



**Provisional edition**

Thursday 28 January 2021, morning

## Official report of debates

### Opening of the sitting num 7

#### **Debate: Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation**

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Good morning, everyone.

May I ask everyone to take his or her respective seat?

If you wish to engage in discussions amongst members, as I have said before, I would invite you to take it outside of the hemicycle.

The first item of business this morning is a debate on the report from the Monitoring Committee regarding the challenge to credentials on substantive grounds under Rule 8.

I remind you that the members whose credentials are challenged may sit provisionally with the same rights as other Assembly members.

The report is titled "Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation", which is Document 15216 presented by Mr Stefan SCHENNACH on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), with an opinion in Document 15218 presented by Ms Ingjerd SCHOU on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs.

In order to finish by 10:45, I will interrupt the list of speakers at about 10:05 to allow time for the reply and the vote.

I also wish to remind each and every member of this Assembly that we do have rules in this house, and we also have rules of conduct. Any breach of these rules of conduct will be conveyed to the Committee on Rules of Procedure, Immunities and Institutional Affairs to be looked into. Why am I saying this? Because my attention has been drawn to conduct that might fall under these rules. Therefore, I have seized the Committee on Rules of Procedure, Immunities and Institutional Affairs and will seize the Committee on Rules of Procedure, Immunities and Institutional Affairs if the code of conduct, as it is foreseen in our rules, may seem to have been breached. So let that be clear.

This is a house of rules. We cannot expect any others to respect rules if we do not respect our own rules.

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In this report:

1. Speeches in English, French, German and Italian are reported in full in English.
2. Speeches in other languages are summarised from the interpretation and indicated by an asterisk (\*).
3. Speeches in German and Italian are available in full on the Assembly's website.
4. The text of the amendments is available at the document centre and on the Assembly's website. Only oral amendments or oral sub-amendments are reproduced in the report of debates.
5. Corrections should be handed in at Room 1081 not later than 24 hours after the report has been published.

Having said this, I now call Mr SCHENNACH, rapporteur, to present the report. You have 10 minutes to represent the report Mister SCHENNACH, and at the end of the debate you will have three minutes to reply to the debate.

Without any do delay, Mister SCHENNACH, you have the floor.

**Mr Stefan SCHENNACH (Austria, SOC, Rapporteur):** Thank you very much, Mister President. Good morning to you all from Vienna. I'm in the parliament. We have a parliament meeting and so I will be very clear and very brief.

**Mr Stefan SCHENNACH (Austria, SOC, Rapporteur):** When I was given the task of making this resolution, I remembered the work of the previous Presidents of the Assembly, Mr Michele NICOLETTI, Ms Liliane MAURY PASQUIER, and our current President and also the spirit that reigned over this work of more than two years. This spirit was called dialogue, talking together instead of talking about someone, being together and talking together, even if it is not always easy.

If you really read my memorandum carefully, you will see that I have made a number of criticisms here. Yet, I come to the conclusion that we should ratify the credentials, the credentials of the Russian delegation, that we must continue along this path of communication and that the Russian side must also give us answers and insights.

At the same time, it is a prerequisite for the work of Ms Ria OOMEN-RUIJTEN, Mr Axel SCHÄFER, Mr Emanuelis ZINGERIS, Mr Philipp MARR, Ms Thorhildur Sunna ÆVARSDÓTTIR, so that they can do their work. It is written in the report - all *relevant rapporteurs of the Assembly* - so that the green light and the way is clear for all rapporteurs, rapporteurs of the Assembly to do their work. That is one of the important preconditions.

Secondly, however, it is also a prerequisite for our Commissioner for Human Rights to be able to continue her mission in Crimea and, if the situation permits, to finally be able to start it. These are all important preconditions, where we are not talking about a country, but with a country. It also offers the possibility for millions of citizens of the Russian Federation to appeal to the European Court of Human Rights. We do not want to close this door, nor should we. On the contrary, we should devote all our energies in the Committee of Ministers, our Secretary General, and Assembly to ensuring that the judgments of the European Court of Human Rights can be implemented.

In this sense, I appeal to the Assembly. I know there are some in the Assembly who would like to see it as a triumph or a success at home if the credentials were not ratified. But that is not in an overall social and institutional responsibility. Just these days the dialogue between President BIDEN and President PUTIN has started again. This is important. In the OSCE this dialogue is working. There are rather other countries which are questionable. This means that we should continue this dialogue at the institutional level in the House of Human Rights, in the House of the Rule of Law, in the House of Democracy Development. The certification of the credentials is an important prerequisite for this. I can only appeal to you all here, let us not fall back into an institutional crisis, but let us go down this road together, this road of dialogue, this road of reporting, this road of implementation. Let us continue to enable access to the European Court of Human Rights for the Russian people. Let us enable all our rapporteurs and the Commissioner for Human Rights to continue their work. It is in this spirit that I appeal for this resolution to be adopted.

Thank you very much for listening to me.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, Mister Rapporteur.

As you know, there is an opinion by the Committee on Rules of Procedure, Immunities and Institutional Affairs.

Therefore, I now call Ms Ingjerd SCHOU, who I think is in the room.

She's not in the room, but we would have liked her to be in the room.

I call Ms SCHOU, rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs to present the Committee's opinion.

Madam SCHOU you have the floor. You have three minutes.

**Ms Ingerd SCHOU (Norway, EPP/CD, Rapporteur):** Mister President and Dear Colleagues,

Monday morning the credentials of the Russian delegation were challenged on substantive grounds. In accordance with Rule 8 of the rules of procedure, the matter has been referred to the Committee on Rules of Procedure, Immunities and Institutional Affairs for opinion.

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) decided to propose that the Assembly ratify the credentials of the members of the Russian delegation. I call the Russian delegation to implement, in return, a number of actions. The Committee on Rules of Procedure, Immunities and Institutional Affairs is asked to consider the compatibility of this decision with the rules of procedure, in particular through it, as well with the Statute of the Council of Europe.

In its previous opinions the Committee on Rules of Procedure, Immunities and Institutional Affairs expressed its concern that any procedure to challenge credentials should be based on a substantial request.

The reasons involved in plenary in support of the challenge of credentials of the Russian Delegation constitute a serious and substantive ground able to form under the scope of Article 8 that they contain a presentation of the facts and circumstances leading to support the assumption of persisting grave violations of Article 3 of the Statute and on Russia's accession commitments to the organisation.

The Committee on Rules of Procedure, Immunities and Institutional Affairs has a clear mandate. It is not its task to enter into substantive considerations. The analysis of substantial grounds fall under the scrutiny of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) according to the terms of reference.

It shall be noted that the report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) includes a detailed description of facts leading the Committee to support a proposal to confirm the ratification of the Russian delegation's credentials.

The opinion presented by the Committee on Rules of Procedure, Immunities and Institutional Affairs concludes that the recommendation of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to the Assembly is in full compliance with the rules of procedure.

The Committee on Rules of Procedure, Immunities and Institutional Affairs would like to seize the opportunity of the debate to inform the Assembly about its recent work and reflections on the occasion of previous challenges on substantive grounds to the credentials of the Russian delegation between 2019 and January 2020.

The Committee discussed the implication which the composition of a delegation may have the challenge of credentials on substantive grounds with regard to the presence in the delegation of members against whom the European Union has implemented restrictive measures, and members elected in our national constituencies which include and illegally annexed territory.

With regard to the first issue, the Assembly would be fully justified in taking into account these systems of the European Union's restrictive measures in so far as we relate the first to a serious violation of the fundamental principles enshrined in the Preamble and Article 3 of the Statute and these restrictive measures were adopted by the European Union in response to such a serious violation.

The Council of Europe and the European Union share the same values and principles. Although the Assembly does not explicitly have to take into account the restrictive measures adopted by the European Union, the EU decision is expected to be taken into consideration because it highlights the existence of the violations to international law.

I think, Mister President, that you can see two items that will have an opinion from the Committee on Rules of Procedure, Immunities and Institutional Affairs.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you very much, dear colleagues. We are now coming to the list of speakers. We first have the representative of the political groups, after which we have other speakers.

We have 19 plus 5 on our list, so I suppose we will not be able to have all of them taking the floor. As I recalled in the beginning, I will have to suspend the speaker's list at 10:05. Those remaining on the list, obviously, have the right to submit their opinion, questions, remarks to the Table Office.

First on my list on behalf of the European Conservatives Group is Mr Oleksii GONCHARENKO.

**Mr Oleksii GONCHARENKO (Ukraine, EC/DA, Spokesperson for the group):** Thank you, Mister Chairman.

It is a big honor to speak first on behalf of the European Conservative Group on this extremely important issue. We are now discussing a very important topic. I want to thank rapporteur Mr Stefan SCHENNACH for the really great work which was done by him.

But I can't understand one thing: if you read all his report, at the end it should read "not ratify credentials". It's a logical conclusion of what is written in the report. It looks very strange for me that in the end we see the opposite thing.

Yes, I've heard a lot about dialogue. We need a dialogue, we need a dialogue.

I just want to give you some examples of dialogue from Russian side.

Today in Donetsk, in Ukrainian Donetsk which is now occupied by the Russian Federation, there will be a Russian Donbass forum, with the presentation of Simonyan, editor-in-chief of *Russia Today*, a propagandist channel. This is a Russian State channel and they're holding a Russian Donbass forum in Ukrainian Donetsk.

Do you see a dialogue in this? What will be next? Russian Baku? Russian Vilnius? Russian Warsaw? Or maybe Russian Strasbourg? That's a dialogue?

Now once again, about conduct, Mr Petr TOLSTOI, like always, is trying to interrupt me. This man, Mr TOLSTOI, yesterday after our meeting, on Russian TV, said, "Ukraine is a fake state".

It's a dialogue. It's proof of a good conduct.

Mister President, dear President, I am addressing you. Mister President, Mister General Secretary. I'm sorry, Mister President, Mister DAEMS, I just want you to hear me. Now this man is suspending the rules. He's interrupting me. This man, Mr TOLSTOI, said on Russian TV yesterday that Ukraine is a fake state.

Then before that, he said that Ukraine and Georgia are ugly gnomes. He just said that publicly. You can see: this is a dialogue. All the dialogue is a Russian Donbass forum in Ukrainian Donetsk. Oh, this is a dialogue.

If we're saying that we are a watchdog, a watchdog of values, tell me please what is the watchdog which couldn't bite but can only lick.

This is a not a watchdog. This is kind of a puppet dog. A house dog for Putin and all around him. That's why I don't want us to be like this. I really think that we should be watchdogs of values, of values of democracy, rule of law, human rights. If there are, we need to punish those who are absolutely against these values. Today out of 47 countries, there is one country which is spitting on this values.

Unfortunately for me and for all of us, this is the Russian Federation under Putin. That's the truth.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

The next on my list on behalf of the Group of the Unified European Left is Mr Tiny KOX.

Three minutes.

**Mr Tiny KOX (Netherlands, UEL, Spokesperson for the group):** Thank you, Mister President.

I think we should not call this Assembly a "puppet dog".

It is a meeting of the national parliaments of 47 Member States. I think we should pay respect to the essence of the Assembly.

Mister President, our rules allow members to challenge credentials of a national delegation at the beginning of each year, but having this right does not say that you always have to use it. Challenging credentials should serve a concrete goal. The right ought not be used time and again if there is not a clear goal.

In the past, the Assembly did lack effective means to act in case of possible violation of the statute and the conventions by a Member State. The challenging of credentials was often seen as the only possible means. But, Mister President, we have to realize that since Tuesday afternoon this Assembly has given itself an important new means in case of violation of the statute or the ECHR or commitments of a Member State.

We now have a joint complimentary procedure in which the Committee of Ministers and the Secretary General work together with this Assembly in case of blatant violation of the statute and the convention. For the first time ever the Committee of Ministers has given us the real right to act in case things go horribly wrong in one or more Member States.

That is something that we have to realize: we now have a better means than challenging credentials.

My third remark, Mister President, the Assembly decided last year to prepare a full-fledged monitoring report on the situation in the Russian Federation, on its obligations and commitments, and on the way how the Russian Federation delivers on these obligations and commitments. We asked Ms Ria OOMEN-RUIJTEN and Mr Axel SCHÄFER, as the co-rapporteurs of the Monitoring Committee, to deliver at the earliest convenience a full-fledged report on the situation in Russia. That would be the factual basis for this Assembly to really discuss the situation in that biggest member state of us.

I would urge the Assembly: please let our co-rapporteurs who we appointed ourselves, let them do their work, let them produce their report at their earliest convenience, and let's then have a serious debate on the developments in our biggest Member State. I think that is the way how we should work.

My group of UEL supports the resolution proposed by rapporteur Mr Stefan SCHENNACH completely.

We do reject all the amendments proposed because they are not helpful, except for the amendment of the rules committee, which, again, we support.

Thank you very much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** We now come to the representative of the Socialist Group, which is Mr Frank SCHWABE.

Frank, you have the floor for 3 minutes.

**Mr Frank SCHWABE (Germany, SOC, Spokesperson for the group):** Mr President,

Ladies and gentlemen,

I will continue in German.

I am reminded of the film *Groundhog Day*. Sort of the same theme over and over again and the same attempt to deal with it. At some point one would have to consider whether this is the right way, if the majorities are the way they are, or whether there are not other ways of dealing with the issue. And I want to stress this again, because it was also the subject of yesterday's debate here: despite all the difficulties, all the upset, all the, yes, personal humiliations that one may have to suffer – even as someone who comes from certain countries that are affected – personal insults do not help us at all and are not a sign of politics, but rather the opposite of it.

No one, at least not the absolutely overwhelming majority of those who are here and want to give credentials right away, think that Crimea, that South Ossetia or Abkhazia belong to Russia – on the contrary. And I want to say it again here and we will also make it clear again in a moment in the resolution: Crimea belongs to Ukraine, South Ossetia and Abkhazia belong to Georgia. At any rate, that is how it is under international law.

But do we, as an Assembly, have the authority to enforce this? Quite obviously not. But the competence we do have that millions of people who live in these areas, who live in parts of Russia, in Chechnya, in Moscow and elsewhere, remain under the umbrella of the European Convention on Human Rights. We have seen the searches around Mr Navalny, which are absolutely unacceptable – that is also a case for the European Court of Human Rights.

In other words, the litmus test is whether the Russian Federation will allow the European Convention on Human Rights to protect its citizens accordingly. I want to say it again and I will keep emphasising it and everyone needs to understand that as well: this is our red line. The enforcement of the judgments of the European Court of Human Rights and the possibility of monitoring; of access to the Russian Federation and to parts that are, so to speak, directly or indirectly controlled by Russia. And if, at the end of the day, you are of

the opinion that Russia is not cooperating there, then there can only be the possibility of saying: all in or all out. Then it cannot be the case that Russia stays on the Committee of Ministers and does not cooperate here. We need a common approach, otherwise we will not be able to develop any strength as the Council of Europe together, so let us have the political debate here with our Russian colleagues as long as Russia is a member of the Council of Europe, and that is why I would like to thank Mr Stefan SCHENNACH for the very good report and thank him for having taken over this task, and I would ask you to ratify the credentials to the Russian delegation.

Thank you very much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, Mister Frank SCHWABE.

We now come to the representative of the Group of the European People's Party, Mr Andreas NICK.

You have the floor.

**Mr Andreas NICK (Germany, EPP/CD, Spokesperson for the group):** Mr President, colleagues, anyone who has witnessed the debate in this house over the past few years will not be surprised to learn that there are differing views on this issue in the Group of the European People's Party (Christian Democrats) and European Democrats. I want to be frank about that right at the start.

However, I also want to make it clear that we in the Group of the European People's Party (Christian Democrats) and European Democrats are largely in agreement. We largely agree that we believe that Russia is a great European country, an important neighbour and an important part of European civilisation. We agree that we want peaceful coexistence, good and constructive relations with Russia and the closest possible cooperation in solving global problems in various formats, particularly with regard to the people and civil society in Russia.

But precisely because this is the case, we are deeply pained by the current developments in Russia. I would like to thank Mr Stefan SCHENNACH. As rapporteur, he has given a comprehensive and accurate description of the problems and challenges in dealing with Russia in his report. We in my group are also largely in agreement on this.

The developments in Russian society are a source of deep concern to us, and we have discussed them at length in recent days, not least in our dealings with the Navalny issue and with other questions; this is set out in the report, and I do not need to repeat it all in detail. But I want to underline that again; this is not part of a geopolitical dispute, part of a power struggle. It is about the core of what we have committed ourselves to here as member states in the Council of Europe. It is about the core value of the protection of individual human rights, of the rule of law, of pluralistic democracy. And the Council of Europe has a decisive role to play in the concert of international organisations, alongside the United Nations and the OSCE, precisely with regard to these issues.

It has been mentioned, we are talking centrally about the question of compliance with the judgments of the European Court of Human Rights, whether it can provide this protective function for 140 million citizens of the Russian Federation. Mr Navalny has also referred to it on several occasions and has been proved right there; we are talking about the question of monitoring, where our rapporteurs should be able to complete this report.

In any case, the majority of my group want Russia to remain a member of this organisation with all its rights and obligations. But that is what Russia will have to be judged on. We do not consider the credentials to be the appropriate tool and we do not want a hasty decision from Monday to Thursday, but rather we want to assess these issues as a whole on the basis of the reports of our rapporteurs in an objective discussion, including with our Russian colleagues. And that time will come, and then we will also have to decide whether the results, whether what we receive as a response from the Russian Federation provides a sufficient basis for continuing to work or for triggering the Joint Procedure. We should work constructively together on this point, in the interest of the commitments we have all entered into together: as 47 member states in the Council of Europe.

Thank you very much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We now come to the representative of the Alliance of Liberals and Democrats for Europe group.

Madam Maria JUFEREVA-SKURATOVSKI, you have the floor.

**Ms Maria JUFEREVA-SKURATOVSKI (Estonia, ALDE, Spokesperson for the group):** Mister President,

Dear Colleagues,

On behalf of the Alliance of Liberals and Democrats for Europe I want to express the opinion of the members of our political group on the text of the resolution that refers to the question of the credentials of the Russian delegation, and sadly, to the persistent violation of democracy and the principles of rule of law by our Member State.

The Alliance of Liberals and Democrats for Europe expresses great concern on the continued failure by the Russian delegation to hold its commitments and obligations as a Member State of the Council of Europe. The Alliance of Liberals and Democrats for Europe group also shares a grave concern about the increasing negative tendencies for democracy, the rule of law, and human rights in Russia.

It is not the first time in the past few years that were called to debate the issue of credentials of the Russian delegation. We do not take pleasure in this. The challenge of credentials is a tool we have at our disposal to send a very clear signal to our Russian colleagues. Progress must be made. We expect that.

Full cooperation with the Council of Europe and the Assembly is part of membership obligations. Access of rapporteurs and election observers is not negotiable. Individuals subjected to restrictive measures adopted by the European Union may not remain members of this House.

Tangible progress in democratic report must be demonstrated in the months to come. The proposal to challenge the credentials of the parliamentary delegation of the Russian delegation is also a signal to our colleagues that the latest event around arrest and detention of anti-corruption activist Alexei Navalny, the arrest of his peaceful supporters, and more in general the growing pressure against political opposition in the country, is not a way towards democracy. Quite the contrary.

The question is how should PACE react to this behaviour of a Member State.

We need to preserve the credit of trust and respect in our institution and we wish to see a democratic Russia. Should we continue our dialogue on the platform of PACE or should we finish this dialogue as it doesn't bring results?

Dear colleagues, for the time being all the members have different views on how to respond. What is very clear to us is that a lack of progress puts credentials at risk. Membership in a human rights organisation brings responsibilities and that we expect that these responsibilities should be taken.

Thank you very much for your attention.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We now move to the speaker's list as such.

First on my list is Mr Oleksandr MEREZHKO.

Oleksandr, you have the floor.

**Mr Oleksandr MEREZHKO (Ukraine, SOC):** Thank you, Mister President,

Dear Colleagues,

A year ago when the decision, a mistaken one of course, was taken to let the Russian delegation back to PACE, it was expected that there would be some progress on the part of Russia, that Russia would change its ways and its attitude towards human rights. Now, a year after, we ask ourselves: where is the progress? The answer is, there is no progress. On the contrary, the situation with human rights in Russia has considerably deteriorated.

In the organization based on the principles of democracy, respect for human rights and rule of law, there shouldn't be place for a state which systematically violates human rights, commits war crimes and pursues the policy of aggression against its neighbors. Otherwise this state, Russia, takes its membership in the Council of Europe as an encouragement to continue its crimes.

Dear colleagues, I would like to raise here the issue of the secret Russian prison in Donbass, in the occupied Donetsk. This secret prison called "isolation" has its address in Donetsk. It is known for torture and ill treatment of prisoners, regardless of gender, age or health. The report of the office of the UN High Commissioner for Human Rights provides data on beatings, electric shocks, asphyxiation, sexual violence, torture, removal of body parts, nails and teeth, deprivation of water, food, sleep or access to the toilet, imitation of execution, threats of violence of death, threats of harm to the family. This secret Russian prison in the occupied territory became a symbol of Russian war crimes and it became a symbol of Russia itself.

Dear colleagues, here I have heard many times the enigmatic word "dialogue" which is widely used to justify the state of Russia in PACE. The truth is that dialogue shouldn't turn into appeasement of the aggressor. There is no dialogue on the part of Russia and there will be no dialogue. Russia ostentatiously ignores resolutions of PACE and will do so in the future, let's not pretend to be naive. Therefore, we shouldn't ratify the credentials of the Russian delegation in PACE.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Next on my list is Ms Inese LĪBIŅA-EGNERE.

Madam LĪBIŅA-EGNERE, you have the floor.

Could you ask for the floor, please, in order for us to enable you to have the floor?

Do we have Ms LĪBIŅA-EGNERE?

Ok, you have the floor. Three minutes. Put on the mic please.

**Ms Inese LĪBIŅA-EGNERE (Latvia, EPP/CD):** Honorable Mr President,

Dear Colleagues,

This week my country Latvia celebrated the 100th anniversary of the international recognition of Latvia. It was another important victory that was won together with our allies in Paris at that time, to quote Zigfrīds Anna Meierovics, the first Foreign Affairs minister of Latvia, "using a quill-pen and brains" instead of deadly weapons.

Today not only do we enjoy an unprecedented level of trust on the part of our allies, but we also contribute to the international community to the best of our abilities.

Therefore, it is my duty to draw your attention to the continued deterioration of the situation in the Russian Federation with regard to the rule of law and democracy.

I have to remind you, that before Russia was readmitted to PACE in 2019, we pointed to the fact that Russia is not a trusted partner. Last year we all witnessed how Russia continued to pursue an illegal and aggressive policy, brutally seeking to poison opposition leader, Alexei Navalny, against whom a blatant political persecution still continues.

I take this opportunity to condemn the actions of the Russian law enforcement authorities of 23 January this year against the members of the protests, who exercised their freedom of assembly and freedom of expression in a democratic way.

I watched reports of these protests with satisfaction, concluding that even temperatures of 50 degrees below zero were not an obstacle for people from Saint. Petersburg to Vladivostok, to speak out loudly and unambiguously voice their position on the lawlessness, which is depriving people of hope for a truly democratic Russia. At the same time, recalling Russian history, I also felt an internal worry about these and future protesters, and I therefore call on the Russian authorities to refrain from using disproportionate force against peaceful demonstrators and illegal detentions.

These latest developments are further proof that the renewal of Russia's voting rights in PACE was a flawed step that has allowed Russia to deliberately ignore the resolutions of PACE, but above all, to continue to undermine the image and fundamental values of this very important organisation.

Allow me also sincerely to remind you the recent judgment of European Court of Human Rights, proving that Russia has committed a series of human rights violations during its occupation war with Georgia in 2008.

To conclude, also on behalf of Latvia's delegation, I urge you not to ratify the credentials of the Russian Federation delegation on substantive grounds under Rule 8 on account of a serious violation of Article 3 of the Preamble of the Statute, as well as Russia's failure to honour its obligations and commitments.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We now come to our next speaker.

Mister Petr TOLSTOI, you have the floor for three minutes.

**Mr Petr TOLSTOI (Russian Federation, NR)\*:** Mister President,

Distinguished Members of the Assembly,

I would like to thank the rapporteur for the work that he has done and I'd like to tell you that as of today, this hall at the Council of Europe is the only forum for dialogue among European States and with it the very largest European country, namely the Russian Federation. Dialogue on the basis of an equal footing and mutual respect and no other principles. Now of course no sanctions, no limitations of our rights is something that we can never accept. If a decision is taken not to ratify our credentials then all members of our delegation will be forced to follow the example of 2014 to leave this hall and to stop the dialogue. But then, the discussion would be much less interesting because you won't have someone to criticise to the same extent that you do at the present time.

Now, insofar as Ukraine and Georgia are concerned, their reactions are very understandable because the governments of those countries have used the army, have used force against their own people, and they have done that in territories that were under their control.

Now, Mister President, Mister Secretary General, distinguished members, I think that it is absolutely unacceptable in this hall that there are completely unacceptable words spoken against members of a delegation, against our State and against our president, Vladimir Putin. Now, unfortunately, this is something that we have heard from our colleagues Mr GONCHARENKO and a number of others. They have simply insulted our country and our president.

I would like to thank those who have worked to co-operate with us. We are very grateful for that. I put my trust in the wisdom of the majority of the members of this Assembly. Those people will understand that it is important to continue dialogue with the very largest country in Europe following the advice of Mr SCHWABE.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, Mister Petr TOLSTOI.

We now come to the next speaker, Ms Yuliia OVCHYNNYKOVA.

I do apologise because these names are not always easy for me.

**Ms Yuliia OVCHYNNYKOVA (Ukraine, ALDE):** Dear President,

Dear Assembly Members,

Ladies and Gentlemen,

The Council of Europe was established based on the idea and value of [Unintelligible] peace based upon justice and international cooperation as vital for the preservation of human society and civilisation.

Members of the Council of Europe have proved their devotion to the spiritual and moral values, which are the common heritage of their peoples and the source of individual freedom, political liability, and the rule of law. These are principles which form the basis of all genuine democracy.

We can find these ideas in the preamble to the Council of Europe, a statute which all members have to respect and implement. That's what the Council of Europe was established for, since that's the essence of this existence and no one should be allowed to violate these fundamentals. Unfortunately, in the last six years we have observed the hybrid manipulative war also here in the Council of Europe.

The fundamental values and regulations of the Council of Europe as well as of international law have been grossly violated by the Russian Federation. The Council of Europe has rules and procedures for challenging the credentials of the members of the country delegations on substantive grounds, such as the serious violation of the basic principle of the Council of Europe, as mentioned in Article 3 of the Preamble of the Statute.

It has been happening again and again. The Russian Federation has been violating all these rules of international law and completely ignoring the regulation of the international organisation.

The violations go beyond the nation of boundaries. It was clearly described in two reports prepared by the Council of Europe: the report from the Monitoring Committee, and the report from the Committee on Rules of Procedure, Immunities and Institutional Affairs.

In spite of such evidence-based reports which prove that Russia broke the Council of Europe statute and international law, the conclusion is to ratify the credentials of the Russian Federation, and return to the assessment of progress made when a monitoring report is submitted later this year.

We would support the Assembly's continuous commitment and hopes to base the political dialogue on the Russian Federation's obligation to this statute of the Council of Europe.

The crucial issue is that dialogue is not possible when the other side is not committed to fulfilling its obligation and declaring action.

Dialogue is not possible when the other party neglects rules and obligations and is playing a hybrid game which is too far from the values of integrity, honesty, justice and democracy.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We'll now go to our next speaker Ms Olena KHOMENKO.

Madam KHOMENKO, you have the floor.

**Ms Olena KHOMENKO (Ukraine, EC/DA):** Mister Rapporteur,

Regretfully, the warnings in June 2019 do not allow the Russian Federation delegation to be back unconditionally without at least some improvements in the situation were ignored. The challenge of credential of the Russian Federation after numerous serious violations of democracy, rule of law and human rights were ratified in 2020. Today we are again considering ratifying credentials of the State persistently violating the fundamental values of the Council of Europe.

As was warned in this hemicycle last year, as soon as our passed resolutions remain to be unimplemented, this topic will come back to the agenda over and over again. It looks like this is happening now. This looks as if PACE is enjoying the process instead, on the contrary, of being focused on delivering results, struggling to protect democracy, rule of law and human rights. Let's look back in this year. Have there been any improvements in the Russian Federation with regard to this? Let us be honest, there have not.

Russia is the leader among other Member States in the number of applications pending before the European Court of Human Rights, with one quarter of applications coming from Russia. At the same time, the number of cases closed by the Russian Federation in 2019 was among the lowest. We call on the Assembly not to ratify credentials of the Russian Federation delegation.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We now come to our next speaker, who is Mr Kakhaber KUTCHAVA.

You have the floor.

**Mr Kakhaber KUTCHAVA (Georgia, SOC):** Dear Colleagues,

When discussing ratification of the credentials of the Russian Federation delegation, let's bear in mind the recent judgment of the European Court of Human Rights on the case of the 2008 war between Russia and Georgia. The court legally established the responsibility of the Russian Federation for the violation of fundamental norms of international law on human rights during the August 2008 war and in the subsequent period of the Russian occupation of Georgian territories.

I would like to underline: during the August 2008 war and in the subsequent period of the Russian occupation of Georgian territories, the Grand Chamber of 17 judges clearly ruled on the illegal occupation of the effective control of Georgia's sovereign territories by the Russian Federation. Russia violated fundamental human rights among those prohibition of torture, right of life, freedom of movement and the right to property.

Let me ask you: has anything changed since 2008? Does Russia fulfil ceasefire agreement of 12 August 2008? Do you see the changes in the attitude of behaviour towards the occupied Georgian territories or has it implemented recommendations of the Council of Europe? Of course, the answers to all these questions are "no".

In 2021, the situation is the same as it was in 2008: intensive ethnic discrimination of Georgians, deprivation of their lives, cases of torture kidnapping and illegal detainment, restriction of freedom of movement, prohibition of education in the native language and violation of rights of IDPs and refugees to return to their homes. Not to mention Russia continues to violate the EU-mediated ceasefire agreement that makes moves towards *de facto* annexation to the occupied Georgian regions. Therefore, as long as we face such disregard to the fundamental norms of the international law on human rights, which are the main principles of the Council of Europe, we do not see any possibility to vote in favour of ratification of the credentials of the Russian parliamentary delegation to the Assembly.

Thank you for your attention.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We now come to our next speaker, who is Mr Sergey KISLYAK.

You have the floor.

**Mr Sergey KISLYAK (Russian Federation, NR)\*:** Thank you, President.

Mister President, in one of your first statements at this session you stressed the fact that the values of this organisation must be above politics. In this resolution that we're discussing today, this is really evidence of how principles can be hostage to political manipulation. Principles are principles when they are based on honesty and when they are based on facts, and on a factual analysis. Principles really are principles when they are universally applied to all. When they are applied in a way that is respectful of individuals, of other nations and of other politicians even if they don't agree with you.

The present resolution is a clear indication of the attempt of the authors not to apply these principles based on the truth, on the facts that you referred to. I'm not surprised by this, we have seen how much effort is being put into a propaganda war against my country over the last few years, and that is really a shame. It is clearly regretful because that undermines the principles, and this seems to be in someone's political interest. Very often, there is this attempt to foment anti-Russian forces, this on the basis of double standards and half truths. Everything flies and everything is accepted provided it is anti-Russian. Now, the Russian people are not just a group of people from the opposition, of course they have the right to their own opinion. They have the right to express that provided they do this in a legal manner. But the great majority of voters have a different view.

Now, we have a constitutionally-enshrined principle to protect the territorial integrity of the Russian Federation. Show me some other country where in the constitution it is allowed to undermine your own territorial integrity. My colleagues from the delegation have stated on a number of occasions that all necessary medical care was provided to Navalny at a very high professional level. This is a fact; that's the way it was. This citizen of the Russian Federation on our territory was taken care of in the appropriate manner.

This, too, is a fact which must be taken into consideration. There is a lot that is simply invented, that is falsified. Let us look at the hard facts. Let us look at the violations of the law that take place in Ukraine, in the Baltic States and in Western European countries. We are prepared to work with the Assembly on difficult issues, but to do this on an equal footing that means that our credentials must be ratified to the same extent as is the case of all other delegations. So, I would really recommend that members take a look in the mirror.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We now come to our next speaker, who is Mr Emanuelis ZINGERIS.

Mister ZINGERIS, you have the floor.

**Mr Emanuelis ZINGERIS (Lithuania, EPP/CD):** Thank you, dear Chairman,

Thank you, dear Colleagues,

I have been in the Council of Europe Parliamentary Assembly since 1993. I remember the joy of 1996 when a still democratic Russia - not the current Russia - joined our institution. I remember this same chamber, and I remember the obligations which were accepted by Russia.

For example, withdrawing the 14th Army from Moldova was one of the first obligations. Second, to compensating deportees to Stalin's gulags from the Baltic countries.

In front of me I have something like 20 official resolutions about Russia obliging them to fulfil their commitments; not one of those obligations was implemented. For that reason I would like to turn your attention to the challenge of the Russian delegation on very serious substantial grounds: for having geopolitical military aggressions again in neighbouring countries, taking their territories, such as Ukraine and Georgia.

From my point of view, these basic negative trends related to the recent amendments of the Russian constitution, and the upper level of declared Russian law against international law. We should turn our attention seriously to what happened with the implementation of our court decision.

We declare Mr Alexei Navalny innocent in seven cases.

The failure to investigate the last murder in front of the Kremlin, [*Unintelligible*] the failure to protect LGBT rights; and even declaring our Council of Europe NGOs, instead of Russia, as foreign agents and putting pressure on our Council of Europe institutions. Not one question was solved. In this case, we get a totally ironic, negative attitude from Russia Federation to our statements.

We are asking to free Mr Navalny immediately. Let him go. Let's free all political prisoners in Russia. In doing so, we will raise the question of how Russia looks to democracy inside of Russia, especially about the historical revisionism related to the Molotov-Ribbentrop Pact in 1939, fully lying about the circumstances of invading Finland, the Baltic States and Poland in 1939 and the 1940s, and occupying those countries.

I would like to ask you to say that enough is enough.

Thank you, Mister Chairman.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We now come to our next speaker, who is Mr Kimmo KILJUNEN.

Kimmo, you have the floor.

**Mr Kimmo KILJUNEN (Finland, SOC):** Mister President, may I first say a great thanks to the rapporteur Mr Stefan Schennach for preparing this resolution.

At the same time I would also appreciate that the Monitoring Committee agrees to this draft resolution with a great majority. If you read it, the resolution text itself is very explicit.

We are here together in this assembly hall because we have common values which are clear for all of us: democracy, human rights and the rule of law.

The report of the resolution notes nevertheless with concern the fulfilment of the commitments and obligations of us by the Russian Federation. It's very explicitly noted here. If you read carefully we are worried about the changes introduced in the Constitution of Russian Federation. We obviously are asking seriously, concerning the implementation of the judgment of the European Court of Human Rights, how those have been implemented by Russia.

Obviously, the solution of the Crimean issue in line with international law still awaits. The question is still open.

There is pressure and there are restrictions against civic society, the extra parliamentary opposition, critical journalists and activist NGOs in Russia - these are all mentioned here, including, obviously, the Navalny case that we discussed yesterday.

Nevertheless, Mister President, I think that the conclusion of the resolution is very clear.

This Assembly is a place of dialogue. We are here to discuss. Yes, we have different opinions. We even have different opinions on how we are fulfilling our commitments. There are also many countries which are not fulfilling them in ideal terms. Let's discuss them openly. Now we are discussing Russia. We are highlighting the major problems; there are major problems.

When there are colleagues around us who are calling for sanctions and punishments on tough terms, I am not so sure. Sanctions are easy to put on the ground; how do you get rid of them? It's a big problem. It's also a problem that you are frequently punishing those who you would like to help, instead of instead of really improving the situation.

Mister President, my last question concerning sanctions is always: do you agree that isolation is the best way of improving the world, or is it actually better that we try to work together with the common values that we do have?

Thank you very much, Mister President.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, Mister KILJUNEN.

We now turn to our next speaker, who is Mr Leonid SLUTSKIY, in the room I think.

You have the floor.

**Mr Leonid SLUTSKIY (Russian Federation, NR)\*:** Thank you, thank you, Mister President,

I would also like to thank our rapporteur, Mr Stefan SCHENNACH, for the difficult work that he has done. I'd also like to thank the leaders of the three largest political groups of our Assembly, Mr Andreas NICK, Mr Tiny KOX, and Mr Frank SCHWABE, who, while stating certain critical things about our country, who, nevertheless, used a very positive tone. Thank you also to Mr Kimmo KILJUNEN for what he has just said.

Colleagues, I would call for the following: in this hall, we need to speak the truth, and I said this yesterday. Alexei Navalny was not poisoned in Russia. He was saved in Russia. His life was saved in Russia and if the Charité clinic in Berlin could provide the Prosecutor-General of the Russian Federation with any evidence whatsoever concerning the poisoning of Alexei Navalny, then in this discussion we could have representatives of Ukraine, Latvia, and Georgia speaking in a completely different way. The same concerns the August 2008 Tskhinvali attack.

In 2009, it was clearly underscored that at a time of olympic peace, the then leader of Georgia attacked his own people on his own territory. I mean, let's not lie to one another, let's not manipulate. We shall always discuss things on the basis of truthful facts, whatever the subject we're discussing. In the statements of the leaders of the political groups today we have heard that the Russian Federation delegation does want to continue to work in this very largest of pan-European organisation, the Council of Europe, and its Parliamentary Assembly. We're prepared to work constructively on a whole series of issues in the fields of science, culture, sport and many others. Any other attempts to try to paint a mendacious picture of what is happening in the Russian Federation for propaganda purposes is simply not acceptable.

Today we can see in this hall, that most of the leaders of political groups are calling on us to be constructive. We are open to dialogue. We want to co-operate with the rapporteurs of the Monitoring Committee. That is essential for our co-operation. Mr Oleksii GONCHARENKO, today, compared himself to a dog. Let's be careful about those comparisons. I thank you, Mister President. In this hall we must not be insulting and offending one another and, in particular, offending and insulting the leader of a Member State of the organisation. So, please vote in the right way so that we can continue to co-operate.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you very much, Mister Oleksii GONCHARENKO.

Point of order.

May I recall to each and everyone in this hemicycle and outside what I have stated in the beginning of this meeting. We have rules of conduct in this meeting. Any issue that I consider potentially being in breach of this, will be transferred, and already has been transferred to the Committee on Rules of Procedure, Immunities and Institutional Affairs to be considered. It's not for me to judge that, but it will be transferred. This will be an orderly meeting.

Mr GONCHARENKO has asked for the floor for a point of order.

You have the floor.

**Mr Oleksii GONCHARENKO (Ukraine, EC/DA):** Thank you very much, Mister President.

I just want to stress the attention of everybody. When at the beginning you, Mister President, told us that there are rules of conduct here, of behaviour, I think you didn't mention that it's okay to say that one delegate is a dog. Everybody who is here, who understands the English language -maybe Mr Leonid SLUTSKIY doesn't understand - knows that I didn't say this.

I think you should say something to these... I don't know what to call them. In the Russian language there is a word "*Gospodin, Gospoda* or Commrades" for "Sirs". They should behave here, not like in the Federation Council and like in the State Duma. This is the Council of Europe. I will just add one word to them...

**Mr Oleksii GONCHARENKO (Ukraine, EC/DA)\*:** You know, Mr SLUTSKIY, Mr TOLSTOI, back in Russia you are "Count Tolstoi" but here you are simple citizens.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Okay.

This being said, we now turn to our speakers list again.

Next on my list is Ms Lesia ZABURANNA.

You have the floor.

**Ms Lesia ZABURANNA (Ukraine, ALDE):** Thank you very much, Mister Chair, thank you.

We highly appreciate this discussion, first of all. Why? Because we follow the rules and procedures of this house.

We consider the fact that this discussion is already a victory. A victory, because I would like to emphasise that this is the only State, Russia, which was challenged for credentials and received a yellow card. Why? Because in the world, Russia is now one of the negative record holders of the restriction of human rights, the illegal annexation of foreign territories, and of course, aggression. It is a warning, then, that if this member country doesn't change its behaviour, action should be taken.

Dialogue can be possible if you are heard. But Russia doesn't hear and doesn't see any violation on either side.

I would like the delegates to support the unratified credentials of the parliamentary delegation of the Russia Federation.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you very much.

As I stated in the beginning, when we go over 10:05, unfortunately, I will have to close the list of speakers, which I am doing at this instance.

Every speaker who wishes to make comments is allowed to transfer this to the Table Office.

I have seen you, sir, So you don't have to shout like that.

Ok. You have the floor for a point of order.

**Mr Aleksandr BASHKIN (Russian Federation, NR)\*:** Thank you, Mister President.

I want to make a point of order because yesterday I already drew attention to the fact that I had been number three on the list. I applied very early on to be on the list and somehow overnight, I fell down very far towards the end of the list and I couldn't speak.

We can't vote. We can't speak against amendments. Let us at least have the opportunity to participate in the debate. When we have 13 speakers, most of them against the Russian Federation. I'm not calling anyone a dog, but I do think we should have the right to speak.

**Ms Lesia VASYLENKO (Ukraine, EPP/CD):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

I definitely agree with Frank Schwabe that for the last 2 years have been exactly like ground hog day. Where time and time again a small group of very concerned states is obstinately pointing out to violations by one single very big state.

Russia is the single major violator of the Convention and Statute. A country guilty of a whole list of international law breaches, which include aggression, war crimes and human rights crimes.

Representatives of this country here in the hemicycle blatantly and openly continue to insist that they do NO wrong. Their speeches are filled with PRIDE about the annexation of Crimea, occupation of Osetia, Abkhasia. And of course, they show no guilt or remorse about human rights violations the Russian President and Government is committing against their own people!

The dialogue with Russia is NO dialogue. It is empty talk, where 46 countries speak the language of human rights and one country replies in a language of terror and aggression.

This dialogue yields no result, no protection to the vulnerable victims of Russian aggression. This dialogue also carries great risk, sending one message to all the people of Europe: values can be violated. Violators will NOT be punished.

The truth is Russia will continue to violate, openly and blatantly. For the simple reason that the Council allows Russia to violate. And this simple truth shall continue to be spoken in this Assembly until the situation is rectified! Whether it causes groundhog day inconveniences or not.

As we all remember: the point of us gathering here is to ensure accountability for violations, prevent wars and aggression. Today we have failed at this, but have succeeded in appeasing the aggressors, who continue to aggress.

Ukraine, Georgia, Moldova, United Kingdom. Victims. Belarus too. Lithuania, Latvia, Estonia - potential victims? Perhaps? This list may even be expanded. As this Assembly condones in action the behavior it condemns in words!

The least this Assembly can do to avoid hypocrisy is to agree on a conditional ratification of the Russian Federation. A precise time-frame of 6 months should be sufficient for yet another unsuccessful attempt at a fruitless dialogue. Should Russia fail to show progress in meeting its obligations, firm action should be taken and ratification should be recalled.

With this I end and state strong disagreement with the conclusion of the honorable rapporteur, who with it wants to lock violations in a never-ending loop. A true Groundhog Day situation, indeed!

**Ms Mariia MEZENTSEVA (Ukraine, EPP/CD):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

Mr. President, dear colleagues,

While we are talking about "dialogue" and are afraid to offend one of the members of the Council of Europe, this country, in the occupied territories where it controls armed groups, supports the existence of an unforgiving phenomenon in the 21st century.

It is about the secret prison "Isolation" in Donetsk

The "Isolation" is a secret prison on the territory of a military base located at the following address: 3 Svitlyi Shlyakh St, the city of Donetsk. It was established after the forcible seizure in June 2014 of a former insulation material factory owned by the IZOLYATSIA Foundation. The secret prison includes eight cellars, two dungeons and two basements. It holds mostly civilian hostages, whom the so-called DPR Ministry of State Security suspected of disloyalty. As of October 2019, about 30% of prisoners were women and even the International Committee of the Red Cross has no access to them.

In December 2019, after 28 months in Isolation, Stanislav Aseyev, a journalist of Radio Free Europe/Radio Liberty, was released. He recalls that in the fall of 2019, the prison administration almost completely stopped feeding prisoners; people were told that the prison was unofficial, so no one was obliged to feed them.

The "Isolation" is known for torture and ill-treatment of prisoners, regardless of gender, age or health. The report of the Office of the UN High Commissioner for Human Rights provides data on beatings, electric shocks, asphyxiation ("wet" and "dry" methods), sexual violence, torture, removal of body parts (nails and teeth) imitation of the execution, threats of violence or death, threats of harm to the family.

The prison administration intentionally broadcast the torture in the basement via a monitor screen that was located on the same floor as the cells. Deaths of prisoners have been reported. The exact number of people who died in the "Isolation" is unknown. At least a few hundred people have passed through the prison over the years.

All this is out of the question in the 21st century and violates not only Article 3 of the Convention on Human Rights, but all possible moral principles and our common values.

I urge the Assembly, when you continue to have a dialogue with this country, to include this issue in the dialogue and to finally understand who they really are these people with whom we want to have a dialogue.

Thank you so much!!!

**Mr Rustem UMEROV (Ukraine, EPP/CD):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

I want to focus on the issue of Kremlin political prisoners.

After the occupation of Crimea, Russia started detaining Crimean Tatars and Ukrainians only because they had a pro-Ukrainian position. During the period of temporary occupation of Crimea, at least 138 people were persecuted for political reasons, and 119 were imprisoned for various terms. Most of them, namely 93 people, are Crimean Tatars.

But it's not about statistics. It's about the tragedies of families.

For example, I want to tell you about the Omerov family. The Russian occupation authorities first detained a husband, then brother, and father of Fatma Ismailova.

Rustem Ismailov was detained in 2016 and is now illegally sentenced to 13 years and six months in a strict regime penal colony. Three minor children are waiting for him. The occupying authorities refused to inform the wife about her husband's whereabouts for a month.

Enver Omerov was arrested in 2019 when he and his daughter were going to the trial over his son-in-law, Rustem Ismailov. A 59-year-old man was sentenced to 18! years of imprisonment. He has serious health problems, including intercostal neuralgia, hypotension, joint disease, he needs medical surgery, but Russia deprived him of medical care.

Enver Omerov's son, Riza Omerov, was arrested on the same day as his father in 2019. Because of his arrest, his seventh-month pregnant wife was hospitalized. Riza worked as a sales representative. There are four minor children in the family. Riza Omerov was illegally sentenced to 13 years in prison.

Let me tell you about Server Mustafayev. After the occupation of Crimea, he became a citizen journalist and coordinator of the Crimean Solidarity movement, which focuses on legal and informational assistance to political prisoners and their families. He was arrested on trumped-up charges on May 21, 2018. The occupying authorities sentenced an innocent man to 14 years in a strict regime penal colony. Four young children, his wife, and his mother are waiting for him at home. The only thing Server wanted was to help his compatriots. He did not commit any illegal actions.

Russia has unjustifiably accused political prisoners of crimes under articles, that stipulate long terms of imprisonment, starting from 10 to 20 years.

I would like to draw your attention, dear colleagues, to the fact that this tragedy is happening right now, in Europe.

Hundreds of children of political prisoners are doomed to starvation, poverty, and lack of proper education, as these families have lost their main providers.

I believe that Russia, as a state that so brutally violates human rights, doesn't have the right to participate in the work of the PACE.

**Mr Aleksandr BASHKIN (Russian Federation, NR):** (*Undelivered speech, Rules of Procedure Art. 31.2*)

Lack of information distorts the truth. Let me focus on just one aspect of your claims - the Saturday protests. I understand that the indignation of many of you is sincere, but it is caused by not knowing the true situation.

Another reason for unfounded accusations voiced with regard to Russia is that a significant number of European politicians adhere to the principle of double standards in forming their position. Let's imagine the following situation. Try taking a walk in Strasbourg today after curfew. Try to gather a thousand people and block a city street. Even if you put forward demands to release Navalny, the French police will still disperse such a gathering and punish the participants.

Last Sunday in Eindhoven, its citizens protested against the quarantine. But the Dutch police brutally dispersed the demonstrators with water cannons and tear gas. On November 18 in Berlin, protesters also defended their rights. The German police acted the same way. Why? Because now is the time of the pandemic and mass actions in European countries are prohibited.

Russia is also facing the same pandemic. We also have people who get sick and die. We have imposed the same requirements of wearing masks and physical distancing. The government is also obliged to ensure public safety. On Saturday, the riots in Russia were stopped without anyone getting killed or injured, without applying tear gas and rubber bullets, that is without using the violence that we unfortunately see in Europe and the USA on an almost daily basis. The stories of thousands of those arrested are absolutely false. In Moscow 30 people remain under arrest. And not for expressing their opinion, but for using violence. Their actions will be given a legal assessment, no matter which side of the conflict they are on.

The systemic problem is of a different kind. It lies in the fact that, for example, a force operation in Germany is called protection of public security, whereas in Russia it is seen as police abuse.

Many of you know the saying of the ancient Romans "What is permissible to Jupiter is not permissible for a bull".

But PACE is not Jupiter, and Russia is not a bull.

If all countries in Europe are equal, then all our standards should be the same. This is what will allow us to achieve what we so ardently desire. Understanding each other and working together.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Dear colleague,

I understand your and other colleagues' frustration, but as I stated in the beginning, we have rules.

Now the list of speakers is established specifically according to these rules. It does indeed prevent you at this instance to have your declaration, but it also prevents other colleagues to have their presentation.

So, I do apologize for the fact that a number of colleagues are not able to address this debate at this instance, but it is in full compliance with the rules. If these rules should be looked into again, I would welcome that because I do believe a number of our rules are not exactly ideal. But no rules in any parliament are ideal. So, please take on board that in your case, but in other colleagues' cases it is because we just very strictly follow the rules.

Having said this, we now come to the consideration of the amendments.

Before that we have our rapporteur, who, if he wishes to do so, can reply using three minutes.

Mister SCHENNACH, do you wish to reply?

**Mr Stefan SCHENNACH (Austria, SOC, Rapporteur):** Thank you Mr President,

I have listened very carefully to the debate and I am grateful for the many speeches. I can also understand that members from Georgia and Ukraine have a different opinion to mine, but nevertheless I am trying to continue along the path we have fought hard for over the last few years - the path of dialogue.

I think it was Mr Frank SCHWABE who mentioned the film *Groundhog Day*. I was also asked by a Russian journalist whether it is now customary that every January the Russian credentials are up for debate. And I said that is in the hands of the Russian delegation and in the hands of Russia. First of all, it is in their hands to allow all our Assembly rapporteurs and the Commissioner for Human Rights to come into the country and to comply with the judgments of the Human Rights Court. So that is largely in Russia's hands.

I think my report shows many downsides. In one paragraph I wrote: it does not sound so optimistic.

Nonetheless, there is no alternative to dialogue for all the problems we have with the Russian delegation. But I am trying, like the Monitoring Committee, to reach a very broad consensus so that we can continue this dialogue with rights and obligations.

With this in mind, I would like to thank you, as rapporteur, for the debate, which has been very emotional in parts, but in the end I hope that we will achieve a positive adoption of this resolution.

Thank you very much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, Mister Stefan SCHENNACH.

We now come to the consideration of the amendments. You have Document 15216, which is the draft resolution. It is presented with the amendments in the sideline, in the sidebar.

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) has presented a draft resolution to which now 11 amendments have been tabled. The amendments will be taken in the order in which they appear in the compendium.

I remind you that speeches on amendments are strictly limited to one minute. I also remind you that members of the delegation of the Russian Federation whose credentials are challenged may sit provisionally with the same rights as other Assembly members until the Assembly has reached a decision. However, those members shall not vote in any proceedings relating to the examination of credentials which concerns them. To put it very simply, those whose credentials are challenged, in this case the colleagues of the Russian delegation, cannot vote neither on amendments nor on the resolution itself.

We now move to the first amendment, which is Amendment 6.

I have been informed by the Chair that this amendment was rejected by the Committee with a two-thirds majority.

I see in my compendium that there is a number of these who have been rejected by a two-thirds majority. Rules provide that an objection requires the support of 10 members. Given the interventions I have heard it seems obvious that amendments will be asked to be tabled by 10 members or more, so I'm not going to go into voting all of that. I do request the approval of those here that we just move on all the amendments without losing any time. As a matter of fact, it also would allow any members to have their argumentation on the table. Is that okay? Then we will do so

We now come to Amendment 6.

I call Mr Emanuelis ZINGERIS to support Amendment 6. You have one minute.

### **Vote: Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation**

**Mr Emanuelis ZINGERIS (Lithuania, EPP/CD):** Yes, sir, that is about the commitments which should be mentioned. Just to have all commitments mentioned, not only those who are mentioned in the...

I would like to say a huge thank you so much for your contribution, Mister Stefan SCHENNACH, but to include all commitments to all our resolutions adopted by Council of Europe Parliamentary Assembly from 1996 and to have that as a catalogue of obligations of Russia, actually not fulfilled, sorry for that.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you very much.

Does anyone wish to speak against?

Mister KOX, you have the floor.

**Mr Tiny KOX (Netherlands, UEL):** Thank you, Mister President.

As we discussed twice in the Monitoring Committee, it does not make sense to add all kinds of earlier decisions to the already very big report on these issues that our rapporteur made.

As the Monitoring Committee decided, this does not make sense, I propose not to accept this amendment.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

What is the opinion of the Committee?

Mister NÉMETH.

**Mr Zsolt NÉMETH (Hungary, EPP/CD, Chairperson of Committee on Equality and Non-Discrimination):**

Thank you Mister Chairman, Mister Rik Daems,

Greetings from Mr Michael Aastrup JENSEN. Unfortunately, he has to be in Copenhagen; so, greetings from Budapest.

*The committee has rejected the amendment with a two-thirds majority.*

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** *The Committee is against.*

We now put the amendment to the vote.

The vote is open. Please vote.

Those colleagues in the hemicycle please use the voting system of the hemicycle and not the Kudo system because you might mistakenly vote twice and that would complicate things. So, in the hemicycle, only the voting system of the hemicycle. Outside of the hemicycle, Kudo.

Please vote.

The vote is closed. Results.

Okay, so I've got different things down here.

*The result is 38 in favour of the amendment, 97 against, 7 abstentions.*

*The amendment is rejected.*

Now we go to Amendment 10.

The amendment has been rejected by two-thirds majority but as I said before, we will nevertheless give the floor to Ms Laima Liucija ANDRIKIENĖ to support Amendment 10.

You have one minute.

**Ms Laima Liucija ANDRIKIENĖ (Lithuania, EPP/CD):** Colleagues, I ask you to support my amendment, even though it was rejected by the Committee.

It speaks about Crimea and the amendment to the Russian constitution made last year.

I slightly change the wording and now it reads as follows:

"This amendment to the Russian Constitution not only ignores multiple demands of this Assembly with regard to the solution for the Crimea issue, but it is in a contradiction with the international commitments of the Russian Federation and international law."

That's it. So just to add to this, that Crimea is an integral part of Ukraine. All democratic countries are trying to help Ukraine in solving this issue.

Please support it.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you very much.

Who wishes to speak against?

Mister KOX?

**Mr Tiny KOX (Netherlands, UEL):** Thank you, Mister President.

I advise the Assembly not to accept this amendment.

There will be a better amendment regarding this issue later on from the Rules Committee. As the committee also did, I ask you to not to support this amendment.

Thank you very much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** The opinion of the Committee?

**Mr Zsolt NÉMETH (Hungary, EPP/CD, Chairperson of Committee on Equality and Non-Discrimination):** The committee has rejected it with a two thirds majority.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

Please vote. The vote is open.

Vote is closed.

Result please.

*39 in favor, 93 against, 9 abstentions.*

*The amendment is rejected.*

We now come to Amendment No. 2, also an amendment that has been rejected by two-thirds majority.

Nevertheless, I will give the floor.

I call Mr Rustem UMEROV to support Amendment No. 2.

You have one minute.

**Mr Rustem UMEROV (Ukraine, EPP/CD):** Dear Colleagues,

As a representative of Crimea, of temporarily occupied Crimea and of indigenous people, I would like to support this amendment.

Why? Because people need a signal from the Assembly that they are on the right side. They are on the international side, and they need support.

As a people that is being suppressed at the moment and have lost 10% of their population and became IDPs, I need this support to be seen in Crimea, as a Crimean Tatar, as a member of the Ukrainian Parliament. I hope you colleagues will support it.

Thank you very much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** May I recall colleagues, because I just noticed, to keep your mask on when you speak? And to keep your mask in front of your noses?

Here and there I see some nice noses, but I shouldn't see them.

Okay. Does anyone wish to speak against?

Tiny.

**Mr Tiny KOX (Netherlands, UEL):** I, too, am looking forward to us being able to see each other's full faces, but we have to do it for the time being in this way.

The same argument that I used to object to the last amendment is useful here. We will have a better amendment later on in the procedure, so I suggest not accepting this.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Opinion of the Committee?

**Mr Zsolt NÉMETH (Hungary, EPP/CD, Chairperson of Committee on Equality and Non-Discrimination):**  
*Rejected with a two-thirds majority.*

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** *The Committee is against.*

We now have the vote.

The vote is open.

The vote is closed. Results please.

*40 votes in favour, 96 against, 6 abstentions. Therefore, the amendment is rejected.*

We now come to Amendment 7, again rejected by two-thirds majority.

However, I will give the floor. I call on Mr Emanuelis ZINGERIS to support Amendment 7.

You have one minute.

**Mr Emanuelis ZINGERIS (Lithuania, EPP/CD):** In the case of European Court of Human Rights, that means about European Court of Human Rights in the case of Navalny.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Who wishes to speak against?

Mr Tiny KOX.

**Mr Tiny KOX (Netherlands, UEL):** Mister President,

We are now dealing with a resolution on the challenge of credentials of the Russian Federation. We will have a full-fledged report on the Navalny case prepared by our colleague Mr Jacques MAIRE. I think it's appropriate for us to wait for that report and not to include this paragraph here. I propose not to accept it.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you. Opinion of the Committee?

**Mr Zsolt NÉMETH (Hungary, EPP/CD, Chairperson of Committee on Equality and Non-Discrimination):**  
*The committee has rejected it with a two-thirds majority.*

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Which is against.

Voting is open.

Vote is closed.

*37 in favor, 103 against, 8 abstentions.*

*Therefore, the amendment is rejected.*

We now come to Amendment No. 8, rejected by two-thirds majority in the Committee. However, I will give the floor.

I call Mr Emanuelis ZINGERIS to support Amendment No. 8.

**Mr Emanuelis ZINGERIS (Lithuania, EPP/CD):** Dear Friends,

You voted in favour of Boris Nemtsov's report.

After new evidence was declared by Ms Anna Durytska in Kiev about the murder of Mr Nemtsov, I would like to invite you to reopen the case of Mr Nemtsov.

That's related to the basic issue of our Parliamentary Assembly.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you very much.

Who wishes to speak against?

Mr Tiny KOX.

**Mr Tiny KOX (Netherlands, UEL):** Mister President,

This Assembly indeed discussed the case of Mr Boris Nemtsov at an earlier moment. This is a report on the challenge of credentials. So, I do not think it's wise to include this here. Nemtsov is not a debate. We should now focus on credentials. I ask the Assembly not to accept this amendment.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** The Committee's opinion?

**Mr Zsolt NÉMETH (Hungary, EPP/CD, Chairperson of Committee on Equality and Non-Discrimination):**  
*The Committee rejected it with a two-thirds majority.*

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** *The Committee is against.*

The vote is open.

The vote is closed.

Results please.

*34 votes in favour, 112 against, 6 abstentions.*

*Therefore, the amendment is rejected.*

We now come to Amendment 5, which is an amendment tabled by the Committee on Rules of Procedure, Immunities and Institutional Affairs. I call Ms Ingjerd SCHOU to support the amendment on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs.

You have one minute, Madam SCHOU.

**Ms Ingjerd SCHOU (Norway, EPP/CD, Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs):** Thank you, Mister President.

I have to say about that in its opinion the Rules Committee support in the proposals contained in the report of the Monitoring Committee to rectify the credentials of the Russian Federation delegation.

However, the Rules Committee wishes to emphasise that the ratification of the credentials of the Russian delegation would in no way constitute recognition, even implicit, of the annexation of Crimea by the Russian Federation.

Thank you, Mister President.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

Does anyone wish to speak against the amendment?

I don't see anyone.

I shall now put the amendment to the vote.

Vote open.

We still have six colleagues in the hemicycle logged in, but they have not voted. Please vote.

Vote closed.

110 votes in favour, 17 against, 17 abstentions.

Amendment 5 is accepted and added to the text.

We now come to Amendment 3.

Amendment 3 is an amendment that has been rejected by a two-thirds majority. However, I will give the floor to Mr Rustem UMEROV.

I call on Mr UMEROV to support Amendment 3.

[*In reply to another member*] I'm not giving you the floor, Sir. You are not Mr UMEROV. Is Mr UMEROV here?

Does anyone wish to defend the amendment?

I suppose Mr Oleksii GONCHARENKO.

You have the floor.

**Mr Oleksii GONCHARENKO (Ukraine, EC/DA):** Thank you very much.

As I said in my speech, the report is really great. Thanks again to rapporteur or for all the work done. But the only word is absent there is a small word, "not", "not ratify".

Dear colleagues, I want to ask all of you to support it. It's about principles. You will see that in one or two years, you will see the results. You will say, "Yes, I should vote "not" at this moment".

It just want to tell you that we will challenge the credentials of the Russian delegation. You know the great speech by Winston Churchill: "[sic] We will challenge them in France. We will challenge them on the beaches. We will challenge them in the air. We will challenge them on hills, in fields, in streets, everywhere. We shall not surrender." We shall challenge them before this country is governed by such people, like Putin, all these thieves, corrupt officials, and killers around him.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Who wishes to speak against?

Mr Tiny KOX.

**Mr Tiny KOX (Netherlands, UEL):** As I said in my earlier remarks, it is the right of members to challenge credentials, but it's finally the decision of the assembly to take a decision on that and I urge colleagues not to support this amendment.

The Monitoring Committee was clear on the issue and I hope the Assembly will clear we need, as our colleague Mr Killion MUNYAMA has said, we need dialogue here in this assembly amongst 47 member states national delegations.

So I propose not to accept this amendment.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Opinion of the Committee?

**Mr Zsolt NÉMETH (Hungary, EPP/CD, Chairperson of Committee on Equality and Non-Discrimination):** The committee has rejected with a two thirds majority.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** The Committee has rejected with two thirds.

Vote is open.

Vote is closed.

Results: 37 in favour, 115 against, 7 abstentions.

The amendment is rejected.

We now come to Amendment 13.

I call Ms Laima Liucija ANDRIKIENĖ to support Amendment 11. You have one minute.

Does anyone else wish to support the amendment?

I don't see anyone?

Does anyone wish to speak against?

If there's no support for the amendments (you see, Wojciech always has to remind me of the details of the rules)... so if there's no support for the amendment it falls. But I do see a hand coming up now.

You have the floor in support of the amendment.

**Ms Mariia MEZENTSEVA (Ukraine, EPP/CD):** Thank you, dear Chair.

It is very short. We add to the paragraph in the draft resolution at the beginning of paragraph 11. We suggest deleting the following two words: "in return". I think the draft resolution, the text of the document, was quite short. So, everyone could see the original text.

*Merci.*

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you very much.

Any one wishes to speak against?

Yes, just a second. Mr SCHENNACH, you wanted to say something?

**Mr Stefan SCHENNACH (Austria, SOC, Rapporteur):** Yes, because there was no decision in the Committee.

I'm against this amendment because I'm in favour of the next one, Amendment 11.

For this amendment please vote no.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Okay, we have an opinion in favour and one against.

The vote is open.

The vote is closed. We have to wait a bit, sorry. We're going too fast.

The vote is closed. Results.

*33 votes in favour, 102 against, 8 abstentions.*

Therefore, Amendment 11 is rejected.

We now come to Amendment 1.

I call on Mr Claude KERN to support the amendment.

**Mr Claude KERN (France, ALDE):** Thank you, Mister Speaker.

It is very simple. Through this amendment, we want to replace the word "in exchange" with the word "on this occasion" because we are not in the business of haggling.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** I understand the substance of the amendment is not to get into a quid pro quo, as they call it.

Does anyone wish to speak against?

I don't see anyone therefore I put the amendment to the vote.

**Mr Stefan SCHENNACH (Austria, SOC, Rapporteur):** As the rapporteur, I'm in favour because there is no decision by the Committee.

I'm in favour.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Does anyone wish to speak against?

I didn't see anyone.

Then put the amendment to the vote.

The vote is open.

The vote is closed.

Results.

*112 votes in favour, 17 against, 19 abstentions.*

Therefore the amendment is accepted.

We now come to Amendment 9.

I call on Mr Emanuelis ZINGERIS to support Amendment 9.

**Mr Emanuelis ZINGERIS (Lithuania, EPP/CD):** Yes, that's about political prisoners. You remember, in this Chamber, including a few years ago, we voted for a description of political prisoners. By one vote, we approved the description. It's about releasing all political prisoners in the Russian Federation declared by the Memorial Society and by other Helsinki groups inside and outside Russia to declare a release of political prisoners in the Russian Federation.

Thank you. Thank you so much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

Does anyone wish to speak against?

Mister KOX?

**Mr Stefan SCHENNACH (Austria, SOC, Rapporteur):** As rapporteur, can I speak?

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Just a second, I have Mr Tiny KOX at this moment.

Mr KOX.

**Mr Tiny KOX (Netherlands, UEL):** The case of Mr Navalny is a very serious case which will be dealt with here in this Assembly by the report now and the preparation of our colleague Mr Jacques MAIRE. The question is too important now to include here, so I propose that we reject this amendment as a Committee did twice.

Thank you very much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you rapporteurs.

Since there is no opinion of the Committee...

**Mr Stefan SCHENNACH (Austria, SOC, Rapporteur):** Thank you.

There is no opinion of the Committee, but there is a very clear opinion of the rapporteur.

In the memorandum there are nine paragraphs on the Navalny case. Also about other prisoners. I do not want to undermine the competence of our rapporteur for political prisoners in the Russian Federation, Ms Thorhildur Sunna ÆVARSDÓTTIR.

I'm against because this amendment has nothing to do with the credentials.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

*Rapporteur is against.*

Vote is open.

Vote is closed.

*Results: 38 in favor, 111 against, 9 abstentions.*

*The amendment is rejected.*

We now come to Amendment No. 4.

I call on Mr Ian LIDDELL-GRAINGER to support it.

Ian, you have floor.

Where is Ian?

Ian is not here, so we have someone else to support it.

You have the floor.

**Ms Mariia MEZENTSEVA (Ukraine, EPP/CD):** Thank you chair.

As the co-author of this amendment I will present it. It is very simple. We do understand that the victory is already here. We have been discussing this document for a couple of hours already, but we would like to add a timeline, so that if all the commitments which are linked to the resolutions which we voted in this house and all other obligations of the Russian Federation are not fulfilled, we'll return back to this question by the third part-session which is June 2021 and see whether the commitments are in place.

Let's hope for the best and I call this house to support this amendment; to put the timeline of third part-session. Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

Anyone wishes to speak against?

Mr Tiny KOX.

**Mr Tiny KOX (Netherlands, UEL):** Mister President,

This Assembly decided to have a full-fledged monitoring report on the situation in Russia and supported the very important report. We asked our co-rapporteurs Ms OOMEN-RUIJTEN and Mr SCHÄFER to present a report at his earliest convenience. I think we should leave the job to our co-operators. They will deliver a report as soon as possible. Then we will have the much needed report on what is happening in the Russian Federation and how it relates to our norms, our standards. I would propose not to accept this amendment at this moment.

Thank you very much.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

The opinion of the rapporteur.

**Mr Stefan SCHENNACH (Austria, SOC, Rapporteur):** Thank you.

I remember one year ago we had a different voting regarding the credentials and there were different amendments to limitation, to make restriction – all of those amendments were rejected by a big majority. And also in this case, I'm following what the assembly did one year ago: no limitations and no other ways. We have mandates or we have not.

We have different reports in the line. But nothing now. So please to all who voted against, I think Mr Ian LIDDELL-GRAINGER knows exactly what happened one year ago and how many members of the Assembly voted against. Please also today.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

The rapporteur is against.

I wish to inform the Assembly that when I had a trip to Moscow and had to return, I had the formal agreement of the delegation and the authorities for our monitoring rapporteurs to be able to go to the country and to have their report done in a normal situation.

This is just information, not a position.

The vote is open.

The vote is closed.

Mr Petr TOLSTOI I see your nose. You should cover your nose.

Results: *38 votes in favour, 116 against, 7 abstentions*. The amendment is rejected.

We now come to the...

Yes colleague, you have the floor.

**Mr Kimmo KILJUNEN (Finland, SOC):** I apologise, due to the lack of my concentration I used to press the red button all the time. I made mistake on Amendment 5 – I pressed the red; I was supposed to vote "Yes".

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, Kimmo. It will be noted in the report.

We will now proceed to vote on the draft resolution contained in Document 15216 [as amended].

Members present in the Chamber should use the hemicycle voting system. Members participating remotely should vote using the remote voting system.

I recall that those implied in this report have no right to vote on the report. Specifically this implicates the colleagues of the Russian delegation.

So the vote in the hemicycle and via remote voting is now open.

Please vote.

The vote is closed.

I call for the results to be displayed: *107 in favour, 36 against, 24 abstentions*.

Therefore, the draft resolution in Document 15216 [as amended] is adopted.

Thank you for this debate.

I recall to those who have made mention during this debate and before, that all elements relating to the own rules and regulations of how to conduct a debate have been transferred by myself, as will also obviously be the report of this session, to the Committee on Rules of Procedure, Immunities and Institutional Affairs for them to consider.

Before moving to the next item, I thank Mr Andreas NICK and all my other vice presidents who have replaced me, because I've got a lot of work to do aside from the plenary, so Andreas, thank you for replacing me once again, and I will be back before the end of the session.

Andreas.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Dear colleagues, could you please take your seats so we can proceed with our debate?

Please, could you take your seats? Otherwise take your conversations outside the plenary please.

Before we open the next debate I have two requests to speak to clarify votings.

First speaker is Mr Dmytro LUBINETTS.

**Mr Dmytro LUBINETTS (Ukraine, EPP/CD):** Dear chairman, the last vote in my voice is against the resolution. I made a mistake, please consider my vote as against the resolution.

Thank you very much.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Next is Mr Vlad BATRINCEA.

**Mr Vlad BATRINCEA (Republic of Moldova, SOC):** I'm sorry I have a technical mistake: I'm pro-resolution for this resolution.

Thank you very much. I'm sorry.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

So at least in terms of the voting results that would balance each other out, but I understand that we will reflect that in the... Sorry? We have more questions from the floor?

**Ms Maria JUFEREVA-SKURATOVSKI (Estonia, ALDE):** Dear colleagues,

The Estonian delegation had a technical problem. For example, one titular member, Mr Eerik-Niiles KROSS couldn't log in and couldn't vote. And a substantive member Mr Raivo TAMM could vote and I think we have some how to deal with this issue in technical problems because this questions the whole election system now.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** I'll give the floor to the Secretary General of the Assembly.

**Mr Wojciech SAWICKI (Secretary General of the Assembly):** Thank you, Chairman.

I think, well, if you follow the messaging system we explained to Mr Eerik-Niiles KROSS, he was connected twice with two different email addresses and we insisted that he clarify this matter. So he was trying to vote with an email being connected with email addresses which was not validated in our system. So on the technical side, from the side of the Assembly, everything worked well.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** I understand that the declarations given in the Plenary will be recorded in the minutes, so members can make a reference to that as far as their own voting is concerned.

I think that we can also conclude that there was no reason at all that would put in question the overall result of the vote, so we proceed on that basis.

One more? Mr Axel SCHÄFER please.

**Mr Axel SCHÄFER (Germany, SOC):** Thank you Mr President.

I voted no on the final resolution by mistake. I meant to vote yes, of course.

I would ask that this be corrected.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Here on this the same applies as mentioned before.

It will be reflected in the minutes.

Are we done with that? Okay.

The next item of business this morning is a current affairs debate on "Freedom of expression (Article 10 of the ECHR) under threat by "Big Tech" Companies."

In order to allow time for the next debate, we will interrupt the speakers list for this debate at 11.35am. Speaking time is limited to 3 minutes for all members except the first speaker, Mr Bob de BRABANDERE, chosen by the Bureau, who is allowed 10 minutes.

In the debate I call first Mr de BRABANDERE. You have 10 minutes to speak.

## **Request for an explanation of vote**

**Ms Gökyay AKBULUT (Germany, UEL):** For the record, I would like to mention that during the vote on the draft resolution "Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation", my intention was to vote for, and that I voted against by mistake.

## **Current affairs debate: Freedom of expression (Article 10 of the ECHR) under threat by "Big Tech" Companies**

**Mr Bob De BRABANDERE (Belgium, EC/DA):** Thank you.

Distinguished colleagues, I do not think it is an exaggeration to say that the European Convention on Human Rights, first drafted more than 70 years ago by the newly-formed Council of Europe, is definitely our handbook. In a manual all chapters are equally important, but personally I have to say that Article 10 is one that is very close to my heart and probably to the heart of many of you.

That Article 10 is about freedom of expression: freedom of expression is what distinguishes a democratic country from a dictatorship.

In a healthy democracy there is freedom of speech. But the reverse is also true. Freedom of speech is a prerequisite for that same democracy. It is therefore only logical that we hold freedom of speech in high esteem. It is only right that freedom of speech is enshrined in one form or another in all constitutions. It is only right that states where this very important right is infringed are reprimanded.

Freedom of expression is what makes our Europe Europe. Apart from inciting violence, of course, everything should be able to be said. Even things that are uncomfortable for some to hear. Things that may not always be politically correct, and things that might upset the status quo. After all, it wouldn't be the first time that what is an inconvenient truth today will be a generally accepted fact tomorrow.

Ladies and gentlemen, freedom of expression and the resulting clash of ideas is the reason why almost all of us are sitting here together. Aren't we all of us protected by the Council of Europe's immunities, even while saying things here in Strasbourg which may be uncomfortable for a governments back home.

Unfortunately I have to conclude that it is precisely this freedom of speech, this freedom of expression, that is under attack today, not only because of over zealous governments who out of misplaced political correctness are all too eager to label inconvenient truths as fake news. But mainly because there are new players on the field today. Those players are not bound by laws, and unlike governments, do not have to answer to voters. I'm talking about Big Tech: Facebook, Twitter, Instagram, Apple, Google, Amazon. Names that ring a bell with every European citizen. They are primarily American companies that have come to play a major role in our society today.

Social media platforms are now an inherent part of our daily lives. In exchange for our personal data they offer us a place where we can communicate with other citizens, and that more than ever perhaps during lockdown times, is an opportunity that many are grabbing with both hands.

To put some things in perspective, Facebook alone recorded more than 410 million monthly active users in the second quarter of 2020 and has a larger net income than the entire GDP of, for example, Serbia.

The Big Tech giants that run these virtual meeting spaces therefore have a huge responsibility. As mentioned before, unlike governments that can be punished by the voter, the same voter or citizen is now powerless against these Big Tech companies if he or she feels that his or her freedom of speech is threatened by these same companies.

It is a mistake to believe that these private companies act with any coherent ethical framework in mind while regulating this forum. While Apple has just been to the app Parler from its app store for violating its app store user terms, the company has also lobbied to water down provisions in a recent bill aimed at preventing forced labour in China.

Just recently, Facebook pages of Navalny and Khodorkovsky groups and supporters have been suspended in Russia.

The most famous recent example of all must be of course the swift removal of Donald Trump, at that time still president of the United States of America, from social media. We could all but observe a coordinated effort of these companies to swiftly and very effectively remove his presence on the internet. Regardless of who he is or what he represents, it is worrying that Big Tech giants have such power.

The Russian opposition leader Navalny rightly called it an unacceptable act of censorship. And in a way even worse: it's a precedent that can and will be exploited by the enemies of freedom of speech around the world. Steffen Seibert, Merkel's chief spokesman, reacted in a similar way, and I quote: "the right to freedom of opinion is of fundamental importance given that the Chancellor considers it problematic that the President's accounts have been permanently suspended."

All of this leads only to one logical conclusion: unregulated monopolistic tech platforms cannot and should not be trusted with such an important matter as protecting and guaranteeing free speech. The fact they have the power to simply remove a sitting president from social media and thereby cutting off an important means to communicate with the general public, for whatever reason, should set off alarm bells in Europe as well. By increasingly arbitrarily deleting messages and blocking accounts, by removing the Facebook and Twitter accounts of whoever they like, and without any possibility to appeal, they have demonstrated their immense power over public debate and therefore over our freedom of expression.

Article 10 of the European Convention on Human Rights clearly stipulates that limitations to the freedom of speech are very restricted. And I quote: "The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law." Most importantly, limitations and sanctions can only be applied by lawmakers. At no stage the Convention foresaw a limitation by mainly US-based multinationals.

We are now in a situation where it is no longer the lawmakers that limit Big Tech companies, but Big Tech companies that limit lawmakers. Some would argue that tech giants are private companies and have a right to choose the content they allow on their platform. But one cannot ignore the fact that they are taking a very particular position in our society. These social media platforms have become a part of the public forum and it is therefore ultimately up to lawmakers and courts of law to determine what is a violation of freedom of speech and what is not. Big Tech companies cannot be allowed to censor or remove any content that legally remains within the limits of the law of freedom of expression of any sovereign state.

Thank you for your attention.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you, we now come to the speakers of the political groups.

The first speaker is Mr Georgios KATROUGKALOS from Greece for UEL.

Online I suppose.

**Mr Georgios KATROUGKALOS (Greece, UEL, Spokesperson for the group):** Thank you, thank you very much, Mr Chair.

We do live in a post-truth world. Fake news undermines the essence of the freedom of expression. As the great Hannah Arendt was writing in her seminal work *Truth and Politics*, freedom of opinion is a farce unless factual information is guaranteed and the facts themselves are not in dispute. It's obvious that we cannot have a meaningful discussion if the reality itself is disputed.

And of course other challenges to freedom exist. Hate speech – free speech is not guaranteed if it harms others. Freedom of expression is also threatened by new techniques that the Big Tech Companies use, such as a big data gathering, data mining, and data crossing, comprising both social media and the smart phone records.

Nobody wants to be watched over his shoulder. And his opinions, his market choices, or his photos enable companies to construct his profile and sell to any interested third party. If this fear prevails, freedom could be self-restrained and self-censored.

And social media can also be a channel of proliferation of hate speech. Trump's incendiary speech has exemplified both the post-truth and fake news danger. It is a good example of the necessity to have rules and limitations. But the question is: limitations set by whom?

Platforms have recently started to respond to public pressure to address the harm of the speech they facilitate. Violent extremism, fake news, revenge porn and hate speech. However, Twitter and Facebook are private, for-profit institutions and put their own interests first. They cannot be expected to be the primary vehicle of the public interest.

The regulation of the limitations of the right of expression should not be left to them.

Contrary to the American legal system, in the European legal order fundamental human rights act also horizontally: they bind private actors, especially agents who have excessive social or economic power, as is the case with the tech giants.

Facebook has now over 2.5 billion users.

I conclude: public binding regulation is necessary in order to guarantee the effectiveness of the right of expression. The power of the big tech multinationals should be checked. And finally, resources of the internet should be enjoyed more equally, and a person's speech or a company's choice should not silence or harm others.

Many thanks, Mr Chair.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

Next speaker on the list is Mr Sos AVETISYAN from Armenia.

**Mr Sos AVETISYAN (Armenia, SOC, Spokesperson for the group):** Thank you Mr Chair.

Thank you also for the report.

When we are speaking about Article 10, our colleagues who are proposing this way of thinking are conveniently misplacing what is written in Article 10. It says clearly that the interference in sharing ideas should not come from the public authorities. This is something that we need to fix. The public authorities only have a right to license or not to license, but they cannot interfere in the communication of ideas.

Now I understand it's a post-truth world, there are a lot of left and right ideologies, a lot of extremists, a lot of hatred that can be spread through the social networks. That is why I caution against coming up with certain quick answers now just to appease our feelings, because this is a long road where we need to really explore ideas and legislations.

True, most of the giants that operate the social networks are in the United States. They are registered there, so how the European law can apply transnationally should be thought of. True, there are groups whose freedom of speech is limited; again, as it is written in Article 10, states have the right to limit it when it is about public safety, morality, health issues and other things, but again the public safety, morality and health issues – 70 years ago did they have the same definitions? Can the state interpret it in the same way in today's word? I don't think so.

I think that it is a question of a debate that is still to be held and actually.. well, because on the one side I do not want the big companies to have a right to censorship; at the same time I don't want certain states to impose what they think is freedom of speech on free companies.

Mostly our discussions in this or that way will come to the issue of media literacy. We need to educate the public to have a good education where people can differentiate between facts and fakes, and that's the only way that they as responsible community members of social networks will be able to operate. Oftentimes the blocking of this or that speech is done at the request of the community members when it is hatred, or xenophobia.

There is a good exhibition right now going on here and I'm really sad that we didn't commemorate the Holocaust day yesterday. There was a guy who was exercising his freedom of speech and we saw what came out of it. So we need to be very cautious and very balanced about this.

I am currently developing a report in the Sub-Committee on Media and Information Society. I think it's a better road to actually have a debate on something that is actually written with the professionals that the Committee provided me.

So I urge not to rush with this report and am against it.

Thank you very much.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on the list on behalf of EPP is Ms Deborah BERGAMINI from Italy. Online.

**Ms Deborah BERGAMINI (Italy, EPP/CD, Spokesperson for the group):** Good morning.

Thank you president.

The recent closure of the Twitter account of US President Trump has once again highlighted the public function that is in fact exercised today by the digital giants and the obvious distortions of this situation, which has arisen because it has not yet been possible to establish democratic governance of the Internet and its use.

I want to be clear on this point. This is not about defending Trump's use of social networks. But it is about taking note that the censorship that has been exercised unilaterally by operators of a private platform on the public function exercised by a president of the United States asks us a question with respect to democracy. And we must answer them. What would happen, for example, if tomorrow, on the eve of a political election... decided on the reaction of an entire party? What would happen to safeguarding democracy?

Already today, thousands of contents – this has already been mentioned – are deleted from digital platforms without any shared criteria. And I am not just talking about political content. Think, for example, of Courbet's famous painting, *The Origin of the World*, which is regularly removed from Facebook because the algorithm equates it with pornography.

So this is an example of the distortion of human reality we are experiencing. And this while we are witnessing in parallel the vertiginous growth of content of hatred, racism, anti-Semitism, fake news often seems not to elicit similar removal initiatives or, if it does, always with great delay. Yet they dramatically pollute the democratic debate.

All of us as lawmakers have an enormous responsibility. We must choose whether to limit ourselves to blaming the digital platforms that have become so deeply embedded in a function traditionally carried out by states and are taking over the very canon of democracy, because the balance of power is disappearing. And that's what we have to deal with. So do we want to limit ourselves to blaming or do we all want to work quickly to make up for a delay, an objective delay that has accumulated in regulating this matter.

I believe that we must quickly build a regulatory framework that goes in this direction. We know how complex things are, but we are called upon to do so in order to safeguard the democratic principles that we, as the Council of Europe, are called upon to preserve and defend. So this work is very urgent. The Council of Europe is already doing a great deal. We can do even better. And we can be the driving force behind this need to legislate on this issue.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

Next speaker on behalf of ALDE is Ms Lesia ZABURANNA from Ukraine.

**Ms Lesia ZABURANNA (Ukraine, ALDE, Spokesperson for the group):** We appreciate the initiating debates on this important and actual issue.

Freedom of expression is one of the basis of civil society. The business model based on the collection and tracking of personal user data introduced by Big Tech companies is incompatible with the right to privacy and treatments arranged of other rights inherently, in particular, the right to freedom of expression and the right to equality and non-discrimination.

Big Tech companies dominate our model of life. They control the networks through which users exercise their rights on the internet. Tech giants provide these services to billions of users as it's for free. On the other hand they have already concentrated in their hands unrivalled power in the digital network, always with users. In this user space, with their personal data, they constantly track the internet. The monopoly of these companies has control over personal data of users, as the legal use in view to derive in benefit therefrom, undermines the basis of confidentiality and is one of the main problems of human rights protection in the modern digital age.

In addition to these companies, new players will also appear and, accordingly, new risks. For example, Tick-Tock is owned by ByteDance, a Chinese company. If the communist Chinese government demands data be handed over, ByteDance would have no choice but to comply. We are aware of scandals involving the leakage of personal data of millions of users. Knowing how easily this data can be used for various purposes to influence users, we can see as well that the huge advertising strategy of Google and Facebook is a powerful weapon in their hands. The strategy can be used for political purposes with catastrophic risk to society. It also leaves open new kinds of advertising strategy.

Indeed, Google and Facebook platforms create detailed user profiles based on personal data. Today we are trapped in the absence of such a choice, but we have to take back this important public space in order to be active in society and to have the opportunity to express our views without compromising our rights.

Negative manipulation in this area affects the development of societies generally as well as the prospects of the digitalisation process.

Governments must urgently take steps to overhaul this business model radically and to improve networks infrastructure to protect users from corporate human rights abuses including through the application of clear data protection laws and effective regulation of Big Tech companies. Therefore it's necessary to adopt laws that prohibit such companies from providing access to their services with the so-called agreement to the collection process or exchange of personal data for various purposes.

These companies have an obligation to respect human rights regardless of their location. Large technological companies cannot be allowed to control lives.

Thank you very much.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

Next speaker is Ms Nigar ARPADARAI from Azerbaijan.

**Ms Nigar ARPADARAI (Azerbaijan, EC/DA, Spokesperson for the group):** Dear colleagues, good afternoon.

Forewarned is forearmed: this is a very old and very common proverb; in essence it says that information in fact is a weapon.

This proverb was around long before social media came to our lives. Since that time information became even more important. It is the source of political, economic, and even military power. And we have a small group of businesses that own the vast majority of information. They own most of data. They are the so-called Big Tech companies. As they acquire more data they become richer, as they become richer they invest more in data collection, data processing and artificial intelligence in order to become even more rich and powerful. This cycle does not seem to end anytime soon.

Today, truth is defined by the top results of the Google search. The facts are what Wikipedia says – at this moment. Big Tech companies and their algorithms influence our lives to the extent that can be called definitive. It is time for countries to ask themselves: can they afford such level of unchecked dependency on social media being privately owned by foreign companies? Bearing in mind that there is a clear record of social media being used as a political tool.

There is a clear and repeating evidence that the owners and managers of social networks represent certain political powers or certain political ideologies. It is already not a secret that social networks and Big Tech companies can influence outcomes of big events, like elections or public unrest.

Because of their importance, there is a need for more scrutiny and public oversight. Control of policies and practices. Policies should be transparent and challengeable. There should be a mechanism of public inquiry. Mechanisms made public through which NGOs, parliaments, and governments can ask questions and request full disclosures. And then if necessary take it to the public discussion regulator or court to take binding decisions.

Social networks and Big Techs are too big to be ignored.

If unchecked, such power will always end up in large scale abuses, and whatever the promises of the owners are about keeping non-political or unbiased, it's naive and infantile to believe them.

We need regulatory mechanisms and we need them as soon as possible.

The Parliamentary Assembly of the Council of Europe as the large international platform with a human rights mandate is probably one of the best places to come up with such suggestions and framework.

Thank you very much and I don't know if my speech was available online, because there was a technical problem. I hope so.

If there is a necessity, I can repeat.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** I think there was only a brief interruption as far as I could see from the screen, but we can double check.

This concludes the list of speakers on behalf of the political groups.

The next speaker is Ms Christiana EROTOKRITOU from Cyprus, online.

**Ms Christiana EROTOKRITOU (Cyprus, SOC):** Thank you, Mr Chair. Good morning, dear colleagues,

The fundamental right of freedom of expression is a central pillar of a democratic society. It is safeguarded as such, through national and international instruments, at the forefront of which stands the European Convention of Human Rights. Nevertheless, the right to freedom of expression is not all-encompassing and absolute. It is delimited by obligations and responsibilities essential for the proper functioning of democratic societies.

Today, the means and venues available for citizens to freely express feelings and views are unlimited, with cyberspace providing the main stage, especially for youth. Consequently, the few Big Tech companies that own and manage the digital platforms used by billions across the world have been privileged with facilitating the instant exchange of ideas and dissemination of information. These companies have assumed the role of the gatekeeper, not only in determining online content, but also in shaping online discourse. The reality today, is that Big Tech has the power to create universal norms and define the parameters within which freedom of expression can be exercised in the cyberworld.

Over the last years criticism has been mounting over online platforms fostering hate speech, promoting violence or even providing a safe haven for individuals posing a threat to national security or public safety. Big Tech has thus far responded with rushed and fragmented decisions, often left to self-regulate and self-evaluate. The dominance of these tech giants over online speech should not sanction them to filter information at their discretion. This should be subject to and vetted by national legislation and regulatory authorities.

In recent years, there has been a surge of efforts to harness the influential power of Big Tech by increasing transparency of ownership, demanding accountability and oversight and safeguarding media pluralism. Current attempts especially focus on defining the role and obligations of online players, regardless of size or impact, by promoting a common code of conduct. They further aim at strengthening coordination among National Regulatory Authorities, as well as providing equally fair conditions and harmonised rules and obligations for online users.

Establishing independent international and regional oversight bodies is crucial in providing “Big Tech” with the framework and the tools needed to seek legitimate and fruitful collaborations, not only with each other but also with all relevant players, national pertinent departments, regulatory agencies and NGOs. It is equally significant to also tackle this matter on the national level: the rights of citizens will be better protected through a comprehensive legislative framework, which will ensure that online platforms can be vetted, audited and regulated whilst at the same time safeguarding the core value of freedom of expression.

Thank you very much.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on the list is Ms Yelyzaveta YASKO from Ukraine.

**Ms Yelyzaveta YASKO (Ukraine, EPP/CD):** Dear colleagues,

It goes without saying that big companies today increase their influence in our everyday life. This increased influence is actually an extra burden on them, especially in the field of very sensitive and important information.

In 2010, a number of reports documented increased censorship in social networks and other communication platforms. This increase was often especially dramatic in authoritarian countries where censorship is a commonly used tool for preventing democratic development and sustainable economic growth. Even in democratic countries, more and more incidents of content blocking and other types of restrictions are being reported. That is not to say that Big Tech or any other companies and media platforms should be prohibited of blocking and censoring content. As with the recent events in our partner, the United States, sometimes such measures, while exceptions, are very much needed. However, the Council of Europe PACE should closely study the tendencies of blocking content and the influence of Big Tech on the pluralism and diversity of cultural and political expression.

Another aspect that PACE should pay attention to is how blocked content and ideas find a way to resurface in public discourse. It may appear that blocking content, however inappropriate it is, leads to even worse consequences than leaving it uncensored. There is a big danger of digital surveillance that really restricts our freedom of speech, such reports and such debates are really needed, and it's great that we're having it here.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on the list is Mr Vladimir KOZHIN from the Russian Federation, online.

**Mr Vladimir KOZHIN (Russian Federation, NR)\*:** The removal and suspension of the accounts of former US President Donald Trump by the administration of leading technology companies showed the vulnerability of modern international information architecture to arbitrary censorship of media giants. This is a serious challenge!

IT giants have long been shaping the image of modern communication infrastructure and predetermining social models of user behavior. In addition, if earlier they kept a balance between commercial interests and ethics, now we are witnessing complete arbitrariness on their part.

Owning intellectual property, the management of these companies decided at some point that only they can determine what is good and what is bad in this world, who is to be given the floor and who is not, who is allowed to appear in the media and who is not, etc.

New challenges are up and coming – artificial intelligence, quantum computing. These new technologies, on the one hand, bring unbelievable positive changes to our lives, but on the other hand, if, as we say in Russia, God forbid, we continue to work in the remote mode, then at some point, instead of each of us, an absolutely identical digital copy may appear on the screen, pronouncing in our voice the things that you could not even think of. This is not the scenario of another fantastic blockbuster, this is the reality of tomorrow!

What should we do in this situation? In our opinion, PACE can and should make a significant contribution to solving this problem. First, PACE can organize really necessary, constant monitoring of this situation. Second, as a follow up of this monitoring, to propose to the Committee of Ministers of the Council of Europe, as well as to the Governments of the PACE Member States, to develop and adopt uniform legislative acts that will be aimed at countering these problems.

Russia has already some experience of this kind. At the end of last year, we adopted amendments to the Federal law “On Measures against the Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation”, we are ready to share these practices with you immediately and start working together.

And the last thing. Only yesterday, the Federation Council of the RF Federal Assembly adopted a special statement on the violation of freedom of speech by US Internet companies. And we are also ready to share this document with you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** The next speaker is Mr Norbert KLEINWAECHTER from Germany.

**Mr Norbert KLEINWAECHTER (Germany, EC/DA):** Mr Chairperson,

Ladies and gentlemen,

The problem caused by the fact that large tech companies delete what they want and leave what they want standing became particularly clear to me on 21 January, a week ago.

In a group that I administer myself, a member commented; *unfortunately, Germans are pretty stupid who vote for such things* - this comment was deleted by Facebook. Hate Speech? I don't think so. A threat to public safety even less so. I think we agree: this man just didn't like Angela Merkel and he's not alone, but it was deleted.

On the same day, Twitter rejected a complaint against a tweet by Antifa. It praised Antifa and recommended bashing in the head of a specifically named person in the open street - apparently that's allowed.

Ladies and gentlemen, while Voltaire dedicated his life to allow others express their opinion, Facebook, Twitter, Google and Amazon would not even give up server capacity for that. We see that very clearly in the individual deletion action and also the blocking of server capacity for networks like Parler, but also for posts by, say, elected parliamentary groups, say, an elected president of the United States. And that, by the way, without there being any judgement or conviction, but really just on the basis of a simple accusation.

Ladies and gentlemen, social media thus create a space of power and they also create a space of lawlessness, because, as other speakers before me have already pointed out, Article 10 of the European Convention on Human Rights only protects against official interference with freedom of expression. How justified, then, is it for private corporations, operating, of course, on a civil, media-law level, to block opinions, censor comments and pick and choose what can and cannot stand. Choosing that an evil dictator who tramples on human rights may therefore keep a Twitter account, but an American president who represents a different ideological direction to Mark Zuckerberg himself, who once described Silicon Valley as left-wing in a hearing before the US Senate, may not.

Ladies and gentlemen, I believe that we must interpret Article 10 of the ECHR more broadly and draw up proposals here on how we can change this area of lawlessness back into an area of justice - because it is not acceptable for a Facebook employee or even a Facebook algorithm to become the new sovereign in today's digital age.

Ladies and gentlemen, let us work on this and perhaps also look to Poland, which now wants to solve this legally with a complaints body. In any case, we must ensure that the digital age is an age of freedom and not of restriction.

Thank you very much.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker is Ms Selin SAYEK BÖKE from Turkey, online.

**Ms Selin SAYEK BÖKE (Turkey, SOC):** Mister President, Dear Colleagues,

So, we have a coin in our hand. The side of the coin that we are debating today is the untethered concentration of power in the hands of the Big Tech companies.

In fact, much of the debates that we have had this week in the plenary were about balancing power. It was either about balancing the power of authoritarian regimes and politicians, or about technology firms, or about Big Pharma, so the question is:

How do we put public interest in front of everything else and ensure that rights are protected?

On the one side of the coin, we have an immense concentration of power in the hands of the few - in this case a few Big Tech firms. We only hope that if we are to flip this coin, on the other side of the coin, we're going to have naturally the 99%: the public, the people, the rights of the people. But the question is:

Is a simple flip of the coin going to be enough?

Clearly economic policy that includes but is not limited to competition policy, to trade policy, to patent policies, are important in dealing with the big tech firms.

On this side of the coin, our right to help, our right to information, our right to fair work and remuneration, our right to freedom of expression - none of these can be overlooked for the sake of the concentration of power and the profit of only a few firms. Be it big firms and technology, be it big firms in medicine or be it big firms in construction.

Let's flip a coin if that's what we really think is going to resolve the problem. Most probably we will not find the rights of billions or public interest on the other side of the coin. It is highly probable that we will find politicians who seek an unchecked, unbalanced order where they themselves wish to be the monopoly power in deciding whose rights will be granted, and whether or not public interest will prevail.

While economic policy is where the remedy was on the other side of the coin, this time our remedy has to be an independent judicial system that is indeed the guarantor of human rights and a truly democratic governance structure that ensures authoritarian reflexes do not swallow the billions.

We seek to answer the following question: who defines the limits of freedom of speech?

Profit-seeking technology firms or political rent-seeking authoritarian politicians. The answer should be the following.

We need lawmakers operating within democratic governance structures valued by independent judicial systems where human rights are the binding framework and they are guaranteed by inclusive institutional structures that sets the limits of free speech - not tech companies, not authoritarian regimes. It falls on our institutions to ensure this.

In closing, currently the coin that we're flipping is actually deformed.

We need to change the coin and, as such, I look to our forward debates.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker is Ms Ingrid SCHOU from Norway, online.

**Ms Ingrid SCHOU (Norway, EPP/CD):** Thank Mr President. I do hope that you can hear me because I only see a frozen picture, but I think I'm the next one...

Yet again, freedom of expression is a focus for our debate. It is a fundamental right and a prerequisite for political life and democracy. Over time, how we express ourselves has evolved. From speeches in the town square, to opinion pieces in the newspapers, to expressing our views and opinions on online platforms – run by big tech companies.

Over time, how our expressions are moderated has also evolved. Traditional media and journalists work in accordance with ethical codes. In Norway the Press Association has a “Code of Ethics for the Press”, and I am sure this exists also in other countries.

An important question is who is responsible for moderating and developing ethical guidelines for the numerous online platforms? Can we rely on the big tech companies themselves, knowing that none of them started out as media companies, and that profit is an important goal?

In my opinion, they do have a responsibility to protect freedom of expression.

I would like to see the Council of Europe take a leading role in developing standards and ethical guidelines.

Mr President,

Freedom of expression is fundamental, but there are limitations – also online.

Digital platforms must not become freeways for hatred, racism, or expressions infringing on the rights of others. Digital platforms should be moderated by a transparent set of minimum ethical guidelines. More transparency is needed, and I believe – as mentioned – that the Council of Europe has a role to play.

The blocking of former President Donald Trump from Twitter is a relevant example. Regardless of our political view and opinions of Mr Trump, the fact that his freedom to express himself has been permanently limited is something that should be discussed. What is the decision based on? Is it objective, political, or for economic profit?

President and colleagues, these are important questions and I appreciate us having this debate today. There is a clear need for transparency and a certain level of standards, and this debate is an important contribution in that regard.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker, and probably the last speaker in this debate, is Mr Roberto RAMPI from Italy.

**Mr Roberto RAMPI (Italy, SOC):** Yes, President, ladies and gentlemen.

The first time I took the floor in this parliamentary assembly, almost three years ago now, I did so on a subject such as this. This was also because I had tabled a proposal in my national parliament for a committee of inquiry into what happened with the Cambridge Analytics case.

I believe that today is a fundamental issue. In that speech I said that we are facing new frontiers, new lands that are exactly like the situation of explorers in the Middle Ages, where the lord of the moment had all the power and could decide on the life and death of his citizens. We came out of the Middle Ages precisely because we introduced rules, laws and then the law that we are here to defend. The rule of law that guarantees people regardless of who owns, is rich or owns the land.

Today, those lands, those fiefdoms are called Facebook, Instagram, but they are also called TikTok, and are owned by individuals or companies that make a profit or maybe even have behind them large countries, large nations, and decide what can be done, what can be done in their lands.

But there's another problem and that's the confusion that we and our citizens have, that those places are public places. But they are not. When we access Facebook we constantly forget that that is a profit-generating business where legitimately a company has built a mechanism to earn on advertisements, tries to keep us as long as possible connected. It uses algorithms to encourage us to fight, to hate each other and to attack each other, because hatred and aggression are much stronger, much more widespread, they involve people much more, and they consume much more time, instead of dialogue, confrontation and attempts to understand each other, which should prevail.

In the Committee on Culture, Science, Education and Media, we have a report on the right to knowledge, the right to know, which discusses precisely this, how to give citizens the tools to understand the context in which they operate. Because I believe that democracy can only function if citizens have the cultural tools to understand the context of the debate. And what we need to recover in democratic terms is precisely to re-

learn to understand the context. Also with respect to the theme so often mentioned of so-called fake news, this is a bit dangerous because it gives the idea that somewhere someone can say what is true and what is false. The real issue is that people need to have the tools to understand. We need to work on that.

I think that report will also be here very soon and I suggest you read it and ask you to give your contribution.

**Mr Markus WIECHEL (Sweden, EC/DA):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

Mr President,

When people in the United States, and the world, think of the events of January 6th this year, they think of the outrageous and tragic storming of the Capitol building in Washington DC. A clear attack on the heart of American democracy.

But many also think of what happened in the attack's aftermath. I refer to the closure of social media platforms by Big Tech companies - among them Facebook, Twitter and YouTube - against people like then-President Trump and like-minded individuals or movements.

To many observers this was a welcome and long-awaited measure taken by privately owned companies. A measure which would put a halt to what many saw as intolerable hate-speech, and even incitement to political violence, as during the Capitol attack.

To other observers, however, such censorship by near-monopolies like Facebook and Twitter would push the US, and eventually the world, down a long slide toward a world in which citizens would soon forget the US Constitution's First Amendment on free speech. Vigorous debate would die, and along with it freedom.

And we Europeans would similarly soon forget about our cherished Human Rights Convention's Article 10 on free speech. This Article indeed appears in the very title of our debate today, even though it has, in the meantime, already become heavily circumscribed in some of our member countries, as we know. Which is not a good omen.

Sadly, we've seen capricious closure of various social media accounts before this event. Therefore, we must be aware of what can happen in the future.

To conclude, the Big Tech companies would in this scenario soon ally themselves with their countries' political and social establishments in controlling the 'masses' - masses who would increasingly go from being 'persons' to being mere 'trading goods'.

The Big Tech companies, according to this view, already know how, and what, we all consume. They will soon also know what opinions we hold, via tracking and Artificial Intelligence.

And eventually BigTech will learn how to mold these opinions to their liking. We would enter the 'Age of Surveillance Capitalism', perhaps to be followed by the "Age of Surveillance Political Rule".

Does this tragic scenario really have to happen?? No, it doesn't. A teacher of my youth cautioned us students never to draw curves all the way down to Hell. People do wake up. There will be a reaction. Freedom is never so badly missed as when it's going, or gone.

Above all we need to find a way back to what I would call "Old Time Civility" in addressing those we disagree with. Politeness does it. Our timely debate today is a fine example of precisely this.

Thank you for your attention, Mr President.

**Ms Irina RUKAVISHNIKOVA (Russian Federation, NR):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

Article 10 of the ECHR declares that everyone has the right to freedom of expression, the right to impart information and ideas without interference by public authority and regardless of frontiers.

However, the freedom of speech and expression is violated more and more often in social networks, online mass media discrimination and blocking access to Internet platforms performed by the largest Internet companies have become more frequent. In defiance to the law, access to information is being restricted for millions of Internet users. They are deprived of the right to express their opinion freely within the legal framework.

It is well-known that such restrictions are imposed based on political reasons, with no legal grounds and in contradiction to the norms of international law. Basically, this is censorship, which contradicts the principles of democracy, restricts peoples' right to receive and impart information freely. It is in directly violating Article 10 of the ECHR.

National parliamentary bodies are initiating active measures to counter this problem. Just a few days ago, the Federation Council has adopted a statement and has approached UN, OSCE, PACE, other international institutions with proposal to develop unified legal mechanisms to resolve this issue. Russia, for its part, is open to suggest its experience and assistance in this matter.

In addition to identified problems, nowadays web environment is showing us new threats and challenges every day: phishing, cyberbullying, cyberterrorism. It also serves as a breeding ground for citizens health- and life-threatening phenomena, for morality violation. Trash streams have become such a phenomenon. Crimes activities are happening live, violence and cruelty to people and animals, as well as health impairing actions are demonstrated, murders and suicides are committed online. Such reality shows are of great commercial value, attract huge numbers of spectators, mainly young people and minors.

Given the worldwide cross-border nature of such information, equally international regulators should be established in order to prevent the circulation of such content on the Internet. To that end, first of all, it is necessary to introduce the requirement for Internet platforms and social networks to block such broadcasts promptly, forcing them to proactively monitor and control what is being uploaded and to delete illicit content. Taken together, the proposed measures will increase the efficiency of enforcement and implementation of Article 10 of the ECHR being an optimal balance of proclaimed rights and restrictions thereof in the interests of the state and society.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

I must now interrupt the list of speakers. The speeches of members on the speaker's list that have been present during the debate but have not been able to speak may be given to the Table Office for publication in the official report.

I remind colleagues that the typewritten text can be submitted electronically, if possible no later than four hours after the list of speakers is interrupted.

I remind you that at the end of the current affairs debate the Assembly is not asked to decide upon a text but the matter may be referred by the Bureau to the responsible committee for a report.

The next item of business this morning is the debate on the report titled Ethnic profiling in Europe: a matter of great concern (Document 15199) presented by Mr Boriss CILEVIČS on behalf of the Committee on Equality and Non-Discrimination.

We will aim to complete the debate at 12:55 to allow time for the closure of the part session. I will therefore interrupt the list of speakers at 12:50 to allow time for the reply to the debate.

I call Mr CILEVIČS, the rapporteur. You have 10 minutes to present the report and will have three minutes to reply to the debate.

Please go ahead.

## **Debate: Ethnic profiling in Europe: a matter of great concern**

**Mr Boriss CILEVIČS (Latvia, SOC, Rapporteur):** Thank you, Mister President.

Throughout Europe some individuals are being singled out by the police for identity checks only on the grounds of race, colour, national or ethnic origin. This practice is apparently discriminatory. The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance defines ethnic profiling as, I quote, "a reliance by law enforcement, security and border control personnel on race, colour, descent or national or ethnic origin as a basis for subjecting persons to detailed searches, identity checks and investigations or for determining whether an individual is engaged in criminal activity."

Ethnic profiling can have a very negative impact on its victims and on society at large. It contributes to promoting a distorted vision of society in which stereotyping, prejudice, and racial discrimination are not only tolerated but even encouraged. It reinforces discrimination and affects the daily life of both the victims and society at large.

Back in 2014, our Assembly adopted Resolution 1968 on ethnic profiling. The overall European context has changed since then. The risk of terrorist attacks remains high. Nowadays the situation is further aggravated because of the new restrictions related to the COVID-19 pandemic. The pressure on the police is enormous and it is no surprise they stop and search operations with a view to preventing terrorist attacks and other violations have increased, and profiling is still widely used.

The use of artificial intelligence is also a source of concern. Algorithms may rely on biased information and thus lead to further discrimination. Past stereotypes perpetuate discrimination. Ethnic profiling in fact undermines the effectiveness of police work as it makes it predictable and destroys public trust in law enforcement bodies.

Mister President, just yesterday racial profiling by the French police was challenged in class action. Three leading human rights organisations together with several grass-roots groups launched France's first class action suit contending that police propagates a culture leading to systemic discrimination in identity checks. These NGO's include Human Rights Watch, Amnesty International and Open Society Justice Initiative alleges that police target black people and people of Arab descent in choosing who to stop and check, and say that practice is alienating those populations and endangering the society.

The lawsuit features some 50 witnesses, both police officers and people allegedly subjected to abusive checks. NGO's cite one unnamed person who spoke of undergoing multiple noticed checks every day for years. We will closely follow this lawsuit which may open a new page in combating unlawful ethnic profiling.

On the basis of this report I suggest a series of... sorry. In my report I analysed international instruments tackling ethnic profiling, methods of collecting data on ethnic profiling, and I explained the concept of lawful profiling, which is something new and not examined at length so far, as well as problems and best practices in a number of states. On all these bases I suggest a series of recommendations with regard to, and in particular, with the following fields: national legislation, codes of conduct, accountability of the police and independent complaints mechanisms, training of law enforcement bodies and staff, promoting diversity in the recruitment of police forces, dialogue with civil society and awareness raising, and cooperation with equality bodies.

To prepare this report, I held a number of meetings with relevant actors including, in particular, Jacques Toubon, former French defender of human rights. The Committee held two hearings with the participation of experts and representatives of EU fundamental rights agencies, our own body ECRI, European Commission against Racism and Intolerance, Equinet, and also relevant NGO's.

Besides, I took part in the conference on ethnic profiling in Europe organised by the Open Society Justice Initiative, where I had the opportunity to meet with NGO's from Austria, Germany, the Netherlands, Spain, Sweden as well as with representatives of the police.

On the basis of these numerous consultations and discussions with government officials, academics, and civil society actors, I concluded that there is no need for more tools at the international level to prevent and combat ethnic profiling. Rather the existing ones should be better known and better implemented.

I hope that the Assembly recommendation adopted on the basis of this report will contribute into achieving this goal.

To conclude, I would like to express my sincere gratitude to our partners from civil society. First of all Ms Lanna Hollo from the Open Society Initiative, as well as Mr Michael Whine from ECRI, and Mr Momodou Malcolm JALLOW, our Committee's general rapporteur on combating racism and intolerance for the great help, support, and contribution to the preparation of this report.

Of course, I am extremely grateful to Ms Elodie FISCHER from the Committee Secretariat for her dedicated and professional work.

Thank you, Mister President.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you, Mr CILEVIČS.

I now open the debate for the speakers on behalf of political groups.

First speaker is Mr Fourat BEN CHIKHA for the Socialists from Belgium. He is online, I suppose.

**Mr Fourat BEN CHIKHA (Belgium, SOC, Spokesperson for the group):** Dear Mr Chair,

Dear members of the Assembly,

I would primarily like to thank the rapporteur for his excellent work on such an important matter.

Ethnic profiling remains a persistent practice in Europe. On a daily basis individuals are the victims of targeted identity checks from law enforcement officers, on the grounds of race, colour, national or ethnic origin, or perceived religion.

The impact of this practice is devastating, both on individuals and society as a whole. Ethnic profiling is a violation of human rights and is a reflection of systemic racism.

The police plays a crucial role in these discriminatory practices and is therefore also essential in the fight against racism. Ethnic profiling damages the relation between law enforcement authorities and the population. It stigmatises certain groups and overall legitimises racism.

These are not mere observations, the numbers speak volumes: in France, young men who are perceived as Arab or Black are 20 times more likely to be subjected to identity checks than others. In England and Wales, Black people are nine and a half times more likely to be stopped than white people. In Italy, 70% of migrants of African origin have denounced institutional racism from law enforcement officers.

What has been noticeable is that most people subjected to disproportionate violence due to excessive checks are people of colour. Behind those numbers there are names. In Belgium, for example, they are called Mawda, Adil and so many others. Remember their names dear colleagues. Let's not also be blind to the fact that a majority of police officers are allies and wish to see ethnic profiling disappear as much as we do.

Several measures and recommendations have been proposed, ranging from reforms in the police code of conduct to help officers prevent ethnic profiling, adequate police training, monitoring stop and search operations, but also by restoring confidence between citizens and police by encouraging dialogue. The practice won't end solely by police reforms. Aside from adopting legislation prohibiting discrimination, public authorities and leaders should actively denounce ethnic profiling and keep addressing systemic racism overall.

We have all the tools to combat ethnic profiling, now it is our duty to follow upon it. Recognising and addressing ethnic profiling is not enough, we need to change the system from within: systemic racism requires a systemic response.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on behalf of the Group of the European People's Party is Mr Vladimir VARDANYAN from Armenia.

**Mr Vladimir VARDANYAN (Armenia, EPP/CD, Spokesperson for the group):** Thank you Mr Chair.

Let me first of all thank the rapporteur for the preparation of a brilliant report which is quite topical, especially in the era of combating coronavirus and in the millennium of the development of new sophisticated technologies.

Ladies and gentlemen, yesterday we commemorated the victims of the Holocaust. Unfortunately we didn't address the issue properly here. The current problems we face, the pandemic, high-tech and the other one somehow became the mainstream of yesterday's discussion.

Nevertheless we shouldn't forget that the Holocaust affected almost all the member states of the Council of Europe. The Holocaust genocides and many crimes against humanity were based on the ideas of nazism and racial segregation. We shouldn't forget that racist theories, ethnic hatred, hate speeches, dehumanisation and stigmatisation make those crimes possible.

The killing of George Floyd once again reminds us about the continuous need to combat racism and intolerance. Manifestations of which from time to time we face in Europe.

Ladies and gentlemen, police have a crucial role in contemporary societies. They are the watchdog of law and order, but they are also protectors of victims of injustice. Since the police is the law enforcement body which more than the others deals with ordinary people, their actions very often shape the attitude of people towards government.

From this perspective, the possible ethnic profiling by police and the other law enforcement agencies during their daily routine cannot and should not be considered as corresponding to the modern European human rights standards. Such practices should be terminated both at a legislative and institutional level. Furthermore, it may reduce the efficiency of the very work of the police resulting in increasing the lack of trust towards the activities of the police.

It's good to mention once again that heads of state, politicians and other public figures have a crucial role in preventing racial discrimination and ethnic profiling. Unfortunately, very often there is ethnic segregation and practice of the dehumanisation derived from hate speeches and xenophobic rhetoric from heads of state, high-ranking state officials and politicians.

We shouldn't keep silent on the cases of ethnic profiling. Silence makes the most outrageous wrongdoings possible.

Zero tolerance towards any manifestation of racism and ethnic hatred should be provided all across Europe.

Regular training of the law enforcement officers, permanent dialogue between the police and ethnic minorities and relevant NGOs are important measures for not allowing the proliferation of ethnic profiling and other manifestations of racial discrimination.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

Next speaker, on behalf of the Alliance of Liberals and Democrats for Europe group, is Ms Petra STIENEN from the Netherlands, online.

**Ms Petra STIENEN (Netherlands, ALDE, Spokesperson for the group):** Thank, Mr President.

On behalf of the Alliance of Liberals and Democrats for Europe Group, I would like to compliment the rapporteur Mr Boriss CILEVIČS for the excellent work he did in this report. And Mr Mr CILEVIČS makes it very clear in his conclusion of his report that "there is no need for more tools at international level to prevent and combat ethnic profiling, but the existing ones should be better known and implemented".

We see that Mr CILEVIČS makes it really clear in his report why it is nevertheless still necessary to look at the fact that today all over Europe people are still singled out by police officers on the basis of one part of their identity, be it their race, color, language, religion, nationality, or national or ethnic origin.

It strikes us at the ALDE group that there could have been a bit more mention of age and gender in this report, because whereas it appears that these criteria play a role in the higher percentages of identity checks of young men of, for example, bi-cultural background, that seems to lead to a self-fulfilling prophecy that certain groups are suspected to be more involved in crime than others, for example.

Therefore, we would like to hear an assessment of the rapporteur whether he believes further research is necessary.

We do appreciate that the profiling of people on the basis of their sexual orientation was beyond the scope of this report. We believe, however, that many citizens in Council of Europe member states of the LGBTI community faced similar profiling from the police or other authorities.

Therefore we would like to hear the appreciation of the rapporteur whether he could recommend to look into this kind of profiling as well.

To conclude, human rights organisations are increasingly concerned about the way police forces are experimenting with data and algorithms with the aim of anticipating and preventing crime. The ALDE group believes that at PACE we could look into this in future work and take this phenomenon into account while we're drafting legal frameworks on how to deal with artificial intelligence. We also would like to hear an assessment of the rapporteur on how he thinks we can proceed on this topic.

I thank you and hello to everybody in the plenary. I wish we could be with you. Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on the list, on behalf of the European Conservatives Group, is Mr John HOWELL, United Kingdom, online.

**Mr John HOWELL (United Kingdom, EC/DA, Spokesperson for the group):** Thank you, Mr President.

Firstly, I would like to add my congratulations to the rapporteur. I think he has identified a subject that is very important and the one thing that stands out in the report is the request that we must strengthen what we do to prevent racial discrimination. And of course in this we are guided by two judgments from the European Court of Human Rights. The first is the case of *Timishev v. Russia* and the second is the case of *Lingurar v. Romania*.

And looking through those, I think the thing that stems from them is, the point that comes out is, that the differential treatment of persons can be discrimination if what is proposed is not reasonably justified. And I think that that reasonably justified point is a very important one.

I think the rapporteur has done a good job in pointing out the pressure that the police are under. We have put a lot of stress on the police as a result of the COVID-19 pandemic and it is absolutely crucial that we recognise that that is not an excuse for racial discrimination and we should be very careful about seeing it as if it were an excuse.

A number of people have mentioned the situation in the UK, so I thought that that I would just comment briefly on that. And I quote from the the government's own documentation on police powers to stop and search. And the first thing to say on this is that a police officer might stop you and ask several questions: what your name is, what you're doing in the area, and what you're doing there. But you don't have to stop or answer any questions. If you don't, and there's no other reason to suspect you, then this alone can't be used as a reason to search or arrest you. And a police officer has powers to stop and search you if they have reasonable grounds to suspect you're carrying illegal drugs, a weapon, stolen property, or something which could be used to commit a crime, such as a crowbar or a jemmy.

So I congratulate the rapporteur again for a topical question and I do think that this is something that we could do with more research on, to be able to differentiate the situations that he has highlighted and that make up the bulk of what he has described in his report.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

Next speaker on behalf of the Group of the Unified European Left is Mr George LOUCAIDES from Cyprus, online.

**Mr George LOUCAIDES (Cyprus, UEL, Spokesperson for the group):** Good afternoon, from Nicosia.

Allow me first to congratulate Mr Boriss CILEVIČS for his excellent report.

Dear colleagues, the violent killings of George Floyd and Brianna Taylor by police officers in the US have shocked public opinion worldwide. Europe unfortunately has not been spared: the detention of far-right and Neo-Nazi groups in Germany's law enforcement institutions, systemic racism in French national police, the recent resignation of the Dutch government over child care subsidies that wrongly targeted tax payers on the basis of their ethnic profile, but also the systemic racism revealed by the shocking matter of five migrant women and their children in Cyprus in 2019. These all demonstrate that such practices occur in a large scale in most of the Council of Europe member states, even more so in light of the emergency measures imposed due to the pandemic.

Taking this opportunity, we would like to pay tribute to the victims and join our voice with Black Lives Matter and other human rights movements in strongly condemning such practices. Actions fuelled by prejudice and stereotypes such as targeted checks and arrests or institutional exclusion based on ethnic profiling promote a distorted image of society. Discriminating a person because of racial, ethnic, sexual or religious preferences should not be tolerated.

Moreover, such practices run counter to the basic principles and values of this organisation. Such discriminatory acts have far-reaching negative consequences leading to the erosion of trust towards state authorities. Ethnic profiling can result in grave human rights violations, not only by targeting certain profiles of individuals or communities but also by failing to protect them. We must ensure that law enforcement bodies show no tolerance to discrimination, for to be neutral or negligent is to be complicit.

Systemic racism requires a systemic response, dear colleagues. In the case of law enforcement authorities raising a new ordinance against racism is essential. Targeted measures to effectively investigate and combat systemic discrimination include data collection on ethnic profiling and establishment of independent mechanisms for civilian complaints against unjustified and disproportionate police practices. These must be addressed and reprimanded, ensuring fair and effective policing practices for all communities. Enhancing police officers accountability and investing in police training on human rights practices and standards is equally important. Open dialogue must also be encouraged between civil society organisations, institutions and other relevant stakeholders.

The role of parliaments, dear colleagues, is central in this process. Enacting legislation which prohibits discrimination in all state institutions, promoting fair and equal access to health, education, and employment, publicly condemning ethnic profiling practices, and exhibiting zero tolerance to hate speech and racism by state authorities is where we must target our efforts.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

This completes the list of speakers on behalf of political groups.

Next speaker on the list is Mr Roberto RAMPI from Italy.

**Mr Roberto RAMPI (Italy, SOC):** Yes, Mister President, ladies and gentlemen.

This is a particularly sensitive issue, and I really must congratulate you on your excellent report, which I believe provides us with the tools for reflection and action. There is one aspect that certainly concerns the behaviour of the forces of law and order, which has been forcefully mentioned, and there is a fundamental cultural aspect.

On entering the European Parliament building this morning, we all left a piece of our hearts on those flowers laid at the foot of the plaque commemorating the Holocaust. Unfortunately, when we deal with these issues, we cannot help but think that the final point of arrival of a process of ethnic profiling, the most terrible, the most incredible and, I hope, the most unattainable, was precisely the Shoah.

The Shoah teaches us many things. It also teaches us a particularly dramatic one. That is, that technology, innovation, the growing capacity of human intelligence that can produce good, so much good, let's think of medicine, let's think of productive capacity, let's think of organizational capacity, which were at the basis of the Industrial Revolution, can be, the same tools, used to produce so much evil.

Because this was the story and the history of the Shoah. Extraordinary intelligence, men of extraordinary intelligence applied to the destruction of an entire race, as they called it. We don't call it that because we know that there aren't really any races on this planet.

I believe that what we are facing today and what we have to pay particular attention to with regard to this relationship and to this issue is precisely the extent to which wrong behaviour, which belongs to individuals but which can become fashionable, can become collective behaviour, is reinforced by technological tools that make it possible to turn this into ordinary behaviour.

I would like to mention in this Chamber, even though it does not concern the 47 countries of the Council of Europe, the issue of the Uighurs and the dramatic situation of the population of Uighuristan, now China, which has been ethnically profiled for many years.

I believe that we must react to all these mistaken actions.

The last thing I would like to say is that it happens all too often in my country. Public information has a great responsibility. When a guilty person or a presumed guilty person is described not as a woman or a man but by virtue of where they come from and it is said that this citizen of this country has committed murder, this behaviour is being nurtured.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on the list is Ms Hajnalka JUHÁSZ from Hungary, online.

**Ms Hajnalka JUHÁSZ (Hungary, EPP/CD):** Thank you, Mr President.

Police forces play a very important role for the cohesion of society, by protecting the population from security threats and contributing to ensuring a peaceful living together. For example, according to the Code of Ethics for the Police of Hungary, the police officer recognises and protects human dignity and respects human rights, acts impartially, regardless of gender, age, citizenship, ethnicity, religious or political beliefs, social and property status.

In the exercise of the power conferred the officer is prudent and moderate, carries out measures without prejudice and temper, and avoids the formation of unnecessary conflicts. As the rapporteur has highlighted, the police play an important role in society as guardians of law enforcement and human rights. Raising awareness on this issue, of dialogue and co-operation between the police and society, is highly important.

Thank you!

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on the list is Mr Kamil AYDIN from Turkey, online. Is he connected? Can't see him at the moment?

Mr AYDIN?

Then we go on. Next speaker would be Ms Lesia ZABURANNA from Ukraine.

Not in the room.

Next speaker would be Ms Nigar ARPADARAI from Azerbaijan. Yes, please, you have the floor.

**Ms Nigar ARPADARAI (Azerbaijan, EC/DA):** Dear colleagues, it's really unfortunate that even now, when we live in the 21st century, we still have such notions as racism, discrimination and xenophobia.

In the current report, the main focus was made on the ethnic profiling by law enforcement officers, as they do identity checks on a daily basis and some individuals are being singled out for such checks solely on the grounds of race, colour, national or ethnic origin, or perceived religion.

However, we should not consider police and law enforcement bodies separately, they are part of society and in lots of ways they behave as society does. Unfortunately, ethnic or discriminatory profiling by police is a reflection of the racist and xenophobic patterns in a number of societies of Europe. If we take ethnic profiling by police out of the context of the overall problem that we have here in Europe, then we will never find the right solution. The racist and xenophobic problem exists, and it seems to be on the rise.

Ethnic profiling grows from the feeling of ethnic or cultural distrust and supremacy. We in Azerbaijan have lived through a very painful period of our history when, driven by the political ideology of national supremacy, the Armenian government and the political elite of the last three decades carried out a total ethnic cleansing of Azerbaijanis based solely on their ethnic identity from 20% of Azerbaijani territories. And this is not far away history, it happened in the Council of Europe space.

Today, I am proud to say that Azerbaijan managed to enforce international law and restored the right of these people to go back home. Today, the main priority for us is to rebuild the liberated territories, return Azerbaijani refugees back to their homes which have been completely destroyed, and to create the environment for Azerbaijanis and Armenians to live together in peace and dignity.

Unfortunately, there are pages in the European history that contradict its current values. We must adhere to these values so that history does not repeat itself. The problem of ethnic profiling, discrimination and xenophobia should be discussed, should be addressed, as the mere existence of these dangerous manifestations in Europe is simply unacceptable.

Thank you for your attention.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

I have a request from an online participant for a point of order: Mr Markus WIECHEL from Sweden.

You have the floor Mr WIECHEL.

We continue, he disconnected.

Now he's coming back.

**Mr Markus WIECHEL (Sweden, EC/DA):** All right, thank you, Mr President,

I would just like to say that I made a mistake. I obviously intend to vote "No" on document 15216, "Challenge, on substantive grounds, of the still unratified credentials of their parliamentary delegation of the Russian Federation", so I would just like to have that in the protocol.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Okay, thank you.

That will be recorded in the minutes.

That clarifies your point.

Now we go back to the debate.

The next speaker on the list would be Mr Yunus EMRE from Turkey.

**Mr Yunus EMRE (Turkey, SOC):** Thank you chair.

Dear colleagues,

First of all, I would like to thank Mr Boriss CILEVIČS for this important report.

As politicians, we focus on issues that we consider big issues or so-called "high politics". However, we ignore issues of everyday life that are thought to be small, but those issues cause huge and unjust sufferings. One may suggest that, "What happens if a person is stopped? Dozens of people are stopped every day". However, when you read the report, you clearly see that the situation is not that simple because the report shows us that stopping people, not on individual suspicions, but prejudices based on race or ethnicity, is a discriminative action. And this discrimination manifests itself as ethnic profiling and creates a strong sense of victimisation.

Racism has been one of the most important problems of our age. In recent years, the situation has been worsened. In the worsening of this problem, it is necessary to underline the role of the racist and authoritarian politicians. Those politicians set a segment of society as a target, then they mobilise their electorate and make them hostile to specific ethnic or religious groups.

One of the most important functions of politicians and political parties should be to educate the society within the framework of democratic political values. Unfortunately, we are far from this function today. On the contrary, many politicians and political parties are competing in racism. In addition, people who display racist attitudes actually think that what they are doing is not racism. They think they can't be racist. In fact, they are not aware of what is racism and what is not. For this reason, as underlined in the resolution, regular training of the police on racism is of great importance but in terms of preventing and combating racism. We have seen very serious crimes throughout human history; however, no crime has become as serious as crimes caused by Nazism. The Nazis' anti-Semitic slogans of the 1920s paved the way to the racist regime in the 1930s and the end result became the Holocaust in the 1940s. To never experience these tragedies again, a strong fight against racism should be at the top of our agenda.

Therefore, I would like to express my gratitude once again to Mr Boriss CILEVIČS and those who contributed to the writing of this report.

Thanks.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker is Ms Marta GONZÁLEZ VÁZQUEZ from Spain.

**Ms Marta GONZÁLEZ VÁZQUEZ (Spain, EPP/CD)\*:** President, colleagues, I would like to start by thanking our rapporteur for his hard work on this report. Clearly this report is highly topical, following recent events in the United States and elsewhere in the world, linked to Black Lives Matter following the death of George Floyd.

As is demonstrated in the report, it's becoming clear in many countries that ethnic profiling is being increasingly used in police investigations. Frequently this is linked to statements from witnesses who are encouraged to provide simplified, stereotyped statements and it is also used to focus on certain parts of the population. This report demonstrates the results of certain experiments or trials that show that the ethnic profiling approach is simplistic and in many cases makes the work of police investigators more difficult.

I welcome the fact that our rapporteur, Mr Boriss CILEVIČS, found examples in my own country, Spain, of good practice in the police when it comes to countering the negative influence of ethnic profiling. And there are other cases where Mr Boriss CILEVIČS underlines our commitment in Spain to democracy and defending the values of freedom and liberty. It is very important that cases picked up in this report, examples of good practices in Spain and elsewhere, be used in other countries in Europe. It is very important if we are to protect the human rights of citizens in Europe. The use of ethnic profiling, targeting people from certain groups, means that these people have their rights violated simply because they are members of a certain community.

The way they are treated can be exacerbated by their physical appearance, the clothes they wear or their name. I do hope that this report will provide a basis for the Council of Europe to continue its work analysing this practice, which doesn't just concern the work of law enforcement agencies, but also applies to medical and biological research. This throws up a whole series of important issues in terms of ethics. Ethnic profiling is more of a societal construct with no scientific value rather than a biological system of classification, and we are now facing the additional challenge of new technology and algorithms. I think therefore this report is an excellent starting point for us to continue to look into this matter. In societies where ethnic profiling is rejected as out of date and mistaken, in contradiction with the values that should prevail in all member states of the Council of Europe, to defend the rights of our citizens against discrimination.

Thank you President, thank you colleagues.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

Next speaker is Lord Lord Leslie GRIFFITHS from the United Kingdom, online.

There seems to be technical issues.

The next speaker on the list is Mr Rustem UMEROV from Ukraine.

Mr UMEROV, please, can you put your mask on?

**Mr Rustem UMEROV (Ukraine, EPP/CD):** I'm grateful to rapporteur for such a complex approach to the topic of ethnic profiling.

Ethnic profiling is a discriminatory practice when law enforcement officers unreasonably, purely on the grounds of religion, ethnicity, language, detain citizens, subject them to more severe checks.

It was mentioned in the report about ethnical profiling performed by the Russian police targeting in particular migrants from Central Asia and Caucasus. Although, I'd like to highlight the problem of usage of same discriminatory practice in temporary occupied Crimea. After the occupation of Crimea, this policy was transformed into the practice of persecutors for political reasons. Russia unreasonably accuses many of our citizens of committing fabricated crime simply because Crimean Tatars are Muslims, or because ethnic Ukrainians and Crimean Tatars living in Crimea have pro-Ukrainian political views. This fact itself serves as a basis of for accusations of participation in terrorist organisations or spying. Thus, we have the situation when ethnic profiling in the first place paves the way to mass human rights violations, to long-term imprisonment for innocent people.

Another demonstration of ethnic profiling used by Russian law enforcement organs is the deprivation of medical care for our political prisoners. I'm talking not only about the worsening of chronic illnesses but also about the attitude towards our citizens in times of COVID-19. The lawyers and relatives of our political prisoners have evidence of the fact that nothing is done to prevent the spread of coronavirus among the prisoners in different prisons.

Also, I would like to raise the issue of persecution of THE Ukrainian Orthodox Church by the occupation authority. The Archbishop Clement of Simferopol and Crimean of the Ukrainian Orthodox Church was once detained based on the anonymous trumped-up accusations. Also, he still faces threats to be imprisoned. I'm completely sure that the single reason for such actions of the Russians' occupation organs is to suppress the freedom of religion and belief. I consider enforced conscription as one of the dimensions of ethnic profiling. This practice was launched in 2014. Since then at least 25 000 ethnic Ukrainians and Crimean Tatars have been forcibly conscripted to serve in the Russian Armed Forces. Although, I want to point out that such policy of enforced conscription is clearly prohibited by the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949.

To sum up, I have pointed out a number of discriminatory practices performed by Russia targeted at ethnic Ukrainian and Crimean Tatars under the occupation. I wanted to draw your attention, dear colleagues, to such vigorous violations of human rights in one of the Council of Europe member states.

Thank you for your attention.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

Next speaker on the list is Ms Emine Nur GÜNAY from Turkey, online.

**Ms Emine Nur GÜNAY (Turkey, NR):** Dear President, Dear Colleagues,

Ethnic profiling is a grim reality of our century and the European geography. Unfortunately, this issue is neither among the top priorities of the prominent political leaders nor on the agendas of the political parties. However, it needs special attention to be addressed properly in order to be heard and known, and to receive public attention.

Since the racial profiling in state institutions is not even perceived as a serious problem, data on the cases of profiling is not properly collected and that is why it is very hard to find a way to get such data. Nonetheless, we know that the ethnic and religious minorities in member states of the Council of Europe face systemic stop and search operations by police without any objective evidence. Such practices make immigrants, coloured people and members of different religious groups usual criminal suspects. Thus, there is no doubt that the ethnic profiling constitutes human rights violation, which cannot be acceptable.

Above all, behaving a person as if he or she is a criminal without any reason is clearly infringement of the presumption of innocence. If a Black person gets involve in a crime, it should not justify police to harass all Black people. It is far away from being effective; on the contrary, it is misleading the police, putting the investigation focus in the wrong direction. Moreover, using racial profiling as a policing tool diminishes the trust between the society and police services, which indispensably results in a collapse of peace in the society.

As my concluding remarks, I would like to thank the rapporteur for bringing such an important topic to the agenda of this meeting. I hope all forms of discrimination based on ethnicity, nationality or religious belief will be removed from the institutions and societies throughout the European continent.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on the list is Mr Momodou Malcolm JALLOW from Sweden.

**Mr Momodou Malcolm JALLOW (Sweden, UEL):** Thank you very much Mr President for allowing me to speak.

This is a very important report. It's a very, very important report. I had planned to give a speech which, after listening to everybody else speaking, I don't want to repeat what everybody else has said. I want to thank the Rapporteur for lifting this very important issue which normally is not discussed, and when discussed we only sometimes acknowledge its existence and we don't move forward. We need to move forward because this is a serious, serious problem.

I say it's a serious problem because I know as a person of African descent myself that racial profiling is something that has become the norm in my day-to-day life. It doesn't matter if you are a refugee, it doesn't matter if you have been living in Europe for your whole life, it doesn't matter if you were born and raised here, it doesn't matter if you're a professor or a PhD holder, it doesn't matter if you are a politician, you are still a target of racial profiling by the police. You become a victim of racial profiling by the police and law enforcement. The last time I was – and it's humiliating and degrading and dehumanising – travelling with other members of parliament, all of them white and you are the only black person, and all of them would go through control, and you would be stopped, every single time.

The last time that happened to me was in Germany; in fact I was there after attending as a coordinator for the No Hate Parliamentary Alliance in the Bundestag – when I was going home I was stopped. Out of 200 people that went through the control I was stopped. When I asked, why am I stopped? I was told that this is a random check. A random check that I went through in Copenhagen when I was flying to Berlin, and a random check when I was flying from Berlin to Copenhagen again. A random check when I travel to Belgium, and a random check when I travel from Belgium to Sweden. A random check when I'm travelling from Sweden to other countries.

It never stops. It doesn't matter how you are dressed, it doesn't matter who you are, it doesn't matter how well educated you are, it doesn't matter, and it is done without reasonable suspicion, without reasonable grounds. The only reason that they do this is because of the way that I look. It cannot be acceptable in any society that considers itself to be democratic and functions on the values of the rule of law.

That's why we need to do everything within our power to stop racial profiling. We need to make sure that the regulations and legislation that we have in place, that we implement these regulations. We follow them and make sure they are implemented as they are supposed to be implemented. Because racial profiling is not an effective way of working.

While have we stopped certain people, the real crooks and real criminals we let them go, because they are not people of colour; because they are not Muslims; because they are not people who are suspected because of their background. We need to make sure that stops; it's not acceptable. It's not acceptable. So I hope we can support this report and I hope we can keep on working and make this a priority for the Council of Europe.

Thank you.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

The next speaker on the list is Mr Tural GANJALIYEV from Azerbaijan.

**Mr Tural GANJALIYEV (Azerbaijan, EC/DA):** Dear Mr Chairman,

Dear colleagues,

First of all, I would like to thank the rapporteur for his excellent document preparing this report, which is very important here on the European continent because indeed this is a very serious issue and indeed it's a matter of great concern for all of us. Because singling out and checking, scrutinising people on the only basis of their ethnicity, of their nationality, on the basis of their religious grounds, are totally unacceptable. It's against not only of the human rights, the common values that we have here in the Council of Europe, but it is also against the perception of this very organisation that we are sitting in.

Ladies and gentlemen, indeed there are some countries and there are some groups of people who still unfortunately exercise this ethnic profiling in their respective countries, and of course, in the past we have seen the consequences of such a practice. In the past, Dashnak ideology fuelled and propelled in the Republic of Armenia and we have seen very negative consequences of this ideology because it is based on the ethnic segregation, ethnic discrimination and ethnic profiling.

Unfortunately, as a person who lived the rest of my life – the previous 30 years of my life – as an IDP, I have seen the consequences of this ethnic segregation from my own personal experience. And of course, there is only one way out of this problem, which is peaceful coexistence and peaceful living together in the region, because if we would like to address this very great concern in our continent, we have to leave aside all other problems and look forward into the future.

**Mr Tural GANJALIYEV (Azerbaijan, EC/DA):** Mr President,

Dear colleagues,

Ladies and Gentlemen,

To conclude my speech, I would like to say that it is very important for us to join forces against ethnic profiling, against xenophobia, against ethnic discrimination. The world is a better place when we enjoy our freedom, equality, human rights and democracy. The world is a better place when we enjoy peaceful coexistence.

I am sure that, like the parliamentarians of the Council of Europe, we will fight together against this phenomenon, which is very dangerous today.

Thank you very much for your attention.

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Thank you.

Next speaker on the list is Ms Naira ZOHRABYAN from Armenia, online.

Any reaction?

Next speaker on the list is Mr Yury OLEINIKOV from Russia, also online.

Ms ZOHRABYAN is now online.

You have the floor.

**Ms Naira ZOHRABYAN (Armenia, EC/DA):** Dear colleagues,

In our Assembly we have often discussed the issues of ethnic profiling...

**Mr Andreas NICK (Germany, EPP/CD, President of the Assembly):** Is Mr Yury OLEINIKOV on the line?

Mr OLEINIKOV ask for the floor.

The next speaker is Mr Paul GAVAN from Ireland, also online.

**Mr Paul GAVAN (Ireland, UEL):** Good morning chairperson, good morning colleagues,

I want to begin by warmly welcoming this resolution and commending the rapporteur.

The creeping menace of racism and xenophobia is already stalking many parts of Europe. Tackling ethnic profiling is one concrete action that every country can and should make to combat prejudice and racial discrimination. Racial or ethnic profiling and policing has been defined as the use by the police with no objective and reasonable justification of grounds such as race, colour, languages, religion, nationality or national or ethnic origin.

In this judgment of 2005 in the case of *Timishev v. Russia*, the European Court of Human Rights stated that "differential treatment of persons in relevantly similar situations without an objective and reasonable justification constitutes discrimination". The Council of Europe Commission of Human Rights stated in 2019, that though by no means new, this phenomenon is still widespread across the Council of Europe area.

Access to judicial and non-judicial remedies in cases of alleged ethnic profiling, including those stemming from the technological use of machine learning algorithms, is crucial. The UN has also decried the use of racial profiling and a technology often behind it, with Ms Verene Shepherd and member of the UN Committee on the Elimination of Racial Discrimination stating last November: "We've heard about companies using these algorithms methods to discriminate on the basis of skin colour".

Ethnic profiling can affect people greatly and have life-changing consequences. A PACE report from last month states: "Ethnic profiling can have a negative impact on both the persons being checked and society at large. It contributes to promoting a distorted view and to stigmatising parts of the population. It can also reflect deeply-rooted racism".

In this, national human rights structures including equality bodies as well as independent police oversight authorities should play an increasingly active role in detecting and mitigating the risks associated with the use of algorithms in the criminal justice system. It needs to be an area addressed and the negative consequences for society as a whole need to be recognised.

Colleagues I want to finish just by reflecting on the speech of my my colleague Mr Momodou Malcolm JALLOW just a few minutes ago. His description of what happens on his travels is all too common an occurrence for people of colour, people of particular ethnic minorities. It's something that used to happen to Irish people at a certain time during the conflict in our country, and I can relate to that. It's entirely unacceptable and all of us, all of us, should acknowledge that it can never be acceptable in any of our states under any grounds.

As I stated in the beginning my speech there is a horrendous rise of xenophobia and racism. This is an issue that should unite all of us, to combat this horrendous hate speech, this horrendous fear of people. It needs to change and all of us should unite on this topic.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you very much.

I now call upon Ms Naira ZOHRABYAN.

You have the floor.

**Ms Naira ZOHRABYAN (Armenia, EC/DA):** Dear colleagues,

In our Assembly we have often discussed the issues of ethnic profiling, ethnic cleansing and ethnic protection.

Since our Assembly, for reasons cannot fathom, has considered the Navalny issue more important than the humanitarian crisis of the recent Artsakh war, or the issue of prisoners of war, then I am obliged to return to the humanitarian consequences of that war and to the Azerbaijani programmes for the expulsion of Armenians from Artsakh.

The European Union has called for for special sanctions against Russia for the arrest of Alexei Navalny. The European Parliament has held an urgent debate on the arrest of Alexei Navalny and again called for serious sanctions against Russia. The European Union and the Foreign Ministries of the United States and Canada immediately condemned this arrest.

I have always been a supporter of human rights, but, for me, human rights cannot and must not be selective; they must not be conditioned by sympathy or antipathy towards a specific country. For me, human rights have never been motivated by political interests and when the whole international community condemns the arrest of Navalny, I, as an Armenian member of parliament, would like to ask a legitimate question: Azerbaijan, on 27 September, carried out war crimes during the recent war against Artsakh using weapons prohibited by all international conventions, including bombs launched on civilian infrastructure, on cultural heritage; it also used chemical weapons, white phosphorus, inflicting suffering on soldiers, burning and civilians, beheading an Armenian soldier; it filmed and published these inhuman acts on social networks, why we did not see, then, the protest of the international community? Why has the international community not condemned this inhuman crime committed in the 21st century?

We have seen, with the examples of many countries in the world, how the Soros metastases destroy the value system, the Church, the family, dividing society between Blacks and whites, weakening the national immunity of the country where they can take power or have members in power. And now they are trying to carry out the same programme in Russia, with the help of a Soros ally like Navalny. They want to penetrate Russia and deprive Russia of its value system and immunity from defence like the metastases they have done in Armenia. I repeat, for me, human rights have no political limits, regardless of the country of origin of these people, Russia – which you do not like – Armenia, France or Artsakh, which has not yet been recognised.

I want our Assembly, whose fundamental aim should be equality and justice, to remain simply committed to those values and not to be puppets of Soros.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Ok.

I now call on someone who was on our list but could not get the floor.

Is Mr Yury OLEINIKOV there or not?

No.

Then we go to Ms Lucie MONCION from Canada.

Welcome, observer.

Ms MONCION, if you can ask for the floor again please.

**Ms Lucie MONCION (Canada):** Mister Speaker,

Dear Colleagues,

Although the COVID-19 pandemic has occupied an important place in public debate in recent months, it is obviously not the only event to have marked the collective imagination during the year 2020.

Demonstrations in the United States and elsewhere in the world, in response to the deaths of black people at the hands of the police, have reminded us all that much work remains to be done to eradicate the scourge of racism. One consequence of the racism that continues to exist in our societies is that racial profiling continues to be used. This is an action that is not only illegal and immoral, but also counterproductive.

In Canada, the Ontario Human Rights Commission defines racial profiling as "any action taken for reasons of safety, security or public protection that is based on stereotyping based on race, colour, ethnicity, ancestry, religion, place of origin, or a combination of these factors, rather than on reasonable suspicion, for the purpose of isolating an individual for special consideration or treatment.

Racial profiling is a form of racial discrimination. In Canada, discrimination based on race, national or ethnic origin, colour or religion is prohibited under Section 15 of the Canadian Charter of Rights and Freedoms. In Europe, Article 14 of the European Convention on Human Rights also prohibits discrimination on these grounds.

Under sections 8 and 9 of the Canadian Charter, Canadians are also protected against unreasonable search and seizure and arbitrary detention or imprisonment. Europeans enjoy similar protections under Article 5 of the European Convention. Police actions are constrained by such legal safeguards. Yet despite these protections, racial profiling remains a problem in Canada as in Europe.

As such, the House of Commons Standing Committee on Public Safety and National Security is currently conducting a study on systemic racism in policing. As part of this study, several witnesses referred to racial profiling, particularly with respect to Black and Aboriginal people.

According to the report commissioned in 2019 by the Montreal Police Service, Black and Aboriginal people are four to five times more likely than white people to be stopped by the police in Montreal, one of Canada's most populous cities. The report points out that racial profiling is a problem in other Canadian cities, including Toronto, Vancouver, Ottawa, and Halifax.

The draft resolution before us today offers possible solutions that members of this Parliamentary Assembly and the Council of Europe could consider in order to address this highly problematic situation.

Thank you for your attention.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

We now come to Mr Kamal JAFAROV from the room. Is he here?

Then we go to the next speaker who is Ms Marietta KARAMANLI.

Ms KARAMANLI, the floor is yours.

**Ms Marietta KARAMANLI (France, SOC):** Good morning, ladies and gentlemen, Mr President,

We have on the agenda of our Assembly a report and a resolution on the subject of ethnic profiling, its use for discriminatory purposes and the resources and means to combat it in our own states and countries.

First of all, I would like to thank the rapporteur, Mr Boriss CILEVIČS, for his unfortunately topical report and relevant recommendations.

Having noted that these practices exist and are negative for the people who are victims of them and for the cohesion of society, the rapporteur proposes their legal prohibition, raising awareness among those who may be tempted by this perspective, training for public authorities and officials, support for people who are discriminated against, the implementation of what can be described as internal and external controls and the participation of independent institutions of authority specialised in defending rights in order to combat them.

I will make two observations. The first concerns the use of what is known as artificial intelligence as a tool for preventing and prosecuting crime. The use of machine learning algorithms in criminal justice systems is becoming increasingly common, and several European countries are testing the use of machine learning algorithms as part of the so-called predictive policing. I note that there have been many reports about the biases it introduces and the errors it allows.

Although the format of our discussion today does not allow us to go any further on this subject, it should be recalled here that this use generates discrimination, but also very often infringes the right to privacy and data protection. These are, as the Council of Europe Commissioner for Human Rights notes, major concerns associated with the use of algorithmic profiling.

My second observation concerns the importance to be given to judicial decisions that strictly regulate and thus limit all practices that could lead to the belief that there is discrimination behind administrative decisions or police behaviour.

Admittedly, the fact that an increasing number of cases brought before the competent courts shows that there are reprehensible practices and also highlights the importance of the rights of individuals to have recourse to the courts as a valid means of putting an end to them. All court decisions that reveal a difference in treatment must be justified and objectified – for, in the absence of such information, there is reason to believe that discrimination is taking place – which will be a powerful factor in normalising the situation and combating ethnic profiling.

I shall conclude my speech, Mr President, Mr Schulz, ladies and gentlemen, by first of all recalling the need to inform people who are more likely than others to be discriminated against to be informed of their rights, and also the importance of ensuring the effective implementation of codes of ethics for public or private officials with policing duties.

Finally, I suggest that a platform of best practices for preventing and combating ethnic profiling and their effectiveness could be envisaged in support of the political and national authorities and also associations working on this subject. This would obviously be a good thing, and I will be at your side to support it.

Thank you, rapporteur, for the work you have done.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thanks to you.

I now come to Ms Yelyzaveta YASKO in the room.

Is Ms YASKO here?

Just arrived. Spot on time.

Well, I'll give the floor to...

Take your time Ms YASKO, we'll take you after Mr André GATTOLIN.

Take your time.

We still have two colleagues that will intervene: Mr GATTOLIN, and Ms YASKO will then be the last speaker of today.

Mr GATTOLIN, the floor is yours.

**Mr André GATTOLIN (France, ALDE):** Mr President,

My dear colleagues,

First of all, I would like to thank Mr Boriss CILEVIČS very warmly for his report, which gives us the opportunity to talk about this particularly important subject.

It is a sensitive subject at least on two counts: first, because the apprehension by law enforcement agencies of people on ethnic grounds alone constitutes discrimination and goes against our values; it is also sensitive because, as the report points out, ethnic profiling can undermine the confidence of part of the population in law enforcement.

This debate comes today at a particularly relevant time for France. Indeed, this Monday the French government launched a national consultation aimed at the police and the gendarmerie and their relations with the population. And, just yesterday, six NGOs announced that they were putting the state on notice and, for the first time, considering group action against the French state in order to fight "face checks". These associations, these NGOs, advocate in particular for a modification of the code of penal procedure to "explicitly prohibit discrimination in identity checks", the "creation of an effective and independent complaint mechanism" or even "providing to any person checked proof of the check".

I have no doubt that we will have debates on this theme in the French parliament in the coming months. I do not doubt either that the French courts, if the matter is referred to them, will assess the matter appropriately and without weakness. I recall that the French Court of Cassation has indeed already found the French state guilty on these grounds in 2016. If there is any reason to condemn the state, it will do so again.

As the rapporteur says, the issue of training the police and monitoring their practices is essential.

I would also like to open another point which is not mentioned in the report and which seems important to me, and it is a debate that we should have here at the Council of Europe: the existence of ethnicity statistics or not. In France, they are prohibited by the constitution and, sometimes, I consider it a shame. Some countries use them; our colleague who spoke from Canada could remind you. Ethnicity statistics are also obviously useful to observe discrimination, and even for the police, in a way, sometimes to protect themselves. We are witnessing in our cities a "ghettoisation" in certain neighbourhoods where there are 80% of people who are representatives of visible minorities: if 80% of checks are of them, this is not discrimination; on the other hand, in other cases, yes, there is discrimination. I believe that this means that, if the figures are correctly applied and understood, more appropriate public policies can be implemented, and the case of Canada is particularly interesting in this regard.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, André.

We now come to our last speaker of today, Ms Yelyzaveta YASKO.

You have the floor.

**Ms Yelyzaveta YASKO (Ukraine, EPP/CD):** Thank you so much,

Well, I would like to speak in support of Roma communities and this question. Something which is particularly striking to me when reading the report is the number of times that Roma communities are specially mentioned as the victims of ethnic profiling in countries across Europe.

The topic of systematic discrimination against Roma is not new, but the pandemic and COVID-19 and all the measures brought in to control created lots of problems for Roma communities. The number of jobs that Roma communities lost, the numerous cases of violence that Roma really had during the pandemic is increasing, and I believe that the impact of fake news is also increasing during the pandemic.

While the report briefly touches on the role of the media, the proliferation of fake news regarding minorities such as Roma is a particular case for concern. It exaggerates the already inflammatory rhetoric used by certain media outlets on ethnic minorities, which may in return reinforce prejudice of law enforcement agencies.

I would like to say that the broader issue of ethnic profiling is a matter of concern for many member states and I emphasise my willingness to engage further on this question also in Ukraine, because it's a big, big problem especially with the questions that concern the vaccine and other challenges that we currently have in COVID-19 times. I don't want Roma communities to suffer from that, because they are not included in the

process and we should think more how we should include Roma communities, to have more rights, more political inclusion in the process. Therefore, I call for greater scrutiny on this matter going forward, which I believe to be critical given the ongoing pandemic.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you.

Thank you very much Ms Yelyzaveta YASKO.

Unfortunately I have to interrupt the list of speakers. The speeches of the members on the speaker list who have been physically or remotely present during the debate but have not been able to speak may be given to the Table Office for publication in the official report. I remind colleagues that the text has to be submitted in typescript, electronically if possible, no later than four hours after the list of speakers is interrupted.

Before giving the floor to the rapporteur I have a request for a point of order by Ms Anna ZÁBORSKÁ.

Ms ZÁBORSKÁ you have the floor.

**Ms Anna ZÁBORSKÁ (Slovak Republic, NR):** Good morning, Mr President. Can I...?

This is a point of order. I would like to ask you to put it in the minutes: because of technical issues, I could not vote on the resolution on the Russian delegation, but my vote is in favour. I am voting in favour.

Please be kind and put it in the minutes.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, Ms ZÁBORSKÁ.

We will indeed add it to the minutes. That way, everything is clear.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Mr Boriss CILEVIČ, do you wish to reply?

Since you are not only rapporteur, but also chair, you can speak on behalf of both of your functions, but stick to three minutes.

I'm not going to give you three minutes twice.

**Mr Boriss CILEVIČS (Latvia, SOC, Rapporteur):** Thank you, President.

I am not a chair of this Committee, so that this report is prepared by the Committee on Equality and Non-Discrimination and by the Committee on Legal Affairs and Human Rights.

So, dear colleagues, thank you very much for your valuable comments and also critical remarks.

Unfortunately I can't reply to everybody, but just very few notes. Ms Petra STIENEN mentioned other grounds for unlawful profiling, I fully agree with you. Age, gender, or sexual identity might also be a source of discrimination and unlawful profiling. Since relatively recently, we dealt with the problem of multiple discrimination. I believe we should develop more on this approach, also with regard to unlawful profiling.

Artificial intelligence was mentioned by several speakers. Yes, this is a new source of inequalities and discrimination. This issue was partly touched upon in a series of reports adopted by our Assembly at our previous session, but, of course, we should continue this.

I am particularly grateful to Mr John HOWELL and Mr Paul GAVAN who reminded us about relevant case law of the European Court of Human Rights. Indeed, the case of Timishev versus Russia is a crucial one where the court clearly said that different treatment on the basis of ethnic origin or skin color cannot be justified under any circumstances. And this is really very important.

Ms Nigar ARPADARAI said that the police are part of the society. I fully agree with this, that indeed ethnic profiling by police as a whole reflects stereotypes and prejudice existing in society. So, society must have a say, and it can influence how the police work.

Ms Marietta KARAMANLI mentioned a compendium of good practices. This actually has been done to a considerable extent and work is under way. This was done by NGOs and also the Committee of Ministers is doing something with this regard. So, again, I fully agree with you.

Ms Yelyzaveta YASKO, yes, the Roma is a very painful issue and our Assembly has taken this issue up on several occasions. I believe I'm sure we should do more and thank you very much for mentioning this very vulnerable autochthonous minority in Europe.

Finally the question about further research, which was touched upon by Ms Petra STIENEN and Ms Marta GONZÁLEZ VÁZQUEZ. Yes, certainly. Let's work together. Let's continue this work so as to make Europe a continent where indeed all people, regardless of skin color, ethnic origin, mother tongue, sexual identity, have equal rights to safety, security, and dignity.

Thank you, President.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you rapporteur.

I got a small slap on the fingers by the real chair of the Committee, Ms Petra BAYR.

I do apologise.

You have the floor.

**Ms Petra BAYR (Austria, SOC, Chairperson of the Committee on Equality and Non-Discrimination):**

Thank you very much.

I would like to applaud Mr Boriss CILEVIČS for this really very, very, good high quality and balanced report on such an important and sensitive issue.

It's very important to take a clear standpoint, a clear position against any racial discrimination and racism by law enforcement bodies, and to have a report on such a sensitive topic unanimously adopted in the Committee and without any amendment here in the plenary I think is proof of really high quality work.

I want to thank the work of Mr CILEVIČS.

I also want to thank the wonderful team of the Secretariat of the Committee on Equality and Non-Discrimination.

And yes, as some speakers mentioned, I totally agree that we should go deeper and even with a broader scope again into this material as I think we really have to take a very clear human rights-based standpoint on any case and any possibility of discrimination for whatever reason.

Thank you very much.

**Ms Tatevik HAYRAPETYAN (Armenia, EPP/CD):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear colleagues,

Ladies and gentleman,

First of all, let me thank the reporter for a very important report. Since in his report he has referred to "The role and responsibilities of political leaders in combating hate speech and intolerance", I want to bring an example when a political leader built his legacy on hate speech and promotion of intolerance. While Azerbaijani colleagues keep telling about so called solved conflict and so called liberated territories, I want to remind them and all of us how dictator Ilham Aliyev kept calling Armenians dogs who should be chased from those territories, how he said that his biggest enemy is Armenian lobby, how he ordered to teach at schools and even kindergartens that Armenians are enemies and they should be hated by Azerbaijanis. Azerbaijani colleagues keep talking about building trust, dignity, we tried to work for that, but Aliyev with the help of Erdogan initiated an aggression, Aliyev fired the previous head of Foreign Office for agreeing to exchange journalists and work on confidence building, because he desired war and aggression. How we can have dialogue when Azerbaijan rejects even returning the PoWs even after the ceasefire declaration is signed.

Azerbaijani colleagues talk about dignity, while Azerbaijani soldiers brutally kill and torture Armenian PoWs, the videos are available, I can send to everyone if you want to see the reality.

How we can create a trust when a person who axed a sleeping Armenian during NATO training in Budapest has later been not only pardoned and praised by Ilham Aliyev himself but also received salary and get an apartment for his action. You know the latest 44 days war, Azerbaijani-Turkish joint aggression against Nagorno Karabakh was the result of decades lasting hate speech and war propaganda which was headed by Ilham Aliyev himself. He keeps his propaganda nowadays and here in PACE we can't ignore that.

Because today's tolerance towards hate speech is tomorrow's acts of Genocides and war crimes!

**Mr Mehmet Mehdi EKER (Turkey, NR):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear President,

Dear Colleagues,

Ethnic profiling becomes a common policing tool through the European countries, which targets the ethnic or religious minorities. It is for sure that stop and search checks based on skin color or a certain religious appearance constitutes not only public humiliation but also human rights abuse.

As stated in the report, "First the police look for a criminal and then they look for a crime". This shows us how racial discrimination is institutionalized within the police force and regarded as normal daily routine in Europe. Moreover, ethnic profiling in police activities might not only result in public dissent but might become deadly. For example, the racial discriminatory practices in the police force encourage the murders of Turkish origin citizens of Germany by right wing extremist National Socialist Underground.

I believe that there is a strong link between the politics conducted in the country and the practices in its institutions. Since we are witnessing an anti-immigrant and anti-islamic policy making process in several member states, it is not surprising that the number of islamophobic incidents within European society keep rising. Humiliating speeches by politicians targeting different ethnic origins and belief systems do not help them in office but deepen the cracks and distort the peace within the people.

Even though it is not enough alone, adoption of the proper national legislation is the prerequisite for the elimination of the ethnic profiling. Open denunciation of racial discrimination in public services and prohibition of discriminatory practices in state institutions would be the basics of a coherent society. If the people lose their trust in authorities, it eventually turns out to be a accountability problem.

As a last word, I appreciate the rapporteur for his report and bringing this critical issue to the agenda of the meeting. Also, I expect every member states to take the recommendations to fight against the ethnic profiling into consideration seriously in order to have peaceful and integrated societies.

Thank you.

**Mr Ziya ALTUNYALDIZ (Turkey, NR):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear President,

Dear Colleagues,

Ethnic profiling is a kind of racial stereotyping which causes to single out a specific part of society on the basis of race, color, ethnicity, ancestry, religion, or place of origin. Unfortunately, it does not only take place in policing services but also in law enforcement institutions, the education systems and the healthcare services. Behaving a person differently on these grounds clearly constitutes discrimination and violates fundamental human rights.

Ethnic profiling is a product of the discriminatory rhetoric which is frequently used by populist politicians. They promote the institutional racism settled in the state agencies and encourage the mindset behind this approach. The legislative proposals given in the parliaments of the Council of Europe member states carry Islamophobic and xenophobic motives, which creates deep confrontation within the society.

Even though the ethnic profiling remains undeclared, by means of reported cases we all know very well that it takes place every day. Turkish origin people living in Europe are among the victims of racial profiling as well. Horribly, the consequences of racial profiling do not limit to stop and search operations by police but it may even cost the lives of its victims.

There are lots of works done in international organizations, which stand against all forms of racial discrimination, but these international documents do not echo enough in national legislations and do not turn into practice. Combating ethnic profiling requires a strong political will and a constructive change in the mentalities, which can only be achieved through training and open public campaigns. I believe that the society has good conscious inside but a powerful leadership to unveil it is required.

Finally, I thank the rapporteur for this report, which takes the issue of racial profiling in an objective manner, and bring about the fruitful recommendations. I hope a future report would be prepared to study whether recommendations in the report are implemented properly in European countries.

Thank you.

**Lord Leslie GRIFFITHS (United Kingdom, SOC):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

The title of this debate describes something that must surely be self-evident. Of course ethnic profiling is a matter of great concern and the only surprise is that we continue to need to say so.

I read what Mr Boriss Cilevics has put before us with interest. Despite the fact that my only knowledge of how this Assembly works has been gained remotely, I've had no difficulty recognising Mr Cilevics as one of its significant characters. The explanatory memorandum he attaches to this report is exemplary. He seems to have talked to everyone, identified all the major documents from countries and agencies around the world, and given deep thought to the matters he lays before us. We can only thank him for his endeavours and promise to give his report our best attention going forward.

My only worry is that this report concentrates so heavily on the role of the police. Of course, the George Floyd event brought the police into sharp focus. And clearly we look to the police for support in ridding our societies of racism and discrimination in all their forms. And too often the way our police forces do their work, especially in applying stop and search methods, leaves so much to be desired. I would like here, gently and politely of course, to take issue with the leader of our British delegation, whose remarks about the use of stop and search methods in England are quite simply contradicted by a number of well debated facts on the ground. Allegations of institutional racism have, again and again, been levelled at the police.

But all this must be seen alongside the need for a greater emphasis on education and on raising racism awareness. And we must do far more in the drive to ensure greater diversity in all the spaces in society – corporate, commercial, social, political, educational, entertainment and so much more. Only when our national life is seen to be shaped by equal opportunity, only when people of all ethnic backgrounds know they can find their proper place in the way the society they belong to operates, will ethnic profiling begin to lessen as a matter of concern.

I thank Mr Cilevics for his hard work and look forward to the day when such reports are no longer thought necessary.

**Ms Zeynep YILDIZ (Turkey, NR):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear President,

Dear Colleagues,

I appreciate the work done by the rapporteur. His report objectively outlines how ethnic profiling can encounter an ordinary person in his or her daily life. It is beyond doubt that the ethnic profiling is an insidious type of racial discrimination that affects the lives of millions.

I do regard this issue significant and it is worth to pay special attention since it results in breach of fundamental human rights. Stop and search operations targeting the people with different color or carrying the symbols of different religions are not compatible with the human rights standards which are put by the treaties of the Council of Europe. It is also tragic that the racial profiling is commonly practiced throughout the European countries, which claim to carry the flag of human rights.

Victims of the racial profiling are the most disadvantaged groups in the society namely the migrants, religious and ethnic minorities. Unfortunately, they are the subjects of systemic terrorization of different lifestyles, beliefs or appearances. Peace in the lives of these people is constantly interrupted by the police forces and horribly in some cases; it may cost lives of innocent people.

I am of the opinion that such discriminatory practices in the police services and the rhetoric used by the politicians are feeding each other. To be more specific, anti-immigrant or anti-Muslim speeches of the political leaders provide a safe ground for the perpetrators of discriminatory actions in policing activities.

I think the recommendations in the report constitute the baseline for combatting the ethnic profiling and they should be subject to follow up procedure by the relevant Committee. I would thank the rapporteur for bringing the issue to the agenda of the honorable members of the PACE.

Thank you.

**Mr Rafael HUSEYNOV (Azerbaijan, ALDE):** *(Undelivered speech, Rules of Procedure Art. 31.2)*

Many of you are aware of these and similar substances: acrolein, acetaldehyde, diethylamine, ethyl formate. Anyone with knowledge of such liquids, gases and substances knows that they must be handled with extreme care. Many of them can catch fire not only in the heat, but also in subzero temperatures. There are also aspects of social life that we need to be careful and sensitive about, such as substances that ignite so quickly. Because they are also more prone to catching fire, even from the slightest spark, they spread quickly and turn into large-scale fires. Ethnic and religious issues are among the most important of these problems.

As if a secret and insidious hand is constantly trying to ignite this hearth and create alarming points.

Even in these complicated and stressful times, when the countries affected by the pandemic are closed and relations are limited to the maximum, unfortunately, these black forces continue to perform their demonic actions.

The modern world is at such a stage that the boundaries of the concept of "homeland" have greatly expanded. People all over the world are so inter-mixed that it is impossible to fix it by force or pleasure. If an Asian who immigrated to a European city, or an African who chose America as his permanent place of residence, was and continues to be considered as such, then his children, who were born and raised in these places, are now Europeans, Americans. As the generations change, this process will deepen. Therefore, the recent provocations and unwelcome actions of those who did not learn from the bitter lessons of the Charlie Hebdo in France in 2015 are inevitably deeply troubling. A humiliating, insulting act against any religion and the saints of this religion is infringement of the dignity of thousands, tens of thousands and other people. A sane, normal person will never allow such ugly acts. If he does this, then we can say that somebody is directing him there is anger behind this step.

Even worse, sometimes a person with a very high responsibility as the head of a big state tries to interpret the offensive articles, images and behavior of any newspaper or magazine against the highest saints and values of another religion as freedom of speech and expression with incomprehensible sinism. A big difference exists between freedom and uncontrollability. Nonetheless, when you do not see or do not want to see this distinction, the danger of igniting a terrible and uncontrollable fire is always inevitable.

## **Vote: Ethnic profiling in Europe: a matter of great concern**

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** Thank you, Madam Chair.

Hereby the debate is closed.

The Committee on Equality and Non-Discrimination has presented a draft resolution [Doc. 15199] to which no amendments have been tabled, as the chair has informed us.

We will now proceed to vote on the draft resolution contained in Doc. 15199 [as amended].

Members present in the Chamber should use the hemicycle voting system. Members participating remotely should vote using the remote voting system.

The vote is open.

Please vote.

The vote is closed.

*74 in favour, 2 against, 4 abstentions.*

Therefore the resolution is adopted.

Dear colleagues we come now to our next point.

Yes, congratulations.

The final business today is to constitute the Standing Committee.

The membership of the Standing Committee is fixed by Rule 17.3, as follows:

- the President of the Assembly,
- the Vice-Presidents of the Assembly,
- the leaders of the political groups,
- the chairpersons of national delegations, and
- the chairpersons of the general committees.

A full list of members is set out in document Commissions (2021) [02].

Therefore the Standing Committee is accordingly constituted.

We now come, colleagues, to the end of our business.

May I inform you of the fact that the sanitary conditions under which we have performed until this very moment have functioned quite well apparently. We have had over 300 persons being tested. Not once, but in some cases more than once, my case for example. I went again for a test today and I was quite happy to see that my test again was negative. So until now we have no positive reported cases. So I thank each and every one for, well, being luckier than unfortunately many other people in our countries to not be infected by this terrible virus. I hope that we can stay that way. If it is not the case in the coming days, please inform us. Because we need then to have a tracking system being put in place.

But I think that it has been a just decision by the Bureau to have this meeting in a hybrid way and, provided that the conditions stay the same or even get better, I think it is safe to say that the Bureau might and probably will decide to have our April part session being organised in the same fashion.

Now, I would like to thank all members of the Assembly, in particular the rapporteurs of the committees for their work during this part session.

Now obviously also would like to thank the staff and interpreters, both permanent and temporary, who really have worked hard to make this first hybrid part session of the Assembly, with all its difficulties because this has been a challenge to make it work. Thank you for that. Obviously I would like to thank my vice presidents, who chaired during this part session when I had other business to conduct: Mr Kimmo KILJUNEN, Mr Irakli KOBAKHIDZE, Mr Andreas NICK, Ms Nicole TRISSE.

Obviously I would like to thank our Secretary General and particularly his staff. We have to say that many of us did have some doubts, but, Wojciech, you pulled it off 100%. I mean, if this would have been an exam you would have had a magna cum laude or something like that. I don't know how they call it.

Anyway but I also would like to inform colleagues that this is the last plenary session that we will have Wojciech amidst us. So I think it is justified to convey a really really really big thank you for the 10 years of his service in these plenary sessions.

I don't know, he's always so modest and he doesn't want anything, but I'm going to breach that because, Wojciech, I'm going to give you some kind of a souvenir of this plenary session. I don't suppose I'm allowed to, but you know I'm liberal, which means that I like to breach some rules, well, not the rules, some habits. But I've got this hammer, dear colleagues. This is the hammer of the plenary session. It has been here for years. I've seen it lying there all the time and said "but what the hell do I need to do with that?". Well, today I know, because I will give it to Wojciech as a present of us all as, let's say, as a symbol of the very steady hand that he has managed to have this assembly go through the troubled water for the past years.

I hope that you will accept this, Wojciech. With all my heart, this is for you.

Now, the second part-session of 2021 will be held from 19 to 23 April. We expect it to be in a hybrid manner and I will now declare the first session closed.

This is something that Wojciech has to do, but he has to promise to me to end the sitting with knocking that hammer on the table for it to be closed.

Wojciech, you've got the floor.

## **Constitution of the Standing Committee**

### **Appointment of the members of the Standing Committee**

**Mr Wojciech SAWICKI (Secretary General of the Assembly):** Thank you very much President,

Well, this is quite a special moment for me to say goodbye to this Assembly after 25 years which I spent here working with you, with your predecessors, starting in 1996. And I went through something which I think I'm recalling in French "*La plus belle aventure de ma vie*". I'm very grateful to all of you, to those I have used to work with throughout all these years, for your always good co-operation, for many things which I have learned from you throughout these years. It was really a very – I may say – enriching experience in my life. And I'm really very grateful for that to all of you. For that what you taught me, what I experienced with you in different committee meetings, in different plenary sessions, and I've seen a lot of things. And, as I say, will keep it with me until the my last days.

So thank you very much indeed for that but I wanted also to say that all this machinery: it's not me who's behind it. There's a whole group of people who are working for that. So I have to say that as well, when I'm speaking to this Assembly for the last time, that I'm very grateful also to the whole staff working here, in the Secretariat of the Assembly but also elsewhere in the house, in different sectors of the house, who work for us, who work for you; sometimes you do not see that but they are behind the scenes and allow this Assembly to function. It's not just the Secretary General who's doing their job. There's a whole team of people who are doing that and I'm also very grateful to them for that.

Thank you very much again for everything you have offered me during this last 25 years.

Thank you.

**Mr Rik DAEMS (Belgium, ALDE, President of the Assembly):** May I then invite Mr Wojciech SAWICKI to close the session by using this hammer that he will take with him.

The session is closed by the sound of the hammer.

The session is closed.