



Provisional edition

Tuesday 22 January 2019, morning

Official report of debates

Opening of the sitting No 3

Elections: Judges to the European Court of Human Rights

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: This morning the agenda calls for the election of two judges to the European Court of Human Rights from Italy and Sweden respectively. The list of candidates and biographical notices are to be found in Documents 14776 and 14663 and the report from the Committee on the Election of Judges to the European Court of Human Rights in Document 14796 Addendum 2. Voting will take place in the area behind the President's Chair. At 1 p.m. the ballot will be suspended. It will reopen at 3.30 p.m. and close at 5 p.m. Counting will then take place under the supervision of four tellers.

I shall now draw by lot the names of the four tellers who will supervise the counting of the votes.

The names of Leyte, Emre, Muñoz and Murray have been drawn. They should go to the back of the President's chair at 5 p.m. The results of the election will be announced, if possible, before the end of the afternoon sitting. If the Assembly needs to proceed with a second round of voting for the election of judges to the European Court of Human Rights, that will take place tomorrow morning and afternoon.

I now declare the ballot open. In the meantime, our work will continue.

Debate: Updating guidelines to ensure fair referendums in Council of Europe member States

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly): The next item of business this morning is the debate on the report by Dame Cheryl Gillan, "Updating guidelines to ensure fair referendums in Council of Europe member States" (Doc. 14791), which will be presented by Mr John Howell on behalf of the Committee on Political Affairs and Democracy. We will then have the pleasure of hearing from Mr Gianni Buquicchio, president of the European Commission for Democracy through Law, the Venice Commission. I remind members that, following our decision on Monday, speaking time in this debate will be limited to three minutes. We need to finish by midday, so I shall need to interrupt the list of speakers at about 11.50 a.m. to allow time for the reply and the vote.

In this report:

- speeches in English are reported in full;
- speeches in other languages are reported using the interpretation and are marked with an asterisk (*);
- speeches in German and Italian are reproduced in full in a separate document.

I now call Mr Howell to present the report. You have 13 minutes in total, which you may divide between presenting the report and replying to the debate.

Mr John HOWELL (United Kingdom, EC): First, I should like to apologise on behalf of my colleague, Dame Cheryl GILLAN, the rapporteur for this issue, who is unable to be present today because of a family illness. I thank the Secretariat and the Chair of the Committee on Political Affairs and Democracy for their invaluable assistance.

I shall not speak for too long. The Venice Commission will follow and it will go into detail. There are also a lot of people who want to speak in this debate and I want to make time for them. I just point out that we have not prepared a commentary on the Brexit referendum in the United Kingdom, the independence referendum in Scotland, the referendum in Catalonia, the various Irish referendums or any others. Rather, the report helps set out a framework in which a referendum can take place.

Referendums have increasingly been used to resolve issues in democracies around the world. The greatest number concern constitutional matters, but they can cover questions of self-determination, international agreements, moral issues, other policy issues and one-off decisions.

Increasingly, challenges to referendum processes and their fairness have been raised in several countries. They have covered a range of issues, including the framing of the questions, the franchise, finance, thresholds, the accuracy of accompanying information and even the legality of holding a referendum itself. These are discussed in more detail in the report.

The Council of Europe's expert body on constitutional matters, the European Commission for Democracy through Law, is commonly known as the Venice Commission. Its code of good practice on referendums was adopted in 2007, and this Assembly called on member states to comply with it in November 2008. That was followed by an endorsement from the Committee of Ministers. Since that date, there has been an increase in the use of referendums and in technological developments that have dramatically changed the democratic landscape, through the explosion of social media and the increased access to information for voters. The code could therefore benefit from some revision and updating to reflect those changes, so that it can continue to provide modernised guidelines for all our member states.

Following revision of the code, the report suggests that member states should ensure improved adherence to the code to enhance any referendum process. In addition, we are actively encouraging information exchanges between countries to enable gains from sharing good practice and we propose greater citizen participation, including through the possible use of citizen assemblies. The report reinforces the good working relationship between the Council of Europe and the Venice Commission, and makes a positive contribution to the continuing development of our democracies. It has been prepared with the knowledge and co-operation of the Venice Commission, and it combined the research resources of the Council of Europe and the Venice Commission. We have also been expertly advised by Dr Alan Renwick of the constitution unit of University College London and Professor Nikos Alivizatos of the faculty of law of the University of Athens. On behalf of the rapporteur and the whole Committee on Political Affairs and Democracy, I would like to offer my grateful thanks to them all.

We are also grateful that we have with us today the President of the Venice Commission, Mr Gianni BUQUICCHIO and that he will make what I am sure will be an excellent presentation – he shared it with us in advance, and it will cover all the main issues raised by the report and the draft resolution. With that, I will sit down and allow Professor Buquicchio to take the floor.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly): Thank you, Mister Howell. You have eight minutes and 21 seconds remaining.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: I now have the pleasure of welcoming Mr Gianni BUQUICCHIO, President of the European Commission for Democracy through Law – the Venice Commission.

May I welcome you to our Hemicycle, a place you know very well, particularly as you are such a frequent and regular participant in our discussions. The relationship between the Venice Commission and our Parliamentary Assembly is excellent, and you provide us with specific tools for our work, including the code of conduct for referendums and the election code, of which we make use so often.

Today, we are talking about referendums, a very important aspect of direct democracy, where there is a need to respect not only representative democracy that guarantees pluralism, but the right of voters to participate directly in the process. This is particularly important these days, when we see the rise of populism in so many member states. This is a challenge we all face, and we need clear guidelines for our democratic process.

The advice of the Venice Commission is particularly important at this time, so we await your contribution with bated breath.

You have the floor.

Mr Gianni BUQUICCHIO (President of the European Commission for Democracy through Law (Venice Commission))*: Madam President, I am Italian but I am very Swiss when it comes to punctuality. I have been told that I have 10 minutes and so I will stick to that.

Ladies and gentlemen, it is not only a great honour, but a pleasure to speak to you today about referendums, a subject that has been exercising the Venice Commission for a long time and on which it is working now. The work of our two institutions has not occurred separately; it has been the subject of close co-operation. I had the opportunity of speaking to you a year ago, when I met Dame Cheryl GILLAN to discuss our respective contributions on this matter. Professor Alivizatos, a former member of the Venice Commission, launched our study, and submitted some suggestions during the drafting of the Assembly's report and, in particular, when he spoke to the Committee on Political Affairs and Democracy last October. On the basis of not only information provided by its members but the text that you will be called upon to adopt this morning, the Commission decided to adapt the code of good conduct on referendums to take into account events.

Why would we put this back on the table? Well, recent history has shown some problematic experiences with referendums. The opinions of the Venice Commission were critical about most of the referendums we looked at: it was critical about not only the procedure they followed, but, in some cases, the content. The Commission was particularly concerned about referendums being used even where they were not constitutional and even where they were being used to strengthen the powers of the executive. Even where the referendum does not relate to the powers of the executive, it can contribute, de facto, to strengthening them and can be the door to opening up anti-parliamentarianism. One step away from that is having "too much" of a plebiscite, with the authorities putting their jobs on the line or asking the people to show confidence in them; sometimes this can be a more subtle process, with that just emerging during the referendum campaign. The danger is that the people pronounce on something other than the question that has been put to them and therefore they are not really expressing the majority opinion on the subject that has been put to them.

On the other hand, purely representative democracy does have limits, as recent events have shown; a number of citizens may express their discontent and not be able to see how to satisfy their demands, but holding a referendum is not a panacea to quell such frustrations. Other ways of expressing citizens' participation could and should be explored. Whether or not there are complementary mechanisms attached to representative democracy, we must not forget that the parliament should always be serving the general interest and should be constantly aware of the need for that.

Two citizens from the same city, Geneva, but one century apart expressed clear opinions on this matter. In "The Social Contract", Rousseau said that "any law that the people in person has not ratified is null; it is not a law." Rousseau was consistent, because he was saying that freedom and democracy could apply only in small communities. Whether or not that applies today is very questionable. Fazy said that a referendum is a "call from intelligence to ignorance" – that quote is annexed to your Assembly's 2005 report, but the Assembly was intelligent enough not to refer to it in its recommendations at the time. Snappy slogans do serve a purpose in political campaigns, but now, some centuries later, we can be a little more nuanced in our attitude, and I shall develop that by coming back to some of this report's essential points, and the work of the committee and Commission.

At its session in December 2018, the Commission very much shared the way the report is going. This morning, I wish to highlight some important points in the draft resolution that will inspire the Venice Commission in its further work, starting with the general principles. The first such principle is that a referendum has to be part of the process of representative democracy. Representative democracy is the rule and the referendum is the exception. That is true everywhere, even in Switzerland where only about one law in 20 is actually submitted to a citizens' vote. Secondly, the referendum should not be used by the government against the parliament. A referendum should be seen as adding to and complementing representative democracy. It should not be used to avoid parliamentary debate.

The second general principle deals with the clarity of the question that you put to the people, to guarantee that they can express their will. The code stresses that the question has to be clear, that it cannot push the voter in one direction or the other, and that the voter must be informed of the effects of the referendum. The third principle refers to the need for balance between the parties and for access to balanced and quality information of an unbiased nature, again to ensure that there is freedom to vote.

We have to look at the extent of the kind of measures that you could put to a referendum. Should referendums be used regularly? Should they be used only for certain things, such as constitutional amendments? Should they exclude certain subjects? Who has the initiative to suggest referendums? The Commission, like the Assembly, does not seek to answer those general questions, because the national context is the determining factor in deciding whether there is any point in holding a referendum and what it should be on.

However, the Venice Commission has already said, in its code, that texts submitted to a referendum should not run counter to international law or to the principles of the Council of Europe. The draft before you adds one thing to that, which is that you should not put to a referendum a proposal that would counteract the conditions of membership of the Council of Europe, such as introducing the death penalty. Again, that could be developed as we revise the code.

Another aspect that might be discussed is the process of citizens' participation before the vote. As the draft report says, democracy is not limited to voting, although that is an essential part of it. The people's vote is not the only way to have a referendum; it is the end of the whole process. The Venice Commission has said that it should be preceded by parliamentary debate.

The report goes further and stresses the links not only between direct democracy and representative democracy, but between direct democracy and participatory democracy. It refers to citizens' participation in the debate beforehand, including in citizens' assemblies. Citizens' assemblies, the most well known of which met in Ireland, are a new instrument of participatory democracy and an interesting experiment that should also be looked at by the Commission.

Other subjects that could be discussed include the conduct and financing of referendum campaigns. For the interest of the Assembly, I note the work of the Venice Commission on the role of the media in electoral processes, particularly social media, which the Commission will discuss in its draft report in its June session.

Close co-operation on elections and referendums between the Parliamentary Assembly and the Venice Commission has been a real success for more than 20 years. The work that we are now doing on referendums is new proof of that. The next stage will be the involvement of the Parliamentary Assembly through the Council for Democratic Elections in the revision of the code of conduct on referendums. The report of the Committee on Political Affairs and Democracy is sound and deserves to be adopted unanimously.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: Thank you for that statement, Sir. You kept to the allotted time and it was very interesting for our Assembly. After the general discussion, we hope that you will be able to react and respond to what our various speakers say.

We now move on to Mr Serhii KIRAL.

Mr Serhii KIRAL (Ukraine, EC, Spokesperson for the group): No doubt, giving people a say on major issues of policy and development is a key principle of democracy – the rule of the people for the people. No doubt, in a modern world, that process must be well scrutinised, safeguarded and protected to defend the integrity of that principle.

The European Conservatives Group fully endorses the report by our colleague Dame Cheryl GILLAN, who embarked on a remarkable effort to engage all the relevant stakeholders through an unprecedented survey exercise. The report calls on the Venice Commission to revise and enhance the guidelines for all member states, and on member states to improve their legislative frameworks, and with good reason. There is an urgent need for more scrutiny of all parts of the overall process that precedes a referendum, and of its course, to make sure that its outcomes reflect the people's will.

That reason is not the referendum in the United Kingdom on Brexit or any other specific referendum; rather, it is the changing environment, the increased role of Internet-based media, and hybrid methods of foreign interference. The Russian Federation has been caught too many times and in different regions – a sign of overdue concern – using local populist and radical groups, whether mainstream or marginal, as its so-called

“green men” to influence the outcomes. If not an act of hybrid aggression, that surely makes it difficult to verify and validate the true outcome of what is supposed to be a tool of direct democracy. The report encourages the exchange of experiences across member states to tap into lessons learned and best and worst practices. We must learn from our mistakes so as not to jeopardise our democracies or the sovereignty and integrity of our states.

One example, as a matter of caution, and by no means a condemnation, is the Dutch referendum on Ukraine's association with the European Union. The careless passage of an imperfect national referendum law allowed it to be hijacked by agents, almost surely aided by the Russian Federation, and exploited for their own political agenda. Characters such as Thierry Baudet were even elected to the Dutch Parliament, while socialists and those from the Party for Freedom managed to alter the focus of the campaign narrative away from its association with Ukraine's accession to the European Union to speculation about confidence in European Union institutions and the feasibility of the Dutch Government's support for sanctions against the Russian Federation, and so on. People were fed fake news and lies, while fake Ukrainians toured the country campaigning for a no vote.

The result did not reflect the view of the majority and the law was subsequently cancelled. It did not cater for clear-cut guidelines on referendum matters, nor propose tools for verifying the signatures cast in support of the referendum via the Internet. The whole experience brought into existence the inertia of negation and the phobias and bias against Ukraine that persist to this day.

The consultative nature of referendums is questionable, as politically sensitive governments must take the popular will into account, although they are not legally bound to do so. We must restore confidence in our democracies among our citizens, and referendums should be used as a tool to support that cause, not to complicate things further.

Mr Olivier BECHT (France, ALDE, Spokesperson for the group)*: First, on behalf of the Alliance of Liberals and Democrats for Europe, I congratulate our rapporteur. Referendums belong to participatory democracies and they have to provide the necessary guarantees. A crisis of representative democracy is affecting many member states, including France, and recourse to referendums is a demand of the people. Whether referendums are a citizens' initiative or not, however, they should be encouraged as a tool to better express democracy, but they should be properly flanked so that democracy itself is not undermined. ALDE would like to draw your attention to a number of points.

First, the scope of the referendum has to be properly defined. The freedom of each member state should be broad, but they must make sure that no referendum is a tool for bringing fundamental human rights into question. The questions put must be clear and sufficiently linked to the concerns expressed by public opinion, so that participation and turnout will be high enough to provide legitimacy.

Financial rules must apply to a referendum. It would be useful if the different parties – the yes camp and the no camp – had to fulfil certain criteria, particularly certain ceilings of expenditure. They could be a public authority or the government. A private individual should not be able to inject colossal amounts and influence the referendum.

We need legislation and control measures to prevent the spread of fake news on issues that are extremely sensitive with regards to public opinion. The result of such a referendum could undermine stability and the very unity of a State, as we have seen with the Brexit referendum. People should be able to express their views without being manipulated – perhaps from abroad – by the spread of fake news in order to move public opinion to the extremes. We have to ensure that referendums are based on very clear criteria. Our world needs more democracy; we need to be able to elect our representatives freely. We do not want the manipulation of democracy because we do not want tyranny to prevail.

Ms Miren GORROTXATEGI (Spain, UEL, Spokesperson for the group)*: The need for guarantees to improve our systems and to test what people actually want is of course good news. We need such guarantees to ensure that referendums can take place within a democratic framework, rather than being used fraudulently by governments. However, we cannot allow referendums to become a barrier to the population voting on questions of democratic justice; we cannot allow barriers to be placed in the way of democracy. For practical reasons, we must ensure that issues of legitimate debate can be decided on via referendum. In other words, referendums have to provide the possibility of expressing a debate that has been called for by citizens.

We have seen the example of Catalonia. The source of the Catalan conflict is linked to reforms of the legislation creating the status of Catalonia. This reform was adopted by a large majority of members of the Catalan Parliament before being ratified by the Spanish Parliament. These political acts were supported by the population and adopted democratically, and were then moved on to the judicial level. This creates a conflict between the principles of democratic legitimacy and legal legitimacy, leading us to find ourselves in an intractable situation.

As a result, it is important for us to create guarantees that can channel democratic debate. This will provide guarantees to the population. We cannot allow referendums to be used to legitimise government efforts simply to turn a deaf ear to calls from citizens.

Ms Marie-Christine DALLOZ (France, EPP/CD, Spokesperson for the group)*: The debate we are holding today is particularly relevant and timely. The referendum on a citizens' initiative is one of the demands of the gilets jaunes movement in France. Everywhere in Europe, parties that are basically populists are demanding referendums on different subjects. It is true that, by permitting the direct participation of citizens, a referendum is a tool for consolidating democracy. In some federal States such as the United States or Switzerland, it is used regularly on subjects as different as legalising cannabis or limiting immigration. In France we have local referendums, making it possible to consult citizens on local issues that concern them directly. However, we must not forget that in European history, referendums have sometimes served the purposes of the most authoritarian regimes.

Unlike what is stated in the draft resolution, in my country referendums have always been seen as complementary to representative democracy – even sometimes as a way of correcting or changing the system to make it more rational. Direct democracy, which some demand we apply, should not make us forget that democracy is a principle of both freedom and legitimacy. A referendum – particularly when it is initiated by the executive, but also when it is initiated by citizens – should never serve as a pretext for contesting the legitimacy of the representatives of the people elected by that people, in the same way that it should never be used to attack our basic freedoms.

As stressed in the report, it is appropriate to establish a framework for referendums, to ensure that they are exercised in a sensible and respectful way, with full respect for everything in the constitution. Even if a referendum has been an important tool for legitimising public initiatives by giving a voice to citizens on something such as adopting a new constitution or on European Union treaties, we still need parliamentary debate. Some matters are simply too complicated or problematic to be reduced to a binary choice of yes or no between two clear and easily understood options. Representative democracy allows us to discuss things, and very often to improve the text with amendments.

On certain social issues, it is obvious that it is representative democracy that allowed us to adopt laws such as Simone Veil's on abortion or the Badinter law on capital punishment, which are considered true achievements by so many. The preventive measures chosen by France are aimed at avoiding a situation whereby, in the name of what is claimed to be the will of the people, it is possible to attack our basic freedoms. While populism is growing in all our countries, our values are increasingly being undermined. Even here in the Council of Europe, a referendum – if not used in a responsible way – can be turned into a weapon against our democracies.

Mr Ian MURRAY (United Kingdom, SOC, Spokesperson for the group): I am very grateful to the rapporteur for producing such a wonderful report and to Mr John HOWELL for presenting it this morning.

I am a veteran of national referendums. In the last few years, I have been involved in the alternative vote referendum in the United Kingdom, the Scottish independence referendum and, indeed, the “B” word that we should not really be mentioning this week because it creates so much division in the United Kingdom: Brexit. Although I agree that referendums can enrich our democracy, I am not a great fan of them because they give very binary answers to very binary questions on incredibly complex matters. It does not do our democracy any good to deal with huge issues in our national politics with such binary questions. However, I do welcome everything that is in this report.

Let me reflect a little on some of the issues raised in the report in the context of the Brexit referendum in the United Kingdom. The report highlights the need for the Venice Commission to look at strengthening some of its specifications on what a national referendum should look like. The front page of the report states that “recent referendums have raised concerns about the processes and/or the fairness of the outcome.” Well, we have seen what is happening in the United Kingdom at the moment; perhaps we should be having another

referendum to try to dispel some of those problems. All the issues raised in 2016 by the proponents of leaving the European Union – saying that we would be doing trade deals with countries all over the world, and running buses around the United Kingdom that promised massive amounts of money for our national health service if we voted to leave – have proved to be a fantasy and a fairy tale. Indeed, there are now issues around funding and criminality: some proponents of leaving the European Union have been found to have broken all electoral law and will end up in court as a result.

I believe that national parliaments should have a referendum Act before they set out the question on the subject, the franchise and potentially the thresholds. That is one element of the report that I do disagree with – I think we should look seriously at whether major constitutional change in a country requires a threshold. Companies and other bodies do that, with very high thresholds set when it comes to their articles of association and constitutions. I agree with the amendment tabled by my colleagues in the Socialists, Democrats and Greens Group stating that countries should never run major constitutional referendums on the same day as national parliamentary elections.

I draw members' attention to paragraph 4.2 of the report, which states that, "a process should be set out requiring two referendums if the first referendum does not allow voters to choose between the options that are ultimately available." In terms of the issues around Brexit and the United Kingdom, given what we now know and what we did not know then, we should have a second referendum to try to stop it leaving the European Union on the terms that were promoted and put forward to the people of the United Kingdom back in 2016. That would be fair, because what undermines our democracy is referendums that after the event cannot be seen as having been fair and free.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly): Mister Howell, do you wish to respond at this stage or at the end of the debate?

Mr John HOWELL (United Kingdom, EC): At the end.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: In that case, we will continue our general discussion with Ms Esther MUÑOZ.

Ms Esther MUÑOZ (Spain, EPP/CD)*: I thank the rapporteur for this excellent and well researched report which will create great interest in my country. Many of the leaders of the independence movement will find it interesting.

Referendums are often viewed as the maximum expression of popular thought. People think that they are choosing their leaders in this way, but in many cases our leaders do not know how to take decisions that affect everyday lives. This is one area of democratic life where people can actually take decisions and choose the direction of their lives. It is important to remember that voting is not necessarily democracy. It is important that whatever we do takes place in an atmosphere of legality and freedom. This is why we are talking about fair referendums.

What questions can we ask in referendums and who should be entitled to convene referendums? The report is clear: it says that it can only be questions that do not go against or undermine human rights, which are of course part of the work of the Council of Europe. Questions about the death penalty, ending religious freedom or rights affecting certain parts of the population should not be the subject of such questions. Another important aspect is how, and that is also addressed by the report. In other words, guarantees have to be put in place for the process.

Who can convene referendums is very important. Many of our countries are decentralised. This means that we have local and regional assemblies and parliaments. Should local and regional parliaments or governments be able to convene referendums on constitutional issues? In other words, can a regional assembly expect the population to take decisions on constitutional matters? I do not think it should be able to.

When it comes to human rights and the rule of law, which the report also talks about, it is important that it is clear that referendums have to take place in a clear legal framework. Otherwise we are not talking about a democratic tool but about electoral fraud. Some people in my country have tried to do this, and the judiciary has had to intervene. Spain is of course a country with a division of powers and the rule of law, and we refuse to accept fraudulent referendums.

Mr André VALLINI (France, SOC)*: This is not a new debate, but it is still very topical, particularly in my country. It is presented as the panacea to every problem, but complex issues cannot be answered simply by yes or no, especially in contexts such as today, with so much populism and fake news being spread, as was the case for Brexit, so we have to be very careful how we use referendums.

They are no doubt a useful tool at local level, or where people can fully understand what is at stake, but it is difficult at national level because there politics is delegated. In its own interests, representative democracy must make the most of participative democracy, and it is something that can be shared by the people and the parliaments.

Referendums have existed in our constitution since 2008. Should we move to direct democracy and have a citizens' initiative? That is something that is being demanded by the movement of the gilets jaunes. I would be in favour of it with many reservations. We would have to be cautious. It would require financial transparency and review by constitutional courts. That is a fundamental point, and it is why I support what has been suggested by the rapporteur.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: I remind Members that the vote is in progress to elect two judges, from Italy and Sweden, to the European Court of Human Rights. At 1 p.m. the ballot will be suspended. It will re-open at 3.30 p.m. and will close at 5 p.m.

Those who have not voted may still do so by going to the area behind the President's Chair.

Mr Miltiadis VARVITSIOTIS (Greece, EPP/CD)*: I congratulate the rapporteur on this excellent report. In 2015, there was a referendum in Greece. It was on an issue that was not clear and, as a result, a clear answer was not really delivered. I understand that we have to consult the people, and when the people feel that measures have been taken that contradict their will, I understand that they want to express their will. But you cannot organise a referendum without thinking very carefully about what question you are going to put to the people. The question has to be very clear and you have to be able to give a clear answer – a yes or a no. Those answers should lead to two different consequences, depending on the answer given.

I want you to understand the question we asked of the Greek people in 2015. It received a 62% no vote. I felt that the question asked of Greek citizens was undemocratic. It read: "Should we accept the planned agreement between the European Commission and the Central Bank of 25 June 2015, which is made up of two parts? The first part is a document reforming the Government's programme, and the second part is about the viability of debt." Do you really think the citizens could understand what that meant? What does "the viability of debt" mean? Most people would not understand the question.

The referendum did not really work and runs counter to everything in the report. There was only a week to think about it and vote, and the result was 62% no. That percentage of Greek citizens thought that our country could not be obliged to repay €1.5 billion. In the end we paid €4.5 billion. That was the upshot of the whole thing. If you do not ask a clear question, it is a disaster.

Lord Richard BALFE (United Kingdom, EC): I congratulate Dame Cheryl GILLAN on the report and my colleague Mr John HOWELL on his very adequate presentation of it. I serve on the council of the Venice Commission so I have seen this gradually developing, and it is indeed a good example of co-operation between this Chamber and the Venice Commission. Having said that, it tries to set down some limitations to make referendums better and fairer.

To my mind, there is an underlying problem with referendums. I go back to a Prime Minister who was in office just after I was born, Clement Attlee, who said that referendums are *the tools of demagogues and dictators*. I am afraid that that has often been the case. They are used, on occasions, to get politicians out of dreadful difficulties. Harold Wilson for the Labour Party had a referendum to keep us in Europe, and David Cameron had a referendum, which he was confident he would win, to keep us in the European Union, and look where that ended up. Today, we are still living with the consequences of that referendum.

The report, as proposed, stresses the need for a number of changes to bring up to date our concept of new technology and the way in which referendums have developed – fake news and the like. However, to my mind that makes referendums even more suspect than they were in the past, because it makes them easier to manipulate. The fact of the matter is that it is very difficult to put complex questions into simple language to be voted on.

The report recommends that there should be an independent body to oversee referendums. We have that in the United Kingdom. It spent months drafting the question and then at the end of the referendum most people claimed that they did not know what they were voting for. You just cannot get it right. I would advise governments to use referendums extremely sparingly. If they must use them, they should use them for very clear purposes, for instance to say, "Do you want a devolved Administration in Scotland?" Fine. The Scottish people voted yes. But that was a reasonably clear-cut question. However, I would say that the amount of bitterness it caused between families and within families is still not cured in that country. I welcome the report, but I counsel against the whole concept of referendums, which I think do far more harm than good.

Lord George FOULKES (United Kingdom, SOC): I too greatly welcome the report, having proposed the original motion on which it is based. I also congratulate Dame Cheryl GILLAN and her advisers on producing an excellent report. I fervently hope that the Venice Commission will adopt these recommendations.

I was going to quote Clement Attlee, as Richard Balfe has done, and say that the referendum is a device for dictators and despots. In fact, that was also repeated by Margaret Thatcher in 1975. I like to quote Clement Attlee, but I am not used to quoting Margaret Thatcher. If they could both realise the faults and weaknesses of referendums, they must be right. We saw that in our referendum. I think a lot of people vote in referendums not on the issue on the ballot paper but on other issues. In 2016, in our European Union referendum, I think a lot of people voted to leave not because of anything to do with the European Union, but because of the austerity that was being imposed by David Cameron and George Osborne. They were asking the people to vote for remain and the people said, "To hell with you, we're going to leave."

I now want a second referendum. Having made those criticisms of the first referendum, why do I want a second referendum? It is really based on what Mr Ian MURRAY said about paragraph 4.2. We now know the reality of Brexit, and the British people should be given another opportunity to vote. We could ensure that some of the problems created in the first referendum – the Russian interference, which has already been mentioned; the overspending by the leave campaign; and the lies propagated by the leavers in the referendum – are not included in the second referendum. Some people say that a second referendum would bring a couple of months of hell, but I tell you that Brexit would be infinitely worse.

At last, we are looking forward to a second referendum. Today, I can tell you that the Labour Front Bench has put down a motion in Parliament to get us towards a second referendum. That is now a real possibility. There is a good chance that the next time we are here in Strasbourg for this Parliamentary Assembly, Britain will still be a part of the European Union. I certainly hope so.

Mr Claude KERN (France, ALDE)*: The report on the necessary update of the Code of Good Practice on Referendums by the Venice Commission is particularly thorough and well documented. It has the great advantage of putting forward specific and welcome proposals for improvements. Referendums have an ambivalent reputation. They tend to be implemented or brought in for a constitutional change or to deal with controversial questions, but they can also be used as a political instrument to help incumbent powers.

Depending on the historical and institutional national context, they can be more or less legitimate. Citizens' initiatives are very much a part of the Swiss democracy, whereas Germany is very careful about using them because of bad memories. In France, there is a strong ambivalence about the referendum. It has allowed the reform of institutions in the Fifth Republic and contributed to the end of the Algerian War, but it can also become an authoritarian excess by those in power, as happened in the first and second empires, when it was called the plebiscite.

There is a real danger – the report rightly mentions this – of a referendum being manipulated with regard to what it seeks to achieve and during the campaign. The question put to the people must be drawn up in the most unbiased way possible and not leave any room for interpretation. Similarly, the referendum initiative has to be sufficiently restricted so that questions cannot be asked that would jeopardise fundamental rights or legal certainty. A recent national debate in France showed that banning same-sex marriage would be the first question that people would like to see put to a referendum, but 62% of the French are in favour of same-sex marriage. So, let us try not to divide our citizens unnecessarily.

Above all, where there is a lack of consensus on major reforms and a rise in populism, a referendum might lead to people not answering the actual question asked, but just trying to punish those in office. We saw that in 2005 when there was a no vote in a referendum on a European constitutional treaty. That was motivated more by a dislike of the government of the time than by any European considerations.

The report also warns against the manipulation of public opinion, which is more extensive and easier now through social media. We know that a major disinformation campaign happened during the Brexit referendum in June 2016, with consequences that are still being felt today on the British parliamentary system, which is one of the oldest and most stable in the world. In France, in the context of the current political problems, there is a call for a citizens' initiative referendum. Without pronouncing on whether that is a good idea or not, it is vital to ensure that, if that goes forward, such a referendum must comply with the standards of our revised code of good practice.

Mr Zsolt NÉMETH (Hungary, EPP/CD): Thank you, Madam President.

Dear colleagues, President of the Venice Commission, I believe the report is extremely timely. The European political systems are, these days, struggling with a lack of legitimacy. That is one reason why I believe that this is a timely discussion. Secondly, I am convinced that the 2007 Code of Good Practice on Referendums is under revision by the Venice Commission, so it is timely in that regard too. I hope the Venice Commission will be able to integrate the report in the new Code, especially when we take into consideration the fundamental change in political marketing in Europe over the past 10 or 15 years, which has influenced the institution of referendums. New regulation is needed across all media sectors, but especially social media.

Secondly, I welcome this extensive, professional report. This instrument may enhance state compliance. I believe that this is the type of debate that we really need to have in the Parliamentary Assembly of the Council of Europe, but we are just having it now. I am grateful to you, the Venice Commission and, obviously, the rapporteur.

Thirdly, this report is well balanced, and avoids the trap of populism and the similarly dangerous trap of "demo-phobia" – the fear of democracy. Those are the two big dangers. We should not be afraid of referendums, but we should not misuse them. They are important instruments in participatory democracies, but it is important to consider alternatives to participatory democracy – for example, citizens' assemblies have been referred to. I want to mention the Hungarian system of national consultation. We recently had a national consultation on family policy, and about 2 million Hungarians engaged with it.

Thank you very much. I welcome the Venice Commission's activity in co-operation with the Council of Europe.

Mr Manuel TORNARE (Switzerland, SOC)*: I thank you wholeheartedly, dear colleagues; never has so much mention been made of Switzerland. I thank Mr Gianni BUQUICCHIO, who even quoted James Fazy – the founder of the modern republic in 1847 – and my illustrious compatriot Jean-Jacques Rousseau. We owe him a great deal.

Having said that, I have heard a lot of concerns expressed about referendums. How can we avoid them? Perhaps we need to define referendums. Unfortunately – this is my personal opinion – they are not sufficiently defined, so we need a very strict framework. If you want to refer to Switzerland, you have to talk about what exists there and not what you hear in France – fake news about what is happening in Switzerland, be it from gilets jaunes or politicians. Initiatives can be proposed at a cantonal and federal level, and decisions can be countermanded when things have been adopted at a municipal, cantonal or federal level.

If the Brits had adopted that approach, perhaps they would have had an initiative, rather than a referendum, which would no doubt have been more constructive. In too many countries, referendums are unfortunately used to satisfy the needs of dictators or authoritarian regimes – Napoleon III was mentioned. That is a bad use of that democratic system.

For those reasons, we need to define better and more effectively what the framework is and how the referendum will be used. At the Council of Europe, we should agree on a toolkit that can be applied in most countries. If referendums are well used – I know what I am talking about, as I am Swiss – the blunders that you fear and the problems that have been encountered in some countries can be avoided.

If you want to come to the Swiss table, please join us. I have been invited to a city in France to explain the Swiss system. We are at your disposal. I truly hope that this will increase universal rights, as Jean-Jacques Rousseau used to say.

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL, President of the Assembly): Mr Ionuț-Marian STROE is not here, so I call Mr Betian KITEV.

Mr Betian KITEV ("The former Yugoslav Republic of Macedonia", SOC): All initiatives start with the question, "What is to be achieved?" In this case, the goal of updating these guidelines is to provide better organisation and realisation of referendums in Council of Europe member states. Referendums are very important, as they are one of the few forms of direct democracy in today's developed, representative democracies. Referendums enable us to understand the attitudes of citizens, who are indisputably sovereign in modern states in today's global world. That powerful means of direct democracy allows governments to hear citizens' voices, and prevents governments from falling under the influence of particular interests.

The advantages of referendums include the fact that they are directly democratic, their constitutional check on governments, and their capacity to stimulate interest and involvement in public policy. They provide a single, clear answer to a specific question in a way that general elections cannot, and they force policy makers to explain their proposals. However, there are also several disadvantages. It is not clear whether they are consultative or binding on governments, and if they are binding it is unclear for how long. The timing, wording and funding of the referendum affect the outcome. It is difficult to agree what level of turnout constitutes consent – for example, it is unclear whether 50% implies consent. The prospect of a referendum may cause political and economic uncertainty, and governments can use them for political ends.

Referendums should be confined to really big questions – irreversible decisions that will significantly affect people's lives – and should be held only in rare and exceptional circumstances. The guidelines should help in determining all aspects of the successful realisation of the referendum process. They should cover the entire procedure, from the smallest technical aspects to the major political and social factors, for the process of each referendum to be positive. They are an opportunity for citizens to have direct involvement in the decision-making process, whether the issue is of local or national significance.

Bearing all that in mind, we should determine what is fair in today's modern democratic states, which have various electoral models and different rules for referendum. We need to know whether we can provide a standard for fair play that can be applied equally to all Council of Europe member states. How can we ensure that these guidelines are applied equally in all countries? We must resolve that key issue before we define the direction of the policy.

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL, President of the Assembly): I remind members that the vote is in progress to elect two judges from Italy and Sweden to the European Court of Human Rights.

The ballot will be suspended at 1 p.m. It will reopen at 3.30 p.m., and will close at 5 p.m.

Those who have not voted may still do so by going to the area behind the President's chair.

Mr Jokin BILDARRATZ (Spain, ALDE)*: I too thank everybody who was involved in drafting the report, and the Venice Commission. We are trying to find answers, from the perspective of representative democracy, about a long-standing tradition, which stems back to Athenian democracy: direct democracy.

How can we create tools and instruments to enable our citizens to speak directly via direct democracy? It is a clear concept in our democracies, as is participation. However, there are real limits to participation. Participation, too, is being used and misused by a whole series of political forces, lobbies and pressure groups. In many cases, it is being used against institutions. Of course, the contrary can also apply: institutions can also use referendums in various ways. Such participation is a tool that we must manage effectively within the framework of democracy.

We also need to ensure that we have clear rules on referendums. I am a Basque, and it is fair to say that we will always be a minority in the Spanish State. My first question is whether a referendum can be used by a majority to act against the interests of my culture and my identity, which, as I said, will always be those of a minority within the Spanish State. Referendums are answered with a yes or no; in other words, they match the wishes of the majority and never those of the minority.

Representative democracy can represent us as citizens in many ways, but a referendum cannot. Having said that, I will of course vote in favour of the report, but I would like to ask the Venice Commission to ensure that minorities have their needs addressed. We must ensure that measures are taken to avoid discrimination against minorities through referendums.

Another important issue in participatory democracy is the role of new technology. We can see this in a positive way: technology is providing us with all sorts of new possibilities and tools to enable our citizens to participate in the decision making of our institutions. That gives us an opportunity to have a better understanding of what our citizens want. The overriding issue in this debate is the need for referendums to serve democracy, a democracy characterised by a positive approach to trying to better understand what citizens want.

Mr Andrej HUNKO (Germany, UEL)*: In a democracy, the population is sovereign. We as MPs are just the delegates of the population – we debate things, but in the end the population must have the right to vote on important questions, including in referendums. I come from a country where, unfortunately, we do not have any referendums, although the majority of the political parties would like to see them come back. We are in the process of considering that, and I think that Germany should have referendums at a federal level. We allow them at land level and at municipal level, and in my city I initiated a referendum. Signatures were gathered, it was a clear question and we won, rather than the council of the city. This allowed us to appeal to the population and to influence things.

It is clear that referendums must be restricted, particularly on fundamental rights, such as the right to life. It goes without saying that you cannot introduce a referendum on the death penalty. However, there should be possibilities. Several referendums have been controversial, and there have been both good and bad examples. Let me remind you of a good one, which is the debate in Scotland on independence. There was agreement between the British Government and the Scottish Government about the question and that the result would be accepted by both sides. There was intense debate – I went there and saw what was going on – and the result was accepted.

Things were different, as we have heard, with the Catalonian situation. As far as I know, 85% of people in Catalonia wanted to be able to vote on their status but that was not accepted by the central government. That is a real shame. On 1 October 2017, there was a referendum in Barcelona, but I very much regret the fact that more than 10% of the MPs elected a year ago to the Catalonian Parliament are now in prison – I visited them last week – and it is a really bad example of how one deals with a conflict. We should learn from the British example.

Mr Martin WHITFIELD (United Kingdom, SOC): Like others, I welcome this report and the work that Dame Cheryl GILLAN has done. I also compliment my colleague, Mr John HOWELL on his successful presentation this morning. I also want to repeat the President's words from this morning about the rise of nationalism and the impatience felt across Europe.

I welcome this opportunity for the Venice Commission to look again at the rules and the suggestions that have been made, and the openness with which the Commission has considered the report and other contributions. Paragraph 4.2 of the report states: "where possible, referendums should be post-legislative; where this is not possible, a process should be set out requiring two referendums". Too frequently, as recent experience has shown, a question is asked of the population that it cannot answer. The screaming, shouting and abuse – particularly on social media, towards journalists and towards people taking part in the debate – takes over. If the wrong question is asked, the reputation of referendums is seriously damaged. If the right question is asked, referendums can be what they should be – a tool of democracy used to seek consensus on the way forward.

Referendums used by countries that are not experienced in them, as in the case of the United Kingdom, frequently lead to division and anger. I compliment my Swiss colleague, Mr Manuel TORNARE, on his experience of referendums used more positively and constructively. I also welcome the comments about people's assemblies. The idea is not new, but by looking at the example in Ireland we may have found a way to engage with large populations that can contribute to the debate and to the question, and that can be used to secure greater understanding of what the referendum is asking.

Finally, I want to take a few moments to look at paragraph 5, which raises the question of digital media. Only today are we starting to see the huge frightening problems that they can cause, as well as their potential. Much work needs to be done on social media and on fake news, positive news and the different spins that can be put on things. For someone to be able to answer a referendum question, they need to understand what they are being asked. In the United Kingdom, we have an opportunity with a second referendum on Brexit to express the answer to the question we thought we were being asked years ago.

Sir Edward LEIGH (United Kingdom, EC): It is true that referendums can be abused, and that is why some mature democracies such as Germany ban them. In the United Kingdom, we have had a referendum. It was fair and it was binding. The people were told – in a leaflet distributed to every single household, which the people paid £9 million for out of taxpayers' money – that the result would be binding.

For centuries in the United Kingdom, the House of Commons has gradually taken power from the monarchy and ruling elites for itself, and over many centuries we have built a functioning and good parliamentary democracy. However, in 2016, the House of Commons freely, fairly and overwhelmingly took the decision to pass the power to choose whether we should remain in the European Union back to the people.

As I said, the people were told that it was binding. If parliament does not like that result and insists that the result should be delayed or overturned, or that the people should be asked a different question or the same question all over again, just because parliament did not like the first result, it would destroy trust in parliamentary democracy and the democratic process. Many people would indeed believe the old catchphrase that if voting changed anything, they – the ruling elites – would abolish it.

The question needs to be simple, and it was – whether to remain in the European Union or to leave the European Union. We cannot say that the people did not know what they were being asked, that they were not clever enough or not well-informed enough. It was widely debated, and the people gave the clear, narrow but decisive answer that they wanted to leave the European Union. I say to my colleagues, Mr Martin WHITFIELD, Mr Ian MURRAY and Lord George FOULKES, all of whom have spoken today, that if they really want a second referendum, they have to ask themselves what the 52% of people who voted to leave would think about that. They would think that their decision was simply being denied.

What would be the question? Would it be a simple question? Would it be the same question? Would it ask whether people approved of the Prime Minister May's deal, a different deal, no deal or remaining in the European Union? No. The people have spoken and made a clear and free decision, and it is now up to the House of Commons to implement that decision. If people in the Council of Europe or the European Union do not like that, they are actually fighting against the express will of the British people, which is to leave the European Union.

Mr Evangelos VENIZELOS (Greece, SOC): The era of the democratic sanctity of the referendum as a direct expression of popular sovereignty is long gone. Representative democracy is constantly under pressure and is suffering the consequences of a general crisis in political participation and representation – a crisis of legitimacy. However, referendums are not the response to this crisis. On the contrary, as they are often held on divisive and simplistic dilemmas, referendums are the vehicle for the expression of populism. We have witnessed referendums helping to establish so-called authoritarian or illiberal democracy in some European countries.

Especially when referendums are not legislative but constitutional, and are aimed at revising the constitution or adopting a new constitution, and because the electorate makes decisions of large historical duration, serious problems may arise in relation to European constitutional values. It would suffice to remember the recent constitutional referendum in Turkey. I do not need to refer to the experience of Hungary and Poland. Strategic national decisions concerning European integration often became the subject of a national referendum. However, this direct expression of popular sovereignty in a member state can risk causing a dead end if the will of the electorate of other member states is not taken into account. We now see the political and legal implications of the Brexit referendum.

In my country, Greece, in July 2015 a referendum was held within five working days of being called. The question was whether to accept or reject several technical proposals from the European Commission, in English, concerning conditions of the third support programme. The proposals of the European institution were rejected by 62% of voters. However, within a few days, the government agreed to the third programme, which had stricter terms than those rejected by the overwhelming majority in the referendum.

The code of conduct presented by the Venice Commission is therefore absolutely necessary, but unfortunately the problem of the crisis and the contradiction of democracy is much greater. For this reason, a fundamental prerequisite of referendums in member countries of the Council of Europe is that they must respect the values of democracy and the rule of law and, of course, the European Convention on Human Rights, in order for them to be under the jurisdiction of the European Court of Human Rights.

Mr Raphaël COMTE (Switzerland, ALDE)*: Distinguished colleagues, I have to admit two things. First, I have to admit that I am an ardent defender of Rousseau, as was my colleague from Switzerland who spoke before, and I think that referendums and direct democracy are very modern things. That is my first admission. My second is that I am Swiss, so I have much experience of direct democracy.

Every revision of our constitution has to go through a referendum, and all decisions and laws that we vote through in our parliament are then submitted for the people to decide if they wish to be consulted in a referendum. Any law that we vote on can be put through the referendum process. It is just a way of helping the people to choose. Of course, we need parliaments. Laws cannot be drafted if there are millions of people around the table; it is much easier if there are, at most, a few dozen people. However, once a law is on the table, there is nothing preventing a country from allowing the people to have their say. Every decision taken by a parliament should be submitted to a referendum if the people so decide.

My French colleague, Mr Claude KERN, talked about marriage for all in France. We had a similar thing in Switzerland, with a referendum on civil partnerships. Some people expressed their feelings against it, but the Swiss nation as a whole decided that it was for civil partnerships. A certain amount of fear and suspicion is being expressed about direct democracy, because it is not widely practised in all Council of Europe countries. There may be parliamentarians who are afraid of losing power, but they are wrong to be afraid. It could not be said that our parliament in Switzerland is any weaker, only that there has been a slight shift in our roles. Our parliamentarians have to listen much more closely to the citizens, because they know that it may well be that the population will decide to come out against the law that they have just chosen. This leads to more co-operation between the people and the parliament.

I have also heard other criticisms. However, it is not the referendum itself but its results that are being criticised. Our distinguished colleagues from the United Kingdom talked about Brexit. If the people had said that they did not want to leave the European Union and refused Brexit, would the same critics of the system still criticise it? If the British people had said that they wanted to remain in the European Union, I think that those same critics would defend the referendum as a useful tool for democracy.

We in Switzerland know that we have to accept referendums, whatever their result. The referendum is just a way of finding the answer that the people wish to give. We do not want a system in which the government in power knows the result ahead of time.

Ms Angela SMITH (United Kingdom, SOC): I congratulate the rapporteur, my colleague Dame Cheryl GILLAN, who has done an excellent job on the report, along with her advisers. As others have mentioned, I hope that the Venice Commission will seriously take it into account.

The report arose after questions were raised about the process and the fairness of the outcome of several referendums. I will use the Brexit referendum in my own country to illustrate why these are serious questions. It emerged in the British media only yesterday that, prior to the general election in 2015, the then Prime Minister, David Cameron, told Donald Tusk, the European Council President, that he would not have to run a Brexit referendum, even though it was in his party's general election manifesto, because his party would not win a majority at the general election and the proposal would then be dropped.

It was also clear from David Cameron that the referendum proposal was in the manifesto because the party was feeling the pressure from UKIP, the United Kingdom Independence Party. The tactic backfired badly and my country is now plunged into a process on the basis of a shabby political tactic, which was there to serve the interests not of the country but of a political party. That is a really bad reason to run a referendum.

Another point concerns funding. The Electoral Commission in the United Kingdom has said that it has reasons to believe that a number of criminal offences may have been committed during the campaign by Leave.EU, one of the organisations campaigning to leave. Two individuals from that campaign have been referred to the UK's National Crime Agency. Surely, therefore, the whole Brexit decision is thrown into serious doubt when one considers such points.

Then there is the misinformation in the campaign: £350 million a week for the NHS was promised by the leave campaign. It was an obvious and cynical manoeuvre to gain votes for leave. Let me just note the remarks in the report on this, which rightly focus on misinformation and point out that, while it is a tricky issue, we have to deal with it.

Finally, paragraph 4.2 of the report makes it clear that we need two-stage referendums when, at the first stage, only the principle of the issue under discussion can be agreed. On that basis, the United Kingdom should have a second referendum. Not only has the first referendum been discredited, for all the reasons I

have outlined, but it is a half-finished process. We should have a second-stage referendum in the United Kingdom, along the lines suggested by the report, so that the British people can make an informed choice about their future, and in which the option to stay in the European Union is clearly on the ballot paper.

Mr Tommy SHEPPARD (United Kingdom, NR): In Scotland, over the last five years, we have had two referendums. One in 2014 on Scotland becoming an independent country, and one in 2016 when we voted, as part of the United Kingdom, on whether to leave the European Union. The differences between these two votes are striking, and we can learn a lot from them.

In 2014, the referendum came about only after the election of a Scottish Parliament with a majority of members committed to Scottish independence. It became the policy of the Scottish Government and the Scottish Parliament and then the proposal was put in front of the people of the country. There was a full two-year debate with lots of information available, including a 700-page government report that spelled out how independence might work in every aspect of public policy.

In 2016, it was done rather differently. The 2016 referendum was not carried out to endorse or support a government position. It was done because the governing party could not agree on the matter of membership of the European Union and to avoid the governing party having to make a decision. It was done without adequate information, with the arguments in favour of leaving confined to what could be put on the side of a bus. As a consequence, when the vote to leave the European Union happened, the government literally did not know what to do. It has spent two and a half years not knowing what to do and we now have a political crisis and impasse in my country.

If David Cameron had heeded the advice in the report before us today, things could have been very different. It says clearly that referendums should not be counterposed to representative democracy but used to augment it. In particular, it cautions against inviting people to vote on an abstract principle without asking them to choose the means to make it happen.

That is the situation we now have in the United Kingdom, which is why, as we have heard, so many members of the British Parliament now believe that it is time to give the people of the United Kingdom a further vote on the matter. This provokes horror and reaction among those who support leaving the European Union; they say that it is anti-democratic.

So we should be very clear: no one is suggesting that the British Parliament should disregard or overturn the vote taken by the people in 2016. Nor is anyone saying that the people of the United Kingdom were wrong to take the decision they did in 2016. What we are saying is that information has changed and clearly a lot of people have changed their minds. It is right and proper that people should be allowed to review the decision they took two and a half years ago. People have changed their minds, and in a democracy people have the right to change their minds. It is the role of the state parliament to make sure that that changed expression can come about.

Mr José CEPEDA (Spain, SOC)*: The question I should like to ask is whether we really can hope to solve a problem by asking one question. To be honest, those of us who are politicians know that we cannot. Democracy is far more than answering yes or no to one question to solve a problem. Those of us who are active in politics know that life is a dynamic process and, all too often, answers are multi-level and dynamic.

A referendum is, in effect, the representation of a snapshot at a given moment. However, we as politicians are seeing the development of an idea, or its consequences. We have heard many people talking about the result of the Brexit referendum this morning; it is important but it is not the first time that this has happened. A few months ago in another country, Colombia, after many years of war and conflict, a decision was taken that was then overturned by a referendum.

As is stated clearly in the report – I congratulate all those involved in drafting it and voice the hope that the Venice Commission will take its findings on board – all too often in referendums voters are answering all sorts of different questions. That underlines again the importance of the media and social media. Increasingly, the media reflect gut feelings rather than reason.

Democracy must look to the future; we cannot simply base decisions on a one-off snapshot that reflects thinking at one moment in time. It is paradoxical, even here in this Chamber, to hear members of parliaments – the representatives of representative democracy back at home – talking about things in terms of snapshots. We should be taking a longer-term view and trying to think through the consequences of the decisions we take in a democracy.

Democracy must be built with a long-term view. We cannot base it on shouting, snap decisions and snapshots; we should all act with the long term in mind and a sense of responsibility to future generations. That is what democracy is all about and the only way to do that, in my view, is via representative democracy.

Mr George LOUCAIDES (Cyprus, UEL): The report before us, and the draft resolution in particular, lays out important parameters that will undoubtedly provide the backbone to the revised Code of Good Practice in Referendums that the Venice Commission will prepare. I congratulate Dame Cheryl GILLAN on the extensive research she has undertaken and the very useful recommendations. There are important issues at stake that I should like to underline.

Referendums are a form of direct democracy and should be used to complement representative democracy and enhance participatory democracy. Recourse to a referendum may be deemed necessary for important questions of public interest. Taking into account past negative experience, particularly at the European Union level, it is essential to accept and respect a referendum result. Efforts to bypass that result or call for a repeat vote to obtain the desired result should be avoided, as this runs counter to democracy.

Additionally, as the rapporteur rightly states, it is important to make sure that referendums are not used by minority governments to bypass the wishes of parliament and override normal checks and balances. For this reason, it is essential that the parliament is actively involved in the whole process of the referendum. It is also crucial that voters are able to access balanced and quality information, and thereby make an informed choice. Voters should also be aware of the consequences of their decision and its implications for future policy decisions.

I support the many critical points raised in the report, including those on the need to hold extensive public deliberations prior to the referendum, prohibit the use of public funds to campaign, and establish transparent rules on funding. Balanced media coverage must be ensured, as must access to information for voters. Creating a supervisory body that is independent of government and responsible for the conduct of the referendum, and having a specific legal framework are also important parameters to take into account. We look forward to receiving the Venice Commission's updated code of good practice.

Mr Edmon MARUKYAN (Armenia, ALDE): First, I wish to thank our rapporteur, Dame Cheryl GILLAN, for her extraordinary work and for giving us this important tool, which helps to introduce a new, uniform benchmark for measuring compliance with one of the founding principles of the Council of Europe. This practical tool is surely going to become an effective instrument, and I strongly support the report.

At first glance, a referendum is a tool of democracy and it should always be welcomed by democratic societies. However, in some situations we witness cases where that direct democracy tool is abused, particularly to restrict the power of the legislative body and the functioning of democratic institutions, to distort the democratic system of checks and balances, and to pursue goals that cause democracy to regress.

Another challenge we face is that citizens often lack quality information and comprehensive knowledge of the issue before they participate in a referendum. That leads to a situation where the society is easily manipulated by various social networks, and it might result in an abuse of democratic standards through the use of a democratisation tool.

Of course, I consider the guidelines to ensure fair referendums to be a practical tool for not only the Council of Europe but other national and international stakeholders, be they national or local state institutions. The authorities must adhere to the standards outlined in the guidance, as part of their positive obligation to ensure democratic elections and to use referendums in good faith. The code will become a benchmark and guiding document for all states on the path to their democratisation when organising and conducting referendums, not only nationally, but locally.

I believe the Venice Commission's Code of Good Practice on Referendums should be updated to take account of current Internet and social media developments, and to reflect the importance of ensuring that quality information is available to voters. That might increase the efficiency of referendums and reduce the possibility of voter manipulations by the stakeholders.

Ms Anne KALMARI (Finland, ALDE): Democracy is one of our core values, but democracy, and especially its practices, should evolve and transform as society changes over time. Rapidly developing IT and social media has altered societies across Europe and the world. This excellent report highlights many of the problems and challenges that representative democracy faces today. No authority can supervise the correctness of information; we need free media for that.

There are possibilities for democracy here, including with this emergence of rapid information sharing. More than ever, democratic institutions face problems of legitimacy, with decisions being taken further away from the people than has happened in the history of humankind. International institutions, companies and markets have a huge amount of power and influence. Too often, citizens feel unheard and alone. That is why states and communities, such as democratically elected local councils, should make an effort to utilise these new possibilities to strengthen the democratic decision-making process.

In the context of this report, that would mean consultative referendums that do not tie the hands of democratically elected representatives. Such an approach would allow the voice of the people to be heard and be taken into account, but it would not hinder decision makers in making responsible and conscious decisions.

When any referendum is called, all opinions should be shared with citizens, through official announcements, to ensure fair and equally informative campaigns on all sides. The opinions asked of citizens through referendums should be reasonably simple and be local or countrywide, instead of dealing with big questions. In addition, more referendums should be used to ask the public's opinion on minor issues, so as to educate citizens to participate and voice their opinions in polls. I encourage the Council of Europe to embrace democracy and its conscious evolution as a key to legitimising decisions and making the voice of the citizens heard through democratic and legal channels, instead of through more dramatic and illegitimate ways, as happens too often.

Ms Sirkka-Liisa ANTTILA (Finland, ALDE): Europe is living through a crucial period in representative politics, and recent referendums have raised many concerns about their justification and their consequences. Concerns have also been raised about the populist aspirations that come with the campaigning and media coverage, which can make a complex question seem like a black and white one.

I agree with the report that the increased role of the Internet and, especially, the influence of social media have fundamentally changed the nature of political campaigning. Even though social media has given many a platform to participate in political debates, recent years have shown that it is also very vulnerable to the influence of hostile foreign powers.

I believe that referendums can complement representative democracy, but they should not be used as a tool to override the wishes of parliament, nor should they be used to bypass normal checks and balances, as was rightly stated in the report. In a parliamentary democracy, members of parliament are able to take the time to listen to all sides in the debate, consider the opinions, understand the complexities and make an informed decision once they have all the facts. In a parliamentary democracy, MPs are also responsible for the consequences of the decisions taken by the government. Referendums should not be used to bypass this and give the responsibility to the people. There is still a belief that referendums based on knowledge, critical debate, real facts and understanding may be part of the answer in terms of people's ability to participate in democratic decision making.

Lastly, I agree with the report that the Venice Commission's Code of Good Practice on Referendums should be updated and the member states' compliance with the code should be enhanced. It is also vital that member states share good practice in terms of their citizens' participation in democratic deliberations.

Mr André GATTOLIN (France, NR)*: This discussion is particularly relevant for a Council of Europe country such as France as we are living through the gilets jaunes crisis, particularly because of the re-emerging demand that we should have a citizens' initiative referendum – I will come back to that. We are talking about the Code of Good Practice on Referendums in the Council of Europe today because we are aware that our advanced democratic societies are going through a complete change in their ecosystems.

There is a terrible paradox before us. On the one hand, there are citizens who, you could say, have become more educated over the years, and who are better informed, through not just traditional media but social networks. Of course, we could discuss whether the quality of the information they are getting is good or bad, but they are getting it. On the other hand, their representatives are expected to take faster decisions on more

technical issues, because we live in a new interconnected world with none of the old traditional frontiers. That creates a paradox. If you look at that relationship in our post-war democracies, whether they have a semi-presidential system as in France, or a parliamentary system where more than 90% of the laws adopted in that country are government-led initiatives, we see that in every case the parliament is less powerful.

There is a demand for a citizens' initiative referendum. The report provides ways to frame a referendum to make sure that it is not abused. It is important that we make sure that we do not simply go for referendums on the initiative of citizens who are against all that we hold dear in Europe. We need to make sure that we can have referendums without destroying the relationship between the people and the parliament, because the parliament is necessary. The idea of citizens' initiatives, which would mean that citizens could demand that their government discusses this or that reform or text, would be the way forward.

Mr Zafer SIRAKAYA (Turkey, NR): I thank the rapporteur for her hard work in preparing this significant report. In recent years, referendums have become more prevalent, so they have become an essential part of our understanding of democracy. Guidance on referendums, in accordance with advancing standards of democracy, is of the utmost importance. Despite variations in the purpose and conduct of referendums, two important common problems arise, both of which need to be properly analysed and tackled: the increasing disinformation on social media and low participation.

First, information in society has radically changed the expectations of politics and the people's view of democracy. Despite the fact that social media is very influential on public opinion, it is hard to say that that influence is generally positive. In particular, the last presidential elections in the United States and the Brexit referendum have accelerated the pace of the debate about the influence of social media on the electorate's choice. An inspection mechanism for social media is needed and I hope that the Venice Commission will present a more substantial solution on that highly controversial topic.

Secondly, the political participation of the public in the decision-making process has increased recently. Nevertheless, low participation in referendums and European elections has caused new problems. It is obvious that that endangers democracy, which gains new dimensions daily. In particular, referendums that are concluded with low participation may result in legitimacy questions about the decision taken by the public.

On public participation, I offer Turkey as an example. The Turkish people consider participation in referendums and elections as not only a right but a social responsibility. In my view, developing that sense of social responsibility about participation, rather than possibly using coercive measures, would have a positive result. I feel obliged to say that an urgent solution to the problem of low participation is highly important, as is updating the guidelines.

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL, President of the Assembly): That concludes the list of speakers. Does Mr Gianni BUQUICCHIO from the Venice Commission wish to respond briefly?

Mr Gianni BUQUICCHIO (President of the European Commission for Democracy through Law)*: I thank you for inviting me to the debate, which was extremely interesting. I must say that I have learned a great deal. Different viewpoints were expressed in many cases, which is normal in a democratic debate, but I note the broad-based consensus on the fundamental principles set out in Dame Cheryl GILLAN's report. To a great extent, the Venice Commission shares those conclusions.

A series of speakers also talked about the recent phenomenon of new media – digital media and social media – and the impact of those new media on electoral and referendum campaigns. As I have already said, the Venice Commission has been working on that issue. In its June meeting, it will debate and adopt a study on that matter, a copy of which will of course be sent to you.

When it comes to our ongoing work on the revision of the Code of Good Practice on Referendums, I remind you that the Venice Commission first floated the idea some years ago – well before the Parliamentary Assembly started to show an interest in the subject. I have heard people saying this morning that, in a democracy, it is quite normal that voters can change their minds, and we all know the famous quote *Only fools never change their mind*. With that in mind, we had already decided to change our Code of Good Practice on Referendums to draw on recent developments and to reflect the current trend for referendums in various member states. We intend to co-operate closely with the Parliamentary Assembly throughout the process of reviewing and revising the code. We hope that it will be on the agenda for the next session in March.

As you know, the Assembly is also a member of our working group, which is responsible for making proposals to revise the code. You will of course be taking part on an equal footing with members of our Commission. I hope that we will succeed in working together so as to draw on our renowned European wisdom in finding practical solutions to the issue, which is important and has to work together with representative democracy. A referendum should complement traditional democracy while, at the same time, enhancing improved citizen participation.

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL, President of the Assembly): I call Mr John HOWELL, who will speak for three to four minutes.

Mr John HOWELL (United Kingdom, EC): This has been a good debate and I thank all the participants who have contributed. I have been struck by the kindness of the comments and by the cross-party agreement to the report. It has been particularly good that participants from Switzerland have commented on it.

When Mr Gianni BUQUICCHIO began, he said that the Venice Commission had been critical of most referendums, and we have heard from speakers who have been equally critical of most referendums. I hope that my United Kingdom colleagues will forgive me for not rising to the challenge of trying to solve the problem of Brexit in one go at this sitting. I was also struck by the comments about the dangers of referendums, which I take to heart.

One of the biggest challenges we face is fake news. We need to make the information available more reliable and more neutral so that people can take reliable decisions, and we need to challenge the use of social media in this regard. I was struck by the comment that we need to make referendums respectful of the way that parliamentary democracy continues, and the remarks about enhancing parliamentary democracy. I will stop on that note because there is other business to come. I thank all participants who have contributed to the debate.

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL, President of the Assembly): Does the chair of the committee wish to speak?

Ms Ria OOMEN-RUIJTEN (Netherlands, EPP/CD): Yes, but only to make three very short remarks.

First, I thank all participants because we have a good report and now we have had a great, positive debate. Secondly, I thank our rapporteur Dame Cheryl GILLAN, and Mr John HOWELL for the way in which he represented her. Thirdly, many thanks to Mr Gianni BUQUICCHIO and his colleagues; your contribution not only to the report, but to the debate, was very valuable. I hope that we will see each other soon regarding the new report of the Commission.

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL, President of the Assembly): Thank you.

The Committee on Political Affairs and Democracy has presented a draft resolution to which one amendment has been tabled. I remind you that speeches on amendments are limited to 30 seconds.

I understand that the Committee on Political Affairs and Democracy wishes to propose to the Assembly that Amendment 1 to the draft resolution, which was unanimously approved by the committee, should be declared as agreed by the Assembly.

Is that so, Madam Chairwoman?

Ms Ria OOMEN-RUIJTEN (Netherlands, EPP/CD): Absolutely.

Vote: Updating guidelines to ensure fair referendums in Council of Europe member States

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL, President of the Assembly): Does anyone object? That is not the case.

Amendment 1 is adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 14791 as amended.

The vote is open.

The draft resolution in Document 14791, as amended, is adopted, with 113 votes for, 7 against and 11 abstentions.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: I would like to point out that the vote regarding designation of judges in respect of Sweden and Italy carries on. You can vote until 1 p.m.

We now come to the communication from Mr Timo SOINI, Finnish Minister of Foreign Affairs and Chairman of the Committee of Ministers of the Council of Europe.

This will be followed by parliamentary questions for oral answer. One member of the Assembly has tabled a written question which is available with the answer in Document 14797.

Communication from the Committee of Ministers

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly): It is a great pleasure to welcome you to this Assembly Chamber in the framework of the chairmanship of the Committee of Ministers by Finland.

We had the chance to hear a presentation of your chairmanship priorities in Helsinki in November last year. On that occasion, we also had a frank and open exchange of views with you on some of the most topical issues on the European agenda.

Moreover, the members of the Presidential Committee highly appreciated your readiness to participate in the informal discussions between the Bureau of the Committee of Ministers and our Assembly's Presidential Committee. Only by working together will we be able to overcome the challenges we are facing.

Dear chairperson, the priorities you have set for your chairmanship – artificial intelligence, the prevention of radicalisation and the promotion of gender equality – are all subjects that the Assembly sees as crucial. I therefore cannot but reiterate the Assembly's full support for your activities.

In this context, as you are aware, this Assembly has recently promoted a campaign to stop sexism, harassment and violence against women in parliaments in Europe. I hope that together we can work to launch a real social movement against sexist stereotypes and violence, and expand this initiative to other sectors – including, for instance, #NotInMyMinistry.

Dear minister, we now look forward to hearing your statement on the implementation of the chairmanship priorities, as well as your views, as Minister of Foreign Affairs of Finland, on current geopolitical trends and the role of the Council of Europe, especially as our Organisation will soon celebrate its 70th anniversary.

It is therefore my pleasure to give you the floor.

Mr Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers of the COE): First, I congratulate you, Madam President, on your re-election as the President of the Parliamentary Assembly. I am honoured to address the Parliamentary Assembly of the Council of Europe. I highly value our dialogue and look forward to continuing the exchange of views that we began during the Standing Committee meeting in Helsinki last November.

Finland's presidency has been as busy as we expected. The challenges that our Organisation faces are not small. Political, economic and institutional questions in the Council of Europe require responses from us all. I will share my thoughts on this with you. Before that, however, I wish to say a few words about our presidency priorities and activities, and to reflect on some topical questions.

Finland's first priority is to strengthen the system of human rights and the rule of law in Europe. We believe that, with the present situation, it is very important to highlight the benefits that the respect of universal human rights and rule-based multilateral co-operation has provided for people in Europe. These rights embody what European values mean.

At the end of November, we celebrated 20 years of a single permanent European Court of Human Rights. Together with the Court and the Steering Committee on Human Rights we organised an event at which we had an opportunity to take stock of the Court's first 20 years. The event also took a look at the challenges it will face in the years to come. I wish to thank all the co-organisers, especially the Court, for this valuable event. I am particularly inspired by the project that focuses on how to communicate the impact of the Court's work to ordinary people. Institutions are not an everyday issue for most people, so it is important to show ordinary people the results and benefits of the work of these institutions.

I invite you all to take a look at the website presenting the Council of Europe's project called "Impact of the European Convention on Human Rights". There you can learn about the experiences and the impact of the Court's decisions on the lives of individuals. It was very enlightening for me.

Events still to be organised under this priority include a rule of law conference in Tampere, Finland on 5 February, and a high-level conference on artificial intelligence and human rights in Helsinki on 26 and 27 February.

Our second priority is equality and women's rights. This is Finland's long-term policy priority, both in the Council of Europe and in other forums. I would like to raise one issue that I feel strongly about – sexual violence against young girls and boys. We need to be aware that in this context social media has provided a new and risky tool to which we need to pay more attention. Later in the spring we will also organise events, for example on the rights of Roma women.

Our third priority is openness and inclusion, as well as a focus on young people and the prevention of radicalisation. A free and active civil society, respect for freedom of speech, and rights of assembly and association are key to democratic society. At the beginning of our presidency, the Committee of Ministers adopted a landmark recommendation on the need to strengthen the protection and promotion of the civil society space. In a workshop organised immediately after the adoption of the recommendation, we were able to bring attention to the difficult situation of human rights defenders in the regions of the Council of Europe. The Office of the Commissioner for Human Rights continued on the same topic in the round table they organised in Helsinki in mid-December.

Prevention of violent extremism and radicalisation leading to terrorism is still a topical question. Terrorism is a threat that requires our joint response. We are committed to fighting against it. The Council of Europe has conducted important work to prevent terrorism. The recent attack in Strasbourg near the Christmas market was a shock to us all. I believe that more measures can be taken to prevent radicalisation and violent extremism. A focus on youth and the prevention of marginalisation, as well as promoting the principle of non-discrimination, are among the most important tools. Schools have an important role to play. We need to listen to the youth. They have concrete ideas on how to prevent radicalisation and this is the reason why I have personally visited several schools. This topic is the theme also of a conference in Helsinki in April.

To guarantee the economic sustainability of the Organisation in the long term is a crucial task. During the spring the Council of Europe will continue with its reform process. This process affects the whole Organisation and all of the institutions. Securing and even strengthening the key areas of the Council of Europe's work – human rights, the rule of law and democracy – should be our aim.

Our continent continues to face crises and conflicts. As the Chairman of the Committee of Ministers, I have expressed my concerns about the events in the Azov Sea and the Kerch Strait. I call on all the parties to avoid escalating the tensions. The situation in Crimea and Eastern Ukraine cannot be ignored. I recall the Committee of Ministers' commitment to the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders. The basic principles of European security, international law and respect for territorial integrity of all countries must be defended. We need effective, rule-based, multilateral co-operation to prevent instability and conflicts. The Council of Europe is an important forum in this context.

Furthermore, its mandate includes respect for human rights, democracy and the principle of the rule of law. This makes it possible to raise these issues with member States. If a country is a member of the Organisation, other member States can hold it accountable to its commitments – in fact, that is our duty.

The European Convention on Human Rights allows people to lodge applications to the European Court of Human Rights if they have been denied justice at home. Only member States of the Council of Europe are under the jurisdiction of the Court.

Let me now turn to the question that touches us all. I refer to the situation of the Russian delegation not participating in our work in the Parliamentary Assembly and the non-payment of the membership fees. My staff and I worked hard on this issue. We have tried to listen to all stakeholders to find a possible solution, in co-operation with others. One issue, however, is very clear: all member states must pay their membership fees.

When it comes to the issue of participation of member states in the work of the institutions of the Organisation, I believe that only constructive co-operation between the Committee of Ministers and the Parliamentary Assembly can bring answers and resolve deadlocks. I trust that, if the two institutions work together, a solution will be found. What I propose is an enhanced dialogue between the Committee of Ministers and the Parliamentary Assembly to form a process resulting in a solution to the question. There are no easy solutions or shortcuts. We cannot find a way out of the impasse without a willingness to compromise. All parties involved need to demonstrate flexibility and to take concrete steps.

Finally, I would like to refer to the event marking the 20th anniversary of the office of the Council of Europe Commissioner for Human Rights. The event, which has been organised together with the office of the Commissioner, will take place immediately after this exchange of views. All four Commissioners who have held the office to date will be there to discuss the evolution of human rights over the past two decades, and the current and emerging challenges. The event will be followed by a reception where we can continue those discussions.

Distinguished members of the Parliamentary Assembly, I thank you very much for receiving me and I look forward to your questions.

Thank you very much.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: Thank you very much, Chairman, for your statement. I am sure that it is of great interest to the members of the Assembly. We now move on to questions, the first of which will be from Mr Emanuelis ZINGERIS.

Communication from the Committee of Ministers / Questions

Mr Emanuelis ZINGERIS (Lithuania, EPP/CD, Spokesperson for the group): Thank you, especially for your country's record on human rights. Will you try to negotiate with the Russians to allow rapporteurs to enter the Russian Federation to collect material for our reports here in the Council of Europe, especially the report from Mr Frank SCHWABE and my report on Nemtsov?

My second question is about the killing of homosexuals in Chechnya. You talked about priorities in relation to violence against sexual minorities. How we deal with Mr Kadyrov, who is increasing the number of people killed, is a very important question. You also talked about increasing the contribution of our countries to the budget of the Council of Europe.

M. Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers): Thank you very much for those questions. The information we have received about serious human rights violations in Chechnya is very concerning. The Council of Europe is a stern supporter of human rights and it values highly the efforts that all actors, including civil society, take to improve the human rights situation in Chechnya. Right at the beginning of our presidency, the Committee of Ministers adopted a landmark recommendation on the need to strengthen the protection and promotion of human rights in the space of civil society. We must take such reports seriously.

We reiterate our call to the Russian Federation to conduct prompt, effective and thorough investigations into all reports of such acts to ensure that anyone responsible or complicit is brought to justice. Your question is good and justified, and it must be dealt with accordingly.

Mr Frank SCHWABE (Germany, SOC, Spokesperson for the group): The Organisation is under fire because our values are under fire. I would like to thank you personally for taking responsibility, Mister Soini. I have two questions. First, it is not possible for the Parliamentary Assembly of the Council of Europe to sanction countries which disregard fundamental rights, but the Committee of Ministers has some tools to do so. Are you willing and able to share them with us?

Secondly, on financing, this Organisation should never be in a situation where it is blackmailed by any country. I cannot understand how, when we have a problem of €30 million-plus, the other 46 member states are not able to organise the financing of this important Organisation in a good way. Are you able and willing to start an initiative to raise the contributions of the other countries?

M. Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers): As I said, we face a very serious situation that must be tackled. Thank you for your comprehensive question. The Russian Federation is a member state of the Council of Europe, but it has chosen not to participate in its statutory organs. That is regrettable. We must work together with the Parliamentary Assembly and the Council of Ministers to solve this problem.

As you state, the financial issues are also very important. I was very clear in my statement that nobody can escape their responsibility to fulfil their commitments – that is intolerable. At the same time, however, we cannot just slide into a situation that is not economically sustainable. This is something we have to look at together. The dialogue between the Committee of Ministers and the Parliamentary Assembly must find a common view together. That is why the Bureau, the leaders of the groups, the Committee of Ministers and I met yesterday evening.

This co-operation can table all the questions you asked and the answers which, in a way, you provided. It is important that we look at the legal affairs, financial affairs and sanctions with an open mind. We want to solve the problem. We are all politicians; we know how to create problems. But we have a responsibility to solve problems. I think we are on the path to solving the problem together. There will be a way if there is a will. I am confident. Finland is a very practical and simple country, up north in the attic of the world. It is frozen, but still our brains are working.

Lord Simon RUSSELL (United Kingdom, EC, Spokesperson for the group): Our brains are completely frozen in the United Kingdom, so it is nice to know that somebody's is not. I appreciate your comments on the need for flexibility, but it must be mutual.

I think we must take decisions, rather than be continuously flexible. In May 1994, the Committee of Ministers agreed that, unless exceptional circumstances have prevented a member state from fulfilling its financial obligation, Article 9 of the Council of Europe Statute will be applied to exclude that member state after two years of non-payment.

In May this year, it will be two years since the Russian Federation refused to fulfil its financial obligations. Will the Committee of Ministers, under your chairmanship, apply the May 1994 decision and take action?

M. Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers): I fully share your view about the root cause of the problem: the illegal annexation of Crimea. It was totally against international law and was the wrong thing to do. It is the reason why we are in this situation. On the Russian Federation's non-payment, it is clear that a contribution must be made.

You correctly say that Article 9 of the Statute stipulates that "the Committee of Ministers may suspend the right of representation on the Committee and on the Consultative (Parliamentary) Assembly of a Member which has failed to fulfil its financial obligation". As current President of the Committee of Ministers, it would be wrong for me to say today what the result of the Committee of Ministers' discussion about this very important issue will be.

I also recognise the need to keep your Assembly involved in this process and any other that leads to the suspension of a member state from the Assembly. The Committee of Ministers will meet in Helsinki later in the spring. We have worked throughout the winter and we will work all spring to get the right result, which will be sustainable.

Mr Hendrik DAEMS (Belgium, ALDE, Spokesperson for the group): The fundamental rights of 800 million men, women and children should not depend on the non-compliance of one of the 47 member states. ALDE thinks it is a mistake to link the non-payment to the functioning of the Organisation. My question is simple: will you take up the challenge of creating, together with the Assembly and all the ambassadors here, a situation in which our functioning and the defence of rights are independent of the irresponsible behaviour of one of the 47 member countries?

M. Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers): Of course, the answer is yes. It is clear that everybody must obey the rules and fulfil their commitments. There can be no exceptions and no blackmailing. That is our clear, principled stance. On the Russian Federation, we should investigate, with the Parliamentary Assembly of the Council of Europe and the Committee of Ministers, how we can ensure that all 800 million people are inside, not outside, the tent.

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL, Spokesperson for the group): I thank Finland for the Finnish chairmanship. I am convinced that it will be the bridge-builder we need in these challenging times for the Council of Europe.

I want to ask the Minister a question that I have asked him before, but not here, with his experience in the political field in mind. Will you elaborate on how you intend to fight radicalisation, which is one of the aims of the Finnish chairmanship of the Council of Europe? Do you have plans for concrete action in that regard?

M. Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers): Thank you very much for the question, Rósa. We met in Iceland a week ago – that is just a coincidence. Radicalisation is one of the biggest threats to our societies. I have visited a dozen schools in Finland to deal with the seeds of radicalisation. It is usually the feeling of being outcast, marginalised and not taken seriously that leads to radicalisation, not a particular religion. It can relate to political views or radical, violent conduct of some kind. Institutions such as prisons can be breeding grounds of that kind of activity for people with nothing to lose.

We must constantly take care of our youth. We must create jobs and educational grants. We must be positive about the future and grab opportunities. There are always people who want to exploit and misuse the youth. I have always said to young people, “Look at the guys” – it is usually older men – “who want you to carry out terrorist or radical activities. When you are caught, they are nowhere. They do not help you or recognise you. They get the credit only if you are dead.” It is important that we work together in that field.

I thank Ms Rósa Björk BRYNJÓLFSDÓTTIR for asking that question. No country in the Council of Europe is safe from this issue, because Internet recruitment is universal; it is Europe-wide. It is very important that we tackle this problem together. Our enemies are not only outside our borders; they can plant seeds inside our borders. To uproot this problem, we need Europe-wide activity and co-operation. We must be clear that violence cannot be used to solve problems in societies. It must be done through the ballot box. We must be clear that violence and radicalisation is the wrong path.

Ms Ganira PASHAYEVA (Azerbaijan, FDG, Spokesperson for the group): The increasing trend of populist forces taking a firm grip on the European political landscape has the potential to affect political and public discourse on important and urgent issues, and shift popular feelings in other continents.

The Secretary General, in his report on the state of human rights, democracy and the rule of law, placed particular emphasis on that dangerous trend and called on member states actively to resist the drift towards a situation in which populism is tolerable and commonplace.

In the light of these continued tendencies, may I kindly ask you to inform us about any ongoing or planned initiatives or activities envisaged by the Committee of Ministers to ensure a proper follow-up on these critical issues for the future of a united and common Europe?

M. Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers): Thank you for the question, which is very interesting to me as I did my final thesis on populism at the University of Helsinki. I have investigated it, and some say I have practised it too. You mention the root causes of populism, and many people across Europe are worried about their everyday lives. They ask whether politicians adequately represent them any more. I think that is the root cause of why the new parties and the new guidelines for society are emerging. There are people who think that their voices are not heard and that their cases are not acted on. They feel abandoned.

We must have structures beyond voting once every four years, once every five years and so on. That is where civil society and non-governmental organisations have their place. For example, many people, especially young people, are worried about climate change. Some elderly people are worried about their pensions. Some people, for example in France, are worried about the price of diesel and gas. They are not bad people, they are worried people, and their worries must be taken seriously.

That is also a challenge to the political system. If people think that they are represented and taken seriously, they will hang on to the so-called old and established parties. If not, they will look for something else. One thing must be clear, as I stated in answer to Ms Rósa Björk BRYNJÓLFSDÓTTIR's question: violence must be excluded totally. You can argue, and you can have different opinions. There are hundreds of us here, some on the right flank, some on the left flank, but what is common to all of us is that we are elected members, and that must be respected – whether we like other members' opinions or not, they are elected by the people.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: Thank you. I propose that we take the next speakers in groups of three, as that will give us time to listen to more questions. The first is from Ms Nicole DURANTON.

Ms Nicole DURANTON (France, EPP/CD)*: I congratulate Finland on presiding over the Committee of Ministers of the Council of Europe and on the fact that you will hold the presidency of the European Union in the second half of 2019. How will you use this coincidence to deepen the relationship between the two organisations? I am also thinking of the European Union accession to the European Convention on Human Rights.

Lord Richard BALFE (United Kingdom, EC): Finland also holds the presidency of the Arctic Council; in fact, you are very busy at the moment, aren't you? Countries such as China seem to be expressing an interest there. To what extent do you see a stronger role for the member countries of the Council of Europe and the European Union in the development of Arctic policy?

Mr Andrej HUNKO (Germany, UEL)*: I support you, Minister, in your efforts to find a solution to our problems with the Russian Federation. It is important to address the question of human rights while strengthening the human rights system in the Court. That cannot be eroded. I want to pick up on a previous question. What can we do to address the European Union's failure to recognise the role of the Court? It has not yet acceded to the Convention. Ten years on from the ratification of the Lisbon Treaty, the time has come to move beyond that so as to strengthen the European Convention on Human Rights and its related systems.

M. Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers): Indeed, I am a busy man. As you say, Lord Balfe, we now hold the presidency of the Council of Europe and of the Arctic Council. They will both have big meetings in May, and then we will be getting ready to be president of the European Union at the beginning of July. There are a few minor issues: Brexit, the multiannual financial framework, the possibility of a different type of result in the European Union elections, and the emergence of a new Commission, as well as everything connected with that. The more the merrier – there are always chances to have a say.

One of the objectives of our chairmanships will be to strengthen further co-operation between the Council of Europe and the European Union. The European Union is a key political partner of the Council of Europe and, of course, a major source of funding through its technical assistance projects and so forth. The accession of the European Union to the Council of Europe's conventions is undoubtedly one way of achieving our objectives. That is why the European Union has at present signed 70 conventions of the Council of Europe, and I understand that the Council of Europe, the European Union and the European Commission are examining the follow-up to the European Court of Justice opinion on co-operation.

The Arctic Council is very dear to me and, going back Ms Rósa Björk BRYNJÓLFSDÓTTIR, we are going to follow each other – Finland holds the presidency and Iceland will follow us. After that, it will be the Russian Federation. Lord Balfe's question about China was very interesting. China has an Arctic strategy, even though it is not an Arctic country. That shows us how significant the Arctic is for us all. What happens in the Arctic has consequences for other countries in due course. That is very serious. The Arctic Council has only eight members – the Nordic countries, Canada, the United States and the Russian Federation – and we cannot solve all the problems by ourselves. That is why we have good co-operation with the observer countries that are necessary to our work. I consider it very important that the Arctic is not militarised. We have enough weapons in the world. I hope that the challenges we face on environmental protection, climate issues and the sustainable use of raw materials, and everything connected to that, can be balanced. Roughly 4 million people live in the Arctic; it is also a home for humans. That must also be taken into account.

There is a great opportunity for co-operation with the institutions that are also in the Arctic. If not officially, it could be through seminars and sharing good ideas. What happens in the Arctic has an effect in Tuvalu. When ice melts, it does not vanish, it goes somewhere else – the sea. These consequences can be significant. I call for the co-operation of all those institutions. We should not envy each other. However, I know that all the organisations defend their own status, which must be taken into account in a profound way.

Ms Katalin CSÖBÖR (Hungary, EPP/CD)*: Intolerance of Christians and Christian culture seems to be increasing in many countries in the world. Attacks are occurring against not only the religion itself but on the whole community of Christians. What instruments can be used to assert the fundamental rights of Christians?

Mr Hişyar ÖZSOY (Turkey, UEL): I have a very specific question. The European Court of Human Rights recently made a decision on the case of Mr Selahattin Demirtaş v Turkey. Mr Demirtaş is co-chair of the People's Democratic Party and has been in prison since November 2016. The Court asked for his immediate release and emphasised that his pre-trial detention was politically motivated, invoking Article 18 of the Convention. However, President Erdoğan said that the decision was not binding and did not allow it to be implemented. The Committee of Ministers has the authority to make sure that Court decisions are implemented. What have you done about this case so far, and what will you do in the future?

Ms Susanne EBERLE-STRUB (Liechtenstein, ALDE)*: Dialogue with the population, as you will focus on in the Committee of Ministers, is very positive, particularly when it comes to combating radicalisation of young people. Like my Icelandic colleague, I am interested in the measures that you are thinking of bringing in to stop the radicalisation of young people and how they will be implemented.

M. Timo SOINI (Minister for Foreign Affairs of Finland, Chairman of the Committee of Ministers): I thank you all for your questions. Violence against any religious group constitutes a serious human rights violation, and that goes for Christians as well. We must be very clear that freedom of belief is a core human right that cannot be compromised. We can all have our own beliefs and convictions. There should be no way to remove this inner life from us. That is absolute for everybody. However, we cannot be satisfied with declaring that. If and when we see this kind of human rights violations of religious minorities, or even majorities, we must be outspoken and defend them publicly. It is not only that I do not approve of the wrongdoings; I must be outspoken. Our governments must be outspoken in guaranteeing freedom of religion, freedom of speech and freedom of belief.

On Mister Demirtaş, I do not know all the details. However, we are aware of the judgment rendered by the Court on 20 November. We have particularly noted that the Court found a violation of Article 3 of Protocol 1 and a violation of Article 18, in conjunction with Article 5(3). The judgment is not yet final. However, we very much hope that due consideration is given to the Court's findings and indications. We recall the obligation of

every member state to abide by the final judgment of the Court in any case to which it is party. We expect member states to act in line with their deep and abiding commitment to the Convention, which has been reiterated on many occasions, most recently in the Copenhagen Declaration.

I have spoken quite a lot about radicalisation already. One issue when it comes to the Internet is teaching young people to master it, and to do it themselves. I am a middle-aged man – 56 years old – and if I have problems with the Internet or with my phones, I go to my children, who are 21 and 19, and ask what on earth I should do. Young people understand it better, which is why they must be the focal point of deradicalisation processes; it is not only we who should talk about this. They live in the world and really understand what kind of equipment is used in this manner. We are organising a conference on this theme in Helsinki. If anybody has any good ideas, I hope that they will post them to us, to help us to root out this problem. This radicalisation faces each other's societies, irrespective of our home countries. It can also be combined. Good news travels fast, but so does bad news, and bad convictions as well. I call for a unanimous approach from all of us to root out this radicalisation, not only because it is wrong but because it could destroy our youth, who are our future.

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly): We must now conclude the questions to Mr Timo SOINI. On behalf of the Assembly, I thank him most warmly for his communication and for the answers he has given to questions.

Next public business

Ms Liliane MAURY PASQUIER (Switzerland, SOC, President of the Assembly)*: Ladies and gentlemen, it is 1 p.m. If anybody wants to cast their vote in the election of the two judges from Italy and Sweden for the European Court of Human Rights before we close for lunch, they have a few seconds to do it.

Voting is now suspended. It will resume at 3.30 p.m. Those of you who have not voted can do so between 3.30 p.m. and 5 p.m.

The next public sitting will take place at 3.30 p.m., pursuant to today's agenda.

The sitting is closed.