the problematic areas with a view to eliminate such negative outcomes that these innovations could entail.

Mr Becht explained that there would be a trend towards the use of newer technologies because they would be portrayed as having health benefits. Facebook was currently working on an application which would make it possible for information to be processed directly in the brain. Then, people would not be obliged to type anything into Facebook in the future; they would just have to think it. Applications tended to make our lives easier. Smartphones were a great example of that, compared to using an old-fashioned typewriter. He explained that ordinary people would adopt this type of technology and, of course, politicians or policies would have to safeguard them from themselves to avert excesses or misuse. He believed it was up to the Parliamentary Assembly to take the necessary steps to make sure that the recommendations to the Committee of Ministers were properly implemented and followed up by member States. He explained that this should be done not only in the Parliamentary Assembly, but also and especially back home, in each single parliament.

Ms Sayek Böke explained that we were going through a pandemic, and it was normal to look at technical solutions. We experienced a contact-tracing frenzy all across our member states. Exactly because of the nature of contact-tracing programs and technology, she believed that we needed to speed up the regulatory frameworks that we were currently discussing. Covid-19 reminded us of two things: the need to provide access to public healthcare services and also the need for a rights-based framework. Contact-tracing should not therefore exacerbate those two problems that emerged so strongly because of the crisis, but should rather become an instrument in resolving these issues. That was why we needed to make sure that contact-tracing did not become a surveillance instrument but instead an instrument through which we could empower the

citizens and ensure that they could access health and remain healthy and that society could progress healthily together. That's why we needed the regulatory framework. Clearly, we had to make sure to follow up on these very critical recommendations and resolutions that were debated throughout the day. Each parliamentarian first had to make sure that these recommendations would be implemented in their own country. Each member had to make sure to make their voice heard with their government on these matters so as to start a conversation. It should be an inclusive process where national parliaments led the discussion and the conversation between the national parliaments. This in turn would make it possible to come up with a strong regulatory framework to ensure that human rights were protected but that we also benefited from technology. Finally, she reminded that Mr Aydın rightfully had said that there could be huge pessimism out of this discussion on AI but there was also maybe extensive optimism. It was key to balance the two and, for that as well, we needed a regulatory framework and instrument that would guide us throughout these difficult times.

Mr Schennach started by thanking the participants in the debate for not having deviated from the topic. Education and life-long learning were important, but he thought that we had to set up our AI competence very early in our education system, as well as the knowledge about hardware, software and what could be dangerous. He declared himself fully in agreement with Mr Becht about the fact that national parliaments had to set up special laws. For example, if a supermarket had 1000 square meters, how many humans should be employed there? He was very concerned about the labour market, also in connection with the pandemic. The Council of Ministers followed-up on the report about media freedom and the situation of journalists. Hopefully, it would do the same in the case of AI. He explained that what was truly needed was a convention and it must be an open convention to invite also other states to ratify this convention. In this sense, he declared himself optimistic.

In **Mr Altunyalıdız's** opinion, the Council of Europe was now discussing the future of the world and the way to develop it in a sustainable way and adjust it so that all societies could live in it. The pandemic showed us that we had to find common solutions to our problems and there was no point for each country to try to find their own solution. He believed that cross-border driving was going to be much easier and there were not going to be as many obstacles as we experience today. The rise in driverless cars would lead to a decrease in accidents. Maybe the traffic was going to be slower, but it would also be more standardised, more reliable, and safer.

Mr Cilevičs, chairperson of the Committee on Legal Affairs and Human Rights, said new AI approaches opened completely new possibilities for disabled people to enhance the capabilities of the human body. Regarding Mr Altunyalıdız's report, autonomous vehicles were already a reality and regulating their use was vital because the legal aspect of this issue was the main hurdle to a more active use of autonomous vehicles. The achievements of technical progress should be accepted by society, because otherwise they would not be affective. He was looking forward to working further on this issue in the Assembly.

Mr Leite Ramos, chairperson of the Committee on Social Affairs, Health and Sustainable Development, said AI was penetrating our lives and was used mostly by the private sector, often without us being aware as consumers that we were in touch with certain applications. The giants of the internet, for instance, were using AI applications to do profiling and filter the information that appears on our screens. Algorithmic logic had a real influential power over our behaviour and sometimes it could manipulate our decisions to serve commercial interests, to cause us to make a mistake or even to submit us to some dangerous actions. The risks for human beings were very dangerous if AI was utilised in bad faith. Today most AI applications were neither reliable nor sufficiently mature. We were confronted with a huge legal vacuum in the absence of any framework for the use of AI in various fields, with full respect for human rights and ethical standards. He was particularly concerned about the use of AI by employers, a use which undermined the social rights of workers. In the field of health, he was also concerned that the use of AI could prevent effective access to healthcare for certain population groups. He fully supported the joint appeal of the reports for the Council of Europe to initiate work on the preparation of a binding legal instrument with the broadest possible scope in order to protect the most fundamental rights in the digital era.

The draft resolution "The brain-computer interface: new rights or new threats to fundamental freedoms?" was **adopted** with 30 votes in favour, zero against and zero abstention [Resolution 2344 (2020)].

The draft recommendation "The brain-computer interface: new rights or new threats to fundamental freedoms?" was also **adopted** with 28 votes in favour, zero against and zero abstention [Recommendation 2184 (2020)].

The draft recommendation "Artificial intelligence in health care: medical, legal and ethical challenges ahead" was **adopted** with 30 votes in favour, zero against and one abstention [Recommendation 2185 (2020)].

The draft resolution "Artificial intelligence and labour markets: friend or foe?" was **adopted** with 31 votes in favour, zero against and zero abstention [Resolution 2345 (2020)].

The draft recommendation “Artificial intelligence and labour markets: friend or foe?” was also **adopted** with 30 votes in favour, zero against and zero abstention [Recommendation 2186 (2020)].

The draft resolution “Legal aspects of ‘autonomous’ vehicles” was **adopted** with 33 votes in favour, zero against and zero abstentions [Resolution 2346 (2020)].

The draft recommendation “Legal aspects of ‘autonomous’ vehicles” was also **adopted** with 32 votes in favour, zero against and zero abstentions [Recommendation 2187 (2020)].

The meeting was **adjourned**.

29. DEBATE UNDER URGENT PROCEDURE (UNDER RULE 52 OF THE RULES OF PROCEDURE)

NEW CRACKDOWN ON POLITICAL OPPOSITION AND CIVIL DISSENT IN TURKEY: URGENT NEED TO SAFEGUARD COUNCIL OF EUROPE STANDARDS

Mr Kimmo Kiljunen, Vice-President in the Chair, opened the meeting.

Mr Howell, co-rapporteur of the Monitoring Committee presented the report “New Crackdown on Political Opposition and Civil Dissent in Turkey: Urgent Need to Safeguard Council of Europe Standards”. Regrettably, Mr Thomas Hammarberg could not be there as arranged to give his presentation. Due to the pandemic the co-rapporteurs were not able to travel to Turkey. However, it was always stressed that dialogue with the Turkish delegation, authorities and civil society was needed to address the issues and to look for solutions. The committee was worried about the situation and the way the opposition and politicians were treated. Forty-eight mayors from the HDP were dismissed and replaced by government appointed trustees, and six were prevented from taking their seat. By now, 54 out of the 65 municipalities won by the HDP were no longer run by the mayor chosen by the voters, and these mayors should be reinstated. In June, three opposition members of parliament were stripped of their parliamentary immunity, which was essential to allow deputies to be able to express their views in parliament. By the end of September, arrest warrants were issued against 101 members of the HDP for their alleged involvement in the 2014 Kobani protest violence. Conditions to ensure fair elections were simply missing, and this included freedom of media, and more generally freedoms of expression and thought continue to be an immense challenge. Discussions were held with the Head of the Turkish delegation. The strategy for reform of the justice system and the future human rights action plan was now expected lead to meaningful progress. It was also expected that the Turkish authorities show genuine political will to expand freedom of expression and assembly, and media freedom. Cooperation and dialogue with the Council of Europe were key to this. The Council of Europe strongly recommended Turkish authorities seek its expertise. Another major concern was the functioning of the judicial system which was handling a lot of cases. In recent months, a new crackdown on lawyers was witnessed and was affecting the administration of the justice system. Arrested lawyers felt forced to resort to hunger strikes to demand fair trials. Unfortunately, Ebru Timtik lost her life which was quite shocking. The amendments to the 1969 Attorneyship Law adopted this summer without proper consultation could lead to further politicisation of the legal profession. This was not the rapporteurs’, but the view of the Venice Commission. These amendments should be further revised or repealed. Bar associations should also be able to operate and to organise their general assemblies. Pre-trial detention was abusively used to stifle freedom of expression. In two landmark cases, one including the former head of the HDP, Mr Selahattin Demirtaş and another the philanthropist Osman Kavala, the European Court of Human Rights established there was a violation of article 18 of the Convention. The Court of Human Rights judgments were not implemented and Osman Kavala was still behind bars; the rapporteurs feel he should be released. Judicial harassment had a devastating effect on civil society. The new indictment accepted by the Turkish court against Mr Kavala was not acceptable. There were allegations of torture and ill treatment and in a country where the rule of law should prevail, it was worrying that rulings of the Turkish constitutional court were simply being disregarded by lower courts. The CHP member of parliament Enis Berberoğlu should have his parliamentary rights reinstated and should return to parliament. The report also mentioned the long-lasting effect of the state of emergency and subsequent legislation. In particular, the fate of thousands of dismissed civil servants who were effectively condemned to a civilian form of death. It was deeply regretful that the possible reinstatement of the death penalty or the withdrawal from the Istanbul Convention to prevent and combat violence against women and domestic violence were now issues that were being raised by the highest officials in the country. The backlash against this would be extremely damaging. Finally, this new crackdown on political opposition and civil dissent should be appreciated in the overall context. The constitutional amendments of 2017 and the presidential system unfortunately weakened the separation of powers and checks and balances. Again, it was observed by the Venice Commission in 2017. Turkey was a vivid democracy. It had a high turnout in elections, a general attachment of the citizens to the democracy, and new political parties were emerging in what was an active civil

society. There was a lively debate on key issues such as the parliamentary and the presidential systems. But, unfortunately, basic conditions like free media and fair trials were not being met. There was a need to engage with Turkey and continue the frank dialogue. He said he was very grateful for the online conversation earlier this week with Mr Yildiz and that there was a need for more dialogues like this. The monitoring process meant engaging in dialogue to get answers to the serious questions the Council of Europe had with respect to rule of law, democracy and human rights in a country. This could be better achieved by dialogue, genuine political will, and commitment to achieve meaningful changes. The Standing Committee was invited to support the draft resolution.

Mr Schwabe said such a report would be published during the regular monitoring procedure, but unfortunately sometimes it was necessary to have a report such as this one in order to remind member states of their responsibilities. Unfortunately, nearly all the indicators that were pointed out by the Council of Europe were suggesting the Turkish government was moving in the wrong direction. Yet, there was some hope. Turkey had a much diversified civil society where the future of the country was an ongoing debate. There were still possibilities when it came to the opposition in the local elections, ensuring that the opposition could prove to be victorious. The happenings in recent months gave rise to some concerns: attacks on the opposition in recent weeks, the HDP, but also when it came to lawyers and legal representatives who were threatened and intimidated, and pressure exerted on the media. Everything went under the name of the rule of law. There was no true independence and politically motivated legal sentences were being passed down. There were two Germans placed in detention in Turkey and unlawfully detained. Mr Kürkcü requested asylum in Germany and could neither move around nor act freely in Turkey. Turkey was facing major challenges. This was shown by the conflict in Syria, the major economic challenges the government was facing. None of that could be resolved as a result of an aggressive foreign policy or policy of internal repression. It was very important that the Turkish government change tactics. Regretfully, no dialogue was currently taking place. There was a red line Turkey needed to be aware of: the execution of judgements of the European Court of Human Rights. The Kavala judgment needed to be executed. Further judgments were being handed down by the European Court of Human Rights, and other cases were pending before it. Turkey had to execute these judgments; otherwise, it could not continue to remain a member of this Organisation.

Ms Louis said that lawyers, academics, parliamentarians, activists and civil society all shared one thing: the pillars of the rule of law and their rights were being contested. This Assembly therefore could only express concern about conditions when it came to the rule of law and democracy in Turkey and the situation of human rights. She said to have alerted others on a number of occasions to the situation of ombudsmen, lawyers and activists in Turkey and the arrest in February of Osman Kavala was a case in point as well as the death a month ago of the lawyer Ebru Timtik in a prison in Istanbul. The Assembly was not the only body to sound the alarm bell. There was the European Court of Human Rights and as colleagues said, their judgements were not being respected in Turkey. Equally, there was a number of NGOs that were committed to upholding human rights and reported on these difficulties: the separation of powers, the lifting of immunity of opposition of parliamentarians, the worsening conditions, professional conditions facing lawyers, restrictions in terms of freedom of expression, the media using the pandemic for political ends, the pressure brought on activists in civil society and doctors. Democracy was clearly being undermined as it was understood that here we were facing restrictions, intimidation, pressure and direct attacks on the principles of this election. Elections were cancelled. Another condition that could be called into question was the Turkish consideration of possible reintroduction of the death penalty. The prohibition of the death penalty had to be seen in conjunction with the principles of the right of life that were upheld by the European Court of Human Rights as being non-negotiable. In 1980, a statement was made before the French National Assembly: the true political signification of the death penalty was that the state had power over the citizens to the extent that it could deprive them of their lives, which was a totalitarian approach. Also, there was the allegation of torture in respect to certain opposition politicians. It was vital that Turkey rethink a certain number of its positions, if necessary drawing from the work of the Council of Europe and the work of the Monitoring Committee so that it could move in the direction of democracy. Turkey had a considerable asset: its civil society which needed to be drawn on if Turkey was to return to the principles the Council of Europe was based on.

Sir Roger Gale said there were two rogue states within the Council of Europe: the Russian Federation and Turkey. Turkey occupied part of the land of a member State: the island of Cyprus. As a result, Turkey was in the past suspended from membership and we would prefer to avoid it from happening again, if possible. But this was a big "if". It was rightly said that the way forward should be dialogue as indeed should be the case with Russia. However, dialogue needed to be two-sided; a dialogue with death was not a dialogue. The current and recent human rights record in Turkey was quite appalling. People were in prison without trial. The judiciary was disseminated. Academics and journalists were imprisoned and while it was correct that at ground level there was a passion of interest in the democratic process and participation in the political process, this was not reflected in what was a *de facto* dictatorship. Democracy as the Parliamentary Assembly knew it did not exist in Turkey today and that he was afraid that while he shared Mr John Howell's view that dialogue was the way

forward, there also needed to be a sanction. He endorsed and agreed with the sentiments expressed by Mr Frank Schwabe in his closing remarks. He confirmed to continue the dialogue and to stress the need for compliance with the judgments of the European Court of Human Rights, and with proper democracy and freedom of speech. However, if those were not forthcoming, Turkey, just like the Russian Federation, could not remain a member of the Parliamentary Assembly. This message had to be sent out by the Standing Committee and by the whole Assembly. A point was reached at which these abuses could no longer be tolerated.

Mr Kox thanked the two co-rapporteurs for the most accurate and critical report on the recent crackdown on the opposition and the civil society in Turkey, made possible due to a close monitoring of Turkey. The reason it was being monitored very closely by the Parliamentary Assembly was because of the long range of abuses of obligations that Turkey took upon itself voluntarily. There was a worry about having to put Turkey back into the monitoring procedure. This was done not to punish the country but to help its citizens. Today's debate was happening because the situation of the citizens of this big member State of the Council of Europe was worrisome. While Turkish authorities misbehave in large scale and abuse their obligations under the European Convention on Human Rights, the Turkish citizens were the ones who were suffering. They were not free to express their opinions or to protest against the authoritarian rule in Turkey. They elected politicians who were now behind bars especially from the HDP, the party that was represented in his political group, and also the Republican People's Party (CHP). Lawyers were being harassed. Journalists could not do their work. Academics were being treated very poorly. This was all inflicted upon the citizens of Turkey. He thanked the co-rapporteurs for having pointed out where Turkey was not working in line with its own obligations and that Turkish authorities were to blame for that, not the Turkish citizens. By monitoring the situation in this big member State it was made clear that the Council of Europe was on the side of the Turkish citizens who needed to be protected and needed to be guaranteed their fundamental rights. He agreed with the other speakers that the Turkish authorities need to be warned. They could not flout their obligations and harass citizens without any consequences. The Standing Committee was invited to adopt the draft resolution.

Mr Yildiz said that he found it unreasonable and unnecessary to produce a position on Turkey, while the report of the Monitoring Committee was under preparation. The different aspects of the report suggested some basis for future cooperation. He noted the criticisms put forward by the rapporteurs, even though he could not agree with many of them. He welcomed the positive comments mentioned in the report and in the presentations about Turkish society and on the cooperation between Turkey and the Council of Europe. He emphasized that Turkey's commitment to promote human rights and fundamental freedom through reforms remains strong. The judicial reform strategy and human rights action plan, which the reports referred to, were steps taken towards this end. The main goal of these initiatives was to organise the judicial system and to promote the active protection of fundamental freedoms. A certain progress and concrete results could already be seen. One of the tangible results of the reform was the amendment of the anti-terror law to ensure that statements within the limit of providing information or made with the purpose of criticism could not be criminalized, which was made to put this legislation in line with the EU criteria. The government sought the active participation of civil society, political positions and international organisations while drafting and implementing the reforms. Although some criticism in the report might be valid, in its entirety the report did not reflect the situation in Turkey, and that's why he suggested many amendments in the committee meeting. Most of them were not accepted, but that he tabled three amendments and he hoped for them to be approved by the Standing Committee. He complained about the hostile statements by Sir Roger Gale, which he labeled as intolerable. Turkey was a democracy and that Sir Roger Gale should talk to his government and get information on who was responsible for starting the problem in Cyprus. These remarks on Turkey were excessive and unacceptable. Finally, talking about death penalty and the Istanbul convention in this very moment and context was unfair. Even as a member of the government party, he himself openly declared that he was against death penalty and supported the Istanbul Convention. This was currently being discussed internally and this was not a good time to bring this up here at the Council of Europe.

Mr Kairidis explained that he came from a country that was very supportive of Turkey's democratisation and rapprochement with Europe. Greece was arguably the country who was the most supportive of this process since the Helsinki summit in 1999. That's why Greece was extremely concerned about the turn of events and the "un-democratisation" process that was underway in Turkey in the last years. Turkey might be a democracy, but it was indeed a strange one: where elected officials went to jail, hundreds of journalists were in jail and thousands of civil servants were in jail without a process. Greece was very concerned about this state of things for two reasons in particular. First, existent authoritarianism domestically was linked to an increase in aggression externally and the examples were very many recently: against Armenia in the Caucasus, Greece in the Mediterranean and the Aegean, and Cyprus, Syria and Iraq. So, aggression was not limited against Turkey's citizens, but unfortunately it expanded and went beyond Turkey's borders. And the link between authoritarianism inside and aggression and revisionism outside was very strong. The second reason of particular concern was that this authoritarianism did not stay at home but was exported abroad. Recently there were elections in the occupied so-called Turkish Republic of Northern Cyprus where there was an extreme and

overt interference of the Turkish regime in favor of the newly elected so-called president of the Turkish Cypriots who were against the incumbent Mr Mustafa Akıncı, with threats and all sorts of other instruments were documented and made public by Akıncı and the others within Turkish Cyprus. So, for these reasons, Greece was very rightly concerned. He approved of the comments of Sir Roger Gale, which he didn't dare making himself being from a neighboring country.

Mr Igityan explained that Armenia was very interested in this debate as they were interested in having Turkey as a neighbouring democratic country, because Turkey became a danger, not only for its own citizens, but also for citizens of other countries. He said that he trusted the co-rapporteurs and also Mr Foulkes, who had made very good reports about the situation with journalists and mass media in Turkey two years ago. 150 mass media outlets were closed in Turkey, 10.000 employees of mass media were dismissed, more than 300 journalists were in jail, one journalist and member of parliament was being accused only for his statements, another journalist because he had talked about weapons which Turkey would send outside. He couldn't find any positive point in this report. Mr Howell said that maybe civil society would develop in Turkey, but he thought this was impossible without free media. Belarus and other countries were often being criticised for example for death penalty: in Turkey death penalty was not legal, but nonetheless people were being killed using other ways. He then mentioned an Armenian journalist who, according to him, was killed for being Armenian and a journalist. The co-rapporteurs used the word "immediately" a lot when talking about stopping certain behaviours and situations in Turkey. But how did we stop Turkey? He suggested that the Council of Europe should give a deadline to Turkey to change its behaviour and if that did not happen then Turkey should not be a member of the Council of Europe any longer.

Mr Schennach thanked the rapporteurs and the secretariat of the Monitoring Committee for the report. He appreciated the fact that the Head of the Turkish delegation, Mr Yıldız, was not totally against the report and wanted to express his respects to him. The need for this debate was urgent because there were many journalists, academics and advocates in prison, and this was not acceptable. There were only three countries in the world with such a large number of journalists in prison. In Europe, Turkey was at the top. There was a red line, which was that there were elected mayors and members of parliament in prison. He visited one of the mayors, who was under house arrest, and they could not accept that climate of repression. It was the right decision to begin to monitor the situation in Turkey. He believed that they should help Turkey to come back on the way of rule of law, democracy, and the respect of human rights. They should continue that monitoring dialogue.

Ms Schou believed it was a timely and important discussion and commended Mr Tiny Kox for having proposed it. She invited to support the resolution so that they could send a message to the Turkish authorities: freedom of expression, assembly and association had to be respected. Their last discussion on Turkey based on a report from the Monitoring Committee was in January 2019. The topic was the worsening situation of opposition politicians in Turkey, and now they were discussing it again, this time urgently. In 2017, they decided to reopen the monitoring procedure, and she regretted the lack of progress in the treatment of political opposition and civil society. She believed that they were witnessing regression. Turkey, equally with all members of the Council of Europe, was party to the European Convention on Human Rights, so they should be equally committed to adhere to it. Freedom of speech, of assembly and association were being limited in Turkey. Critics of the government were being investigated and arrested. As member States of the Council of Europe they had to speak out against it. These issues had been raised by Norway at the UN Human Rights hearing of Turkey. In January it would be raised again at the UN, the OSCE, in the Council of Europe and in other arenas. They owed it to Turkey and to the many members of the opposition and civil society who had had their rights violated. She wanted to highlight one sentence from the draft resolution: "The Assembly remains confident of the ability of the Turkish people and authorities to address and redress the deficiencies in the field of democracy, human rights and rule of law, provided there is a strong and genuine political will to do so". In her opinion, this was a very important sentence. This resolution did not mean they were against Turkey; they were all in this organisation together and shared values and the belief in democracy. She wished Turkey well and finished by saying that where there was political will, there was a way.

Mr Özsoy thanked the co-rapporteurs for their report, which reflected part of the situation, and they were expecting a more comprehensive report from the Monitoring Committee. He supported the resolution as he represented the opposition in Turkey. He wanted to share the stories of two people to show what was happening outside of the documents: Hulya Alokmen Uyanik, a nurse who lost her job in 2017, and Zeyyat Ceylan, a teacher for 20 years, who also lost his job in 2017 due to government decrees. One day they woke up and saw their names added to a list of some government decrees. In 2019, they joined the HDP as candidates for local elections and both were elected. Ms Hulya Alokmen received around 65% of the vote and Mr Zeyyat Ceylan received 72% of votes. Both of them were denied their election certificates, simply because they had previously been dismissed from their jobs by a government decree. This matter was also studied and condemned by the Venice Commission, who requested their reinstatement. Three months later, they were elected as the co-chairs

of the HDP, the local organisation of Mr Özsoy's party in the Ankara area, where he said he had represented since 2018. Yesterday, the police raided their headquarters in the Ankara and both of them were now in the anti-terror department of the police station in the Ankara. In three years, they suffered three violations; first, they lost their jobs; second, they were denied their election certificates; and third, they were taken into police custody. They had heard the government saying that they were fighting terrorism and he urged everyone not to take the allegations related to terror charges seriously. In Turkey, they wanted a constructive dialogue between the Council of Europe and Turkey but the Turkish government should not dismiss these reports and ideas, but rather assume some responsibility.

Ms Uca thanked the co-rapporteurs for producing an important report in such a short space of time. The growing policy of repression was undermining the state based on the rule of law and freedom of expression. The Turkish government was imprisoning opposition figures on the pretext of the fight against terrorism, with laws such as insults to the Turkish nation or the state of the Turkish republic, and insulting the president. These were unlawful decisions, and the government was using justice as a weapon. It was not considering itself to be bound by any international agreement. Turkey was in bottom position when it came to violations of freedom of expression and it seemed that it would stay there. As a result, there was a growing repression against the HDP. The government was trampling principles of the rule of law underfoot and was ignoring the people's will. She mentioned that the HDP originally had 65 municipalities but only six remained. Trustees had been imposed upon these municipalities, replacing democratically elected members. The government continued to use the legal system for its own purposes. A lot of her members had been imprisoned; in particular, her co-chairs had been detained. It was clear that rather this was more a political scandal than a legal one. Pressure continued to grow on the HDP and Abdullah Öcalan continued to be held in solitary confinement in his island prison. An additional ban was imposed on use of the telephone. In fact, he was only able to avail himself once of that possibility in 21 years. His lawyer's last visit was on 7 August 2019 and in his report, the CPT said that Abdullah was subject of a system of torture. The attack on Kobani by Isis in 2014 led to worldwide protests and yet in peaceful protests, some 46 people lost their lives and those responsible were not brought to justice. The HDP had been calling for a legal investigation to be conducted. Seventeen of the party were taken into provisional detention and, in spite of the condemnation of the Council of Europe and the European Parliament, the Turkish government continued to instrumentalise the judicial system for its own political ends. The greatest obstacle to a free and democratic system in Turkey was the subservience of the legal system to the political powers that be, but the HDP would do everything in its power to ensure that a true democracy prevailed, and they would do all they could to ensure that the principles of a state based on the rule of law were upheld in Turkey.

Mr Altunaldiz apologised for having to raise the issue that Sir Roger Gale gave a prejudiced speech and unfortunately manipulated the issues, which was inappropriate and untrue. Who could have known what would happen to Turkish submarines in 1974 when Turkey was forced to intervene in the situation as a guaranteeing party? He said that Sir Roger Gale was right that dialogue required two parties, but Turkey was the one who had been strictly seeking dialogue for years on these issues. The situation was the opposite of what Sir Roger Gale had said. With regard to the Cyprus issue, Greece and southern Cyprus were the ones who had been shying away from the negotiating table. They had done away with the UN resolution as well. He believed that the opinions other colleagues were raising should be true and reasonable and based on facts rather than prejudice. Despite this, human rights issues were present all around the world and Turkey had always tried to pay particular attention to human rights and fundamental freedoms. There had been continuous studies in Turkey to move democracy to top priority on their agenda. Like all other countries, there could have been some problems but they had been trying to solve all the problems within this stage. Whoever was responsible were brought in front of the court and punished. A member of parliament of their party Mr Esayan passed away a few weeks ago, and yesterday a number of dignitaries attended his funeral. He strongly disagreed that thousands of other nationalities were living in Turkey in danger. Everyone was treated equally in line with the rule of law and human rights.

Ms Bakoyannis affirmed that after the Helsinki agreements Greece was one of the strongest supporters of the democratisation of Turkey. Like other neighbouring countries (Armenia, Bulgaria, Greece) they were extremely interested in having a democratic Turkey at their borders. A democratic Turkey meant a strong Turkey and a European-minded Turkey with European values. That was very important for good neighbourly relations. Resolution 2206 on the worsening situation of opposition politicians in Turkey was voted by the Assembly on 24 January 2019. A year and a half later, they again found themselves in the same place. It was once again urgent to raise the alarm about the Turkish crackdown on human rights, rule of law and democratic process. She raised her voice, along with those of Sir Roger Gale, her colleague Mr Kairidis and others, and called out the conscious choice of Turkey to distance itself from democratic values and the rule of law. Mr Yildiz claimed that reform was currently taking place in Turkey. When elected opposition politicians ended up in jail, when lawyers died of hunger strike because they did not get fair trials, and when human rights activists were threatened, this was not reform, it was a crackdown, it was authoritarianism. This was the current situation in

Turkey to be acknowledged, named and addressed. Turkey and Poland stated their intention to withdraw from the Istanbul Convention. The Council of Europe and the Assembly could not be a cover for member states who publicly claimed to be spotlighting democracy but pushed democratic values and principles away into the shadows. She supported the draft resolution and pointed out that yesterday the President had described the current year as a lost year due to the pandemic and its effects on their ways of working. The Assembly should not allow its credibility to also be lost. The year that the Council of Europe celebrates 70 years from the signing of the European Convention on Human Rights could not be the year that the Council of Europe and the Assembly allowed member states to blatantly disregard the very values they were mandated to protect.

Mr Kiliç said that after listening to the previous speakers, he decided to change the content of his intervention away from his prepared speech. He also noted that he had successfully recovered from Covid-19, although it had not been a good experience. It was obvious that they were not talking about the report and the points it included, but about an attitude towards Turkey. When some of his colleagues mentioned they had no problems with Turkey, they were actually trying to say they had a problem with the president of Turkey. Mr Kiliç encouraged his colleagues to say openly that they had a problem with Recep Tayyip Erdoğan. He was the person who started all the negotiation processes with the European Union, and it was President Sarkozy of France who prevented Turkey in 2010 and 2011 from having a fair and rightful negotiation with the European Union. Everybody kept on forgetting that. Just recently, the French President Macron and his Interior Minister have been spreading Islamophobic messages – not just Islamophobic, hate of Islam. They talked about closing mosques and not allowing people to assemble. These things were happening within Council of Europe member States.¹ Just the night before in Germany, in Berlin, a mosque was raided by police while people were praying inside. Mr Kiliç suggested his colleagues went check what was happening with human rights there. When discussing freedom of speech, one thing was having a debate about the death penalty – he asked if they wanted them to ban people from speaking and chose what people were allowed to speak about. Regarding Sir Roger Gale, he said his language was appalling. Turkey was a democracy. Turkey was a country on track to become stronger than ever. Sir Roger Gale had to look back to his journalism days, and what happened in Cyprus with the Turkish minority in 1974. He also referred to his Greek colleagues referring to elections in the “so-called” Turkish Republic of Northern Cyprus: it was not “so-called”, it was there, they had elections and elected a new president. Regarding what his Armenian colleagues were saying about Hrant Dink, he suggested they had to look up on YouTube what Hrant Dink had said about Turkey. There might be some politicians in Turkey that liked what the Armenians were saying, however Mr Kiliç insisted that the day before, the president of Turkey was at the funeral service of a deceased Armenian member of parliament in an Armenian church in Turkey. How many mosques were open in Greece given their high democratic values? He hoped that in the future discussions would be more open instead of so one-sided.

Mr Eker began by recalling that Turkey was one of the oldest members of the Council of Europe. From time to time they had faced some problems. In such cases, better dialogue and better relations were needed to overcome these issues. If the aim was to implement the Council of Europe’s values such as democracy and human rights, it should not be used as a platform for hostility against Turkey: criticism was very different from hostility. In the face of severe terrorist threats Turkey was facing the significant challenge of protecting freedom of expression. However, Turkey was resolutely maintaining its commitments to the principles of an independent judiciary and the rule of law even under severe threats from terrorist organisations. It was not so simple; the cost were remarkably high – over 50,000 innocent lives were lost in the fight against terrorism. Bringing Turkey’s democracy to the highest level had always been a top priority on the country’s agenda. The reform group met in May 2019 and reaffirmed its strong political will to undertake the reform process. Particular attention was paid to the areas of the judiciary and fundamental rights and freedoms. The new judicial reform strategy was made public on 20 May 2019. In drafting this strategy, Council of Europe, United Nations and European Union standards and norms were considered. This new strategy would make the judiciary more efficient. Three

¹ In accordance with Rule 22.6 of the Rules of Procedure and the provisions on the right of reply, comment by Ms Trisse: It is not acceptable that unfounded rumours and fake news should be peddled at the Council of Europe. France is a secular republic, committed to freedom of worship, freedom of expression and the freedom to not believe in any religion. As such, the French Republic has no problem with Islam or Muslims. The President of the French Republic, speaking for example on Al Jazeera on 31 October, and the Minister of the Interior, who is also the Minister for Religious Affairs, have moreover clearly reiterated the importance that the French Republic attaches to these freedoms and principles, as set out in our fundamental texts. Nevertheless, acts of terrorism carried out in the name of radical Islamism, and which extend to beheading a history/geography teacher for drawings or desecrating other places of worship, cannot be tolerated or even minimised. It is this ideology of radical Islamism, contrary to the values of the French Republic, that entraps France’s Muslims and can sometimes lead to Islamophobia. In 2020, one mosque (out of more than 2,300 in total) was indeed shut down shortly after the assassination of Samuel Paty, because it had shared on its social networks (specifically its Facebook page) the video that fuelled the campaign against the teacher who was decapitated. Under no circumstances should mosques, or any other place of worship for that matter, be apologists for hatred or crimes.

legislative amendment packages were also adopted. Better dialogue was needed and that hostile language against Turkey should not be used if the people of Turkey were really to be helped.

Ms Günay thanked the rapporteurs for the report but said that the report did not portray Turkey accurately. She acknowledged that there might be some areas to develop, but the situation was very different than what the report shows. She could not agree with some of the points made by the co-rapporteurs and she believed that this was because the rapporteurs could not visit Turkey due to the pandemic and did not have an opportunity to get in touch with the authorities and stakeholders with different perspectives. This report was biased based on the documents provided to the co-rapporteurs. She wanted to discuss four points that should be examined in more depth. Firstly, in all PACE meetings there were discussions involving Turkey's external actions: Turkey was exercising its rights based on international law and UN resolutions. Another unfair claim was about the fact that in 2016 the Turkish parliament voted on a constitutional amendment that lifted the immunity of 154 members of parliament who had ongoing criminal investigation. This was true, but these parliamentarians were all from different parties and the opposition party (the Republican People's Party) also supported the immunity-lifting bill in parliament, so this was not a one-sided action. Recently a group of parliamentarians was working on revising the election legislation which includes lowering the 10% election threshold. Turkey had zero tolerance towards any type of terrorist activity and corruption, and Turkey was determined to stand for its territorial integrity and sovereign rights. In this context, Turkey was not occupying any foreign land, Turkey was defending its rights. How was that different than what was happening in Lebanon, Syria, Iraq or the Eastern Mediterranean at the hands of other European countries like France, or the US? Another issue was the recent dismissal of mayors in Turkey because of their terrorism-related charges. No one mentioned that something not dissimilar happened in Spain, where pro-Catalan politicians had been subject to terrorism and rebellion charges. She reassured Mr Kox that Turkish citizens could protect themselves through their democratic elections. Nobody could interfere with Turkey's internal affairs.

Mr Seyidov explained that Turkey was one of the co-founders of the Council of Europe and the Council of Europe should take into account that Turkey was doing its best to eliminate the threats that the rest of Europe faces: the problem of refugees, the problem of terrorism. The world was changing – Turkey became a strong, influential and very important player in the international arena and unfortunately some countries today did not like that Turkey took on such an important position for Europe and for the world. What could we do and what should we take into account? Unfortunately, some representatives of the media, and even some international organisations, tried to use human rights, democracy and the rule of law as a tool to put pressure on Turkey in order to achieve their objectives, which was absolutely unacceptable. The report showed that attitudes on these very important issues were changing. The last country that could criticise Turkey was Armenia given that Armenia was guilty of jailing an opposition member of parliament, killing journalists and illegally occupying its neighbouring state. Countries should not criticise other countries when they were themselves doing similar things and claimed that some countries tried to use the Council of Europe to achieve their own objectives, which was not acceptable. He said that a country that sent ballistic missiles to Ganja to kill civilians, including children and women, could not talk about democracy or about human rights violations in Turkey. He said that his country was waiting for sanctions against Armenia: Armenia suggested expelling Turkey from the Council of Europe for non-compliance, when it was Armenia that should be expelled. Turkey was doing its best for the stability of the whole of Europe, ensuring communication and supporting the Council's values.

Ms Sayek Böke said that these were difficult times for the values of the Council of Europe. These values and principles, such as democracy, human rights and rule of law, were being eroded around the world and that we had to hold on to these principles because we experienced that they were beneficial for the world. With these values being challenged in so many parts of the world, we had a responsibility to decide which course things were going to follow. Would we hold on to the world order where democracy, human rights and rule of law were critical, where we showed solidarity, where we had a constructive and open dialogue based on the mutual respect of these values? Or would we be onlookers, pushing these values away and ignoring what was happening? In Turkey, the CHP was very clear in showing solidarity with these values and building constructive dialogue around them, both nationally and internationally. Within Turkey there were millions of people who sought to uphold these values and these millions of people were gathered around political parties, one of them being the CHP, and around strong women's movements, strong green movements and a strong civil society in spite of the pressure they experienced and in spite of the price they ended up paying. Although a Monitoring Committee member discussed this in detail, maybe a short summary of the state of affairs would be useful and mentioned a few key facts about Turkey. There was an unprecedented number of instances of the local courts defying a constitutional court decision. All countries had the right to fight terrorism, but the rule of law had to be also upheld. Unfortunately, in Turkey at the moment democracy was replaced by government appointed trustees. Media freedom was deteriorating, which was worrying for many citizens, especially those who raised critical voices, but it affected everybody, as anyone who tried to speak out was now facing self-censorship. Dialogue was critical in democracy, we needed it and we should all seek it out. The cost of these fundamental values being eroded was felt by all members of society, across political party affiliations, across ethnicities,

across religious beliefs, across walks of life. We need solidarity that sought out dialogue, nationally and internationally. The local elections in Turkey showed and were proof that we could hold onto these values democratically and that she was positive about the future.

Mr Emre noted that, just as it had been documented in the report, the authoritarian discourse and practices of the current AKP government were clear. The main question was what they could do to restore the democratic regime in Turkey. Mr Emre mentioned that their project as the main opposition party was not a simple governmental change. They were willing to recreate a brand new democratic system based on the principles of democracy, such as the free and fair competition of all political actors, freedom of expression, rule of law, respect of political rights and so on. He affirmed that they were not alone in that struggle. The CHP, the Democratic People's Party, led the democratic struggle against the oppressive rule of the current government. That democratic alliance under the leadership of the CHP party proved to be effective during the last municipal elections in 2019, given that they managed to win the elections in major cities like Istanbul and Ankara. That was why they were extremely hopeful for a change in the next general elections. He firmly believed they would manage to gain a majority in order to restore a pluralist parliamentary democracy. Although the political situation seemed quite alarming, the domestic social dynamics were now in favour of the democratic forces, which made them hopeful for the future of their country. Regarding the possible contribution of the Council, Mr Emre's recommendation for the Council of Europe would be to bear in mind that Turkey was not limited to its current government. If the relation between Turkey and the Council of Europe deteriorated, it would not make things easier for the democratic forces. As the rise of popular authoritarianism was a global phenomenon, all democrats around the world should act in solidarity to struggle against the growing danger of authoritarian collapse. If the relationship between the Council and Turkey was damaged, it would not only affect the Turkish government, but also many different social and political forces in Turkey. That was why dialogue between the Council and Turkey had to be strengthened so it would not be negatively affected by day to day political crises. Mr Emre once again emphasised the growing force of the democratic opposition against authoritarian rule and their strong belief in electoral success in the next elections, which would pave the way to a pluralistic democratic restoration.

Mr Mollazada recalled that one of the biggest threats to humanity was terror. He mentioned that since 9/11 his country had been a member of the anti-terror coalition. They knew how dangerous terrorism was because an Armenian terrorist group killed hundreds of people in the Baku Metro. One of the best jazz pianists in Europe was killed in that terrorist act. It was now known that Turkey alone was combating terror, and it was very strange that its NATO allies were not helping. Bashar al Assad, PKK and ASALA were all now fighting in Karabakh against Azerbaijani civilians. It was not fair to raise this issue when Turkey was combating terror and not help them. The international community and the Council of Europe should protect the right of people to live, and terror was a threat against humanity. It was also strange when Sir Roger Gale said that only Turkey and Russia occupied the territory of other countries. Mr Mollazada mentioned that as a co-rapporteur on Azerbaijan, Sir Roger Gale should know that a big part of the territory of Azerbaijan was under occupation. Armenia, who occupied their territory, refused to implement UN Security Council resolutions and OSCE Minsk Group proposals. It was the Armenian Prime Minister Pashinyan who openly said no to diplomatic negotiations. He preferred going to war. The previous Armenian government always pretended they were participating in negotiations. Regarding Cyprus, it was the Black Colonels who started the conflict by killing many innocent people in the Turkish community of Cyprus. Also, Kofi Annan offered a plan for the settlement of the conflict and the Greek community refused. Mr Mollazada concluded by mentioning the growing antisemitism, islamophobia and xenophobia in Europe, together with the attacks on mosques and synagogues in France and Germany. Crusade-like positions should be very strongly opposed.

Mr Özşavli noted that most of the claims in the report were unfounded. All over the world, those who had links with terrorism or terrorist organisations were arrested and tried regardless of whether they were lawyers, mayors, or journalists. He expressed how baseless the allegations of detained mayors and journalists were. There were several ongoing investigations against those mayors which were referred to in the report as "dismissed" mayors. Specific charges included the recruitment of PKK members, using public funds to provide medical assistance to PKK members, helping PKK acts against Turkish security forces, issuing messages praising PKK leader Öcalan and public remarks inciting violence and hatred. All of them were continuous. The PKK was a terrorist organisation, and it was recognised as such by the European Union, America, Australia and many other organisations in the world. About the detained journalists, he reminded them that the Turkish constitution guaranteed media freedom. Turkish legislation did not include any provisions that would lead to the imprisonment of journalists on the grounds of their work. However, in the face of several terrorist threats and the harsh realities of the failed coup attempt, Turkey was faced with new challenges regarding the protection of freedom of expression and the media. The judiciary was independent, and it was the courts who decided on each case. The vast majority of people referred to as detained journalists were charged with serious offences. These had no connection with their work as journalists. Some of them were caught while transporting guns for members of a terrorist group, possessing explosive materials or hand grenades, throwing Molotov cocktails,

armed assault on police cars, planting bombs in buildings, robbing, and other offences. Turkey was defending its legitimate rights in the eastern-Mediterranean and other parts of the region. Regarding the Armenia-Azerbaijan conflict, Turkey would continue supporting Azerbaijan politically. Azerbaijan was fighting to liberate its own territory recognised by four United Nations resolutions.

Mr Maniero said he believed it was important to be acquainted with the content of this report and thanked the co-rapporteurs because the content was very concerning. Concerning the constitutional reform of 2017, both GRECO and the Venice Commission expressed their concerns about fundamental aspects related to the separation of powers between the executive and the judiciary. A quarter of judges or prosecutors were removed from office. In Resolution 2317 (2020), the Assembly had the opportunity to express its concerns regarding the law on social media. There was incorrect information or misinformation on social media, but many journalists were very courageous and accurate in their reports. Others using social media were less accurate but that was related to freedom of expression in the media and all information that was conveyed was subject to fact-checking. We had to uphold the freedom of expression in the media. There were worrying statements on the use of preventive detention, which was a worrying aspect in terms of the judicial system. Another aspect that should be underscored and other colleagues had mentioned it: the position of lawyers, human rights defenders, many of whom were arrested on terror-related charges whilst they were defending persons accused of often trumped-up charges. This issue was obviously of great concern. Nobody wanted to interfere in the domestic affairs of Turkey, but surely Turkey had to understand our concerns if everyone was to cooperate one way or another in the context of the Council of Europe. It was important to get this message across to our Turkish colleagues who were listening so attentively to this debate. There were also concerns about the transformation of Hagia Sophia into a mosque: it was certainly Turkey's right but the context in which it was happening surely gives rise to concern that radical trends were taking root. It was essential to be able to talk about problems and have a dialogue if there was any hope of resolving those problems together.

Ms Hayrapetyan thanked the co-rapporteurs and said she found it an interesting discussion. She commented on Mr Igityan's remark that no one was more interested in having a democratic neighbour than Armenia. It was interesting that many issues were raised by both Turkish and Azerbaijani delegates and of course, Azerbaijani delegates were more sincerely and actively trying to protect Turkish colleagues because they knew that their country was gradually losing its sovereignty and was turning into a Turkish region. Recently, the Azerbaijani dictator Aliyev claimed that Azerbaijan and Turkey were going to solve the issues in the region and the different aspects based on their Turkish origins, which did not surprise her. As for democracy, a delegate whose country had been ruled by a dictator for 17 years and instead of a vice-president the country had a *wife-president* could not say much. She urged everyone to pay attention to internal and external relations and trends as they were connected so if you see very worrying trends internally it was going to influence external relations. This was being seen in many regions of the world where Turkey was playing a destabilising role. Turkey claimed to be fighting against terrorism, but Turkey was deploying terrorists to fight in Nagorno-Karabakh. She did not say this in her capacity as an Armenian delegate, it was what the international media was saying, and what the leaders of different countries was saying and could prove. Why was Turkey creating problems in the region, to fight against them? Why was Turkey intervening the conflict in Nagorno-Karabakh? They had said that they were supporting Azerbaijan with diplomatic tools but they also claimed that they were ready to send troops Nagorno-Karabakh, which she refused to believe was a diplomatic tool. Turkey's role was extremely destabilising to the region and it was very much linked to the worsening trends in internal politics. The Council of Europe had a lot of work to do to stop its member states turning into dangerous countries, which would not only affect neighbours of those countries but also the whole of Europe, turning it into a very destabilised place to live. Today's insecurity and instability in South Caucasus would turn into tomorrow's instability in Europe.

Ms Yildiz thanked all her colleagues for sharing their ideas, but said we need to consider both sides of the issues. One of our colleagues mentioned Abdullah Öcalan who was the leader of a terrorist organisation, PKK, recognised as a terrorist organisation by the European Union and other international organisations. While talking about freedom, we needed to clarify our position on people's right to live. The PKK had murdered over 50,000 people, including Necmettin Yilmaz, a teacher murdered by PKK just three years ago, and another teacher, Necmettin Yilmaz. One of the Assembly members criticised the imprisonment of Öcalan, the leader of the terrorist organisation, but it essential to work on the basis of the right to life. In 2014, leaders of the HDP called people to rebel, giving Kobanî as a reason. Who was responsible for the death of more than 60 of our citizens? Who killed the 16-year-old, Yasin Börü? Ms Yildiz had just attended the funeral of MP Markar Esayan; she had worked with him and was sad about his death. He was an Armenian journalist and a friend of the Turkish president, who was also at the funeral. Did Armenia have any Turkish MPs? She asked her colleagues if they had heard of the city of Ganja, and if they knew how many civilians were killed by Armenian forces just a few days earlier. In the scope of democracy, in Greece for instance, she wondered how many mosques were to be opened or protected in the near future. Churches were protected in Turkey with large budgets, for example, two years ago the Bulgarian orthodox church reopened after a restoration costing 60 million. Lastly, she wondered if everyone else was following the mosque and synagogue attacks in Europe with concern? As

politicians, it was extremely important to talk about the rise of hate speech against Muslims and xenophobia. In the last few days, in France for example, there had been a discussion on halal food by the Interior Minister. Nagorno-Karabakh was a recognised territory of Azerbaijan that was illegally occupied.

Mr Aydin thanked the co-rapporteurs but said that some points were missing. The people of Turkey paid a great price to get democracy and rule of law in their country. The Council of Europe should take into consideration the geopolitical situation of Turkey. Turkey was the model country in the Middle East trying to tackle terrorism and since 15 July 2016 Turkey had been recovering from the side effects of this failed coup d'état which caused 253 deaths and thousands of injuries. Some speakers talked about the core values of democracy, rule of law and human rights but we should be strict, we should not just give them lip service, and we should not use a double standard in order to interpret these core values as far as Turkey was concerned. He said that he could not listen to Armenian or Greek colleagues saying that Turkey lacks democracy. Knew they that Armenians were safer in Turkey nowadays? Turkey there were currently over 1,000 Armenians who had come to Istanbul voluntarily to make a living by working. How could anyone say there was no freedom or human rights? Turkey was in Syria because there was a war and children were being massacred and Turkey was responding to their cries for help. Although though there had been resolutions from the European Commission on this matter, they had not solved the problem. Turkey had welcomed over four million refugees without complaining, while Greece had complained extensively about their 50,000 refugees and had even violated international rules.

Mr Avetisyan thanked both the co-rapporteur for their work, and the Turkish President and the ruling party for attending the funeral of their party member, which he considered an outstanding achievement. About the situation in Turkey, he said that since 2013 Turkey had basically been creating the problem, then blackmailing and then calling for dialogue. When Mr Avetisyan said "Turkey", he meant Mr Erdoğan, because most of the Turkish delegates said that Mr Erdoğan was not guilty of anything. Turkey went to Syria to recruit men to send them to Azerbaijan to fight in Nagorno-Karabakh. Turkey created and then used the problem of migrants to get money, and then using it as leverage against the European Union. He claimed that this was exactly how Erdoğan functioned, by blackmailing: nothing else. The Council of Europe should stand very firm when it came to talking with Turkey. Because Turkey learned the lesson very well: there would be a couple of reports, some condemnations and then we would go on. The Council of Europe needed to stop this and be very resolute about it, because it also sent the wrong signals to other countries as well. For four weeks, Azerbaijan had been shelling civilians with cluster bombs in many Armenian cities, as recorded by Human Rights Watch. This was the real face of these two countries, of these two dictators. The conversation here should be about the situation in Turkey and how the Council of Europe member State could and should stop it. Because if it was not stopped now it would simply not stop. Turkey was a headache, it was run by a madman, and this madman was winning. He urged the Council of Europe to be resolute in the steps it took and also, if it came to it, to expel not only Turkey but also Azerbaijan from the Council of Europe.

Ms Çelik said that the comments by the previous speaker were unacceptable and appalling. Those provocative and poisonous comments on Turkey and the Turkish President were not only an insult to the Turkish President but also to the Turkish public in general. She thanked the co-rapporteurs for their work despite them disagreeing on major instances. Although the report stated it was fully aware of the security threats in Turkey, some parts of it indicated otherwise. It was important to recognise that in the last few years Turkey had been going through one of the most challenging periods of its history. Their country had been targeted by multiple terrorist organisations and hundreds of their people lost their lives in attacks carried out by the PKK, ISIS and FETO. Recent security operations demonstrated the urgency of those threats. They had to bear the consequences of Syria and Iraq turning into failed states and the export of insecurity through their borders. They were also left alone by the international community to deal with the humanitarian and security crisis. Turkey took steps to address those threats in order to protect their people and the four million refugees it was hosting. Despite that situation, not only did Turkey end the state of emergency, but it also took significant steps to reform its justice system. It was also vital to recognise that the legal procedures against individuals who were suspected of establishing material relations with terrorist groups were carried out by an independent judiciary. Ms Çelik noted how unfortunate it was that amongst these individuals were politicians. The charges investigated or brought by the prosecutors against those politicians included funnelling of public funds to terrorist groups, carrying out orders of terrorist organisations in public duty, aiding and abetting terror attacks, and inciting hatred and violence. These were very serious charges that would have been investigated in any European country. All remedies including the right to individual application to the constitutional court and the right to appeal to the European Court of Human Rights was available to everyone. For the delivery of justice, it was of the utmost importance that those proceedings were carried out in accordance with the rule of law. All suspects were given a fair trial. As stated in the report, following constructive engagement between Turkey and the Council of Europe, a new judiciary reform strategy and the human rights action plan was recently implemented. As part of that strategy, several legislative amendments were adopted in parliament, including the protection of human rights, especially expanding the scope of freedom of expression and enhancing the effectiveness of legal

remedies against judicial decisions concerning freedom of expression as well as introducing limitations to the length of pretrial detention. All of the aforementioned demonstrated the strong political will of Turkey to revitalise the judicial reform process and facilitate the right to a fair trial in all cases. She ended by thanking the rapporteur for recognising the strong foundations of democracy in Turkey and welcoming the recent legal reforms, the continuation of which could be supported through constructive dialogue with the Council of Europe and the Assembly.

Lord Foulkes started by noting the good relations between the United Kingdom and Turkey during many decades. Many people spent their holidays in Turkey before the pandemic, and even had villas there. It was also very important that Turkey was a joint member of NATO. According to Lord Foulkes, the criticism was not light. He stated his agreement with Sir Roger Gale on that occasion although they did not always agree. As said earlier, the report produced by Lord Foulkes on media freedom criticised Turkey and was agreed by the Assembly. There was also Mr Schennach, who had now taken over as general rapporteur to confirm that it continued. Lord Foulkes also mentioned Mr Brennan's report on academic freedom in Turkey, amongst other countries, that would be considered later. That Monitoring Committee report was accepted unanimously by the Monitoring Committee. Lord Foulkes hoped that it would be accepted in the Standing Committee. They were not talking about Armenia or Azerbaijan, they were referring specifically to the position on Turkey, the report by the Monitoring Committee that was clear, unequivocal, and accepted unanimously. He hoped that the Standing Committee would also accept it.

Mr Sidali said that as members of the opposition in Turkey, they were aware of the lack of democracy. However, nothing at all justified terrorism or any kind of support to terrorist groups. MPs, members of NGOs, local authorities should all be bound by law. Those who had taken part in coup attempts or ISIS related terrorist attacks, or PKK for over 35 years, did not and could not be treated as those who wanted to improve democracy and rule of law in their communities. Regarding street protests in the Ayn al-Arab district of Syria, where protesters used guns and explosives and burned down properties in Turkey, the targets were not only security forces, but also civilians. Forty-six people died and more than 700 were injured. People were tried for encouraging the protests. Mr Sidali understood that the definition of terrorism was crystal clear for everyone. For them, the PKK was a terrorist organisation the same way ISIS was. All terrorist resources had to be stopped and all legal political parties had to declare that they were against terror. There were no good or just terrorists. Those who were linked to terrorists had to be tried and they would follow that the trials were fair, and that rule of law was the priority. As an opposition party they would constantly and as much as possible check that laws were not misused in his country. However, such debates that somehow supported those who had links with terrorists hindered their actions that were focused on the promotion of peaceful democracy and the rule of law. If someone supporting terrorism was put together in the same box with those quarrelling for more democracy, everything was blurred. In order not to make terrorism stronger and to strengthen democracy everyone had to be for the rule of law. When dealing with terror, everyone had to be against double standards. Double standards were presenting obstacles to sincere dialogue, especially the double standard with the actions of Greece and Armenia that were against international laws and agreements and should not be taken into serious consideration. Arming islands that should be unarmed due to many agreements, or occupying a country for nearly 30 years, or bombing the city of Ganja while talking about democracy and rule of law did not sound sincere.

Mr Kiliç made a point of order. The speaker from Armenia, Mr Avetisyan, had used a language against an elected president representing his country that was unacceptable. From his view, it was hate speech. He wanted this to be on the record.

The President noted that this was not a point of order but an argument. He took note of it.

Mr Jallow said it was important to speak out when we saw things that mattered. The growing authoritarian rule in Turkey mattered and it was important to speak about it. About the mass arrests of the opposition, journalists, the stripping of freedom of expression and free press. Some colleagues from Turkey were saying that there were human rights violations in all countries, and were asking why they were not speaking about that. He assured them that they would speak about that but the debate that day was about Turkey. Rather than confrontation, they were seeking constructive dialogue in order to restore the values of democracy and rule of law in Turkey.

Mr Hammarberg, co-rapporteur of the Monitoring Committee, thought it was a heated discussion but a very useful one. It was the beginning of a dialogue that was frank, but constructive. That was the spirit of the report. He argued that they now expected a reform of their justice system and the future human rights action plan should be such that they could see an improvement of the problems that they had raised in the report. They expected the Turkish authorities to show the necessary political will to expand freedom of expression, of assembly and media freedom. When revising the election legislation and the law of political parties, he was

sure that the Venice Commission would be very useful for their efforts. They had expectations and they would follow the development when it came to the response to their requests in the report.

Mr Howell, co-rapporteur of the Monitoring Committee, mentioned how lively and informed the debate had been. He expressed that they had tried to be extremely balanced in that report. They were utterly committed to dialogue, and that could not be stressed more seriously than had been said so far. It was completely right that they should question Turkey over human rights, rule of law and democracy. That was what they had tried to do in that report. He hoped that the Standing Committee would approve the recommendation because he thought that was a sensible way forward for the dialogue they wished to see for the future.

Mr Nemeth, Vice-Chairperson of the Monitoring Committee, began by thanking the co-rapporteurs for the preparation of their report, which had been approved unanimously by the Monitoring Committee during its last session and was the base of the very lively discussion that morning. It was needless to say that the travel restrictions that were in place due to the Covid-19 pandemic made the work of the committee even more challenging. In spite of all those difficulties, they continued their monitoring work and discussed current issues and recent developments. In the case of Turkey, they managed to conduct several exchanges of views and hearings with the participation of members of both the majority and the opposition, governmental and non-governmental experts as well as members of the Venice Commission and the Congress of Local and Regional Authorities. When they talked about Turkey, they always had to bear in mind its geopolitical situation and the fundamental stabilising role it played not only in the Middle East but also in ensuring Europe's security. Migration was one of the great challenges of their age. Mr Nemeth could not emphasise enough that Turkey had been making a great effort for many years to host over four million refugees. It was currently Turkey that was protecting Europe from another uncontrolled wave of migration. Its debility was key for all of them. On the other hand, the report identified several challenges and shortcomings in the fields of human rights, rule of law and democracy, and encouraged the authorities to take steps to comply with Turkey's obligations towards the Council of Europe. Turkey could do it. Turkey had to be aware of its very dynamic political scene and vibrant civil society with strong aspirations of fully enjoying and exercising its fundamental freedoms. That fact was a valuable asset both for the country and for democracy in general. Mr Nemeth was convinced that they had to maintain a sincere and open dialogue to address all relevant issues and to reinforce their cooperation with the Turkish authorities. That was the only way that progress in their relationship, and for their mutual interest, could be made. Excluding Turkey from the Council of Europe was definitely not in their interest.

Amendment 1, presented by Mr Yildiz, to which Mr Howell objected, was **rejected** with 23 votes against, two votes in favour and one abstention.

Amendment 2, presented by Mr Yildiz, to which Mr Howell objected, was **rejected** with 21 votes against, three votes in favour and one abstention.

Amendment 3, presented by Mr Yildiz, to which Mr Özsoy objected, was **rejected** with 20 votes against, four votes in favour and two abstentions.

Amendment 4, presented by Mr Yildiz, to which Mr Howell objected, was **rejected** with 22 votes against, four votes in favour and one abstention.

The draft resolution "New crackdown on political opposition and civil dissent in Turkey: urgent need to safeguard Council of Europe standards" was **adopted** with 23 votes in favour, three against and two abstentions [Resolution 2347 (2020)].

Dame Cheryl Gillan had voted in each case, but her vote had not been registered. She asked for her votes to be registered.

The President did not give more speaking time that **Mr Yildiz** had had while presenting the amendments to answer, as Mr Yildiz, requested, the criticism raised during the debate.

30. LEGAL AFFAIRS AND HUMAN RIGHTS

THE PRINCIPLES AND GUARANTEES OF ADVOCATES (Doc. 15152)

Mr Bashkin, rapporteur on "The principles and guarantees of advocates", stated that the subject of this report was of vital importance for the Council of Europe's work and a high priority for the Committee on Legal Affairs and Human Rights. He explained that the Council of Europe was an international organisation devoted to maintaining the rule of law, and the principle of the rule of law was enforced through the courts. The judicial

system would be unable to function without lawyers to professionally advise and represent litigants at all stages of criminal prosecutions and court proceedings. Lawyers play an important role in protecting human rights, which was a fundamental value of the Council of Europe. The work of a lawyer was to provide skilled legal assistance in defending an individual position vis-a-vis the state and it was an effective instrument for preventing physical and psychological violence against suspects. It should be remembered that safeguarding the defence of professional rights should comply with certain principles: providing timely answers to clients, confidentiality of communications between the lawyer and the client, inadmissibility of making a lawyer criminally liable for exercising his or her profession and protection against illicit encroachment of individuals and their property. He explained that the European Convention on Human Rights included the basic obligations of the State to respect and protect the rights of lawyers: for example, article 5 of the European Convention, which contained safeguards against arbitrary detention, or the right to a fair trial, and protection of privacy and private correspondence, which could be viewed as a basis for guaranteeing this profession. There were a number of such instruments which referred to the rights of lawyers in the performance of their professional activities. For example a basic principle on the role of lawyers was adopted by the 8th UN Crime Congress in 1990, Committee of Ministers Recommendation 2020(1) on the freedom of exercising the profession of lawyer, and the European Charter of Core Principles of the Legal Profession. So, he concluded that there was a solid body of binding standards. He pointed to the fact that, unfortunately, these standards were all recommendatory in nature and therefore not always implemented by the Council of Europe member States. The report focused on the need to safeguard the activity of lawyers in the whole continent. The rapporteurs did not set themselves the task of investigating the situation of lawyers in specific countries, so he would not talk about specific individual States. However, there was no overall improvement across the Council of Europe space since the committee's last report on this topic, back in 2017. Lawyers continued to get attacked and even murdered in a number of countries, they faced threats and harassment, very often from senior public officials. They were expelled from their bar association and prevented from practicing, their ability to exercise their duty in court was obstructed, they were summoned to give evidence on their own clients' cases, they were deprived of their rights to visit their clients in detention and the prison authorities may actually listen in on their conversations. Their offices were searched, their computers were seized, and their files taken away. Their professional associations of lawyers were stripped of their independence. He urged the Assembly to express its concern about these continuing violations. He also said that the Council of Europe had to insist that States respect their obligations. They should also comply with the standards of other international instruments, including the 1990 UN Basic Principles on the Role of Lawyers. There might be some situations where standards may differ, such as reporting requirements relating to the fight against terrorism, organised crime or money-laundering. But even these situations did not entitle authorities to violate lawyer-client confidentiality. Such cases should be carefully regulated, and any exception cautiously applied. The draft resolution set out the appropriate standards; it stated that concerns remained in many member States, and were even worsening in some; and it called for action at national level to ensure that the vital work of lawyers was respected and protected, including improvements to the effective national legislative basis. The continuing widespread pattern of interference in the work of lawyers, however, showed that the existing instruments were insufficient. In 2018, the Assembly proposed that the Committee of Ministers prepare a Convention on the profession of advocate and he was pleased to see that the initial response of the Committee of Ministers was positive. However, they asked a committee of experts to report on whether the proposal was feasible. Progress was very slow since then. A first feasibility study was favourable, but even so, a second study was commissioned to address further issues. He wondered if anyone might ask why the Council of Europe should push to adopt a convention on such a relatively narrow professional circle. A significant part of lawyers' practice was devoted to the protection of rights, and lawyers themselves, together with ombudsmen, were a professional category officially dealing with the protection of human rights which, along with the rule of law, was at the heart of the Council of Europe's work. The time was ripe to renew their proposal, in order to ensure that the Committee of Ministers appreciated the urgency of the situation.

Ms De Boer thanked the rapporteur for the thorough and clear report. She underlined the important role that lawyers played in upholding the rule of law in member States. Without legal aid and representation by qualified and independent lawyers, access to justice and fair trials were illusions. Citizens needed lawyers to realise their rights, and it was the task of the States to create the environments in which lawyers could work safely. Besides being a member of the Dutch Senate, Ms De Boer also worked as a lawyer in Amsterdam. In her city, a lawyer colleague who represented a witness in a criminal case was murdered by criminals last year. She was present at the memorial meeting of the bar association. That murder shocked her country and put the issue of lawyers' safety and the state's obligation to protect them on the political agenda. As it could be read in the report, in many countries, lawyers did not only face a lack of protection by the state but also had to face unlawful interference and even arrests and imprisonment. The report presented several examples. She could also refer to what had been said on the situation of lawyers in Turkey in the debate that morning. That report was not the first report on the issue. In 2018, the Parliamentary Assembly urged the Committee of Ministers to create a binding convention to protect lawyers' independence and safety. As the rapporteur pointed out, soft law was not sufficient. Ms De Boer valued positively that the Committee of Ministers issued a feasibility study, it was good that the resolution and the recommendation would be adopted to keep the pressure on the process.

Mr Pocij said the report showed how important the role of lawyers was. Findings about Poland in paragraph 27 of the explanatory memorandum were regretful but current. Since 2016 the political rulers of Poland were trying to restrain freedom of defence. This was unfortunately one of many signals of Poland not going in the right direction. Only a few days before, one of the most important lawyers in Poland was stopped by the authorities just days before going to the court to show evidence against the people in government. That was unfortunately the case not only of lawyers, but also of politicians. All over Europe, authorities were bringing false criminal charges against them for political reasons.

Ms Jufereva-Skuratovski described the report as fair, topical and well-detailed and said that it clearly revealed the reality of the conditions and threats that lawyers faced in their daily work. She confirmed that the situations described by the rapporteur needed a strong, effective, and immediate reaction, both on an international level, with the Council of Europe for example, and on a national level with governments. The ALDE group proposed establishing a platform for the protection of advocates and drawing up a Council of Europe convention on the profession of lawyers. She argued that in democratic countries each person had the right to be defended by a lawyer and that it was intolerable that, because of political or religious views, those belonging to some minority groups were deprived of this basic right. Simultaneously, lawyers should have a guarantee that they could perform their duties without any risk of being killed, injured, threatened, or identified with the crimes committed by their clients. She then talked about her country, Estonia, where lawyers were well protected: a sign that Estonia had reached a good level of democracy, human rights and rule of law. Lawyers had to have access to their clients as they protected human rights. Whether the fact that our democracies could not function properly was a sign that we had missed something important in the development of democracy, as shamefully totalitarian states still existed.

Mr Corbyn praised the report for outlining the importance of independent legal representation for people and also addressing the threats that lawyers faced in far too many countries in Europe. People needed to have access to lawyers independently in front of a court: that meant not only that it was their right but also that they needed to be able to do it. In that sense, in the UK for example the cuts in legal aid meant that many people simply did not have access to court because they could not afford a lawyer so resort to self-representation, which was a very unsatisfactory way of doing things. Secondly, the right of access to training was also very important: that meant provision of further higher education for legal representation. His third point, in connection with certain trends across Europe where there was interference in the legal process, was about the independence of lawyers, meaning that lawyers needed to be independently monitored and judged; this was extremely important. He then mentioned two bills that were currently before parliament in the United Kingdom and that he was concerned about because both of them impinge on legal representation. One was the Overseas Operations Bill, which sought to give a degree of impunity to British secret forces operating overseas. The other was the Surveillance Bill, allowing police forces to undertake undercover operations in which they themselves were immune from prosecution as a result of potentially criminal acts. The proposed convention meant that there would be a standard of legal rights and legal representation all across Europe and that was something that he strongly supported and welcomed.

Ms Yuliya Lovochkina said that, despite the fact that her Russian colleague said they should not talk about particular countries, she wanted to take this opportunity to raise the issues that they faced in Ukraine concerning the situation of advocates' rights. Ukraine had a very diverse and difficult political environment, with political debates that could be very harsh. Many political leaders were prosecuted in Ukraine, which sometimes was real and reasonable, but it could often be seen that if a lawyer was defending someone who was very controversial politically, the attacks towards the politician were immediately transferred to the lawyer as well, something that should not be tolerated. Another problem was the numerous attacks on the self-government bodies of lawyers: high officials, government bodies, and politicians attack the self-government bodies of the lawyers of Ukraine, namely the Bar Council of Ukraine. Another dangerous thing occurred whatever the ruling force: one of the most important rights of the Bar Council was to elect the members of the High Council of Justice. This right was given to the Bar Council in accordance with the Venice Commission and we welcomed this development in the justice system. However, several times they elected their representatives, and this was blocked. She specified again that she was not talking about recent years, that this was not about the current situation but had been going on throughout the years: it was a continuing tendency. She believed that this convention proposed in the report might help all over Europe to protect lawyers' rights.

Ms Yasko said she was happy to hear a colleague from Russia being interested in the concept of protecting human rights and protecting lawyers in general. Regrettably she noticed several shortcomings in the report. She was especially concerned about the fact that there was no mention of the situation in occupied territories in Europe, in Crimea. She explained that it was well documented that lawyers there, especially Crimean and Tartar lawyers, were suffering right now. An example was Emil Kurbedinov, a lawyer who was subjected to several attempts to suppress his voice, cancel his attorney license and imprison him for his work. She found it

unfortunate that such cases were not mentioned in the report. She added that while she understood that Russia had several challenges when it came to human rights protection, she found that there could have been more information about the situation in Russia itself. For example, the UN Human Rights Council mentioned the fact that lawyers were not being protected fully in Russia. Mark Feigin, Nikolai Polozov, and Ilya Novikov were lawyers who suffered from real restrictions on their work, including intimidation, threats, physical violence and even killings. The Magnistky Act that several members of the Council of Europe implemented in their country was named after a respected lawyer in Russia who suffered from numerous repressions. She invited everybody to honour his memory and not play by double standards. When talking about the situation of lawyers' rights it would have been fair for the rapporteur to also mention what was happening in his own country and the repression taking place in Russia.

Mr Bashkin pointed out that he, a representative of the Russian Federation had mentioned the problems in his own country in the report. It was very important for all members to talk about the problems in their own countries in order to overcome the problem across Europe. The report was centred on the situation of lawyers on the national level. When it came to Russian lawyers, there were problems not only in Crimea but also in other regions of Russia. It was not a case of singling out a specific area in the Russian Federation. He also wanted to thank the experts for their input and support. He also thanked Mr Vlasenko for the amendments proposed to the report and referred the work of the initial rapporteur on this issue, Mr Logvynskyi, and wanted his words of gratitude to be conveyed to him and to the secretaries the committee for their support.

Mr Cilevičs, chairperson of the Committee on Legal Affairs and Human Rights, said that the issue they were discussing was one of the cornerstones of rule of law. This report was very important, and it was the beginning of a very serious law. He wanted to pay tribute to their former colleague, Mr Logvynskyi, who had launched this idea and had begun working on this report, and thanked Mr Bashkin for his work on the report, which was not a report on any particular country. He was looking forward to the adoption of the draft resolution and the draft recommendation.

The draft resolution "The principles and guarantees of advocates" was **adopted** with 20 votes in favour, zero votes against, and one abstention [Resolution 2348 (2020)].

The draft recommendation "The principles and guarantees of advocates" was **adopted** with 20 votes in favour, zero votes against, one abstention [Recommendation 2188 (2020)].

The President announced that the other two items on their list, "The gender dimension of foreign policy" and "Threats to academic freedom and autonomy of higher education institutions in Europe" would have to be taken up in the next Standing Committee meeting of the 20 November.

In response to Dame Cheryl Gillan who said that she had voted in favour of both occasions, but her vote had not been registered, **the President** and **the Secretary General** responded that the matter would be investigated.

31. OTHER BUSINESS

None.

32. NEXT MEETING

The next meeting was to be held by videoconference on 20 November 2020.

The meeting was **closed** at 1 pm.

APPENDIX I

Decisions on documents tabled for references to committees

A. REFERENCES TO COMMITTEES

1. **Fighting and preventing excessive and unjustified use of force by the law enforcement officers**
Motion for a resolution tabled by Mr Oleksandr Merezhko and other members of the Assembly
[Doc. 15137](#)

Reference to the Committee on Legal Affairs and Human Rights *for report*

2. **The role of the media in times of crisis**
Motion for a resolution tabled by Ms Annicka Engblom and other members of the Assembly
[Doc. 15140](#)

Reference to the Committee on Culture, Science, Education and Media *for report*

3. **Safeguarding democratic values in international trade**
Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development
[Doc. 15144](#)

Reference to the Committee on Social Affairs, Health and Sustainable Development *for report*

4. **Overcoming the socio-economic crisis sparked by the Covid-19 pandemic**
Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development
[Doc. 15145](#)

Reference to the Committee on Social Affairs, Health and Sustainable Development *for report*

5. **Towards a Covid-19 vaccine: ethical, legal and practical considerations**
Motion for a resolution tabled by the Committee on Social Affairs, Health and Sustainable Development
[Doc. 15146](#)

Reference to the Committee on Social Affairs, Health and Sustainable Development *for report*

6. **Poisoning of Alexei Navalny**
Motion for a resolution tabled by Mr Jacques Maire and other members of the Assembly
[Doc. 15155](#)

Reference to the Committee on Legal Affairs and Human Rights *for report*

7. **Safeguarding peace and stability in the East Mediterranean Sea**
Motion for a resolution tabled by Ms Dora Bakoyannis and other members of the Assembly
[Doc. 15160p](#)

Reference to the Committee on Political Affairs and Democracy *for report*

8. **The impact of Brexit on human rights on the island of Ireland**
Motion for a resolution tabled by Mr Paul Gavan and other members of the Assembly
[Doc. 15162](#)

Reference to the Committee on Political Affairs and Democracy *for report*

B. MODIFICATION OF A REFERENCE

1. **Should politicians be prosecuted for statements made in the exercise of their mandate?
Motion for a resolution tabled by Mr Boriss Cilevičs and other members of the Assembly
[Doc. 14802](#)
Reference 4428 of 1 March 2019 – validity: 1 September 2021** (reference to the Committee on Legal Affairs and Human Rights for report)

Reference to the Committee on Legal Affairs and Human Rights *for report* and to the Committee on Equality and Non-Discrimination *for opinion*

APPENDIX II

List of participants / Liste des participants

President of the Parliamentary Assembly / Président de l'Assemblée parlementaire

Mr Rik DAEMS Belgium / Belgique

Chairpersons of Political Groups / Présidents des groupes politiques

Mr Frank SCHWABE Socialists, Democrats and Greens Group (SOC) /
Groupe des socialistes, démocrates et verts (SOC)

Mr Aleksander POCIEJ Group of the European People's Party (EPP/CD) /
Groupe du Parti populaire européen (PPE/DC)

Mr Ian LIDDELL-GRAINGER European Conservatives Group and Democratic Alliance
(EC/DA) / Groupe des Conservateurs européens et Alliance
démocratique (CE/AD)

M. Jacques MAIRE Alliance of Liberals and Democrats for Europe (ALDE) /
Alliance des démocrates et des libéraux pour l'Europe (ADLE)

Mr Tiny KOX Group of the Unified European Left (UEL) /
Groupe pour la gauche unitaire européenne (GUE)

Vice-Presidents of the Assembly / Vice-président-e-s de l'Assemblée

Sir Roger GALE United Kingdom / Royaume-Uni

Mr Kimmo KILJUNEN Finland / Finlande

Mr Gusty GRAAS Luxembourg

Mr Egidijus VAREIKIS Lithuania / Lituanie

Ms Susanne EBERLE-STRAUB Liechtenstein

Mr Antonio GUTIÉRREZ Spain / Espagne

Mme Nicole TRISSE France

Mr Andreas NICK Germany / Allemagne

M. Petr TOLSTOI Russian Federation / Fédération de Russie

Mr Oleksandr MEREZHKO Ukraine

Mr Akif Çağatay KILIÇ Turkey / Turquie

Ms Inese LIBINA-EGNERE Latvia / Lettonie

Mr Alvis MANIERO Italy / Italie

Mr Lars Aslan RASMUSSEN Denmark / Danemark

Ms Snježana NOVAKOVIĆ BURSAC Bosnia and Herzegovina / Bosnie-Herzégovine

Chairpersons of National Delegations / Président-e-s de délégations nationales

Ms Boriana ABERG Sweden / Suède

Ms Mònica BONELL Andorra / Andorre

Ms Alma ČOLO Bosnia and Herzegovina / Bosnie-Herzégovine

Mr Reinhold LOPATKA Austria / Autriche

Ms Petra STIENEN Netherlands / Pays-Bas

Mr Samad SEYIDOV Azerbaijan / Azerbaïdjan

Ms Suzana LEP SIMENKO Slovenia / Slovénie

Mr Dimitar GLAVCHEV Bulgaria / Bulgarie

Ms Marijna BALIĆ Croatia / Croatie

Mr Nicos TORNARITIS Cyprus / Chypre

Ms Maria JUFEREVA-SKURATOVSKI Estonia / Estonie

Mr Kimmo KILJUNEN Finland / Finlande

Mme Nicole TRISSE France

Mr Andreas NICK Germany / Allemagne

Ms Dora BAKOYANNIS Greece / Grèce

Mr Zsolt NEMETH Hungary / Hongrie

Ms Rósa Björk BRYNJÓLFSDÓTTIR	Iceland / Islande
Ms Fiona O'LOUGHLIN	Ireland / Irlande
Mr Alvis MANIERO	Italy / Italie
Ms Inese LIBINA-EGNERE	Latvia / Lettonie
Ms Susanne EBERLE-STRAUB	Liechtenstein
Mr Emanuel MALLIA	Malta / Malte
Mr Arkadiusz MULARCZYK (representing the Chairperson / <i>représentant le Président</i>)	Poland / Pologne
M. Petr TOLSTOI	Russian Federation / Fédération de Russie
Mr Antonio GUTIÉRREZ	Spain / Espagne
Mr Ahmet YILDIZ	Turkey / Turquie
Ms Yelyzaveta YASKO	Ukraine
Sir Roger GALE	United Kingdom / Royaume-Uni
Mr Ruben RUBINYAN	Armenia / Arménie
Mr José BADIA	Monaco
Mr Lars Aslan RASMUSSEN	Denmark / Danemark
Mr Gusty GRAAS	Luxembourg
Ms Ingjerd SCHOU	Norway / Norvège
Mr Pierre-Alain FRIDEZ	Switzerland / Suisse

Ex-officio members of the Bureau / membres ex-officio du Bureau

Ms Theodora BAKOYANNIS	Greece / Grèce
Mr Andreas NICK	Germany / Allemagne
Mr Zsolt NÉMETH	Hungary / Hongrie

Chairperson of the Committee on Political Affairs and Democracy /

Présidente de la Commission des questions politiques et de la démocratie

Dame Cheryl GILLAN	United Kingdom / Royaume-Uni
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Chairperson of the Committee on Legal Affairs and Human Rights /

Président de la Commission des questions juridiques et des droits de l'homme

Mr Boriss CILEVIČS	Latvia / Lettonie
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Chairperson of the Committee on Social Affairs, Health and Sustainable Development /

Président de la Commission des questions sociales, de la santé et du développement durable

M. Luis LEITE RAMOS	Portugal
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Chairperson of the Committee on Migration, Refugees and Displaced Persons /

Président de la Commission des migrations, des réfugiés et des personnes déplacées

M. Pierre-Alain FRIDEZ	Switzerland / Suisse
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Chairperson of the Committee on Culture, Science, Education and Media /

Président de la Commission de la culture, de la science, de l'éducation et des médias

M. Olivier BECHT	France
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Chairperson of the Committee on Equality and Non-Discrimination /

Présidente de la Commission sur l'égalité et la non-discrimination

Ms Petra BAYR	Austria / Autriche
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Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) /

Président de la Commission pour le respect des obligations et engagements des États membres du Conseil de l'Europe (commission de suivi)

Mr Michael Aastrup JENSEN	Denmark / Danemark
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**Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs /
Présidente de la Commission du Règlement, des immunités et des affaires institutionnelles**

Ms Ingrid SCHOU Norway / Norvège

Rapporteurs (not members of the Standing Committee / non-membres de la Commission permanente)

Mr Ziya ALTUNYALDIZ	Turkey / Turquie
Mr Aleksandr BASHKIN	Russian Federation / Fédération de Russie
Ms Deborah BERGAMINI	Italy / Italie
Mr Koloman BRENNER	Hungary / Hongrie
Mr Roland Rino BÜCHEL	Switzerland / Suisse
Mr Thomas HAMMARBERG	Sweden / Suède
Mr John HOWELL	United Kingdom / Royaume-Uni
M. Christophe LACROIX	Belgium / Belgique
Ms Yuliya LOVOCHKINA	Ukraine
Mr Joseph O'REILLY	Ireland / Irlande
Ms Selin SAYEK BÖKE	Turkey / Turquie
Mr Stefan SCHENNACH	Austria / Autriche
M. Boguslaw SONIK	Poland / Pologne
Ms Petra STIENEN	Netherlands / Pays-Bas
Mr Vladimir VARDANYAN	Armenia / Arménie

**Other members of the Parliamentary Assembly, Observers and Partners for Democracy /
Autres membres de l'Assemblée parlementaire, Observateurs et Partenaires pour la démocratie**

Mr Sos AVETISYAN	Armenia / Arménie
Ms Tatevik HAYRAPETYAN	Armenia / Arménie
Mr Hovhannes IGITYAN	Armenia / Arménie
Mr Edmon MARUKYAN	Armenia / Arménie
Mr Mikael MELKMYAN	Armenia / Arménie
Ms Naira ZOHRABYAN	Armenia / Arménie
Mr Eduard KÖCK	Austria / Autriche
Ms Stefanie KRISPER	Austria / Autriche
Ms Nigar ARPADARAI	Azerbaijan / Azerbaïdjan
Ms Sevink FATALIYEVA	Azerbaijan / Azerbaïdjan
Mr Erkin GADIRLI	Azerbaijan / Azerbaïdjan
Mr Tural GANJALIYEV	Azerbaijan / Azerbaïdjan
Mr Kamal JAFAROV	Azerbaijan / Azerbaïdjan
Mr Asim MOLLAZADA	Azerbaijan / Azerbaïdjan
Mr Hamid HAMID	Bulgaria / Bulgarie
Mr Constantinos EFSTATHIOU	Cyprus / Chypre
Mr George LOUCAIDES	Cyprus / Chypre
Mr Urmas REITELMANN	Estonia / Estonie
Mr Raivo TAMM	Estonia / Estonie
Ms Vilja TOOMAST	Estonia / Estonie
Ms Inka HOPUSU	Finland / Finlande
Mr Mika NIIKKO	Finland / Finlande
Ms Minna REIJONEN	Finland / Finlande
Ms Anne-Mari VIROLAINEN	Finland / Finlande
M. Bertrand BOUYX	France
Mme Catherine KAMOWSKI	France
Mme Marietta KARAMANLI	France
Mme Martine LEGUILLE-BALLOY	France
Mme Alexandra LOUIS	France
M. Frédéric REISS	France

Mme Liliana TANGUY	France
Mme Laurence TRASTOUR-ISNART	France
Mme Martine WONNER	France
Mr Andrej HUNKO	Germany / Allemagne
Mr Kakhaber KUTCHAVA (Replacing Mr Irakli KOBAKHIDZE / remplace M. Irakli KOBAKHIDZE)	Georgia / Géorgie
Mr Tasos CHATZIVASILEIOU	Greece / Grèce
Mr Socratis FAMELLOS	Greece / Grèce
Mr Dimitris KAIRIDIS	Greece / Grèce
Mr George KATROUGKALOS	Greece / Grèce
Mr George PAPANDEOU	Greece / Grèce
Ms Hajnalka JUHASZ	Hungary / Hongrie
Mr Barna Pal ZSIGMOND	Hungary / Hongrie
Ms Roisin GARVEY	Ireland / Irlande
Mr Paul GAVAN	Ireland / Irlande
Ms Emer HIGGINS	Ireland / Irlande
Mr Piero FASSINO	Italy / Italie
Mr Andrea ORLANDO	Italy / Italie
Mr Emanuelis ZINGERIS	Lithuania / Lituanie
Ms Françoise HETTO-GAASCH	Luxembourg
Mme Brigitte BOCCONE-PAGES	Monaco
M. Daniel BOERI	Monaco
Mme Béatrice FRESKO-ROLFO	Monaco
Ms Margreet DE BOER	Netherlands / Pays-Bas
Ms Reina DE BRUIJN-WEZEMAN	Netherlands / Pays-Bas
Mr Ruud KOOLE	Netherlands / Pays-Bas
Mr Bob VAN PAREREN	Netherlands / Pays-Bas
Mr Morten WOLD	Norway / Norvège
Mr Daniel MILEWSKI	Poland / Pologne
Mr Andrzej SZEJNA	Poland / Pologne
Ms Edite ESTRELA	Portugal
Mr Carlos Alberto GONÇALVES	Portugal
Mr Paulo PISCO	Portugal
Mr Titus CORLĂȚEAN (replacing Mr Liviu-Marian POP / remplace M. Liviu-Marian POP)	Romania / Roumanie
Mr Andrey EPISHIN	Russian Federation / Fédération de Russie
Mr Sergey KISLYAK	Russian Federation / Fédération de Russie
Ms Alfia KOGOGINA	Russian Federation / Fédération de Russie
Mr Vladimir KOZHIN	Russian Federation / Fédération de Russie
Mr Vladimir KRUGLYI	Russian Federation / Fédération de Russie
Mr Maxim KUDRYAVTSEV	Russian Federation / Fédération de Russie
Mr Sergei PAKHOMOV	Russian Federation / Fédération de Russie
Ms Irina RODNINA	Russian Federation / Fédération de Russie
Mr Roman ROMANENKO	Russian Federation / Fédération de Russie
Mr Shamsail SARALIEV	Russian Federation / Fédération de Russie
Mr Leonid SLUTSKY	Russian Federation / Fédération de Russie
Ms Tadeja ŠUŠTAR	Slovenia / Slovénie
Ms Marisa BUSTINDUY	Spain / Espagne
Ms Laura CASTEL	Spain / Espagne
Ms Marta GONZÁLEZ VÁZQUEZ	Spain / Espagne
Ms Carmen LEYTE	Spain / Espagne
Ms María Valentina MARTÍNEZ FERRO	Spain / Espagne
Mr Gonzalo ROBLES	Spain / Espagne

Mr Adnan DIBRANI	Sweden / Suède
Ms Annicka ENGBLOM	Sweden / Suède
Mr Momodou JALLOW	Sweden / Suède
Ms Ola MÖLLER	Sweden / Suède
Ms Carina OHLSSON	Sweden / Suède
Ms Azadeh ROJHAN GUSTAFSSON	Sweden / Suède
Mr Markus WIECHEL	Sweden / Suède
Ms Siebel ARSLAN	Switzerland / Suisse
M. Damien COTTIER	Switzerland / Suisse
Mr Hannes GERMANN	Switzerland / Suisse
M. Jean-Pierre GRIN	Switzerland / Suisse
Mr Niklaus-Samuel GUGGER	Switzerland / Suisse
Mr Alfred HEER	Switzerland / Suisse
M. Christian LEVRAT	Switzerland / Suisse
Mme Ada MARRA	Switzerland / Suisse
Mr Kamil AYDIN	Turkey / Turquie
Ms Sena Nur ÇELİK	Turkey / Turquie
Mr Mehmet Mehdi EKER	Turkey / Turquie
Mr Yunus EMRE	Turkey / Turquie
Ms Emine Nur GÜNAY	Turkey / Turquie
Mr Ahmet Haluk KOÇ	Turkey / Turquie
Mr Hişyar ÖZSOY	Turkey / Turquie
Mr Halil ÖZŞAVLI	Turkey / Turquie
Mr Zeki Hakan SIDALI	Turkey / Turquie
Ms Feleknas UCA	Turkey / Turquie
Ms Serap YAŞAR	Turkey / Turquie
Ms Zeynep YILDIZ	Turkey / Turquie
Mr Duncan BAKER	United Kingdom / Royaume-Uni
Ms Hannah BARDELL	United Kingdom / Royaume-Uni
Ms Theo CLARKE	United Kingdom / Royaume-Uni
Mr Jeremy CORBYN	United Kingdom / Royaume-Uni
Lady Diana ECCLES	United Kingdom / Royaume-Uni
Lord George FOULKES	United Kingdom / Royaume-Uni
Lord Leslie GRIFFITHS	United Kingdom / Royaume-Uni
Ms Ruth JONES	United Kingdom / Royaume-Uni
Mr Tony LLOYD	United Kingdom / Royaume-Uni
Baroness Doreen MASSEY	United Kingdom / Royaume-Uni
Mr Gagan MOHINDRA	United Kingdom / Royaume-Uni
Ms Kate OSAMOR	United Kingdom / Royaume-Uni
Lord Simon RUSSELL	United Kingdom / Royaume-Uni
Ms Gabriela BENAVIDES COBOS	Mexico / Mexique
Mr José Luis PECH VÁRGUEZ	Mexico / Mexique
M. Allal AMRAOUI	Morocco / Maroc

Invited personalities / Personnalités invitées

Mr Miltiadis VARVITSIOTIS	Alternate Minister of Foreign Affairs of Greece, Chairman of the Committee of Ministers of the Council of Europe / Ministre délégué aux Affaires européennes de la Grèce, Président du Comité des Ministres du Conseil de l'Europe
Mr Angel GURRÍA	Secretary-General of the OECD / Secrétaire général de l'OCDE
Ms Dunja MIJATOVIĆ	Council of Europe Commissioner for Human Rights / Commissaire aux droits de l'homme du Conseil de l'Europe

Secretaries of National Delegations / Secrétaires de délégations nationales

Mr Erick GARASA	Andorra / Andorre
Ms Karine SHIMSHIRYAN	Armenia / Arménie
Mr Georg MAGERL	Austria / Autriche
Mr Arjen WESTERHOFF	Austria / Autriche
Mr Emin MAMMADOV	Azerbaijan / Azerbaïdjan
Mme Sonja LANGENHAECK	Belgium / Belgique
Mr Adnan BEŠIĆ	Bosnia and Herzegovina / Bosnie-Herzégovine
Ms Adisa FIŠIĆ-BARUKČIJA	Bosnia and Herzegovina / Bosnie-Herzégovine
Ms Maria YANEVA	Bulgaria / Bulgarie
Ms Martina PETEK-STUPAR	Croatia / Croatie
Ms Gabriella MARANGOU D'AVERNAS	Cyprus / Chypre
Ms Elena PERSIANI	Cyprus / Chypre
Ms Veronika KRUPOVÁ	Czech Republic / République tchèque
Mr Kenneth FINSEN	Denmark / Danemark
Ms Kamilla KJELGAARD	Denmark / Danemark
Ms Eva VALIUS	Estonia / Estonie
Ms Gunilla CARLANDER	Finland / Finlande
Ms Maria FAGERHOLM	Finland / Finlande
Ms Marjo RANTASOLA	Finland / Finlande
M. Xavier MOAL	France
Mme Claire MOISSET	France
Mme Frédérique PAWLOFF	France
M. Laurent SAUNIER	France
Mr Harald BERWANGER	Germany / Allemagne
Mr Michael HILGER	Germany / Allemagne
Ms Klara SCHEIDECK	Germany / Allemagne
Ms Susanne WALDHAUSER	Germany / Allemagne
Ms Aikaterini KARTSAKLI	Greece / Grèce
Ms Panagiota MICHA	Greece / Grèce
Ms Voula SYRIGOS	Greece / Grèce
Ms Foteini TSOUNI	Greece / Grèce
Ms Judit GOTSCHALL	Hungary / Hongrie
Ms Bylgja ÁRNADÓTTIR	Iceland / Islande
Ms Eileen LAWLOR	Ireland / Irlande
Ms Fabrizi BIENTINESI	Italy / Italie
Mr Giuseppe TREZZA	Italy / Italie
Mr Martins OLEKSS	Latvia / Lettonie
Ms Sandra GERBER-LEUENBERGER	Liechtenstein
Ms Selija LEVIN	Lithuania / Lituanie
M. Yves CARL	Luxembourg
Ms Anna SCHEMBRI COLEIRO	Malta / Malte
Ms Victoria CAMPANA	Monaco
Ms Femmy BAKKER-DE JONG	Netherlands / Pays-Bas
Mr Arjen WESTERHOFF	Netherlands / Pays-Bas
Ms Dorthe BAKKE	Norway / Norvège
Mr Eric CHRISTENSEN	Norway / Norvège
Ms Anita HELLAND KJUS	Norway / Norvège
Mr Redjep PREKOPUCA	North Macedonia / Macédoine du Nord
Mr Artur ZANIEWSKI	Poland / Pologne
Ms Ana GUAPO	Portugal
Mme Rodica IOVU	Republic of Moldova / République de Moldova
Ms Alina ILIE	Romania / Roumanie
Ms Carmen IONESCU	Romania / Roumanie

Mr Ravzan TANASE	Romania / Roumanie
Mr Pavel ERMOSHIN	Russian Federation / Fédération de Russie
Ms Anna KUCHEREVSKAYA	Russian Federation / Fédération de Russie
Mr Valery LEVITSKIY	Russian Federation / Fédération de Russie
Ms Maria NIKULINA	Russian Federation / Fédération de Russie
Mme Lucia MARFORI	San Marino / Saint-Marin
Ms Alja ŠKIBIN	Slovenia / Slovénie
Mr Diego GARCIA	Spain / Espagne
Ms Teresa GÓMEZ-BERNARDO	Spain / Espagne
Ms Petra SJÖSTRÖM	Sweden / Suède
Ms Anna Lea GNAEGI	Switzerland / Suisse
Mr Daniel ZEHNDER	Switzerland / Suisse
Mr Kenan ARPACIOĞLU	Turkey / Turquie
Mr Hakan MURAT	Turkey / Turquie
Mr Arda OZANSOY	Turkey / Turquie
Mr Semih Emre ÖZER	Turkey / Turquie
Mr Iaroslav ZHYDENKO	Ukraine
Ms Zainab BALOGUN	United Kingdom / Royaume-Uni
Mr Nicholas WRIGHT	United Kingdom / Royaume-Uni

Mr Yaron GAMBURG	Israel / Israël
M. Youssef AIT ZEDDIB	Morocco / Maroc

Secretaries of Political Groups / Secrétaires des groupes politiques

Ms Francesca ARBOGAST	SOC
Ms Marianna NTALLA	SOC
Ms Denise O'HARA	EPP/CD / PPE/DC
Ms Maria BIGDAY	ALDE / ADLE
Mr Tom VAN DIJCK	EC/DA / CE/AD
Ms Anna KOLOTOVA	UEL / GUE

Secretariat of the Parliamentary Assembly / Secrétariat de l'Assemblée parlementaire

Mr Wojciech SAWICKI	Secretary General / Secrétaire Général
Ms Marja RUOTANEN	Director of Committees / Directrice des commissions
Mr Alfred SIXTO	Head of the Table Office / Chef du Service de la Séance
Mme Valérie CLAMER	Deputy Head of the Table Office / Chef adjointe du Service de la Séance
Ms Liri KOPACI-DI MICHELE	Head of the Private Office / Cheffe de Cabinet
Ms Micaela CATALANO	Head of the Communication Division / Cheffe de la Division de la communication
Mme Isild HEURTIN	Head of the Secretariat of the Bureau / Cheffe du Secrétariat du Bureau
Ms Kateryna GAYEVSKA	Secretary of the Standing Committee and the Bureau / Secrétaire de la Commission permanente et du Bureau
Mme Martine MEYER	Administrative assistant of the Standing Committee / Assistante administrative de la Commission permanente
Mme Rachel MOREL	Principal administrative assistant of the Table Office / Assistante administrative principale du Service de la Séance
Mme Annick SCHNEIDER	Assistant to the Secretary General / Assistant to the Bureau Assistante du Secrétaire Général / Assistante du Bureau
Mme Aurélie HAUG	Assistant of the Table Office / Assistante du Service de la Séance
Mme Frédérique BONIFAIX	Assistant of the Private Office / Assitante de Cabinet

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Ms Gabriella BATTAINI-DRAGONI Deputy Secretary General of the Council of Europe /
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Mr Bjorn BERGE Secretary to the Committee of Ministers / Secrétaire du Comité des Ministres
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des Ministres
Ms Geneviève MAYER Deputy to the Secretary to the Committee of Ministers / Adjointe au Secrétaire
du Comité des Ministres
Mr Alexander GUESSEL Director, Directorate of Political Affairs / Directeur, Direction des affaires
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Ms Isil GACHET Director of the Office of the Commissioner for Human Rights / Directrice du
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General / Conseiller, Cabinet de la Secrétaire Générale et de la Secrétaire
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