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# Monday, January 23, 2017

## Requests for debates under urgent procedure and on current affairs

The PRESIDENT – Before we examine the draft agenda, the Assembly needs to consider requests for debates under urgent procedure and on current affairs. The Bureau has received the following: two requests for an urgent debate on the subject of “The functioning of democratic institutions in Turkey”, from the Monitoring Committee and the Committee on Political Affairs and Democracy; a request for an urgent debate on the subject of “The need to reform European migration policies” from the European Conservative Group; and a request from the United Kingdom delegation for a current affairs debate on the “The situation in Syria and its effects upon surrounding countries”.

      Taking the first request for an urgent procedure debate, on “The functioning of democratic institutions in Turkey”, the Bureau agreed at its meeting this morning to recommend to the Assembly that this request be rejected. Is the Bureau’s recommendation accepted?

      There is an objection to the Bureau’s recommendation on the request for an urgent procedure debate on “The functioning of democratic institutions in Turkey”. We must therefore proceed to a vote. On this question only the following may be heard: one speaker for the request, one speaker against and a representative of the Bureau.

      Who wishes to speak in favour of holding this debate? I call Mr Kox.

      Mr KOX (Netherlands) – Normally I would follow the wisdom of the Bureau, of which I am a member, but now we have a recommendation from two main Committees – the Committee on Political Affairs and Democracy and the Monitoring Committee – and a proposal from an Ad Hoc Committee of all five political groups that we sent to Turkey. The urgent debate is endorsed by the two co-rapporteurs of the Monitoring Committee. If such a broad section of this Assembly says that it wants to debate the functioning of democratic institutions in Turkey this week, I do not think that it is appropriate for the Bureau to say no. The decision not to have the debate rested on a majority of only one vote, so I urge the Assembly to vote in favour of the debate.

## Debate: Progress Report of the Bureau and the Standing Committee; Observation of the presidential election in Bulgaria (6 and 13 November 2016); and Observation of the early parliamentary elections in “the former Yugoslav Republic of Macedonia” (11 December 2016)

***Mr KOX (Netherlands, Spokesperson for the Group of the Unified European Left) – I, too, wish everybody a happy new year. I pay my compliments to the rapporteur, Michele Nicoletti, for his progress report, but we will need a lot of luck if we want to make this year a happy new year.***

      Today, we have three bad signals. The first is the corruption that may have taken place in the Assembly. This is a horrible threat to us all here. We have to be aware that any allegations of corruption are allegations against all of us. I am happy that the President today instructed the Rules Committee to take a lead and investigate the allegations. I am also happy that Mr Liddell-Grainger is supportive. The Rules Committee should now investigate and, after it has reported, we should have a debate in the Assembly. This issue should be a part of Mr Nicoletti’s report, with regard to the upcoming fourth summit, into how our Assembly should function. If we do not behave, we will not be in a position to order others to behave.

      The second bad signal is that the biggest member State did not present its delegation to the Assembly, so in the coming year we will not be able to talk with our Russian colleagues about major European developments. The issue relates to our rules and credentials, so I ask the rapporteur to consider this matter, too. We should review our rules to ensure that all countries and parliaments are represented here.

      The third element that makes today a bad day and a sad day is that two of our major committees want an urgent debate on the functioning of the democratic institutions in Turkey. All the rapporteurs we sent, on behalf of all the political groups, also want a debate. The majority of Assembly members want a debate. Many of my colleagues in the Turkish delegation – Mr Küçükcan forgot to mention this – would love to have this debate, because next time they could be in prison and not be able to hear it. For the rules to prevent us from having a debate, even though the majority want it, is a very bad start to the year. I ask Mr Nicoletti to respond to this point. The rules are old fashioned. If a majority of Assembly members want something, it should happen. The rules should not prohibit debate on this important issue.

      Despite all the bad things happening on the first day of our meeting, I hope this year will nevertheless be a happy year. My group will do everything possible to contribute to that.

      The PRESIDENT – Thank you very much, Mr Kox. The rapporteur, I imagine, will reply at the end of the debate. I remind that him that he has just one minute.

## Communication from the Committee of Ministers

Mr VILLUMSEN (Denmark, Spokesperson for the Group of the Unified European Left) – Today there was a vote on an urgent procedure debate on Turkey, which was unfortunately was rejected, even though there was a majority in this plenary in favour, albeit not the two-thirds majority needed. I would therefore like to hear whether you agree that it is important to put pressure on Turkey to secure fundamental human rights and what your proposals are for doing so.

      Mr KASOULIDES – First, I fully respect the decision taken by the Parliamentary Assembly. As Chairman of the Committee of Ministers, I do not wish to interfere in the work or responsibilities of the Parliamentary Assembly. It is essential that each institution in the Council of Europe fully respects each other and stays away from those areas that fall within the remit of another institution. However, if you would like a general comment about the state of emergency in Turkey, I would say that the Committee of Ministers has been closely following the situation since the coup attempt in July.

      As was pointed out, from the beginning we have condemned strongly the attempted coup d’état. It is legitimate that those who have organised and taken part in the attempted coup are brought to justice, but at the same time extreme care must be taken to respect the rights guaranteed by the European Convention on Human Rights, in particular the right to a fair trial, and to avoid any indiscriminate action that would target people who had nothing to do with the coup. A transparent, independent and impartial judicial process is essential. It is also particularly important that effective domestic remedies for possible violations of human rights standards are in place and that the decisions taken in Ankara – as I expect you will hear in the news from the Secretary General – go in the right direction. Respect for freedom of expression and of the media, as well as freedom of association and assembly, is another core principle. Finally, securing effective political pluralism is vital, and democratically elected representatives must be able to perform their functions freely at both national and local levels.

      This message has been conveyed a number of times to the Turkish authorities. The first opportunity was the exchange of views that the Ministers’ Deputies had with Minister Çavuşoğlu last September. The message was reiterated again recently. It is essential that Turkey abides by its commitments, and the Council of Europe should continue to provide its valuable assistance to this end. I trust that the Turkish authorities will pay due attention to the concerns expressed by the Venice Commission in its opinion of last December on the emergency decree laws.

      As far as the issue of the death penalty is concerned, a major achievement of our Organisation has been the establishment of a death penalty-free zone in Europe. Re-establishing the death penalty would be a major setback. In the case that such a step were taken, I cannot prejudge the reaction of the Committee of Ministers, but this is indeed a cause for grave concern.

***Mr KYRITSIS (Greece)\* – I would like to wish you every success, Minister, in your role. The Council of Europe is the guardian of fundamental freedoms and human rights, and it must continue its work, but we have seen a great deal of pressure and controversy aimed at it. What are you planning to do to resist that?***

      Regarding Mr Kyritsis’s question on the manifest deterioration of human rights in the countries of the Council of Europe and in the world, in view of the numerous challenges before us, we need more human rights, not less. What are we going to do? First, on conflicts – particularly frozen conflicts – there is not much to do, because the Council of Europe does not interfere with them. They are treated with other bodies, and most are within the responsibility of the OSCE. Many of its members that have joined the Council of Europe have promised that the settlement of dispute will take place through peaceful means. Secondly, the Council of Europe can offer expertise, advice and suggestions for confidence-building measures in order to aid societies facing these current problems.

      There is something to add. The particular issue of the deterioration of the level of democracy and human rights in our area will be the subject of the ministerial meeting taking place in Nicosia. Social issues such as unemployment, poverty and social exclusion; issues pertaining to extremism, radicalisation of youth and racism; and issues pertaining to immigration and asylum seeking and its results will be dealt with during that conference, along with the political consequences of those phenomena. Democratic education and education for democratic security will also be the subject of the chairmanship once more, as a continuation from the Belgian chairmanship, at the meeting of the ministers of education in Nicosia next month.

# Tuesday, January 24, 2017

## Address by Mr Nicos Anastasiades, President of Cyprus

*Mr ANASTASIADES (President of Cyprus)\* – Mr President, Secretary General of the Council of Europe, esteemed members of the Parliamentary Assembly, ladies and gentlemen, please allow me to begin by expressing my particular joy. It is a great pleasure to be here, and I thank you for the invitation to address the Parliamentary Assembly of the Council of Europe. My joy is all the greater because we are in the middle of the Cypriot chairmanship of the Council of Europe. My presence here is proof of the importance that the Republic of Cyprus places on the Council of Europe and on the role that this institution plays in building and strengthening respect for the principles and core values of European culture.*

*With the European Convention on Human Rights as a cornerstone, the Council of Europe has developed a number of bodies, at the forefront of which is the European Court of Human Rights, that play an essential role in the promotion and protection of respect for the individual rights and liberties of all those who live in Europe and outside it. The existence of European legal culture is one of the great achievements of European citizens, so the Republic of Cyprus places particular importance on the Court’s role as a guardian of the Convention and sees it as a unique mechanism for the protection of rights. The Court’s rulings have to be implemented completely and unconditionally by all member States; that is not only an obligation on them all but a necessary condition for the strengthening of the rule of law in the countries of the Council of Europe. A decisive role is played by the Parliamentary Assembly, as the only forum in which democratic dialogue takes place between the 47 members of the Council of Europe. It is a bridge between the people of Europe, embracing cultural diversity, promoting mutual understanding and forging consensus. We will push forward on that front during Cyprus’s chairmanship, to promote publicly the role that the Council of Europe can play in responding to the major challenges that Europe confronts collectively.*

*Accession to the Council of Europe in 1961 was one of the first decisions of the newly formed Republic of Cyprus. It constituted an indication of a deep commitment to the principles and core values of the Council of Europe: the establishment of democratic institutions, the rule of law and the importance of solidarity between member States. Another important step for the Republic of Cyprus was the ratification in October 1962 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which has been incorporated into national legislation of the highest importance. Since then, Cyprus has ratified more than 135 conventions of the Council of Europe. It voluntarily participates in all monitoring mechanisms, which has led to the strengthening of the rule of law and respect for human rights in Cyprus.*

*The major challenges that Europe confronts today – the economic crisis, terrorism, waves of migrants – have created an atmosphere of insecurity and uncertainty among our citizens. Unfortunately, we have seen the resurgence of some frightening phenomena. Xenophobic and other kinds of hate speech, populism and extremist elements are on the rise. In that context, #NoHateNoFear – your initiative, Mr President, and that of the Parliamentary Assembly – and any actions in that direction are of particular importance, and I would like to take this opportunity to thank you.*

*The particular message that the Republic of Cyprus wants to deliver during its chairmanship is one of strengthening democratic security in Europe. We have to work on the basis of common values to strengthen our democratic structures and the rule of law, create open societies that embrace pluralism and tolerance, and oppose any forms of fanaticism and intolerance. Cyprus’s chairmanship places primary importance on advancing those issues, which are the basic pillars of the Council of Europe and are also core values of the European Union.*

*Esteemed President, with all the challenges that Europe has to confront today, the moment has come for us to be part of a constructive, creative dialogue, to look at our citizens’ concerns, take them to heart and find some way of solving our problems. Through our political actions, we have to make the concept of the active citizen a reality. Education is particularly important; educating citizens with democratic consciousness and awareness is another priority of our chairmanship. Dialogue, co-operation and the creation of a culture of peaceful coexistence are exceptionally important if we are to cultivate and instil the idea of an active citizen with a critical mind, a constructive approach, a democratic ethos, diligence, solidarity and tolerance of diversity. As our experience in Europe has shown, the promotion of those fundamental rights constitutes the essence of European identity.*

*By strengthening European structures and investing in the process of European integration with absolute respect for the principles and values of Europe, our continent has succeeded in dealing with the numerous challenges that have emerged since the Second World War. The need for a deeper level of democratic security in Europe today requires maintaining that continuum of effective co-operation not only at a national but at a regional level and in co-operation with international organisations. Co-operation between the Council of Europe and the European Union has been particularly successful in promoting common values and aims, not only in the continent of Europe but in neighbouring regions. The Council of Europe’s co-operation with the UN, the OSCE and other international organisations is equally important and has added value to achieving those common goals.*

*Mr President, esteemed members of the Parliamentary Assembly, I would like to express my absolute satisfaction and my warmest thanks, because the Assembly has adopted a whole raft of resolutions and recommendations for restoring justice and for a peaceful resolution of a problem that is truly European: the Cyprus issue. I cannot but point out the very important resolutions and recommendations issued by your body and the various rulings of the European Court of Human Rights that mention various facets of the Cyprus issue, such as the major humanitarian crisis, with individuals missing, trapped in enclaves or displaced; the closed zone of Famagusta; the destruction of cultural heritage; and the distortion and alteration of the democratic process because of settlers in the northern part of the island.*

*I could not appear here before you without mentioning the new efforts being made right now in order to achieve some sort of resolution of the totally unacceptable state of affairs that has prevailed on Cyprus over the past 43 years. I would like to be clear on this. My intent is not to blame this, that or the next party. What I would like to do is inform you of the progress that has been achieved and the various problems we continue to confront. Over the past 20 months, we have made a new effort, and I must admit there has been progress on the chapters of governance, the division of authority, economy and the European Union and, to a lesser extent, the chapter on property. Although there has been considerable progress, there continue to be differences and different views on numerous issues that concern the aforementioned chapters, the most important of which involves the properties issue.*

*Over the past couple of months we have focused our efforts on a discussion on two decisive chapters: territorial adjustments, and security and guarantees. On the issue of safety and security in Europe, allow me to pause on the chapter that concerns security and guarantees, which touches on the international dimensions of the Cyprus issue. One cannot mention Cyprus’s security without referring to the 1960 Treaty of Guarantee, signed by the Republic of Cyprus and Turkey, Greece and the UK, who were the guarantor powers. I also feel the need to mention, and I have to accept, that unfortunately the source of the problems that we confront today was just that: the Treaty of Guarantee, which unfortunately gave the impression to its custodians – the guarantors, as it were – that they had the right to intervene in the internal affairs of the newly established State. The culmination of that was the Turkish invasion of 1974. The pretext was to restore constitutional order following the coup d’état orchestrated by the junta in Athens; of course, that led to the Turkish invasion.*

*Unfortunately, rather than restoring a constitutional order, Turkey violently took over the northern part of the island – 37% of the entire island of the Republic of Cyprus – forcing 167 000 Greek Cypriots, about a third of the population, to abandon their homes and move to the southern part of the island: the part under the control of the Republic of Cyprus. Given those events, we feel that similar such anachronistic adjustments can only create problems. They cannot constitute a response to any sort of concerns – justified or not – that may exist on either side. At the same time, and without ignoring the need for the security of one community not to constitute a threat to the other community, with that in mind we have submitted a comprehensive proposal that we feel effectively confronts the concerns of both communities.*

*Allow me to focus on what has been agreed upon already – this will constitute a cornerstone of the final agreement on the resolution of the Cyprus issue. Among those points – these are points of convergence and core principles of the agreement – are that, first, the internal structure of the Republic of Cyprus will be on the basis of a bizonal communal structure with political equality of the two communities. Secondly, the independence and territorial integrity of the united Cyprus will be ensured totally on the basis of international law and the UN Charter – and, of course, since Cyprus is a member of the European Union, the acquis communautaire plays a role as well.*

*Thirdly, there are constitutional provisions that will strictly prohibit succession or unification of part of the island by a third country. Fourthly, in order to secure bizonality, each of the constituent parts will have administrative limits. Fifthly, in order to secure bi-communality and political equality, it is not permitted for the federal government to intervene in the internal affairs of one or both of the constituent parts.*

*Another element is for effective participation in governance of the State to be secured by both communities in order to have an effective decision-making structure. That has been set up in such a fashion that we will avoid having a situation in which one community imposes itself on the other. As a result, first, any sort of military guarantee – or, worse than that, the right to intervene militarily on the part of a third country – is not only unnecessary but would constitute an anachronism. Furthermore, that would violate the independence and sovereignty of an independent country that is a member of the UN, the EU, the Council of Europe and numerous other international organisations and violate the Charter of the United Nations and international law. Secondly, considering that the situation today is totally different from that in 1960 – or 1974, for that matter – any sort of presence of Turkish military forces or guarantee forces, or guaranteed rights for Turkey, would work contrary to the Greek Cypriot community; simply because of the strength and geographic distance of Turkey, that would be considered a constant threat to Greek Cypriots.*

*Thirdly, putting one community or the other under the custodianship or influence of a guarantor would be a factor for instability that could create the possibility for succession and strengthen tendencies of an irredentist nature. That would create a total lack of the political balance that is desired, and there would be that sense of one community’s superiority over the other. As a result, we would have not consensus but rather essentially a dead-end and destabilisation. Furthermore, that is incompatible with the basic course of sovereignty and that of the international entity, which every single country has. In such a situation, it would be totally unacceptable if a third country were to be invited to intervene and violate the country’s independence, sovereignty and territorial integrity. I cannot provide clearer examples on that. It would be as if the Russian Federation were invited to guarantee the independence of Estonia or Latvia, or if one of the federal states of Germany asked for another country to be one of its guarantors. I think you can clearly understand what the problems are.*

*In the immediate future, the steps taken on resolving the Cyprus issue will be extremely decisive. I am absolutely sure that if all of the parties involved and, specifically – I say this not critically – Turkey also come forward with creative and constructive proposals, we can achieve resolution of the Cyprus issue on the basis and within the framework of core European principles and values. I would like to repeat once again my determination to work towards achieving a resolution that would truly re-unify the Republic of Cyprus, but which, more importantly, would protect all its citizens, Greek Cypriots and Turkish Cypriots, creating a modern State that is compatible with everything that is necessary and desired by the European Union and creating the prospects for peaceful coexistence between the inhabitants of the island. We are certain that a resolution of the Cyprus problem on the basis of the principles of the Council of Europe, respecting liberties and human rights, is a condition of creating democratic security and safety in Europe and the south-eastern Mediterranean region.*

*In closing, let me thank and congratulate you warmly on the ever so arduous task that you perform. The work that you do here in the Assembly is extremely valuable. The Republic of Cyprus will continue to give its support and to contribute in every possible way to achieve those common goals for a Europe that we all dream of – a Europe of democracy, freedom, liberty and justice, but also a human Europe: a Europe of culture and tolerance. Ladies and gentlemen, thank you very much.*

      The PRESIDENT – Thank you very much, Mr President, for a most interesting address. Members of the Assembly now have questions to put to you. I remind them that questions must be limited to no more than 30 seconds. Colleagues, you must please ask questions, not make speeches. I will now allow one question from each of the political groups.

***Mr OVERBEEK (Netherlands, Spokesperson for the Group of the Unified European Left) – Mr President, thank you for your informative presentation. As you made clear, one of the key issues is security. You also made it clear that the existing guarantor system can no longer function in the future. It is to be expected that the United Nations will have a role to play in the future arrangements. Could you please elaborate on the various scenarios that are being discussed – the Kosovo scenario, the Northern Ireland scenario, and so forth?***

      The PRESIDENT – Thank you, Mr Overbeek. I ask members to keep to 30 seconds.

      Mr ANASTASIADES\* – I fully agree with you. As I mentioned, under the comprehensive proposal to deal with the various concerns of one community or the other, it is of course foreseen that the UN Security Council will have to adopt a very strong resolution indeed, under Article 7, so that all citizens feel that the international community is following and at the same time intervening, if necessary of course, to secure peace and adhere to the various principles adopted by both constituent parties for the respect of human rights.

***Ms KAVVADIA (Greece)\* – Mr President, welcome. We have been following the negotiations with great interest, and the people of Cyprus – Turkish Cypriots and Greek Cypriots – appear to be moving along more decisively than ever. Of course, your role has been extremely important in that. The situation right now is not the best because there is an existential crisis in the air, particularly given that the core principles and values of the European Union are being tested. Do you feel that a reunified Cyprus will create a wonderful example of tolerance for the rest of Europe?***

      Mr SABELLA (Palestine, Partner for Democracy) – Mr President, there was talk about a role for Cyprus, given its problems, in resolving the Israeli-Palestinian conflict and for practical arrangements to be made between Cyprus and the Gaza Strip under the Palestinian National Authority. Is this realistic or simply wishful thinking?

      Mr ANASTASIADES\* –       On the question of getting rid of the sanctions, the first point is that we must respect the territorial integrity and sovereignty of each country. I understand that right now we have the Normandy process. The Minsk process is also ongoing, which is extremely important. It is very important that there is respect for what has been decided upon up until now. Ongoing dialogue can bear much more fruit than anything else. That does not mean we are to ignore the resolutions or decisions that have already been made by the European Union.

      Furthermore, I repeat that dialogue is absolutely imperative, because sanctions alone are not enough; they do not bear the result that one would like, and I do not know if they are completely effective. Look at what has happened in the meantime, irrespective of the sanctions – I am talking about Crimea. It is necessary for all to respect the sovereignty of the United Nations and the independence of nations, but dialogue is imperative. We should reassess efforts that have not resulted in anything and find new ways.

       In the crisis that Europe is confronting, will resolution of the Cyprus issue constitute an example? I think it will, to a certain extent. It would be a success story for Europe because it is a European problem. At the same time, it would serve as a model for peaceful resolution of different types of problem, particularly those in the broader region, and for peaceful co-existence. If we look at what is going on in the region, and the conflicts between Christians and Muslims or confessions overall, Cyprus would serve as an example of stability. Furthermore, it would be a factor of stability. That is ever so important in the circumstances that prevail right now in Europe.

      With regard to Gaza and the Palestinians, as I have said on other occasions, we have excellent relations with the Palestinian Authority, but that does not mean we do not have good relations with Israel; we have fine relations with Israel as well. We try in every way to serve as mediators, to the extent that we can, in order to resolve the Gaza issue. One of our principles is that a solution can be found only on the basis of recognition and implementation of United Nations resolutions and recognition of the Palestinian State and that of Israel. The efforts of numerous countries, including member States of the European Union, will bear fruit if there is mutual understanding and a more profound understanding of the problems and the causes of them.

## Address by Mr Thorbjørn Jagland, Secretary General of the Council of Europe

***Mr VILLUMSEN (Denmark, Spokesperson for the Group of the Unified European Left) – I am very worried about the situation we see in several member States where the decisions of the European Court of Human Rights are not respected. We see that in Russia, Azerbaijan and Turkey. I would like to hear your assessment of that situation. I am not sure that what we see in Turkey is progress, rather than just cosmetic. As you perhaps know, there is a problem: it is the government that will appoint the new commission. Are you sure that that is really progress, and is not just cosmetic?***

      Mr JAGLAND – I am also concerned about the fact that the Court is more and more under attack in many places. There are also problems with the implementation of judgments. You mentioned Azerbaijan. We have had a common concern there with regard to Ilgar Mammadov, who is still in prison, despite the fact that the Court said he should be released. I therefore invoked Article 52 of the Convention, to investigate how Azerbaijan is implementing the European Convention on Human Rights. The positive news is that the delegation I appointed has now visited Baku, and there seem to be possibilities to advance on that issue. There are other examples that worry us. For instance, I am very worried about the recent judgment of the Constitutional Court of the Russian Federation saying that a particular judgment from the Court here in Strasbourg cannot be implemented. We are looking very carefully into the wording of the judgment. There might be an opening to discuss that, but it is too early to say.

      I said this when I spoke about the judgment on prisoner voting in the United Kingdom, where it was argued that the parliament could not implement a judgment, and I will reiterate it here: from the very moment a member State starts to invoke its own constitution and its own parliament against a judgment from the Court, the whole system starts to dissolve. The system is upheld by the fact that member States abide by what is said in Article 46 of the Convention – namely, that all member States shall undertake to implement judgments from the Court. So yes, I am worried, but I am also a man who tries to find solutions, so let us hope that solutions can be found. Again, it is important that you in your national parliaments are aware of all this and, of course, are watching what is going on at the domestic level.

      Mr GULYÁS (Hungary, Spokesperson for the Group of the European People’s Party) – Thank you, Secretary General, for your report. The contribution and expertise of the Council of Europe’s specialised advisory bodies are well known. Besides those mechanisms, what kind of contribution could our Organisation offer in order to respond to threats to the security of Europe and, in particular, to tackle the problems of the recent terrorist attacks? Do you envisage that additional mechanisms or structures will be necessary to address those challenges?

      Mr JAGLAND – I just realised I did not answer the second question from Mr Villumsen on whether the new commission being set up in Turkey is only window dressing or cosmetic. As I said, the crucial issue is whether the commission will be independent and make decisions based on the case law of the European Court of Human Rights and the Convention. The proof of the pudding will be in the eating. Of course, other courts will watch it carefully, and we must keep in mind that all those who go to the commission can complain to other courts. If other courts find out that the commission has not acted in an independent way, there will be consequences. That is the only thing we were able to put in place. We have to try to have trust in our own system, where the European Court of Human Rights is the last resort to which everybody can go. It is the guarantor of the whole system, and it prevails.

      On the security of Europe, I do not think we need additional institutions or instruments, but we always need to look into gaps and black holes in the legislation, which we have done – for instance, by adopting the additional protocol to our Convention. With regard to the financing of terrorism, there might be other gaps – namely, that law enforcement institutions are not able to look into the cloud and find evidence there – which we are working on now, as I outlined in my speech. We are now working on closing that gap as well. Things are developing very fast, with new technologies coming in nearly every week and every month. That is a challenge to us and we need to examine whether new gaps have to be filled in the legal sphere, but I do not think we need new institutions. We have excellent institutions, but we need to use them in a good and speedy way. As I have said, when technologies are developing we also have to develop our legal instruments.

## Debate: Attacks against journalists and media freedom in Europe

Ms KAVVADIA (Greece, Spokesperson for the Group of the Unified Left) – The issue of media freedom in Europe is not only fundamental in the overall struggle to preserve democratic freedoms in our continent; it also deeply concerns me, as I myself am a journalist. Indeed, I have had a personal experience of what the suppression of media freedom feels like, as I vividly recall the abrupt and violent closure of the Greek Public Broadcaster ERT in 2013, an event that many members of this Assembly must also remember.

      For the past two years, the current Greek Government of the left has been engaged in a continuous struggle to introduce fairness, ensure transparency and install legal order in a formerly lawless and unregulated media landscape that provided fertile ground for corruption and all sorts of opaque and unwarranted links between private media owners, financial interests and political parties. This is all reflected in the report of the ad hoc committee set up by the Hellenic Parliament precisely to investigate those links. The report is the product of several months of open debate and public examination of evidence. In this struggle, the Hellenic Republic is showing in practice its respect for the rule of law, especially in the process of granting of television broadcasting licences for the very first time, since for the past 27 years no private TV broadcaster in Greece operated legally – something that might come as a surprise to many Members of this Assembly, but is, however, true.

      Yes, media freedom is absolutely essential for democracy in Europe. And media freedom means a free press, the freedom to express opinions and engage in dialogue, and the freedom to seek out and expose the truth. However, I must point out that unfortunately this Assembly will not be holding a debate during this session on the country where media freedom is perhaps most threatened, where journalists are most under attack and where Article 10 of the ECHR is most violated today: Turkey. This fact alone is deplorable and goes against the principles of the Council. Despite the fact that Turkey is mentioned in the report, not holding an urgent debate on this situation is a bad sign for the reliability, credibility and effectiveness of the Organisation. This needs to be corrected urgently.

      Media freedom, free press, and the freedom of thought and expression are among the pillars of our common European legal culture. It is of paramount importance today, in an age when those pillars face new threats and challenges, that we remain true to the founding principles of the Council of Europe.

      The PRESIDENT – Thank you, Ms Kavvadia.

Mr KYRITSIS (Greece)\* – The issues surrounding Turkey and journalists show us once again that it was a big mistake not to have an urgent debate on Turkey here in our Chamber. There can be no freedom of speech without freedom of the media, and in Europe that freedom is extremely important, as is well described in the report. It is crucial that we take this into consideration in all European governments, as we are being confronted by a shift towards post-truth governments. We must protect journalists through three means: executive power and executive decisions; the Internet and appropriate digital dissemination laws; and the activity of journalists. In my country, following numerous efforts over several decades, we have brought an end to major opposition among our parties and have managed to resolve those issues.

## Debate: The humanitarian crisis in Gaza

Ms JOHNSSON FORNARVE (Sweden, Spokesperson for the Group of the Unified European Left) – I thank the rapporteur Eva-Lena Jansson for an excellent report. I visited Palestine/Israel last autumn as part of a broad delegation, although we were not allowed to visit Gaza. We were only able to see the area from a hill a couple of kilometres away, but we met several human rights organisations and UN-bodies working in Gaza. They confirmed the picture presented in the report. The Israeli blockade of Gaza has led to a humanitarian catastrophe whereby 2 million people are living in what can best be described as a huge outdoor prison. I was touched deeply by the story of children who went to the border to throw stones at Israeli soldiers. They felt that it did not matter if they were shot, because they saw themselves as the living dead.

      Dependence on food packages is extraordinary. Ten years ago 9 000 parcels were needed; today it is 900 000. Access to water and electricity is limited. It is difficult to get the medical attention one needs due to the lack of medical equipment and people die waiting for care. No child should have to experience war, but eight-year-old children have experienced three wars in Gaza, which creates trauma for life. Reconstruction efforts have been prevented and made difficult because of the blockade, which makes it hard to bring in building materials and tools. Businesses and agriculture suffer due to being unable to get spare parts and that helps further to increase the unemployment rate, which is at 43% and between 65% and 70% among young people and women. Gaza is a ticking time bomb.

      Israel urgently needs to lift the blockade, a blockade that through its collective approach to punishment is a crime against international law. The outside world cannot wait for Israel to act and must act with strength to make this a reality. The outside world must also ensure that the people of Gaza get the support they need in the form of food, medicine and other supplies. Ships to Gaza are a good example of international solidarity, even if they have not succeeded in their mission to break the blockade and help the population.

      The lifting of the blockade would be a step in the right direction towards a lasting solution. Israel must withdraw from the occupied territory, the illegal settlements must be evacuated and a free and democratic Palestinian State must be established within the 1967 borders. I am proud to come from a country that has recognised Palestine, something which strengthens the Palestinian position. I hope that more countries are preparing to follow the Swedish example.

# Wednesday, January 25, 2017

## Address by Mr Klaus Werner Iohannis, President of Romania

***Mr KOX (Netherlands, Spokesperson for the Group of the Unified European Left) – Thank you very much, President Iohannis, for your most interesting speech, in which you elaborated on the relationship between Romania and Moldova. Your country was the first to recognise Moldova, but since then the relationship has been, to put it mildly, rather complex. At this moment, your ideas about the future of Moldova and of EU integration are quite different from those of newly elected President Dodon, who is not in favour of the association agreement with the EU and pleads for the neutrality of his country. Nevertheless, you both share an interest in solving the divide in Moldova. How can Romania help to overcome that divide between Transnistria and the rest of Moldova? Could you be of any help? What do you think of President Dodon’s new proposal?***

      Mr IOHANNIS – Thank you for your question. I guess you all know that Moldova is of the utmost importance to Romania, not only because it is our neighbour, but because of historical, cultural and linguistic links, and of course our common desire to build strong democratic systems. Romania has been a fair, reliable partner for Moldova during all these years. Romania and Moldova managed together to build programmes destined to strengthen the rule of law and to reform the judicial systems. The political systems became stronger. As is natural, this process has its ups and downs, but Romania is determined to continue to be a strong, reliable partner for Moldova. During the last month, in Romania we analysed our relations with Moldova, including in the light of the latest elections in Moldova, and we decided to become an even closer ally for Moldova. We therefore decided to extend our aid programmes and to continue, for example, with important financial aid for the Republic of Moldova. We are going to continue to help local communities to rebuild and to modernise schools, hospitals, local transportation, and to be involved in a very constructive way in the promotion of the much-needed reforms in Moldova. That is what we are going to do; no matter who is going to be elected in which position, we are going to stay as a partner for Moldova.

      In our opinion, the one sustainable path for Moldova is the European path. On the other hand, we know very well that Moldova has very specific problems, one of which you mentioned – the Transnistrian problem. Romania’s opinion is that that problem can be solved only through diplomacy; no other solution is thinkable or viable. Negotiations take place in the 5 + 2 format, but the negotiations got stuck a couple of years ago. The Germany presidency of the OSCE managed to move things towards a new phase of dialogue, which I appreciate very much. It is a good sign in this complicated situation. If you are a friend of Moldova, be sure that we are a friend of Moldova. Together, we can solve problems.

## Joint debate: Online media and journalism: challenges and accountability, and Ending cyberdiscrimination and online hate

Ms JOHNSSON FORNARVE (Sweden, Spokesperson for the Group of the Unified European Left) – Thank you, Madam President. I thank the two rapporteurs, Ms Gambaro and Ms Maij, for their excellent reports.

      The Internet has meant that the ability of people to communicate globally has increased dramatically. It has also created an increased opportunity for people and media around the world to make their voice heard among a wider public. However, while the Internet has given us incredible opportunities, we have, on the other hand, experienced negative elements, such as Internet hate and misinformation. As we are aware, in recent years Internet hate has spread dramatically and become increasingly common. Sexism, hatred against women, racism, homophobia and transphobia have always existed, but today the Internet has provided another forum where hatred can be expressed both publicly and globally. It is very easy to send anonymous threats via the Internet.

      There are many who suffer – and all may encounter Internet hate – but it is clear that women are particularly vulnerable. Writers, journalists, politicians and artists may be subjected to death threats and sexual violence, but even schoolchildren and the cashier at the grocery may be affected. They have one thing in common: the vast majority are women. According to a study presented by the Swedish National Board for Youth Affairs in March 2014, it appears that as many as half of young people from 16 to 25 years old have been the victim of Internet hate. In a third of cases, these were hate crimes, such as harassment due to colour, sexual orientation, gender identity or faith.

      I agree with Ms Maij’s report that online hate is not just a private matter; it is a problem for society as a whole. Member States must work to improve international standards and strengthen both the content and the application of their national laws in this field. They must convince Internet intermediaries to work harder to prevent and remove online hate and ensure accountability. It is absolutely necessary to provide training to police, prosecutors and judges on the seriousness of all forms of online hate and to ensure that children and young people are educated at an early age about both the exceptional possibilities and the responsibilities of online exchanges. The best tool against misinformation is an educated and informed audience.

      It is crucial to ensure that victims’ complaints of online hate and misinformation are taken seriously and that they receive full support in dealing with its consequences. It would therefore be useful to establish a special ombudsman for the Internet. An Internet ombudsman should support and assist the victims of threats and violations online, which, among other things, means that they should be given the tools and opportunities to help the vulnerable, take responsibility for getting websites to remove offensive comments, photos and videos and offer support at the police report stage. Let us work together to build societies free of hate.

## The functioning of democratic institutions in Ukraine

Mr HUNKO (Germany, Spokesperson for the Group of the Unified European Left)\* – In talking about Ukraine, the debate is of course always slightly skewed, because there are some things wanting. As you know, when the President was in Moscow, he said that all 47 member States should be heard, including the Russian delegation, which, unfortunately, is not here, and particularly when we are having a debate on Ukraine that is a problem.

      A second problem that I would like to refer to is that, at the last elections, 5 million people in Donbass and the Crimea could not vote, so they are not represented here either. For example, the Communist Party of Ukraine, which tended to have a stronghold there, is no longer represented here and has been subject to a ban. Personally, as an expert on Ukraine for my group, I also experience a difficulty because I am on the blacklist in Ukraine, so I cannot go there even to get a picture for myself about how things are developing. That really does restrict possibilities for me.

      I just want to go into the developments briefly. As described in the report, the Maidan overthrow in February 2014 was based on a hope to end corruption. Mr Jagland talked about a revolution against corruption, but unfortunately, nearly three years later we have to say that nothing has changed. In the Transparency International report that was published yesterday, Ukraine comes at number 29 out of 100, which is right down towards the bottom – it is on the same level as Russia, Nepal, Iran and Kazakhstan – so in terms of the great hopes that we had, this is very disappointing. The report does not go into economic and social development very much, but the results there have also been disappointing.

      A year ago, we celebrated the release of Nadiia Savchenko, who was also a member of this Parliamentary Assembly. However, because she met the leaders of the so-called republics of Donetsk and Luhansk, she was excluded from the Ukrainian delegation to the Council of Europe – she is no longer here. Nobody is talking about this, but I think that what she did was right. She felt that one should speak to the other side, and that is surely the job of politicians. So I view developments in Urkaine with a rather sceptical eye, and I hope that we can see some kind of geopolitical détente and see more room for reform in Ukraine.

## Reinforcing social dialogue as an instrument for stability and decreasing social and economic inequalities

***Mr LOUCAIDES (Cyprus, Spokesperson for the Group of the Unified European Left) – The economic crisis highlighted, inter alia, two negative developments in relation to the so-called European social model. On one hand, as a result of the economic crisis, the welfare state was undermined, thereby worsening explosive inequalities and extreme poverty. On the other hand, social dialogue was bypassed and practically dismissed, and institutionalised collective bargaining continues to be undermined. The excellent report before us illustrates the fact that when social dialogue is not respected and when there is a lack of trade union organisation, collective bargaining and contracts, working people see their wages and rights curbed.***

      It is well known that the memoranda imposed on several European countries were enforced without the prior consent of the working people, who actually took bank debt and fiscal deficits on their shoulders. In some cases, austerity measures were imposed without previously securing parliamentary majorities and respecting democratic principles. Laws were imposed by decrees, while so-called technocratic governments were appointed in countries such as Greece and Italy, lacking popular legitimacy and accountability. Furthermore, major trade agreements such as the Transatlantic Trade and Investment Partnership and the Comprehensive Economic and Trade Agreement were introduced without prior consultation with labour movements or social and environmental organisations. Even more serious are the systematic efforts to demonise trade unions and collective action carried out by working people. Efforts to criminalise strikes and working people’s struggles continue in Europe under the guise of so-called strike regulation.

      The governments of the Council of Europe member States must respect internationally guaranteed workers’ rights and institutionalise social dialogue in labour relations. Before decisions are taken and legislation is enacted, working people, who are indeed the driving force of our economies and societies, must be listened to. We are under no illusion about how unequal the dialogue between trade unions and the representatives of big business is. It is indicative that 30 000 lobbyists are active in Brussels, promoting the interests of big businesses in policy areas such as employment, consumer protection and the taxation of multinationals. Lobbying agencies have at their disposal armies of personnel with ties to all the major decision makers in Brussels so they can influence policies and decisions.

      Social dialogue is a tool that working people can use to assert their demands and aspirations. The success of social dialogue and the realisation of trade union demands depend primarily on the level of working people’s organisation, their critical mass and the effectiveness of their struggles.

***Ms KERESTECİOĞLU DEMIR (Turkey) – I point out how timely the rapporteur Mr Jónasson’s work has been. It has taken a long time for alarm bells to ring on deteriorating trade union rights in Europe as well as on re-evaluating social dialogue. The Universal Declaration of Human Rights states that “Everyone shall have…the right to form and join trade unions” for the protection of her interests. The ILO Convention adds that “freedom of association and the right to collective bargaining is a reflection of human dignity.”***

      Those articles are essential for Europe, where trade unions are involved in high-level social dialogue, yet the fact is that those basic rights are under attack from governments and employers in many countries, including in the UK, Belgium, France, Italy and Spain. Trade unionists have been assaulted and imprisoned and social dialogue has been abandoned, with new labour laws. The global rights index of the International Trade Union Confederation reflects a clear erosion of institutions in Europe. According to the index, several governments have announced significant changes to labour laws that would violate international standards without consulting trade unions. Furthermore, the increased importance given to security has been used as justification to limit fundamental rights, particularly in Turkey but also in western European countries.

      Social dialogue instruments and labour courts were always non-functional in Turkey. The right to strike is strictly limited, as is freedom of association, including trade union affiliation. Even worse, the government, which has extended the state of emergency for a third period and tried to run the country with decree laws, is banning any kind of trade union activities. Lately, rallies by KESK – the Confederation of Public Employees' Trade Unions – for the reinstatement of dismissed employees were banned, with police interventions. Almost none of the social dialogue mechanisms are working properly. For instance, the so-called Minimum Wage Determination Committee recently finalised its annual work and set a minimum wage that is below the hunger limit, despite the objections of workers’ delegates.

      Finally, I recall the petition of social rights from the European Trade Union Confederation. The group leaders of the European Parliament have already signed the pledge. I strongly encourage colleagues in the Chamber to promote that campaign for decent conditions and fairer economies.

***Mr VILLUMSEN (Denmark) – I would like to thank Mr Ögmundur Jónasson for producing an excellent report. The financial crisis has led to severe attacks on social rights in Europe, due to cutbacks and austerity. The result has been grave for ordinary people in Europe. Those who created the crisis have been helped, with billions in taxpayers’ money going to banks and speculators, at the same time as those with no responsibility for the crisis have been severely hit. This report sounds the alarm, and we should listen to it. All our member States are obliged to secure social and democratic rights, but as the report highlights, far too often these rights are forgotten by our governments, and not least by the EU Commission and the EU’s economic governance.***

      Dear colleagues, let me remind you that the social protections and security in our countries were not created by austerity or cutbacks. They were created thanks to the regulation of the market, due to the efforts of trade unions and social movements. Generations of organised workers have secured the rights we have today. Especially at a time of crisis, the social protection of the vulnerable should be secured. Looking at Europe today, it is clear that this is not the case. Massive unemployment for young people, poverty and inequality are the result. Social dialogue is set aside and now even collective bargaining is under attack.

      If action is not taken in a social way, the insecurity will be misused by the extreme right and xenophobic forces. We see that in Europe and the US. Growing insecurity and inequality allow the extreme right to prosper. If the voices of the weak and vulnerable are not heard and instead only the voices of the rich and the wealthy are heard, ordinary people will not be protected.

      I thank Mr Ögmundur Jónasson, our Icelandic colleague, for this very good report, his last contribution. Dear colleagues, let us adopt it.

***Mr HUNKO (Germany)\* – I, too, congratulate Mr Ögmundur Jónasson, the rapporteur, for this ever so important text. I cannot understand why he is not represented here, following the last elections, but he has left us a particularly valuable report, which contains numerous important examples of how important unions are.***

      It is not just that trade unions have been weakened by restructuring of the labour market or have had to restructure or redefine themselves. That is one of the problems, as has been mentioned, but decisions taken by the European Union have also weakened trade unions, for example in the realm of crisis management, as we have seen in Greece, and the right to take industrial action. Guy Ryder, the director general of the ILO was here, and there was mention of the fact that collective bargaining is extremely important, and all the more so in crisis countries.

      We have also had rulings from the European Court of Justice that touch on union rights, for example in the cases of Viking and Laval, in which trade union rights were categorised as lower than the rights of those with major undertakings. The references in the report to the European Social Charter are therefore extremely important. We frequently speak about the European social model, but the European Social Charter is the cornerstone of that model. That is why it is so important for the European Social Charter to be made all the more robust and stronger. The report calls for ratification of the revised European Social Charter and the annexe, which is extremely important. As a representative from Germany, I am in the unfortunate position of having to say that my country has not done that, but I would like to reiterate that strengthening the European Social Charter is extremely important.

      This is a very good report that sends out a positive signal. The amendments that have been tabled go in the wrong direction and should be rejected.

      The PRESIDENT – That concludes the list of speakers.

# Thursday, January 26, 2017

## Debate under urgent procedure: The need to reform European migration policies

***Ms GROTH (Germany, Spokesperson for the Group of the Unified European Left)\**** – The report contains a lot of important material, for example, on the resettlement of the 166 000 people in Italy, Greece and other European Union countries that has not taken place. The situation in Italy and Greece is horrific – there is no question about it. The situation there is a violation of human rights and human dignity, so the report also examines the causes. We looked at those and we must put them into the migration debate, along with strengthening our external borders. We must also discuss how to deal with refugees from outside the European Union. Numerous different rebel groups, and Islamic State, are promoting this conflict mentality – war, in other words. A number of different groups are fighting each other and are causing numerous individuals to suffer horrifically and to flee from their homes. The catastrophe is apparent and it has been mentioned repeatedly in the United Nations, as have the numerous individuals who have been persecuted and have had to flee from their homes. This topic has been dealt with in the media intensively.

      Paragraph 9.1.1 of the draft resolution states that member States should “engage in a meaningful dialogue involving the Office of the United Nations High Commissioner for Refugees” to discuss the various points of the 1951 United Nations Convention relating to the Status of Refugees and other points. The idea of changing that Convention is contradictory to what is said about this issue in the Geneva Convention, so we think that paragraph ought not to be part of this report.

      We have to look at human rights and international law, as it must be the core of any sort of migration policy. We also have to see the arrival of these people as an opportunity to enrich our society. The 65 million people throughout the world who are on the road, fleeing, are from poverty-stricken countries. We can deal with the small proportion of people from these countries who come to us. We ought not to forget what the situation is in Jordan and Lebanon, with 40% of the populations of those countries comprising refugees. One refugee camp in Jordan is that country’s fourth largest city. We need more solidarity now in this debate in dealing with the refugee issue.

***Ms CHRISTODOULOPOULOU (Greece)\**** – Dear colleagues, I am principally addressing you when I say that we are not governments, and should not confuse reality with cynicism. The Council of Europe has to have a policy based on principles. Thus, we ought not to be the first to draw back or to introduce populism and racism in the Council of Europe. We ought to defend the New York protocol of 1967, as well as the Geneva Convention, and insist upon international protection of refugees, the rights of refugees and the principle of asylum for refugees from war without any criteria whatsoever. That is the sacred responsibility of all members of the Council of Europe.

      We have to change European policy, but in what direction? If we are going to change it and pull back on all these rights – rights that have been vested for all these years and which are part of the culture and civilisation of Europe – we will have achieved nothing. There was a policy in place in Europe, but only until we had these major migratory waves. What have we seen thereafter? We have seen certain countries simply not adhering to this European policy – not implementing relocation or resettlement policies, nor the proportional distribution of refugees, and not fulfilling the responsibilities of all member States of the European Union. The Visegrád countries met on their own behind closed doors and created their own borders, building their own fences and walls. Europe basically let them do what they wanted, and now we find ourselves here, saying that we have to change policies. Okay, let us change them, but let us first ask why we are changing them. It is because on 13 November we had the attack in Paris at the Bataclan, since when people have confused refugees with terrorists, jihadis and this, that and the next thing – there is no end to it.

      With the particularly bad blood that has been whipped up in Europe, various measures have been taken that have basically curbed the rights of refugees. Nobody says anything about the war in Syria. Who is feeding this war? Who is causing it? How are these refugees created? Do they not come from these war-stricken areas? This has to be included in our discussion. Let us call for an end to the war – an end to this genocide of an entire generation. Why does nobody say anything about this – about the victims and the unaccompanied minors, who will never, ever live a normal life? Where are all these issues in our discussion?

      Something has to be done, because we are the Council of Europe. We are the last bastion remaining in a Europe that has constantly drawn back on all these fronts. We have to say no to all of this. I am addressing you, dear colleagues: we ought not to begin by discussing changing the European conventions on refugees or the Geneva Convention. We ought not to question these things. What we should do is look at the situation in other countries. Lebanon, a country that is already devastated, is hosting millions of people, and a Europe of 500 million cannot do anything? Europe is responsible as well for this particular war, because it is participating – it is selling weapons, ladies and gentlemen. Contributing to the misery that already exists is really the last thing we should do. I am not speaking specifically about Greece, because you will say that I am speaking on patriotic lines; rather, I am speaking about everybody. I am speaking about all these individuals who are so unhappy and miserable. We are turning a blind eye on the one hand, but on the other hand we say we are realists. Unfortunately we are becoming cynical, ladies and gentlemen.

***Ms KANELLI (Greece)\**** – Colleagues, if Picasso lived today, there is no doubt he would paint a Guernica from Moria in Greece, from Lampedusa in Italy or from Syria’s border with Turkey or Lebanon. That would be his source of inspiration.

      We cannot deal with the issue of refugees without being realistic, and we have to admit – as we all admit when we speak about health policy or other major problems – that the best way to deal with such issues is prevention. Where is the prevention here? Who is creating these refugees? Among the member States of the Council of Europe, there are countries inside the eurozone and outside the eurozone – the UK was a European country, and now it is going to become a global Britain – and there are countries in NATO and outside NATO. And look at the paradox here: we come here to discuss measures for a single migration policy, and we have here member States of NATO that are participating in the bombardment in the name of enforcing “Western” democracy. We also have NATO ships on our high seas trying to block the entry of refugees to Europe – refugees who are created by these same NATO members that bombard Syria. Yet we have come here to discuss whether we are going to build walls and fences in Europe, as the Visegrad countries have done.

      And it does not stop there. Radicalised young Europeans – some 30 000 or 40 000 of them – are going to fight for ISIS. We speak about radicalisation and fundamentalism, and we are mixing all of this up with refugees. We are confusing things. What we have to do, really, is look at the situation. Some countries, when it is in their interest to make money, to reap profits or to bring up oil from resources or reserves, do not take into consideration what the consequences might be. We have created refugees, ladies and gentlemen.

      The night of St Bartholomew is something that horrifies us, as is the First World War and the Second World War, and refugees developed thereafter. Today, we see racism and the rise of those yellow stars again in Europe. Look at the situation: we are speaking about the creation of a Guantánamo-style facility outside Europe – just as we send our garbage to Ghana, or just as we want our nuclear refuse to be sent to third countries, which sell off their land because they need to eat something. The only way for us not to have refugees, ladies and gentlemen, is for us to remember what a human being is.

      Whether you like it or not, when you have wars which are there in order to promote monopoly interests, they are not patriotic wars; this is something totally irrational, totally unethical. There is only one just war, and that is a war which is of a defensive nature, and a patriotic nature, and not a war which generates refugees.

***Ms KAVVADIA (Greece)*** – Colleagues, before we speak about changing the migration policies in Europe, we should first take stock of the outcome of the policy that had been decided by the relevant European institutions. As I come from Greece, I want to ask you all: was this policy even implemented? I hold the view that it was not, in several crucial aspects. In particular, the fundamental decisions of the European Union on relocation and resettlement were never even implemented by many of its member States. This core aspect of the European migration policy, designed to share the burden and the responsibility more equitably among member States, never got off the ground but remained only on paper. We all know why.

      The European decisions were ignored by member States – first among them the Visegrad countries – and no action was taken to implement them on a European level. It seems that the principle pacta sunt servanda does not apply here. Thus, Europe remained without a credible policy, tolerating practices that go against international law, namely the Geneva Convention on Refugees, and against the European legal culture, including the European Convention on Human Rights. It relied on questionable instruments, such as the infamous – and problematic on many levels – joint European Union-Turkey Agreement, which gave Turkey leverage over the European Union. That failed to provide international protection to groups such as refugees and unaccompanied minors or to implement the legal and humanitarian principle of family reunification.

      So I ask again: what sort of new policy on migration are we talking about here, when Europe has failed to implement its own policies on the issue? Are we talking about building more fences and walls, shutting down our borders, turning more desperate people away and strengthening Fortress Europe, which has already claimed thousands of innocent lives? Is this really our vision for Europe: a scared little continent, barricaded from the outside world and hoping that by shutting down its borders it will keep the problems of the outside world away? Is this really our vision for a European migration policy? What exactly is new about such a policy? And how hypocritical is it to criticise the US President for wanting to build a wall along the American-Mexican border when so many of the member States of this very Organisation are doing the exact same thing and the building of walls and barriers has become official European policy? I am afraid that Europe has failed miserably in this crucial test and this failure will continue to haunt us for many years to come.

      The PRESIDENT – Thank you, Ms Kavvadia.

## Challenge on procedural grounds of the still unratified credentials of the parliamentary delegation of the Slovak Republic

Mr KOX (Netherlands, Spokesperson for the Group of the Unified European Left) – Once in a while, we debate important items that are not complex. This is an example of that. It is clear that the list of the Slovak delegation does not meet our criteria. That cannot be accepted, unless we get a guarantee that everything will be in accordance with our rules. I will not talk about why it happened, but it happened and it is clear that we have to do something.

      The good news is that there is no disagreement between the Slovak delegation and the Assembly. We are in full agreement that there should be representatives of the under-represented sex in every delegation. That will be put right on Tuesday, which means that the Slovak delegation can function at full strength in this Assembly.

      I fully support the amendment tabled by the Committee on Equality and Non-Discrimination. We should underline that this is not just a rule, but a matter of principle. I think we will unanimously adopt this resolution, which is good news for this often-divided Chamber.

Current affairs debate: The situation in Syria and its effects on surrounding countries

***Mr VILLUMSEN (Denmark, Spokesperson for the Group of the Unified European Left)*** – Dear colleagues, the civil war in Syria is a great tragedy. The level of suffering is difficult to comprehend. It is urgent that we condemn the war crimes and call for the prosecution of those responsible.

      Earlier today we discussed the refugee crisis here in the plenary. A large part of the refugees coming to Europe are desperately fleeing the war crimes of Daesh and the Assad regime. Far too often, there is a discussion – which I actually think is quite relevant – about how we can secure and help refugees in their own countries and neighbouring countries, so that they do not have to run away to Europe. I think all of us in the Assembly today agree that the aim of our work, the aim of our countries and the aim of world policy should be that no one is forced to flee and that if they are forced to flee, they should not be forced to flee very far.

      If we look at the numbers today, it is clear that a large majority of refugees are internally displaced in their own countries or living just inside neighbouring countries, but here there is a grave lack of help. Dear colleagues, the UN is not getting sufficient funding. Not enough money is going to the programmes that should be helping those in need – not in Syria and not in the neighbouring countries. It is time to act.

      I would like to turn your attention to the large areas of north-eastern Syria that have been liberated by pro-democratic and Kurdish forces. There are millions of civilians living there who are being protected by those pro-democratic forces. Many of our countries use these Kurdish and pro-democratic forces as foot soldiers in the fight against Daesh, but the civilians in these areas do not receive the aid, food or medicine that they need. What they are experiencing is attack by Turkey. They are under a humanitarian blockade not only by Daesh and the Assad regime, but by Turkey.

      Dear friends, this is unacceptable. If we want peace and stability in Turkey and in Syria, it is time to act. Let us help the pro-democratic and Kurdish forces to protect the civilians in their areas. Let us ensure that the pro-democratic forces are included in the peace process that is taking place – not excluded, as they are today. And let us state clearly that humanitarian aid should not be a tool of war but is a basic right for all. If we do not support those forces in Syria that defend our values today, we will bitterly regret it in future, and the millions of civilians there will not get the help that they need.

## The progress of the Assembly’s monitoring procedure (September 2015-December 2016) and the periodic review of the honouring of obligations by Austria, the Czech Republic, Denmark, Finland, France and Germany

***Mr VILLUMSEN (Denmark, Spokesperson for the Group of the Unified European Left)*** – I thank the rapporteur for a good report. If Amendment 9 on Azerbaijan is passed, as it was by the committee, that will make it even better.

      Why do we have monitoring? I stand here as a parliamentarian from Denmark discussing a report that deals with Denmark. Sometimes in this Assembly we hear that if someone makes a critique of a country or invites it to do something, they are anti-that country. I would like to state clearly that it is not anti-Danish, anti-Finnish, anti-German or anti-French to vote in favour of the report – of course not. When we joined this Assembly and signed the European Convention on Human Rights, the people of our countries had their human rights secured. That is the brilliant idea behind the Council of Europe. The Convention was born of the horrors and bloody fighting that we saw here in Europe in the Second World War. At the very entrance of this Assembly is a memorial of the liberation of Auschwitz – you can see it tonight when you walk out of the building – and tomorrow we will mark the 72-year anniversary of that liberation. The Council of Europe was founded to secure the human rights of our people. It was founded to say, “Never again.”

      The monitoring process gives our governments a helping hand in securing the rights of our people – rights that our countries have signed up to secure. Unfortunately, great violations are taking place in Europe right now. The advice of this Assembly and even the judgments of the European Court of Human Rights are far too often ignored, not least in Russia, Azerbaijan and Turkey. However, as the report points out, there are also improvements to be made in Denmark. The Convention is not there for fun. It is there to help our governments and our people, through the monitoring process.

      I support the report. It is helpful for my country, just as the monitoring process is helpful for all our countries. I endorse the report, dear colleagues, and I ask you to do the same.

## The situation in Lebanon and challenges for regional stability and European security

***Ms SANDBÆK (Denmark, Spokesperson for the Group of the Unified European Left)*** – I congratulate the rapporteur on his report. The most important recommendation of the report is, from my point of view, that the international community should thank Lebanon for its hospitality and step up as a matter of urgency the contribution to support and assist the refugees in the country. Yesterday we learned in the Migration Committee that the international community pays only 35% of the expenses of hosting refugees in Jordan. I have visited the Zaatari refugee camp and witnessed the appalling conditions in which the refugees live. I do not know the exact figure for Lebanon, but I expect it is no higher than in Jordan.

      There has been no lack of resolutions in the European response to the refugee crisis, but there has been an almost total lack of money. Over and over again, our governments tell us that it is more cost-effective to provide humanitarian aid to a refugee in his or her neighbouring country, but the money is not provided. Resolution 2107, which is unfortunately still relevant, states the following principles: “those fleeing the conflict in Syria are entitled to international protection; that protection is usually, but not always, best provided in countries close to home; these neighbouring countries cannot provide that protection without extensive external support, which must be tailored to their particular circumstances; that support must include sufficient financial assistance as well as technical measures including privileged access to export markets”. That support has not been given. Lebanon does not need our thanks; it needs our support.

      I would like to quote another few paragraphs from Resolution 2107, referred to in paragraph 44 of this report, for which Ms Annette Groth was the rapporteur. She says that Lebanon is “under extreme social, political and economic strain. From the refugees’ perspective, problems include: uncertain legal status and protection…lack of decent, affordable housing; food shortages; lack of work permits…leading to irregular employment and exploitation; poverty and debt; inadequate access to health care; inadequate access to education; and recourse to negative coping strategies such as child labour, early marriage and prostitution. From the host communities’ perspective, problems include housing shortages and rent increases, increased food prices, competition in the labour market and reduced wages (especially in informal employment), pressure on municipal services and infrastructure, environmental degradation, and huge budgetary burdens that have increased public debt and undermined economic growth.”

      From the perspective of both refugees and host communities, the current situation is untenable. It is quite understandable that refugees seek refuge in European countries, despite all the ordeals involved in doing so. As stated in the report, we must offer political and economic support to one of the few stable countries in the region. Stability in the Middle East is security for Europe. It is therefore our responsibility to support Lebanon, but it is foremost our moral responsibility.

# Friday, January 27, 2017

## Joint debate: Human rights compatibility of investor-State arbitration in international investment protection agreements, and “New generation” trade agreements and their implications for social rights, public health and sustainable development

***Mr OVERBEEK (Netherlands, Spokesperson for the Group of the Unified European Left)*** – We are debating two thorough and informative reports on a key issue: the inclusion of investor protection instruments in international trade and investment agreements such as TTIP. This is an important issue with considerable impact on social conditions and business.

      The reports approach the issue from different vantage points. I shall forgo discussion of Mr Omtzigt’s report and concentrate on those differences. In the view of my group, Mr Davies’s report provides a convincing argument against the inclusion of ICS provisions in new generation trade and investment agreements, particularly between advanced countries. Legal protection for investors is comprehensive and robust, so there is therefore no need in principle for the creation of the ICS. Therefore, the inclusion of the ICS is either completely superfluous and unnecessary or it creates new rights to which only foreign investors have access and domestic parties do not. Mr Omtzigt’s report largely bypasses this inequality.

      Secondly, as Mr Davies shows, the way in which the ICS is designed creates legal uncertainty because it fails to introduce a doctrine of precedent. Constructed in such a way, the ICS lacks consistency and confronts investors and governments alike with unpredictability. This is contrary to the claims often made in support of the ICS. Obviously, investor protection agreements exist, and to the extent that new comprehensive trade and investment agreements will still be concluded, which is increasingly uncertain, it is likely that they will include such provisions. In reality, it is necessary to look closer at the conditions in which that might happen.

      In order to avoid having the Assembly debating two mutually exclusive resolutions, we have attempted to amend both draft resolutions so as to express an agreement between both sides to disagree on the ultimate desirability of the ICS, and to agree on a number of minimum safeguards to account for some of the most heavily criticized aspects of the ICS, ensuring that ICS clauses are fully compliant with ECHR provisions and case law, providing an exit option for governments after a reasonable period, and making sure that only actually incurred damages can be claimed, not foregone future earnings. Under such conditions, the resolutions would be acceptable to our group.

***Ms JOHNSSON FORNARVE (Sweden)*** – I thank Mr Davies for an excellent report.

      Both TTIP and CETA include proposals that can cause major negative consequences for the countries in focus. They are clearly oriented towards increased privatisation, deregulation and weakened legislation in a number of areas. In the long run, they could have a negative impact for agriculture, food security, the climate, the environment, energy, public services and workers’ rights. It is clear that the only real winners are big businesses. The agreements have therefore rightly, and not surprisingly, been met with widespread criticism from trade unions, and environmental and consumer organisations, to name a few.

      One of the most controversial parts of the agreements is the proposal for an investment protection and dispute settlement mechanism. Even in its new disguise as the European Union’s Investment Court System model, it will grant foreign companies the right to sue European States if they believe that those countries’ laws or measures damage their investments and reduce their expected profits.

      Transparency around the negotiations has been limited, and there has been little chance to influence them. Only companies’ voices were heard in 92% of the stakeholder meetings that the European Commission held when preparing for TTIP. It is not acceptable that the general public were not allowed to see the text of the agreements before the negotiations finished. Parliamentarians were allowed to read them only in specially designed reading rooms, and were not allowed to inform the general public about their findings.

      Many worrying things would happen if the agreements are made a reality. Food quality standards and consumer protection could be weakened, as US standards on food and many other products are often weaker than Europe’s. Worker’s rights and jobs could be endangered. The United States still refuses to recognise basic employees’ rights and has ratified only two out of the eight International Labour Organization core labour standards, so the agreements could have negative consequences for both jobs and union rights in Europe.

      I am not against trade or in favour of trade barriers, but it is important that we establish a fair trade policy that does not worsen the situation for citizens in the countries involved. We all need to work to create a fair and just trade policy that benefits society as a whole – people, animals and the environment – and increases social benefits. That is more important than huge profits for large companies.

## Promoting the inclusion of Roma and Travellers

***Mr KOX (Netherlands, Spokesperson for the Group of the Unified European Left)***\* – First, on behalf of my group, I would like to thank the rapporteur, Tobias Zech, for his report, which shows great involvement and commitment.

      (The speaker continued in English.)

      The report and the resolution are about a very important issue. We are talking, as the rapporteur said, about 11 million citizens of Europe; that is the size of Belgium’s population, and it is more than the number of inhabitants of many our member States. States in Europe are seen as taking care of and protecting their citizens’ human, social and cultural rights in general. However, the report informs us about the lack of protection of human, social and cultural rights for these 11 million citizens of our European continent. At the end of the week, it is very important that we address that. The rapporteur does it in a very appropriate way.

      My group fully supports the rapporteur’s proposals and requests on behalf of the Assembly to our member States, but I have one question. It is correct that the rapporteur addresses our States, but what would be your address to the Roma and Traveller communities themselves? I try to be a socialist. We can do a lot, but emancipation is, at the end, an act of the person and of the community themselves. Together with your report and your call to member States, what would you appeal to the Roma and Traveller community that they do to make themselves as included as you propose in your report? Once again, my group fully supports this excellent report and resolution.

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