



**Provisional edition**

Mardi 25 janvier 2022, matin

## Official report of debates

### Ouverture de la séance n° 3

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Dear colleagues,

I would like to remind you that it is compulsory to wear a FFP2 mask - nose, mouth and chin covered - on the premises of the Council, in the hemicycle, even when taking the floor. Please excuse us.

The next order of the day is the election by secret ballot of a Vice-President of the Assembly in respect of the Russian Federation. The candidate is Mr Pyotr TOLSTOY.

In accordance with Rule 16.4 of the Rules of Procedure, an absolute majority of the votes cast is required in the first ballot.

Given the hybrid format of our session, voting will take place electronically via the SCYTL platform. I remind you that you must use your private email address to vote. If you encounter any technical difficulties, please refer to the instructions given on the special session page of the website.

In accordance with the Rules of Procedure, each political group has appointed a teller. The tellers are:

- EPP: Mr Volker ULLRICH
- SOC: Ms Selin SAYEK BÖKE
- ALDE: Ms Béatrice FRESKO-ROLFO
- UEL: Mr Hisyar ÖZSOY
- EC/DA: Mr John HOWELL

The ballot is now open. It will be closed at 12:00 noon.

We continue our work during this time.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Dear colleagues,

Our next business this morning is the joint debate on two reports from the Committee on Equality and Non-Discrimination.

The first is titled Combating rising hate speech against LGBTI people in Europe, which you can find in Document 15425, presented by Mr Fourat BEN CHIKHA.

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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.

Welcome.

The second is titled Alleged violations of the rights of LGTBI people in the Southern Caucasus, presented by Mr Christophe LACROIX.

Welcome as well, Sir.

These will be followed by a statement from Ms Helena Dalli, European Commissioner for Equality.

The rapporteurs will each have seven minutes to present their reports, and then have a further three minutes to reply at the end of the debate.

In order to finish by 12:00 noon and allow time for consideration of amendments, we must conclude the list of speakers at about 11:15 to allow time for the reply and the vote.

I first call on Mr Fourat BEN CHIKHA, the rapporteur, to present the first report.

Mr Fourat BEN CHIKHA, you have seven minutes and you have the floor.

## **Débat conjoint : Alleged violations of the rights of LGBTI people in the Southern Caucasus/Violations alléguées des droits des personnes LGBTI dans le Caucase du Sud**

**Mr Fourat BEN CHIKHA (Belgium, SOC, Rapporteur):** Dear chair, dear colleagues,

On the 18 September trans hairdresser Ivanna Angeline Macedo Silva was found stabbed to death in her apartment in Paris. This brutal murder is just a most recent among 14 tragic killings of trans people reported in our member States between November 2020 and 2021.

As we pay our respect to Ivanna and to all those who have died in the past year, let us remember that still today LGBTI+ people face hate crimes, verbal and physical attacks, harassment, discrimination, stigmatisation throughout our member States.

It's clear that right now the advance made in previous years are under threat and LGBTI+ people have good reasons to feel under threat, too. LGBTI-phobia is on the rise in Europe.

My report established that the attacks and hate crimes are not happening by chance. The anti-gender and anti-LGBT discourse and policy are part of an organised attack against all those who are challenging the heteronormative, cis-normative structures and dynamics that are still so entrenched in our society. My report also points out how alarming and significant proportion of hate speech, vilification, scapegoating of LGBTI+ people has come from political figures, religious leaders, and major outlets.

We are seeing overly hostile discourse from those in power as well as official policy in countries such as Poland, where dozens of local and regional authorities have declared themselves LGBT-free zones over the last three years and have adopted family charters that are harmful to the rights to safety and well-being of LGBTI+ people.

We are seeing an increased limitation on the freedom of assembly and freedom of expression of LGBTI+ people. There is a backsliding in rights in many countries.

Nowhere is this trend more evident than in Hungary, where there have been not one but three series of amendments to Hungary's constitution and laws since May 2020, all of them significantly curtailing the rights of LGBTI+ people, as I have outlined in my report.

I would like to thank the Venice Commission for its most recent opinion on Hungary adopted at a request of our committee, and I wish to make clear that the latest anti-gay propaganda legislation is a clear violation of LGBTI+ people's human rights.

We are also seeing an increase in very violent attacks on the rights of trans people, including in countries where there was previously understanding and support. My report describes how this trend is affecting trans people in Spain and the United Kingdom and the hardship and hustling they are facing.

For far too long and in far too many countries, hate and intolerance towards the LGBTI+ community has been allowed to flourish. No one, no one should feel in need to hide their identity to avoid discrimination, hate or violence.

This report is crucial as LGBTI+ rights are human rights. We should work together to make LGBTI+ equality a reality in all our member States.

Finally, an underlining action the government can take I have drawn attention to the need to use existing instruments and standards including the resolution already adopted by our Assembly. As a benchmark for the situation, both within and beyond their borders, the importance of calling out LGBTI-phobic policy, practice, discourse wherever it occurs we need for governments to make a renewed commitment to achieving LGBTI+ equality in practice.

Dear colleagues, this report is a result of a relentless effort and work of activists, experts, and many of my colleagues present today.

I would especially like to thank the Council of Europe commissioner for human rights Dunja Mijatović and United Nations independent expert on discrimination based on sexual orientation and identity Victor Madrigal-Borloz. Of course, I want to thank the EU commissioner Ms Helena DALLI for her presence here today as well, of course, as the many NGOs who are participating in our hearing and in the bilateral meetings with me for their powerful and deeply inspiring contribution to our committee work on this report.

I also wish to thank the committee secretary for his excellent support throughout this process. You know who you are. I'm so thankful for all the support and dedication that I have experienced the last year.

I ask you today, dear colleagues, to join hands in this fight. It's time to act. This report is crucial and urgent, I want a Europe where no one is left behind, where everyone has the right to be who they want to be. This is why I call upon you to support this draft resolution and recommendation.

Let me conclude with this very beautiful quote by Tennessee Williams: "What is straight? A line can be straight, or a street, but the human heart, oh, no, it's curved like a road through mountains."

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you rapporteur for your clear introduction.

I now give the floor to Mr Christophe LACROIX to present the second report.

You have 7 minutes, Mr rapporteur.

**Mr Christophe LACROIX (Belgium, SOC, Rapporteur):** Mr President,

Dear colleagues,

The joint debate that we have the opportunity to hold today offers us an exceptional opportunity to take stock of the situation of LGBTQI people in Europe and to give very concrete indications on the measures adopted to improve this situation.

I would like to take this opportunity to thank my colleague Mr Fourat BEN CHIKHA – who is more than a colleague, he is a friend – for his work, which is a strong warning signal on particularly worrying phenomena that can be observed on a European scale, including in the most advanced democracies of the European Union. I was very surprised, moreover, dear Mr BEN CHIKHA, to read in this respect certain lines of your report which show that indeed, alarm bells can be heard about the rights of LGBTQI persons.

But I will add some information that I consider important to this debate, concerning three countries in particular. The situation of LGBTI persons and the respect of their human rights are unequal in the member states of the Council of Europe and these inequalities should be eliminated. The progress made in recent years and decades in Europe regarding the rights of LGBTI persons is remarkable but it is not homogeneous.

This observation led me to prepare a report focusing on the South Caucasus, namely Armenia, Azerbaijan and Georgia, as they share part of their recent history and regained their independence at the same time, after having been part of the Soviet Union for a good part of the 20th century.

This report therefore aims to take stock of the situation, even though the three countries are very different, but also, and more importantly, to support opportunities for positive change. ILGA-Europe's annual review of the human rights situation of LGBTI people in 2021 provides us with an illuminating insight. According to the

review, Azerbaijan ranks last in the list of countries most respectful of the rights of LGBTI people, with a score of just 2%; Armenia is ranked forty-seventh out of 49, with a score of about 7%; and Georgia scores 26%, mainly due to anti-discrimination and anti-hate speech legislation.

In the preparation of this report, we have obviously used the findings of international organisations, specialised bodies, both of the European Commission and the United Nations, and of course we have collaborated with ILGA. Subsequently, I held online meetings with representatives of the civil society authorities of Armenia, and then I personally went to Georgia to conduct a fact-finding visit, as the restriction on international travel had been lifted in the meantime. However, the Azerbaijan delegation did not respond to my request for a virtual or real visit to the country.

We found that LGBTQI people face several forms of severe discrimination in the countries covered by this report, although the level of inequality is different in these three countries. However, what I wanted to highlight in the text I am presenting to you is that the fight against discrimination is one of the keystones of democratic systems and is at the heart of the values supported by the Council of Europe: discrimination based on sexual orientation, gender identity, gender expression and sexual characteristics must be prevented and must be firmly combated, in the same way as discrimination on any other ground.

To this end, it is the responsibility of all member states to ensure respect for human rights and fundamental freedoms. And we must not apply or accept in some countries a kind of ethical relativism that applies different criteria in the matter of discrimination against persons, because of the traditionalism of a part of their population.

The text of this draft therefore states very clearly, Mr President, dear colleagues, that the Parliamentary Assembly considers that the cultural and religious traditions of a country cannot justify discrimination based on sexual orientation, gender identity, gender expression and sexual characteristics. Indeed, there is no inevitable contradiction between the right to respect for private and family life, freedom of conscience, thought and religion, freedom of expression and freedom of assembly and association.

Thus, public demonstrations against discrimination of LGBTI persons and to promote their rights, such as pride parades, do not constitute a violation of rights. These countries are members of the Council of Europe and must therefore respect the requirements of the European Convention on Human Rights.

That said, we welcome the progress made by Georgia with the adoption of legislation that includes sexual orientation and gender identity as prohibited grounds for discrimination and the introduction of LGBTIphobia as an aggravating circumstance in criminal legislation. However, this norm needs to be fully implemented, which requires strong political will and consistency.

As far as Armenia is concerned, the democratic transition process that has been underway for some time is an opportunity that should not be missed to strengthen the human rights protection system and fight against discrimination. It is also necessary for the authorities to guarantee the exercise of fundamental freedoms by LGBTQI persons when this exercise is limited or threatened by other groups that oppose it. And I refer, first of all, to public demonstrations such as pride parades. It is also very important to guarantee the freedom and independence of the media and to protect the safety of their personnel.

The draft recommends a number of measures that apply to some or all of the three countries of the South Caucasus. I will not quote all the recommendations but some of them are worth recalling, including effective investigation of violence against LGBTQI persons, implementation of action plans regarding discrimination, establishing prompt, transparent and accessible procedures, ensuring the teaching of comprehensive sexuality education and, finally, strengthening cooperation with civil society organisations that are active in the protection of human rights, including those of LGBTQI persons.

Before concluding, I would like to praise the remarkable work of civil society organisations in these countries that are doing a magnificent job in raising awareness, changing mentalities, assisting victims of discrimination and advocating to institutions.

To all of you, fellow members of the Parliamentary Assembly, I therefore ask you to support this draft resolution which aims to improve the lives of many people on our continent.

Thank you for your attention.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** *Merci beaucoup monsieur le rapporteur pour votre présentation.*

[In French: Thank you very much, Mr Rapporteur for your presentation.]

Now it is my pleasure to welcome in the debate Ms Helena DALLI, European Commissioner for Equality.

Ms DALLI has a strong track record in upholding human rights for all. Under her leadership as a minister for European Affairs and Equality, Malta became one of the only few countries in the world to have entrenched LGBTI rights in its constitution.

As EU commissioner for equality since 2019 responsible for strengthening Europe's commitment to inclusion and equality, Ms DALLI oversees the European Commission's work on ending violence and discrimination against LGBTI people.

The adoption of the first EU official LGBTI equality strategy last year marked an important step in the fight for diversity and inclusion in our Parliamentary Assembly.

Madam Commissioner, we have taken several steps to raise awareness and address the violations and hatred that too many LGBTI people still experience in our member States.

At the end of the day, LGBTI rights are human rights, which is why this is an issue that should concern all of us.

Therefore, Madam Commissioner, we look forward to your intervention and this exchange of views on how we can further co-operate to ensure that the rights of the LGBTI people are fully respected.

Once again, we are honoured to have you here in this debate.

I give you the floor.

**Ms Helena DALLI (European Commissioner for Equality):** Thank you very much and good morning.

Dear Chair and dear members of the Parliamentary Assembly,

I really appreciate the solid and long-standing partnership between the Council of Europe and the European Commission in the promotion of the rights of LGBTI persons.

You must continue to strive to strengthen our co-operation and ensure that our actions are mutually reinforcing the European governmental LGBTI focal point network as the main platform for our partnership. I commend its significant contribution to advance the human rights of LGBTIQ persons.

Yes, all human rights must apply to LGBTI persons in all their diversity. LGBTIQ people should be able to fully enjoy their rights everywhere and at all times, no different than any other person, regardless of the personal characteristics.

This may sound like a cliché until one gets to the issues faced by LGBTIQ people and realises that in fact most of the problems they face stem from exceptionalism and discriminatory restrictions to the recognition of LGBTIQ rights as human rights. Attention to this fact is doubly important considering the backsliding on LGBTIQ rights we are currently witnessing in parts of the world, including in Europe.

At a European Union level, we observe that the justice developments, case law, and policy initiatives, have improved many LGBTIQ people's lives, and helped build more equal and welcoming societies. Despite this, for several LGBTIQ people in the EU, they're still not safe to show affection publicly, to be open about their sexual orientation, gender identity, gender expression, and sex characteristics, and to simply be themselves without feeling threatened.

The Covid-19 crisis brought new pressures and LGBTIQ people are of course no exception to this. The European commission shares with the Council of European the ambition to be at the forefront of efforts to better protect LGBTIQ people's rights.

To deliver on this ambitious mission, the European Commission has adopted an LGBTIQ Equality Strategy in November 2020. The Strategy is now in the implementation phase, mobilising legal, policy, and funding instruments, and combining targeted actions with in-house equality mainstreaming.

As part of this implementation, the Commission is working to further strengthen the general knowledge of our understanding of the lived realities of LGBTIQ people in the EU. In particular, better data will help us target our action and render them more effective.

Important data collection on LGBTIQ people's discrimination and living conditions is therefore at the core of the work of the LGBTIQ equality and equality data sub-groups, which are composed of national experts, Eurostat, and the EU Fundamental Rights Agency.

Turning now to funding instruments, our new Citizens, Equality, Rights and Values Programme, with an overall budget of 1.55 billion euros, set a specific priority for co-funding actions that contribute to implementing objectives set out in the LGBTIQ Equality Strategy. This creates new opportunities for concrete projects by all those willing and capable to contribute to improving the lives of LGBTIQ people.

Civil society organisations are at the forefront in this regard. So is this Council of Europe.

Earlier, we heard rapporteur Mr Fourat BEN CHIKHA explaining the need for action in response to the modern increase in hate speech, violence, and hate crimes against LGBTIQ people. Hate speech and hate crime are indeed a serious and worrying phenomenon in Europe and beyond, whether in physical or virtual spaces.

At the EU level, a framework decision of 2008 requires the criminalisation of hate crime and hate speech on grounds of colour, religion, descent, as well as national, racial, or ethnic origin. However, hate crime and hate speech on other grounds, such as sex or sexual orientation, are not covered at EU level, and legal protection varies significantly between member states.

This is why, last month, the Commission adopted a Communication inviting the Council to adopt a decision extending the current list of EU crimes in the Treaty on the Functioning of the European Union, to hate crimes and hate speech.

If this Council Decision is adopted, the Commission would then be able to propose legislation on the matter.

When it comes to hate crime and hate speech, the Council of Europe together with a number of other organisations, is an essential partner of the Commission in the working group that supports EU member states in developing hate crime and capacity building for law enforcement.

I cannot stress enough how important it is to help law enforcement personnel in identifying and recording LGBTIQ-phobic bias and increasing crime reporting.

We also have today a report from Mr Christophe LACROIX taking stock of the situation of LGBTIQ people in the Southern Caucasus and underlying how opportunities for positive change can be supported.

On its side, the EU is closely following developments regarding LGBTIQ rights across the South Caucasus and is holding regular human rights dialogues with the countries concerned.

The EU is always ready to speak out when there are major concerns. We work with partners to improve the situation in concrete ways. This illustrates that the EU's commitment to the protection of LGBTIQ persons goes beyond its borders.

In this context, the Commission's co-operation and engagement with the Council of Europe is essential, notably to share best practices impacting advancing LGBTIQ rights.

Other relevant international and regional bodies such as the United Nations are also essential to form a common front to enhance rights of LGBTIQ people.

In this context, I am pleased that Mr Madrigal-Borloz, the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, is taking part in today's session.

It is only by working together that we will bring about the level of change needed to ensure that all people, whoever they are, wherever they live, can be themselves and love who they want without risk of discrimination, exclusion, or violence.

I thank you for your attention.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** And I thank you, Madam Commissioner, for your contribution to this debate.

After Ms Ylva JOHANSSON on Monday, you are already the second commissioner of the European Commission to participate in our debate and we appreciate that very much.

We now start with our debate in the hemicycle and in the debate I call as our first speaker on behalf of the Alliance of Liberals and Democrats for Europe, Mr Damien COTTIER from Switzerland.

You have the floor.

**Mr Damien COTTIER (Switzerland, ALDE, Spokesperson for the group):** Thank you dear President.

Allow me to take this opportunity to congratulate you on your election, and I do so in French with great pleasure.

Mr President, dear colleagues,

One does not choose to belong to a sexual minority: it is how one is born.

As far as I am concerned, I was born this way. Nature made me this way. God made me this way. Personally, I struggled for a long time with this situation. It was hard for me to admit it when I was young but, you know, nature was stronger and I came to accept this state of affairs and really live it. And then I met the person with whom I share my life, the man of my life; it just so happens that tomorrow we will celebrate the 15th anniversary of our relationship, that is a real coincidence. This is the happiest time of my life, because it allows me to live fully who I am. What I used to deny has become a daily joy. Being open about it allows me to be free and living in a country and continent that accepts it allows me to be equal to others.

I am not here, Mr President, ladies and gentlemen, to tell you about myself, but I am here to tell you about myself as one of the tens of millions of citizens of this continent who live with this situation, who have to grow up with this situation, who have to work to help themselves. And if society helps these people to accept this, the situation is extremely different to if society denies, rejects, sidelines. So that's what we have to work on for these tens of millions of people.

Unfortunately, as the rapporteurs and the European Commissioner have made very clear, things are not going well everywhere in Europe at the moment, not by a long shot. We have even seen regressions where there had been progress in recent years. There are situations that are simply unacceptable.

These reports that we have today are therefore important reports: I say this on behalf of the Alliance of Liberals and Democrats for Europe. They propose concrete measures, as has been mentioned, which are extremely useful and which we really need to pass on to the member states of our organisation and remind all the States, and some specifically, which are pursuing a policy which is not acceptable, such as certain regions of Poland, such as Hungary, such as certain regions of Russia, and the area of the South Caucasus has also been mentioned.

I would like to say two things, basically, what the rapporteurs have said very well: by doing this, you are fighting against human rights and therefore against the European Convention on Human Rights and the fundamental values of this organisation to which you yourselves are committed. And then the second thing is that it is absurd: don't fight against nature, don't fight over the world as God has made it. Try to work towards your society, a constructive and happy society, rather than spreading unhappiness by fighting against this state of nature.

These reports help us to do this and we thank the rapporteurs for the proposals.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you Mr Damien COTTIER.

The next speaker on our list on behalf of the Group of the Unified European Left is Mr Thomas PRINGLE from Ireland.

You have the floor.

Please put on your mask.

**Mr Thomas PRINGLE (Ireland, UEL, Spokesperson for the group):** *Go raibh maith agat* Mr President, I would like to congratulate you on your election as well (sorry, in our parliament we can take off our masks when we are speaking...sorry).

Hate crime against LGBTI people is on the rise right across Europe. It is at different levels of intensity in violence in every country, but wherever it rises, it is having a huge impact on a very vulnerable group in society. Left unchecked, it will lead to attacks on wider marginalised groups as well.

We as politicians have a responsibility to stand with LGBTI people across Europe now. We cannot wait for them to target other groups but must shout stop.

I agree totally with the views expressed by the author of the report we are discussing today: that it is as the result of sustained and often well organised attacks on the human rights of LGBTI people throughout Europe that we are in this situation.

In Ireland we do not yet have specific legislation that details hate crime. Our department of justice is only now looking at implementing legislation. So even with the best will in the world that will be a few years away from being enacted.

The Gardaí, our local police, have introduced a working hate crime definition to try and quantify the extent of the problem, but unfortunately we have experienced problems with the veracity of the reporting by them of various crime figures. So the question is, can that be believed either?

In order for us in Ireland to have legitimacy when challenging other members of the Council of Europe on the record, we need to improve our own. Currently we have problems with TERFs – trans exclusionary radical feminist groups – who attack the rights of trans people to use, for example, the toilet facilities of women, supposedly on behalf of protecting the rights of women.

This is mainly on social media at the moment but will become more mainstream and plays into the irrational fears of citizens. It is a movement that is funded by radical right-wing religious groups from the United States of America that have been organising for some time in the UK and they are getting a hold in Ireland as well. Allowing this unchecked on social media amounts to condoning hateful language and incitement, which is in violation of the European Convention of Human Rights.

As the commissioner for human rights highlighted in May 2021, decision makers have a responsibility to create and set obligations that social media companies must meet. The judiciary has a responsibility to enforce them as well.

These groups have a wider political motivation. As I said in the report as well with attacks on abortion, contraception, sex education, same-sex marriage, gender and gender recognition, access to transition-related medical care, trans and intersex participation in sport, and ratification and implementation of the Istanbul agenda, which by maintaining inequalities directly violates women's, children's and LGBTI+ people's human rights.

It is clear, as the author says, that the recognition of LGBTI+ people's human rights does not harm society, women or children. On the contrary, it ensures a safe and welcoming society for everyone and that should be our aim.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you Mr Thomas PRINGLE.

The next speaker on our list is Mr Max LUCKS, who is from Germany and speaks on behalf of the Socialists, Democrats and Greens Group.

Mr Max LUCKS, you have the floor.

**Mr Max LUCKS (Germany, SOC, Spokesperson for the group):** Dear Mr President,

Ladies and gentlemen,

First of all, I too would like to congratulate you on your election and my colleagues in my group; congratulations and thank you very much for these very good reports. I really feel very honored to be able to speak on this directly in my first Council of Europe meeting for my group. As a politician who is committed to LGBTI rights, but also as a gay European who is experiencing here how this Parliamentary Assembly is also taking care of his rights.

For many, the question of who queer people actually are is quite unclear, and much worse, for some heads of state and government – also in the Council of Europe – we are an ideology, or we cause diseases. But actually, the question of who we are, who queer persons are, is pretty simple. We are people, people who want to be able to live freely and love freely; people with dignity and with rights and people who rightly fight back, who fight back when they have to be afraid to hold hands on the street, who fight back when constitutions deny parenthood to gay fathers or lesbian mothers, fight back when water cannons turn Christopher Street Days from celebrations of love into marches of authoritarian state power.

The Council of Europe, as the supreme guardian of human rights, is therefore called upon, and that is why it is so important that we stand with lesbian, gay, bisexual, trans and intersex people today. My group colleagues have identified very well what fields of action are for the member states, but also for us.

The Council of Europe states as a whole must become the protection and freedom space for LGBTI rights. That means that we really have to include them in national legislation, give them protection against discrimination, protect sexual and gender minorities, and at the same time finally recognize queerness as a reason to flee and protect queer human rights defenders around the world.

This is the hope for a good future of freedom, but we must not fool ourselves, in this present we are registering massive regressions. Much of what has been fought for is at stake, but it is at this time that we are seeing the need to fight for LGBTI rights, because they are everywhere. This is shown just yesterday by an example from Germany, where 100 employees of the Catholic Church under their pastor came out as queer. In doing so, they drew attention to an injustice that exists here in church labor law, for example. And they have said that they want to overcome the supposedly invisible, they want to enforce indivisible human rights.

Dear colleagues,

Let us also make something visible today: let us also stand up for human rights here today, let us accept these reports.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** (In German) Thank you very much, Mr Max LUCKS. Congratulations for your maiden speech.

Next speaker, on behalf of the Group of the European People's Party is Mr Dimitrios KAIRIDIS from Greece.

You have the floor Mr Dimitrios KAIRIDIS.

**Mr Dimitrios KAIRIDIS (Greece, EPP/CD, Spokesperson for the group):** Yes, good morning from a very snow-covered, white Athens, an unusually white Athens. I wish I were there with you, Mister President, to congratulate you in person, but you have the congratulations from everybody and the best wishes for a good work ahead.

Let me start with a very brief comment on the commissioner we just heard, Ms Helena DALLI. She comes from a country, Malta, a small Mediterranean Southern European country, Catholic country, that ranks at the very top of every international league on the protection of LGBTI rights. This is very important. Malta has sent a very powerful message all over the world and all over Europe. Its example should be imitated across Europe.

Now there is no doubt that there has been a lot of progress in protecting LGBTI rights recently. This progress is undoubtedly uneven; it's not homogeneous. There are huge differences among European countries. There has been a very worrying trend that is being evidenced in the first report. Certain governments, such as those in Turkey under president Erdoğan, or in Russia under President Putin, or even in EU member States such as Hungary and Holland, have targeted the LGBTI community for petty electoral political reasons. This is totally unacceptable and goes contrary to our work here as the guardians of human rights all over Europe.

Furthermore, there are problematic areas such as the Southern Caucasus, whereas, despite the progress in countries such as Georgia, I cannot but express my shame and horror in reading some of the stories included in the second report, coming out of countries such as Azerbaijan. Absolute horror.

We at the EPP are adamant about the protection of LGBTI rights. It is part of who we are and who we want to be as a free, open, liberal European society.

It makes us all better and helps us harness the full potential of all members of our societies.

Discrimination is despicable, unproductive one might say, but totally acceptable and un-European, let me say.

Let me congratulate the two rapporteurs for the excellent job they've done and assure you all that the EPP will stand by the rights of all European citizens and support this Assembly's commendable interest in LGBTI rights and their respect all over Europe.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Mr Dimitrios KAIRIDIS, for your contribution.

Our last speaker on behalf of political groups is Ms Nicole HÖCHST.

She speaks on behalf of the European Conservatives Group and Democratic Alliance, and she is from Germany.

**Ms Nicole HÖCHST (Germany, EC/DA, Spokesperson for the group):** Thank you.

Dear Mister President, dear rapporteur, dear Madam DALLI, dear colleagues,

To be perfectly clear, I condemn the violence that occurred on 4 July 2021 in Georgia by groups protesting at the Tbilisi Pride event, just as I condemn all violence and support the rights of all people to live freely and to express themselves openly. Yet, I suspect that the discussion of this incident together with the report combatting the rising hate against the LGBTI people in Europe seeks to forge a connect between an unwillingness to accept the latest gender industry fad and violent oppression.

If you don't want to give 14-year-olds puberty-blocking hormones or believe in the existence of two genders, you're supposedly calling forth the next homophobic mob. It's a tactic meant to shut down all dialogue and debate.

Well, I disagree with you, and I see through this trick. Complying with the suggestions and combatting rising hate against LGBTI people in Europe will not prevent another Tbilisi.

The hateful violence will not stop when the Georgian word for women has been replaced by persons who have wombs. It might be better not to try but to instead insist that the state guarantees the human rights of all its citizens and enforces the rule of law.

The world that the report combating rising hate against LGBTI people in Europe describes is divided into an oppressive heteronormative society and a free open rainbow-world. It therefore comes as no surprise that the narrative of backsliding and heteronormative hatred that supposedly characterises Western society violence against the LGBTI community rarely comes from within this tradition.

In cities like Berlin and Cologne groups of young men, as they are euphemistically called, are more generally to be blamed. The papers author, Mr Fourat BEN CHIKHA, seems to be unaware of the Christian tradition he seeks to destroy. As a result, Polish and Hungarian efforts to maintain their identity are condemned. Even the United Kingdom is portrayed as an intolerant backwater because many journalists there report a growing unease with a policy of allowing transgender women to be housed in women's prisons, a policy that has resulted in rape and abuse in a population of already vulnerable people.

Of course this story is not consistent with the narrative that the LGBTI community shares the same interests as women.

To sum it up, those two reports are beating around the bush, deconstruction and the denying of reality is not helping anybody. They are furthering intolerance and insecurity for women and LGBTI.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Madam HÖCHST.

This concludes the speakers on behalf of the political groups.

We now go to our other speakers. First I call Ms Petra BAYR from Austria. She is a member of the Socialist, Democrats and Greens group.

You have the floor, Petra.

**Ms Petra BAYR (Austria, SOC):** Thank you very much Mr. Tiny KOX,

I'd like to start by wishing you all the best for the election. I very much look forward to working with you over the next two years, all the best.

On the reports - Mr Fourat BEN CHIKHA is quite right to address in his report that hatred against LGBTIQ people has long had nothing to do with individual expression of hatred. It is much better recognised as organised hatred against persons who simply have a different construction of family and of love to the majority of society. These people live out their individual love - and are punished for that with hatred which is very, very problematic indeed.

This then manifests itself, above all else, in violence - gender-specific violence, which affects LGBTIQ persons and women massively. Equally, I think we really have to fight side by side against this hatred.

It is unacceptable that laws and constitutions still exist that discriminate against LGBTIQ persons, but it is even less acceptable that new laws, new constitutions are written that contain hatred, discrimination against LGBTIQ persons, and that is why it is particularly welcome that the Venice Commission has issued such a clear statement on the developments in Hungary and really says: "You can't do that; under the guise of protecting children" - pretending to protect children, discriminating against LGBTIQ persons and denying children evidence-based access to sexual education.

Yes, and particularly bad, as Mr. Christophe LACROIX points out - is the situation in Armenia, Azerbaijan and Georgia, and despite the fact that there is, of course, progress in these countries as well, I think it is particularly valuable in this report that Mr. Christophe LACROIX makes very concrete proposals on how to improve the situation, how to improve the situation for people - also in terms of their security, not only their human rights, also their individual security – that is very, very important. What has to be clear is that we are all a community of values and this community of values is enshrined in the European Convention of Human Rights. This also includes the values of the right to private and to family life. Those who attack these values, who question these values, should ask themselves whether they are really in good hands under the umbrella of the European Convention of Human Rights.

Thank you, both, very much for these very important and valuable reports. It has been a pleasure to work on them together in committee as well, and our work will not be done today, we still have much to do. I look forward to the implementation and the next steps.

Thank you very much.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** *Danke sehr, Frau BAYR.* [In German: Thank you, Ms Petra BAYR.]

Now I call to the debate Ms Katalin CSÖBÖR, from Hungary. She is a member of the European Conservatives Group and Democratic Alliance.

You have the floor, Ms Katalin CSÖBÖR.

**Ms Katalin CSÖBÖR (Hungary, EC/DA):** Thank you Mr President.

Dear colleagues,

We certainly all agree that hatred against any human being is unacceptable.

It should be emphasised that the legal framework of protection against discrimination in Hungary is comprehensive and in line with European legislation and international requirements. The Fundamental Law of Hungary prohibits all forms of discrimination, including discrimination on the basis of sexual orientation.

Regarding the Hungarian Child Protection Act, we reject any assumption that Hungary discriminates against LGBTI persons. The law does not say anything about the sexual orientation of people over the age of 18. It only states that the decision-making on the sexual education of children is exclusively the right of the parents.

It is very important to emphasise that the individual amendments to the law are not aimed at exclusion or discrimination, they focus solely on the education of Hungarian children and the protection of minors. To this end, a number of amendments have been made to sectoral legislation, but strictly within the legal framework or on the basis of international legal standards.

The European Charter of Human Rights also stipulates that a parent has the right to determine the direction of his or her child's development on the basis of a specific cultural and traditional background. Even during the debate on the opinion of the Venice Commission, a number of its members drew attention to the fact that these reports cannot be biased on the basis of certain ideological views and should therefore only examine the legal dimension. As the rapporteurs themselves recognised, each country has the right to determine its own political/ideological basis. Therefore, Hungarian citizens will decide whether they want to keep these legal changes in a referendum on child protection this year, in April.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Madam CSÖBÖR.

The next speaker on our list is Ms Nicole DURANTON from France, a member of the ALDE group.

You have the floor, dear Nicole.

**Ms Nicole DURANTON (France, ALDE):** First of all, congratulations, Mister President, on your election.

My colleagues,

First of all I would like to thank our rapporteurs for bringing the issue of hatred and violence against LGBTI people back to our Assembly. Indeed, this is not the first time we have had to deal with this issue. It is true that we can welcome the progress made in Europe in recent years to promote the inclusion of LGBTI people. However, we must not forget that in Europe today LGBTI people are still discriminated against, assaulted and even murdered because of their sexual orientation.

One of the reports presented to us today particularly details the situation in the South Caucasus countries, namely Armenia, Azerbaijan and Georgia. I call on these countries, first of all, to ensure the effective protection of LGBTI+ people from violence. Effective investigations and prosecutions of cases of violence must be carried out. Safety is a right for all, including LGBTI people.

Secondly, the fundamental rights of LGBTI people must be respected, including the right to assembly and association. Finally, politicians, including parliamentarians, should refrain from insulting or discriminating against LGBTI people. While Georgia has adopted legislation punishing discrimination on the basis of sexual orientation, Armenia and Azerbaijan have not yet done so. I therefore call on the political authorities of these countries to do so quickly.

Unfortunately, we would be wrong to think that violence and discrimination against LGBTI people is limited to the South Caucasus. Everywhere else in Europe there is an increase in hatred against LGBTI people. In Turkey, at least four transgender women were killed in 2018. The situation is also particularly critical in Chechnya, with acts of abduction, arbitrary detention and torture.

The health crisis and its repeated confinements have not helped. Violence against LGBTI people behind closed doors, often within the family, has increased significantly. Unfortunately, this is also the case in France.

The action against this violence must therefore not weaken. Within our Organisation, I am pleased that the European Commission against Racism and Intolerance has decided to work on this issue. Similarly, within the European Union, the European Commission adopted in 2020 a strategy for equal treatment of LGBTI persons for the period 2020-2025. On this issue, we must also act at the national level. Our role as parliamentarians is to promote an inclusive policy for LGBTI people and to ensure the effective implementation of legislation sanctioning hate speech and violence against them.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you Ms Nicole DURANTON.

The next speaker on our list is Mr Leonid SLUTSKIY from the Russian Federation.

You have the floor, Mr SLUTSKIY.

**Mr Leonid SLUTSKIY (Russian Federation, NR):** Good morning and congratulations on your election yesterday. Congratulations.

I will continue in Russian.

**Mr Leonid SLUTSKIY (Russian Federation, NR)\*:** Distinguished colleagues,

We are discussing an issue which has come up time and time again in this House.

Mr Fourat BEN CHIKHA and Mr Christophe LACROIX have drafted some more reports, but I believe we are paying too much attention to this category of European citizens.

Let me tell you a little bit about the situation in my country.

The former speaker of the state Duma, Mr Sergey Naryshkin, spoke about this a number of years ago. He said, speaking here, that there are no obstacles to this category of citizens living their lives to the full. They're not persecuted.

I believe we should focus on groups which actually are being persecuted. For example, the so-called non-citizens in Estonia and Latvia. This state as non-citizens, or stateless persons, is at odds with principles enshrined in international law. In fact, the information presented here about the Russian Federation is incorrect. This particular category of citizens has drawn a lot of attention over the last few years and in fact now enjoys greater freedom than anyone has ever enjoyed at any time in world history. Therefore I have mixed emotions about this. I believe we should focus on real problems here in our Assembly. This will determine the place and the role of the Parliamentary Assembly of the Council of Europe in the architecture of the 21st century, something which is being built as we speak.

The Chechen Republic and other republics in Russia's Caucasus have been deemed as having a problematic situation with these minorities, but there are no such minorities in these areas. This is the tradition of these peoples. The head of the Chechen Republic, Mr Ramzan Kadyrov, is a very esteemed man. He is highly esteemed in the Russian Federation. He has achieved peace and prosperity for his land. We've discussed this on a number of occasions. Also, he upholds European standards. Anyone who has ever visited the Chechen Republic knows this. You're welcome to visit the Chechen Republic today.

Thank you very much.

**Mr Domagoj HAJDUKOVIĆ (Croatia, SOC):** Thank you, Mister Chair. Lots of greetings from Croatia.

First of all, dear colleagues, I think we need to make something clear. What we are debating today in the hemicycle is not categories of citizens. We are talking about human beings, and we are talking about human rights. I find it sad that in the 21st century we have to have these debates, but unfortunately they are necessary.

Therefore, I congratulate the rapporteurs for their work and their reports and I hope it is not the last time we debate this category of citizens. For this category of citizens, as some colleagues call us, are still persecuted not only in the Caucasus region, but also in countries that are members of the European Union.

Let us not forget what is happening in Hungary. Although the law does not specifically stipulate the sexual orientation of a person it is still discriminatory.

Let us not forget Poland and LGBT-free zones, which I would call human-free zones. Is that the next step? Because LGBTI people are human first and foremost.

We are discussing somebody being discriminated or being exposed to violence simply because they love. That, my dear friends, is what we are discussing today and why we need to have these discussions.

There were talks about ideological stance of member countries. I think we all agree on one ideological stand, and those are human rights and standards stipulated in the Human Rights Charter. I don't see anywhere in the Human Rights Charter a stipulation that you are forbidden to love whom you love or whom you want to love.

For some colleagues, even in my country unfortunately, it is a bigger problem to have rainbow flags displayed than violence against LGBTI people, than violence against women. Unfortunately these are not acceptable standards in the 21st century, at least in my opinion. Therefore, a more proactive stand and more action is required. Not to promote gender ideologies as some would call it, not to promote an ideological stance, but to promote the values this institution stands for: human rights, human beings, and the right to love.

Thank you very much.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Mr Domagoj HAJDUKOVIĆ.

Now I call in the debate Ms Tamar TALIASHVILI from Georgia. She's also a member of the Socialists, Democrats and Greens Group.

You have the floor, Madam TALIASHVILI.

You are muted, Madam TALIASHVILI.

That is far better.

**Ms Tamar TALIAHVILI (Georgia, SOC):** Your Honour, Mr President, Dear Colleagues,

Firstly, let me use this opportunity to congratulate you, Mr President, on the occasion of the appointment and I wish you all the success.

Of course I salute the rapporteurs for their great work and let me especially thank Mr Christophe LACROIX for his effort and contribution to strengthen human rights and democratic developments in the South Caucasus.

In connection to Georgia, the draft resolution covers the country's progress, highlighting the major reform as the law on the elimination of all forms of discrimination was passed and subsequent reforms were conducted to combat and prevent gender minority discrimination. Further, legislation banning hate speech based on sexual orientation and gender identity has been adopted.

Let me assure you that Georgia stays committed to its key priority for the protection of the fundamental human rights.

Yes, the rights and not some categories, as we just heard here.

Any violation in this respect is being and will be duly condemned and investigated.

At the end, let me emphasise that the Council's outstanding commitment in strengthening human rights and democratic institutions in Georgia is of an utmost value for our country.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Madam TALIAHVILI.

Now we are going to listen to the contribution of Mr John HOWELL from the United Kingdom. John is a member of the European Conservatives Group and Democratic Alliance group.

You have the floor, John.

**Mr John HOWELL (United Kingdom, EC/DA):** Thank you very much Mr President.

I don't know where to begin with this report. This report is atrocious. I do not congratulate the rapporteur. He presents opinions as if they were fact. I have great difficulty with that, particularly in the relationship to the United Kingdom.

So I shall not be voting for this report. I shall not be voting for this report because I am not anti-gay. I shall not be voting for this report because I am pro-gay.

I've spent a lot of my political career in the Middle East celebrating the enormous freedoms that LGBTI people have in Israel, where their rights are fully respected and where, in contrast to elsewhere in the Middle East, they are not thrown off a tall building simply for being LGBTI people.

I take an example from closer to home which the author of the report did not look at, and that is the House of Commons in London.

The House of Commons in London is one of the most gay places that we have in London. There are well over 45 members of parliament who are gay. What that says is not about the ability of the House of Commons in itself to accept people who are gay. It says a lot about the attitude of constituencies, of the people on the ground to be able to look not at somebody's sexuality when they choose them as a candidate, but simply for their competencies.

One gay member – who was a member of this group until very recently – is now a deputy speaker of the House of Commons and many members are ministers.

Of course the law is very clear and the implementation is very good, but it doesn't take away from some of the attitudes of people on the ground.

Today I saw that a gay couple had been prevented from buying a house from a couple who had said that they did not want to sell it to a gay couple. The important thing about that story is that the company that was trying to sell that house withdrew the house from the market and stopped them being able to take advantage of an LGBTI couple, who are trying to buy. That is the extent of the education that is taking place in the UK, and that is the extent of the freedoms that we have there for LGBTI to exist and to have the human rights that we all expect.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Mr John HOWELL.

Now next in the debate I call Ms Fiona O'LOUGHLIN from Ireland. She's a member of the ALDE group.

You have the floor, Fiona.

**Ms Fiona O'LOUGHLIN (Ireland, ALDE):** Thank you, Mister President, and may I also add my voice of congratulations to your presidency. I look forward to working with you.

Contrary to the last speaker, I want to congratulate the rapporteurs of both of these opinions, Mr Fourat BEN CHIKHA and Mr Christophe LACROIX. I think they've done excellent work.

I think this is a debate we need to have today and we need to continue to have, because I believe that this debate goes to the very heart and soul of what the Council of Europe stands for: supporting respect, equality, and the right of every one of us to be who we are without fear of prejudice.

As Oscar Wilde famously said: "Be yourself; everyone else is taken."

I think in Mr Damien COTTIER's very eloquent contribution here, when he spoke about the fight against nature, this is exactly what he was referring to.

I also thank the commissioner for her words. I think it's very noteworthy that the European Parliament has declared the entire EU an LGBTI freedom zone and are also emphasising the importance of mutual tolerance within our communities. We must encourage all member States to support stronger anti-hate and anti-discrimination legislation and to really speak strongly against any incidences of homophobia and transphobia.

In my own country we were the first in the world to legalise same-sex marriage back in 2015. We were very proud of that, but we have yet to enact hate crime legislation which is essential, I believe, in the fight to battle discrimination, homophobia and transphobia. But work is well on the way to ensure that it will soon be on our statute books. A bill was published in April of last year which is now going through the Dáil to ensure that it will be in place.

The rights of LGBTI persons are human rights. While Europe has a *United in Diversity* motto, we are at the same time experiencing increased polarisation. We're still witnessing conversion therapies and forced medical interventions.

We as legislators must act to provide legislative frameworks for the explicit naming of bias crime. Diversity should be a strength; but sadly not everyone sees this the same way. Some people see it as a threat to their own identity, and they are willing to engage in violence to continue that exclusion.

In a debate I initiated recently in the Irish Senate, the father of the House, esteemed Senator David Norris, spoke about personally knowing nine gay men who had been murdered. I despair when I hear that. I despair when I see what has been happening in Georgia, in Armenia, in Azerbaijan. I despair when I heard what our Russian speaker spoke about earlier.

We cannot sit idly by while members of our societies are singled out for attack, stigmatised, or dehumanised. We must be uncompromising in our rejection of that.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Ms O'LOUGHLIN.

Next in our debate I call Mr Shamsail SARALIEV from the Russian Federation.

You have the floor, Mr SARALIEV.

Mr SARALIEV, you have to ask for the floor.

**Mr Shamsail SARALIEV (Russian Federation, NR)\*:** President, Distinguished Colleagues,

I join my voice to the congratulations expressed on the occasion of your election to the position of president.

The documents we are currently discussing level rather serious allegations at the Russian Federation and specifically the Chechen Republic. There's mention made of human rights violations, of persecution. I am not sure what the situation is in other countries.

This is all very country specific, but as regards the Chechen Republic, I'd like to say the following. In the 1990s, and after the turn of the century, people went abroad. They left the Chechen Republic in order to get refugee status and the concomitant privileges. Currently, the war is no longer a workable cover story. It ended long ago. This is why some people, not that many of them, have found a new loophole through which they can enter Europe. They proclaim themselves to be representatives of the LGBT community, then go on to declare that they are being harassed and their rights are being undermined. All of these cases have been concocted to exert pressure on representatives of European countries. They've been made up to be very egregious, but they're actually fabricated. We have it on good authority that one family who moved to Canada agreed to openly state that they were LGBT in exchange for permanent residency status in Canada.

Therefore, I take issue with the statements made about a tax on LGBTI persons in the Chechen Republic. Therefore, the allegations that have been levelled at us are groundless. I'd like to say the following to the rapporteurs: I suggest that you travel to the Chechen Republic so that you can see for yourselves what's actually going on, and then draw appropriate conclusions. You have written your report on the basis of trumped up facts. This is what we believe this text to be.

If you really want to get to the bottom of things, we would be delighted to host you in the Chechen Republic. This high rostrum of the Assembly is being instrumentalised to exert pressure on the Russian Federation, which is unacceptable.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Mr Mr Shamsail SARALIEV.

The next speaker in our debate is Mr Pere LÓPEZ, Andorra, Socialists, Democrats and Greens Group.

You have the floor, Mr LÓPEZ.

**Mr Pere LÓPEZ (Andorra, SOC)\*:** Thank you Mr President.

I too would like to take this opportunity to congratulate you as have my colleagues done on your election. I wish you all the best and I wish you great success heading this noble institution. Congratulations.

Also, I would like to take this opportunity to commend both our rapporteurs, Mr Fourat BEN CHIKHA and Mr Christophe LACROIX. Congratulations to the rapporteurs. As was said earlier, they are not only colleagues, they are also friends. I hold them in the highest esteem. Congratulations to both of them.

I would like to commend you on your analysis, which was very detailed and in depth. I will obviously be supporting your report.

I think it is particularly important that you have flagged the real situation as it stands right now, LGBTI rights in different countries. Thank you for casting the spotlight upon this and thank you for indicating that there is still a long way to go.

Yes, of course, there has been progress. Thank goodness there has been progress. What would it be if there hadn't been progress? But at the same time we cannot forget some very worrying signals coming out, a lot of backsliding. So there's been progress, but a fair amount of backsliding. We cannot forget that.

We've seen backsliding not only when it comes to certain rights being advanced very very slowly, slow progress, or to be honest, no progress at all. That's one thing you note in your reports. But in addition to that, you can also see backsliding, even in the European Union itself. That is worrying.

Similarly to my colleague Ms Petra BAYR, I would like to welcome the report of the Venice Commission that has looked specifically at Hungary and to what is happening in that country. So thank you to the Venice Commission for that report.

We've also had suprising comments from our colleagues from the Russian Federation. I would say to that that what we really need to see is progress in that area.

Even in European Union countries, we have political parties, declarations coming out of some of these countries, and it all raises certain questions. We thought that some of these problems were to be relegated to the past, but they've come back again in force.

I would like to also refer to the European Commissioner's words: the fact that we need to stand up together to any form of intolerance. There needs to be zero tolerance towards this hatred and discrimination as she quite rightly said. I think this all needs to be incorporated into our criminal codes.

I come to my conclusion: once again, thank you to the rapporteurs for talking about trans and queer communities. Very often, trans and queer communities are forgotten unfortunately. There is very little legislation that actually addresses these categories of the population. As we've heard from various speakers in the debate, there is a lack of knowledge when it comes to these specific communities and their suffering.

So thank you very much for casting the spotlight on them as well.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Mr Pere LÓPEZ.

Now next in the debate I call Mr Antón GÓMEZ-REINO from Spain and he is a member of the Group of the Unified European Left.

Dear Antón, you have the floor.

**Mr Antón GÓMEZ-REINO (Spain, UEL)\*:** Good morning, dear colleagues.

First and foremost I would like to congratulate you, Tiny KOX, congratulations on your elections as president of the house.

Thank you very much for heading this institution at a very important moment in time. This chamber has a lot of important political and legislative work to do. Thank you for helping and congratulations once again.

Let us now turn to the report. These reports are being tabled at a time when LGBTI rights are very much under pressure, under threat.

We have seen, for instance, ultra conservative forces on the rise and these ultra-conservative forces called into question the rights of LGBTI persons. They actually seem to want to attack persons who simply want to live and love freely and who do not necessarily accept a patriarchal mould. We need to be absolutely crystal clear. We need to be firm and we need to make it quite clear that we do not accept in any way such attacks.

I would like to very much thank both rapporteurs: our colleagues Mr Fourat BEN CHIKHA and Mr Christophe LACROIX.

Thanks to both of them, sincerely. I think we should be very grateful to them because they talked about the work being done by civil society: civil society which is seeking to defend these rights, rights that must be guaranteed by our states, by our countries. This is something that we need to do together and we need to stand together as well against any attacks, any hatred, any violence, any discrimination.

I would like to, in particular, refer to the great progress that is being made in my country, in the country of Spain, by the state. We have a Ministry of Equality. I really need to pay tribute to the great progress being made in this particular domain: gender equality, sexual equality, effective equality also for trans persons and for the LGBTI community more broadly.

In Europe I think it's also very important for us to make sure that we signal, that we flag any incidents that might happen on our continent. For instance when you have ultra-conservative forces that step in and attack our rights, this needs to be flagged, called out every single time. If there is poor government, that needs to be said as well. The international community must be absolutely crystal clear that we will not stand for it, we will not have this.

Therefore those who fly the flag of hatred will be defeated if we stand together. Otherwise, unfortunately they will continue to make life miserable for members of the LGBTI community. We, as parliamentarians, as senators, we need to make sure that we are there to guarantee safety, rights, equality for all of our citizens and, of course, including LGBTI people, trans people, everyone around Europe.

That is why these reports are so important and I welcome them. Let us continue with our work in order to counter any attacks and counter in particular hate speech, hate speech which we can see on the social media and elsewhere.

Thank you very much for your kind attention, ladies and gentlemen. I wish you all a very good day.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** *Muchas gracias*, Mr Antón GÓMEZ-REINO.

Now I call Ms Nigar ARPADARAI from Azerbaijan. She's a member of the European Conservatives Group and Democratic Alliance (EC/DA) group.

You have the floor, Madam.

**Ms Nigar ARPADARAI (Azerbaijan, EC/DA):** Dear Colleagues,

I would like to express my gratitude to the rapporteurs for this report, especially Mr Christophe LACROIX, because I can only imagine how difficult it is to engage politicians and senior government representatives of the South Caucasus in a meaningful discussion on the LGBT issue.

I agree with one of the core statements of the resolution, that cultural and religious traditions cannot be used to justify discrimination on sexual identity grounds, but we all must admit that cultural and religious traditions are a reality to be reckoned with. Any practical plan to advance human rights in this regard should be based on an assessment and understanding of these realities.

I also believe that there is no way to exclude the discussion on LGBTIQ issues from the general human rights discussion. However difficult it is to have it in patriarchal and traditional societies, like the societies of the South Caucasus, it's unavoidable and necessary.

There are a couple of issues that I would like to make.

I fully appreciate and understand that because of a number of cultural taboos in the countries of the South Caucasus, the collection of fair and transparent information on topics on sexual minorities is not easy.

There are contradicting reports and bureaucrats are sometimes are reluctant to do proper disclosures because of various concerns over public opinions, political and religious exploitation of the issue and so on.

I understand it and I appreciate it. I'm quite sure that it was not easy to have a full picture.

I also regret that Mr Christophe LACROIX did not have a chance to visit Azerbaijan for this report, through no fault of his own. From this point of view the rapporteur's job is commendable.

At the same time I would like to stress the certain difference in approaches with which parts of the report covering three countries have been written.

What I've noted is that the part of the report covering the situation in Armenia and Georgia is very much devoted to the promises and explanations of public officials. It's mostly about the willingness of governments to change things for the better.

The rapporteur did not have a chance to get similar promises in Azerbaijan but I'm sure if he had travelled there, he would have got very similar promises. After all, the three countries are quite similar in this respect. In the case of Azerbaijan it's very much based on various claims by local NGOs and activists.

My overall feeling, a sort of educated guess, is that there is a slow evolutionary improvement in this, in the way society perceives LGBTIQ issues. There is much more empathy and less hate in the last years, a generational change. To the best of my understanding the situation in all three countries is basically similar. It's definitely not good. We have to confess this.

We have to try to change the situation on the ground, not only promises from politicians, not only changes in legislation, but changes on the ground, and which come in parallel to changes in the mentality of people, because our goal is to make the lives of people safer and happier, regardless of who they believe they are.

Thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much.

Now I introduce the next speaker, Mr Krzysztof ŚMISZEK, representing the Socialists, Democrats and Greens Group, and is from Poland.

The floor is yours.

**Mr Krzysztof ŚMISZEK (Poland, SOC):** Thank you, Madam President.

As the chairman of the first-ever LGBTI intergroup in the history of the parliament in Poland, but also as a lawyer and long-term activist dealing with combatting discrimination for years, but also as an openly gay politician, firstly, I would like to thank Mr Fourat BEN CHIKHA and Mr Christophe LACROIX for their excellent work in their reports and in-depth analysis.

Despite all the great achievements of the human rights movement in Europe, despite all efforts invested in the idea of equality for all by the institutions of the Council of Europe, yes, we still have to talk about discrimination. Yes, we still have to talk about homophobia. We still have to talk about hate and exclusion which are experienced by many LGBTI Europeans on a daily basis.

Homophobia, transphobia, sexism, and other forms of discrimination are clearly forbidden under the provisions of the European Convention of Human Rights. But the reality in Europe, in the countries of the Council of Europe, still differs significantly from what the law says.

Homophobia and hate speech are often used as political tools. Some countries in the Council of Europe group took homophobia and took discrimination on the governmental agendas. Poland and Hungary are examples of Council of Europe countries where governments openly attack LGBTI people.

I have to speak loudly and uncompromisingly about what is happening in my country today, in Poland. It is not enough to say that homophobia in Poland is a problem of structural oppression. For the last seven years, homophobia and hatred in Poland have been a problem of state oppression. The ruling party escalates violence and prejudices against the LGBTI community. The hateful statements of top officials, brutal repressions against activists, degrading and cruel materials spread by public television: these are only a few examples on how the state persecutes the LGBTI minority in my country.

Other shocking examples of institutional oppression are LGBT-free zones adopted by many local governments. The only purpose of them is to harass us for who we love. The Law and Justice strategy is consistent: to take away our dignity, to take our sense of security, to take our visibility. The goal is simple: to make Poland one big LGBT-free zone.

The Council of Europe should be one big freedom zone, an equality zone, and a territory of dignity for all. This is our fundamental duty as parliamentarians to do so.

Thank you for your for your attention.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much Mr Krzysztof ŚMISZEK.

The next speaker I like to introduce is Ms Tonia ANTONIAZZI, representing the Socialists, Democrats & Greens Group from the United Kingdom. The floor is yours.

**Ms Tonia ANTONIAZZI (United Kingdom, SOC):** Thank you Madam President.

I would like to wish everybody *Dydd Santes Dwynwen Hapus*, as today is the day of the Welsh patron saint of love, and to say that "love is love" whoever you are and wherever you are in the world is very, very important.

I would also like to thank Mr Fourat BEN CHIKHA for his report and my Labour party colleagues who have supported Amendments 7 to 16.

Since these amendments were laid, I have received complaints about wanting to remove the UK from the list of countries with transphobia problems, but that was not what the paragraph we wanted to amend said.

We need transparency in the production of very important reports which address the grave issue of combating rising hate against LGBTI people in Europe.

I hope to amend the resolution to reflect the reality of the situation.

These amendments in no way attack any of our LGBTI friends.

So let's have a debate.

In Amendment 7, we wish to remove the words 'and the United Kingdom', because while there is data that reflects an increase in reported hate against LGBTI people in the UK, this report draws upon data from the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Europe review as cited really well by Mr Christophe LACROIX when he presented the other draft resolution. This review links the data source Rainbow Europe. In the rank order of 49 European countries, the UK was placed fifth in respect of hate crimes

and hate speech. I want to underline that - it was fifth. So while we can always do better, it is deeply concerning that the appalling treatment of LGBTI people in Russia, Hungary, Poland and Turkey is being compared to the situation in the UK.

We must not conflate these situations in those countries with the UK. Vulnerable LGBTI people deserve better than that. There is an ongoing debate in the UK over sex and gender and the resolution should rightly recognise that.

We cannot compromise the protected characteristic of sex. Hence Amendments 10, 11, 12, 13, and 15 were laid.

We must also respect single-sex spaces, hence Amendment 14.

It is not enough to debate rights - we must debate them to get them right for everybody.

As politicians we have a responsibility to find a way through.

Ask those difficult questions; debate and discuss the consequences which are intended or unintended of potential legislation.

In particular, why is sex absent from the list of protected characteristics?

We must listen to women as well as the LGBTI people that we represent and come to a consensus.

Only then can we feel confident that we might restore mutual respect and understanding.

Thank you very much.

**Ms Ingerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much, Ms Tonia ANTONIAZZI.

The next speaker I'd like to introduce is Lord David BLENCATHRA from the United Kingdom and representing the European Conservatives Group.

The floor is yours.

**Lord David BLENCATHRA (United Kingdom, EC/DA):** Good morning, Madam president.

In my years serving in this honourable Assembly, I can say the report by Mr Fourat BEN CHIKHA is unique. Unique because I have never before seen such a biased, distorted, utterly wrong work of fiction than his comments about the United Kingdom. If it goes unamended, then we'll bring this Assembly into disrepute.

The United Kingdom may not have been amongst the first to decriminalise homosexual acts and permit gay marriage, but we were decades ahead of some other countries in Europe, and 15 members of this Assembly still ban same-sex marriage. So we don't need any lectures on how to protect gay rights. Not a single political party or movement in the UK suggests retreating on gay rights. Not one single news outlet, religious or political figure has suggested that, nor withdrawing the existing legal protections for trans people.

Our Gender Recognition Act protects trans people and gives them equal protection under the law, unlike the other countries mentioned. What the motion appears to be suggesting is that UK society suffers from bigotry by allowing an open discussion about introducing new laws about self-identification of gender. Now, that's a legitimate discussion. It needs to be heard. Since growing numbers of women and LGBT people argue that in fact self-ID undermines their protections under the law.

As J.K. Rowling, the famous author, has pointed out "erase sex and you erase same-sex attraction". We do have a small militant group of extremists trans activists who will tolerate no discussion as they seek to impose their ideology, an ideology not supported by the vast majority of trans people. Thus, Maya Forstater, a tax lawyer, was sacked for tweeting "woman means adult human female". Kathleen Stock, a professor of philosophy and herself a lesbian was hounded out of her job for supporting the rights of lesbians, bisexuals and gay men as recognised by biological sex. And J.K. Rowling was vilified for criticising the denigration of women as "people who menstruate".

It is not trans people who are under attack in the UK, it is women. As some militant activists seek to hijack the word woman for themselves and describe biological women as merely "bodies with vaginas". That is a despicable way to vilify and dehumanise women, and some extremists go further. The BBC reported that some young lesbian women are being pressurised by men identifying as women to have penetrative sex with them since they claim that they are now lesbians as well.

Mr President, I want all trans women to be safe but I also want natal women and girls to be safe also. I'm afraid the rapporteur has naively swallowed the propaganda of a small minority of trans activists that does a disservice to all lesbian and gay people and all those trans people who want to live in their chosen agenda in peace and harmony with those of a different biological sex.

That's why this part of this report relating to the United Kingdom is not fit for purpose.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you, Lord David BLENCATHRA.

The next speaker is Ms Sona GHAZARYAN from Armenia, representing the Alliance of Liberals and Democrats for Europe group.

The floor is yours.

She doesn't seem to be connected, so I continue with the next speaker. Ms Margreet De BOER from the Netherlands and representing the Socialists, Democrats and Greens Group.

The floor is yours.

**Ms Margreet De BOER (Netherlands, SOC):** Thank you.

Violence against and discrimination of LGBTI people does not only happen in Russia, Hungary, Poland, and the countries of the Southern Caucasus. It happens in all our countries.

Research of the Fundamental Rights Agency shows that in my own country, the Netherlands, one in ten gay, lesbian or trans persons has been physically attacked. While one in five trans persons experienced physical or sexual violence. 36% of the LGBTI elderly experience discrimination by caretakers, and 21% of LGBTI persons lost contact with one or more family members because of their sexual orientation or gender identity. These are serious figures.

In his excellent report Mr Fourat BEN CHIKHA explains very well the role that anti-gender rhetoric and hate speech play, and the way it's used in public debates and in politics. I must say we heard some of the examples today as well.

Also, this is not only the case in countries like Russia, Hungary, and Poland, or the Southern Caucasus on which Mr Christophe LACROIX informed us in his also excellent report.

Also in Western Europe there's a lot of resistance against an inclusive approach to gender and gender identity. Even women who call themselves feminists are discriminating against trans women.

Fighting for the rights of women or being proud of tolerance towards gays and lesbians is not enough. Our fight for human rights and against discrimination has to include everyone, including persons whose gender identity is not the same as the sex they were born in.

We have a lot to do and the reports we discuss today give us a clear guideline on where to start.

Thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you, Ms Margreet De BOER.

The next speaker is Ms María FERNÁNDEZ from Spain representing the Socialists, Democrats and Greens Group.

The floor is yours.

**Ms María FERNÁNDEZ (Spain, SOC)\*:** Good morning, everyone.

Good morning and greetings from Spain.

Dear colleagues, first of all I wanted to congratulate the President on his election.

This is my first speech before the Parliamentary Assembly of the Council of Europe and I wanted to take this opportunity to really commend the rapporteurs on the excellent work that they've done. However, I do disagree with some of the content of the report in Mr Fourat BEN CHIKHA's case: the references to Spain. I'm afraid I'll have to disagree with some of the paragraphs in the memorandum because they are actually inaccurate and obsolete references.

I would like to refer in particular to the statements made by the government representative Ms Carmen Calvo. I think they were taken out of context, to be honest. These were statements that were published at the time when the government adopted a piece of legislation, in a context of negotiations in the second coalition government of Spain. In 2005 the Zapatero socialist government in Spain was really in the vanguard regarding LGBTI rights, it was the third country in the world to actually legislate in a favour of equal marriage. And it was the first on the issue of adoption by same-sex couples, which was raised at the time. In 2007 it was a socialist government that also instituted new legislation regarding individuals and their sexual and gender identity rights, an unprecedented advance for trans persons.

The current government of Spain continues to make progress in guaranteeing these rights and in promoting equality for trans individuals. This is a commitment on the part of the Spanish government and you can see this in particular in the law of 29 June 2021, with measures guaranteeing LGBTI rights: a whole series of public rights that will guarantee equality for trans individuals in particular. So that's another indication of the progressive legislation that we have in Spain.

All of this serves to promote the rights of LGBTI individuals in my country. It forms part of a strategy, in line with the EU strategy and, like I said, if you look at Europe as a whole you will find that Spain is very much in the vanguard. For instance, free determination of gender is something that Spain recognises, and it was the sixteenth country to do so. It's one of the few countries around the world to do so. And therefore I think it's important to flag this.

I think it's absolutely clear that the government of Spain stands up for the rights of the LGBTI community, alongside civil society, and therefore of course we are also prepared to stand up against any kind of hate speech, any kind of attacks: that has been made crystal clear by our government.

Our government knows there is still a long way to go and is working in order to extend rights for all Spaniards to improve their rights, to make sure that we live and work within a tolerant society for everyone, with more guarantees, with greater levels of quality, and greater levels of freedom.

Thank you and greetings from Spain.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you for the greetings and thank you, Ms María FERNÁNDEZ.

The next speaker is Ms Yevheniia KRAVCHUK from Ukraine, representing the Alliance of Liberals and Democrats for Europe.

The floor is yours.

**Ms Yevheniia KRAVCHUK (Ukraine, ALDE):** Thank you dear Colleagues.

Madam President,

First of all I would like to extend my gratitude to both of the rapporteurs with whom I worked in the Committee for their work on very acute issues.

As they correctly mentioned, the country's cultural and religious traditions cannot be used to justify discrimination based on sexual orientation or gender identity.

It is a pity to hear about the alleged violations of rights of LGBTI people, especially in times of greater vulnerability associated with the Covid-19 pandemic.

States should recognise that LGBTI people are among those particularly vulnerable in this crisis, and take targeted steps to ensure that they are taken into consideration and their voices heard when addressing the pandemic.

Of course, I cannot stop mentioning the situation in Chechnya, the North Caucasus region of the Russian Federation.

I would like to remind that this Assembly voted for a Resolution in 2018 on the situation of LGBTI people in Chechnya. I was very surprised by the speeches of our Russian colleagues, who were maybe not well informed. Their position is that there are no LGBTI people in Chechnya. We all know it is not true. Or that LGBTI people make up stories to leave the Russian Federation, Chechnya, to move to the European Union or to Canada. In fact, over 100 people have been detained for arbitrary reasons in unofficial prisons, where victims are being tortured by electric current, cruelly beaten, and forced to disclose personal contacts of other gay men in Chechnya.

The Russian LGBT Network can confirm at least three murders so far out of a reported 20 murders. According to the recent journalist assessment specialised in the Chechnya administrative unit, the violations with human rights, including rights of LGBTI, deteriorated in 2021. Detained brothers Magamadov and Isayev reported numerous violations of their rights. Their only request is to move them and to move the court hearings of their case to another geographical region of Russia.

Thank you very much.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much, Ms Yevheniia KRAVCHUK.

And now I give the floor to Ms Maryna BARDINA from the Ukraine and representing the Alliance of Liberals and Democrats for Europe.

The floor is yours.

**Ms Maryna BARDINA (Ukraine, ALDE):** Madam President, Dear Colleagues,

First of all, I want to thank the rapporteurs for their excellent reports and paying attention to such important issue.

The prepared report focused on a critical issue: the rising anti-gender rhetoric in Europe. Moreover, the Anti-gender movement is also one of the key reasons the Istanbul Convention remains unratified in many countries.

For example, in 2011, when the Convention first opened for signatures, there was nothing controversial about expanding international law to protect women and girls from violence. Shortly afterwards, human rights defenders all over Europe began experiencing a backlash from so-called conservatives over the Convention.

<<Intervention by Ingjed SCHOU about the noise>>

“Gender” is defined in Article 3(c) of the Istanbul Convention as “the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for women and men.” That is a crystal clear and easy-to-understand definition.

On the other hand, as the rapporteurs have noted, supporters of the anti-gender movement consolidate myths, stereotypes, and biases against human rights as well as against the prevention of domestic and gender-based violence. Unfortunately, anti-gender ideas are widespread in social and traditional media, and high-level politicians use them to consolidate their electorate using people’s fears and ignorance. They often frame it as a movement against international organisations and foreign elites seeking to undermine the family, the nation, or the church.

I observe that in this regard, the anti-gender movement bears a stark resemblance to the anti-vaccine movement, thus becoming a threat to global security.

Today, the ratification of the Istanbul Convention is one of the top priorities for Ukrainian authorities, the President, and Parliament alike. Therefore, we need to combine our efforts to eliminate harmful stereotypes and misunderstandings around this international document.

To do that, we need to strengthen educational policies so that more and more people learn about human rights and the younger generations develop respect for diversity and inclusivity.

Thank you very much for your attention.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much Ms Maryna BARDINA.

The next and last speaker is Ms Béatrice FRESKO-ROLFO from Monaco representing the Alliance of Liberals and Democrats for Europe. She is present in the plenary.

The floor is yours.

**Ms Béatrice FRESKO-ROLFO (Monaco, ALDE):** Thank you, Madam President.

I would like to thank the rapporteurs for these excellent reports on behalf of the Committee on Equality and Non-Discrimination, but above all for their energy and commitment to the defence of human rights, including the freedom to choose one's sexual orientation.

While many countries seem to be more progressive in accepting this difference, others are backsliding, which is extremely regrettable – and you both pointed this out.

I feel that we are reliving in these countries that very special time when *coming out* could not only exclude the LGBTI+ person from society but also put their life at risk.

Let's remember the oppressions justified by a public morality decided by some people and which involved society as a whole. Club closures, imprisonment, assault and battery. We could think that these should be relegated to history, but unfortunately this is not the case.

On the contrary, nowadays, hate speech and intimidation attempts are frequent, most often endorsed by the leaders, by our leaders.

Recently, the Venice Commission was led to recall that, and I quote, "homosexuality, as a sexual variant, is protected by the European Convention on Human Rights and cannot be considered as contrary to good morals by public authorities".

But progress seems to have stalled. Is it not our role and our duty, as parliamentarians, to condemn these attacks by adopting these two resolutions?

Mr Christophe LACROIX, I have understood your call for information, education, integration and training, which are the means to change these outdated and harmful mentalities.

As for you, Mr BEN CHIKHA, you have used a very strong word, a word that you have used rightly and sensibly. This verb is "to dehumanise" LGBTI people.

I cannot conceive that in this day and age, after all these years of work in this Assembly, on all human rights issues, we can tolerate the fact that some of our member countries can still go against the simple respect of the human being.

Thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much.

That concludes the list of speakers and speeches of members on the speaker's list who have been physically or remotely present during the debate.

I see we have some colleagues that were not connected, but have not been able to speak, they may be given to the table office.

Is it so?

Who is the one calling asking for the floor?

I just want to complete the publication in the official report.

I remind colleagues that typed texts can be submitted no later than four hours after the list of speakers is interrupted.

I see a colleague in the plenary that wants to take the floor.

Is that right?

Can you present yourself?

**Mr Raivo TAMM (Estonia, EPP/CD):** Yes.

Thank you Madam President.

My name is Mr Raivo TAMM and I have an objection just for protocol.

I'm just coming from Estonia and I can confirm that there is nothing wrong with any right of any people in Estonia.

As Ms Yevheniia KRAVCHUK said, there is some member of our Assembly who is very wrongly informed.

Thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you that is noted. Thank you so much but the speaker's list is concluded and I call Mr Fourat BEN CHIKHA, the rapporteur, to reply to the debate.

You have 3 minutes.

**Mr Fourat BEN CHIKHA (Belgium, SOC, Rapporteur):** Thank you Madam Chair.

Thank you, dear colleagues for your intervention.

Thank you for this vivid debate.

Maybe some points as a response to Mr John HOWELL, who is apparently not among us any more.

You can say that even in states where huge progress towards LGBTI+ equality has been achieved there are still many who suffer discrimination and violence. This is unfortunately the case of trans people in the UK today however hard they may be for some to understand.

Just to be clear about the UK, the Rainbow Map documents laws and policies only, it is not experienced. The annual review tracks lived experiences of LGBTI people. The 2021 Annual Review clearly notes that the increase in hate crime and hate speech against LGBTI people includes especially for trans people.

Maybe less note every citizen, but every citizen has a right to self-determination and that must come first. We should be able to love who we want, to raise a family and to be protected against all forms of discrimination.

Our fight today is to protect future generations from this injustice. This is about human rights and dignity not about the so-called ideology.

I just want to take the last moment to address all those members of the LGBTI+ community that are listening to this debate. You're not standing alone. Who you are is valid. Who you love is valid. Do not ever give up on yourself. You can count on us.

Thank you very much.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you Mr Fourat BEN CHIKHA and then I call Mr Christophe LACROIX, as the rapporteur, to reply to the debate.

You have 3 minutes, sir.

**Mr Christophe LACROIX (Belgium, SOC, Rapporteur):** Madam President,

I thought that the debate had started very well, with the emotional speech of our colleague Mr Damien COTTIER.

And then came Ms Nicole HÖCHST, who condemned the violence, she said, but who made unbelievably violent remarks on the screen.

But, Ms HÖCHST, if I read the German press :

**Mr Christophe LACROIX (Belgium, SOC, Rapporteur):** Rhein-Zeitung. During the election campaign, she - she, *c'est vous* - told a group of schoolchildren that she rejects marriage for all, many among homosexual men are many pedophiles.

**Mr Christophe LACROIX (Belgium, SOC, Rapporteur):** You have made homophobic remarks, and you are attacking gays in your country. However, it can in no way be scientifically proven that there is a link between pedophiles and homosexuals, so your arguments are unbelievably violent and intolerable. What's to be expected, what's to be expected from the extreme right...

On the other hand, I would like to greet those, in particular Ms Tamar TALIASHVILI and also Ms Nigar ARPADARAI for their positive comments, recognising that there were still things to be done in their country - I noted that I was invited to Azerbaijan, as soon as I can, I will go - but that there was progress being made and that family traditions, religious traditions, should not call into question this progress and that it was necessary to work in the direction of the report.

I think that, compared to other nations that have been singled out in my colleague's report, Armenia, Azerbaijan and Georgia have shown much more humility, I think, and have recognised that there are things that are not always going well in their countries: I would therefore like to thank them for that.

I would also like to remind you that we are in 2022; that in 1982, since we are in Strasbourg and in France, Robert Badinter, the French Minister of Justice, made sure that homosexuality was no longer an offence in France. Homosexuality in France, until 1982, was therefore considered a crime.

Finally, since our colleague read an excerpt from Tennessee Williams, I will briefly read an excerpt from James Baldwin: "Life is tragic, simply because the earth turns, because the sun inexorably rises and sets, and because one day, for each of us, the sun will set for the very last time. Perhaps the origin of all human difficulties lies in our propensity to sacrifice the beauty of our lives, to imprison ourselves in totems, taboos, crosses, blood sacrifices, steeples, mosques, races, armies, flags, nations in order to deny that death exists, which is precisely our only certainty."

Thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you Mr Christophe LACROIX.

Does the Chairperson of the Committee wish to speak? Ms Annicka ENGBLOM, Sweden and the Moderate?

**Ms Annicka ENGBLOM (Sweden, EPP/CD, Chairperson of the Committee on Equality and Non-Discrimination):** Thank you, Madam President.

Dear Colleagues, Europe is often seen as a world leader in promoting the equality of LGBTI people, and it is something that we all can be proud of. But this also makes the two reports that we have just debated a very difficult reading.

As the reports and today's debate show, the great strides towards equality that have been achieved in many countries over recent decades are now facing backlash, backsliding, and stagnation. LGBTI-phobic discourse is on the rise throughout our continent. It is also often spread by political and religious leaders.

Many LGBTI people in Europe still will face discrimination, harassment, physical threat in their daily lives. On behalf of the Committee on Equality and Non-Discrimination, I wish to thank our rapporteurs, Mr Fourat BEN CHIKHA and Mr Christophe LACROIX, for examining these issues so carefully, for having the courage to tell uncomfortable truths and for proposing a clear and constructive path forward to achieving equality for LGBTI people throughout Europe.

I also wish to thank most vocally the European Commission for Equality, Ms Helena DALLI, for the excellent work she's doing within the European Union in this field and for her deeply inspiring words today.

Dear friends, this year marks 50 years since the great European city of London held its first pride rally. Let us use this anniversary to strengthen our efforts and achieve full equality for LGBTI people across Europe and to ensure that our societies are truly welcoming to everyone, whatever the sexual orientation, gender identity, or sex characteristics.

Once again, I congratulate our rapporteurs for the excellent reports. I invite you, dear colleagues, not only to support them today but to go on and use them to inspire your work in your own national parliaments.

Thank you.

## **Vote : Lutte contre la recrudescence de la haine à l'encontre des personnes LGBTI en Europe/Violations alléguées des droits des personnes LGBTI dans le Caucase du Sud**

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much, Chairperson of the Committee, Ms Annicka ENGBLOM.

The debate is closed.

Now we are going to the consideration of amendments in Document 15425 and the draft resolution. The Committee on Equality and Non-Discrimination has presented a draft resolution and you find it, as I mentioned, in the document to which 15 amendments have been tabled.

There is also a recommendation to which one amendment has been tabled.

I will now go through the unanimously approved amendments. I understand that the chairperson of the Committee on Equality and Non-Discrimination wishes to propose to the Assembly that amendment 2, 3, 4, 12 and 13 to the draft resolution and Amendment 6 to the draft recommendation, which were unanimously approved by the Committee should be declared as agreed by the Assembly. Is that so, Ms Annicka ENGBLOM?

**Ms Annicka ENGBLOM (Sweden, EPP/CD, Chairperson of the Committee on Equality and Non-Discrimination):** Yes, Ms Ingjerd SCHOU, that is the case.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Ms Annicka ENGBLOM confirms that is the case. Does anyone object? If so, please ask for the floor by raising your hand in the hemicycle for those who are present or via the remote system. I see none.

Since there is no objection, I declare that Amendments 2, 3, 4, 12 and 13 to the draft resolution and Amendment 6 to the draft recommendation have been agreed upon.

Are there any objections? No.

Then I continue about this rejection of amendments in Committee by a two-thirds majority. Sorry.

It is this mask.

I understand that the Chairperson of the Committee on Equality and Non-Discrimination wishes to propose to the Assembly that amendments 7, 8, 9, 10, 14, 15 and 16 to the draft resolution, which were rejected by the Committee with a two-third majority be declared as rejected.

Is that so, Ms Annicka ENGBLOM?

**Ms Annicka ENGBLOM (Sweden, EPP/CD, Chairperson of the Committee on Equality and Non-Discrimination):** That's the case, thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** The Chair, Ms Annicka ENGBLOM, confirms that that's the case.

As nobody objects, Amendments 7, 8, 9, 10, 14, 15, and 16 are rejected.

If there's an objection here, is it on the virtual screen?

Ms Tonia ANTONIAZZI, the floor is yours.

**Ms Tonia ANTONIAZZI (United Kingdom, SOC):** Thank you, Chair.

I just wanted to say with regards to my amendments and the amendments of the Labour group in the UK, that Amendment 7 we would like to see passed because, as I described in my speech, Amendment 7 to remove the words "and the United Kingdom" because we were actually fifth in the data that was used to present the report.

Thank you, Chair.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you, Ms Tonia ANTONIAZZI.

If that is the case, we vote on it. No? Are there ten people who want to support this amendment? No?

We need ten people to support Ms Tonia ANTONIAZZI's rejection. Those who want to support Ms Tonia ANTONIAZZI have to raise in the plenary, those who want to show their support virtually, have to raise their hand.

I see there is only one in the plenary. What is on the screen? One on the screen. So it is two but it has not reached ten. Can you confirm that the Secretariat? Yes, they can confirm.

So fewer than ten members object and so Amendments 7, 8, 9, 10, 14, 15 and 16 are rejected.

We will now consider the amendments individually, starting with the resolution and then we will come to the recommendations. The amendments will be taken in the order in which they appear in the compendium and I remind you that speeches on the amendments are limited to 1 minute.

And Amendment 1. I call Ms Petra BAYR to support Amendment 1.

You have 1 minute and Ms Petra BAYR is present in the plenary. The floor is yours.

**Ms Petra BAYR (Austria, SOC):** Thank you very much.

The report was written at a time when the Venice Commission had not delivered its opinion.

Meanwhile it has, and so, that deletes the one sentence which asks the Venice Commission to deliver its opinion, which is already outdated.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you.

Does anyone wish to speak against the amendment?

No one in the plenary, is there someone on the screen?

Remotely, Lord George FOULKES, the floor is yours.

**Lord George FOULKES (United Kingdom, SOC):** Madam President, a number of us try to get in and to support Ms Tonia ANTONIAZZI.

We raised points of order, and we were ignored.

You moved on to a new amendment. We didn't have an opportunity. There was no way that we could express electronically our support for Ms ANTONIAZZI's amendment. There was nothing on the poll, four or five of us pressed the point of order button, and it was ignored.

You must go back to Ms ANTONIAZZI's amendment and give us all the right to support it.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you, Lord George FOULKES.

Sorry about that if we didn't see you for the floor. Even though we had five, that's less than ten, who also wanted to take the floor and address their views on that.

It's less than ten even so.

**Lord George FOULKES (United Kingdom, SOC):** No. We didn't have the opportunity to express it. How could we express it?

We weren't given an opportunity to call. There was no other way that we could express our support.

So how could you get ten when we didn't have the opportunity to indicate whether we supported it or not?

You didn't ask for a poll. You should have asked for a poll so that we could express our support.

There was no other way. Four or five people, I saw, asked for the point of order including myself, and there was no opportunity for us to express our support. If we'd been present, we would have stood in our place, but we were not present and there was no opportunity for us to express our support.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you, Lord George FOULKES.

According to the rules, Ms Tonia ANTONIAZZI explained her position, and she talked about it. Then I asked if there are 10 or more people who want to support her, but the suggestion to reject was explained. That's only one, and that is related to 1 minute.

**Lord George FOULKES (United Kingdom, SOC):** We did not have an opportunity to be part of the ten. How were we supposed to let you know that we wanted to support? We were not asked to poll. There was no other way that we could express our support. People who are remote are disadvantaged because we cannot express...

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** It was not a vote. It was ten or or more to support Ms Tonia ANTONIAZZI.

I heard you, but I continue now...

**Lord George FOULKES (United Kingdom, SOC):** But how do you know if there was somebody in remote wanting to support them? You didn't give us a chance to express our views. How did we.. How were we supposed to let you know?

Please, advise us, otherwise this will have to be challenged.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** I'm advised that we have followed the rules.

I have checked it several times now.

It was explained. The proposal to reject. We asked for ten or more.

**Lord George FOULKES (United Kingdom, SOC):** How did you know whether I was in favour of it?

How did you know?

How was I supposed to express my view?

I wasn't given an opportunity to express my view.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you, Lord George FOULKES. I have asked again several times and this was not a vote.

It was asking for support for Ms Tonia ANTONIAZZI and it was...

**Lord George FOULKES (United Kingdom, SOC):** How was I supposed to let you know? What method was there for me and for other people who are remote? What was the method we should use? How should we let you know that we wanted to support?

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** It was only to press the icon to speak.

Then you supported.

That's what I asked you to do.

**Lord George FOULKES (United Kingdom, SOC):** No, no, you didn't. With respect, you didn't. I pressed the speaking one, and I pressed the point of order one.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** I did because we had five of you that did that, so obviously someone has heard it.

I close this conversation and I can give you the floor in the plenary.

Point of order, yes.

**Mr Erkin GADIRLI (Azerbaijan, EC/DA):** I just want to support the previous speaker.

I share his concerns.

Thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** I also think Mr Jeremy CORBYN has asked for the floor, a point of order, so I also allow that and Mr Kimmo KILJUNEN, also, yes.

But Mr Jeremy CORBYN, first.

**Mr Jeremy CORBYN (United Kingdom, SOC):** Thank you, Madam Chair.

Can I support what Lord George FOULKES has put forward?

Can I suggest as a way of moving forward that you simply put the question back to the Assembly whether or not there are more than 10 people who wish Ms Tonia ANTONIAZZI's amendment to be voted upon.

That will resolve this problem and then we can all move on.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** But I just take other speakers that want to take the floor, point of order, and I think also...

**Mr Kimmo KILJUNEN (Finland, SOC):** Thank you very much. I may respect you chairing the meeting but I would totally agree with him. Let's do it, what it is testing once again, asking opinion here and asking clearly opinion remotely, so then we can solve it quickly.

**Mr John HOWELL (United Kingdom, EC/DA):** I totally agree with what has been said in that we need to have the vote again.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Yeah, I see. I also have 3 more on the screen that want point of order, and I also see Mr John HOWELL in the plenary who wants point of order. I think we have so many messages now that I think we have to go back even though I am advised not to. I think that would be the best. There's no misunderstanding that we take this fair.

OK, I'll just find the page.

We try to do it fair and in order. With that there's no misunderstanding. I do not want any misunderstanding and I go now back to Ms Tonia ANTONIAZZI because she has put on the table that she wants Amendment 7 voted in the Chamber, and to that we need 10 people to support that we have a voting over Amendment 7. I put that on the table.

People in the plenary, raise their hand if they support Ms Tonia ANTONIAZZI and you who are on the screen, please use the vote and ask for the floor. Then we can see whether there are 10 or more.

The vote is open. It's not open. It's okay. You can stand. Those who support stand up in the planetary and those who are virtual.. is it more than 10? Yes? Good. Then I do hope you are satisfied, so we can do this properly.

Thank you.

Then Amendment 7. I take it from there because I think that I call Ms Tonia ANTONIAZZI to support Amendment 7 again. You have 1 minute. We take it in the right way.

Can you ask for the floor, Madam ANTONIAZZI?

**Ms Tonia ANTONIAZZI (United Kingdom, SOC):** Thank you very much, Chair.

In my one minute, I would like to thank those who have supported the Amendment. And the reason why I wanted to move this amendment is because the words "and the UK" are not relevant, where the UK is the fifth best country in the 49 countries that were on the Rainbow Europe website and I believe it is a misrepresentation.

That is not to deny that we do have problems in the United Kingdom with rising hate crime. However, we are not to be put in the bracket with other countries that have worse crimes and rate of problems.

And just to say thank you very much for everybody's support. This is very important to everybody in the United Kingdom and all of our LGBTQI community.

Thank you very much, Chair.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you, Ms Tonia ANTONIAZZI.

Does anyone wish to speak against the Amendment?

Yes.

Present yourself.

**Ms Margreet De BOER (Netherlands, SOC):** Thank you.

I think it's important, I also mentioned it in my speech to make clear that hate and violence against LGBTI people is not only happening in countries in the eastern part of Europe, but also in the western part.

In the report it's very clearly made clear what's happening in the UK with violent attacks on trans people.

I think that, for a balanced report and a balanced Resolution, it's very important also to mention it, because it is in the report, so it should be in the Resolution as well.

Thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** The position of the Committee is that it has rejected the Amendment by two-thirds majority.

I shall now put the Amendment to the vote.

The vote is open.

The vote is closed and I ask for the result.

So, *Amendment 7 is rejected.*

Thank you.

Then we go back and continue.

I start with Amendment 1.

Ms Petra BAYR, you have supported this Amendment.

I ask if anyone wants to speak against the Amendment.

Is there somebody on the screen?

What is the opinion of the Committee on the Amendment?

In favour with a large majority.

I shall now put the Amendment to the vote.

The vote is open.

The vote is closed.

I ask for the result.

*Amendment 1 is unanimously agreed to.*

We continue with Amendment 11.

I call Ms Tonia ANTONIAZZI to support Amendment 11.

You have one minute.

Can you ask for the floor Ms Tonia ANTONIAZZI?

**Ms Tonia ANTONIAZZI (United Kingdom, SOC):** Yes, sorry, the problems with hybrid are quite frustrating for everybody, Chair.

I would like to speak to Amendment 11. We wanted to have the words "based on their sex" inserted as well as the other words that were there because we recognise that sex is a protected characteristic particularly under the Equality Act in the United Kingdom and therefore I am pleased that the Committee did support this Amendment and the other ones that we made and I hope that everybody will be able to vote for them.

I will make no further comment.

Thank you, Chair.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you, Ms Tonia ANTONIAZZI.

Does anyone wish to speak against the amendment?

I see none in the Plenary. Is there some on the screen? No.

What is the opinion of the Committee on this amendment?

**Ms Annicka ENGBLOM (Sweden, EPP/CD, Chairperson of the Committee on Equality and Non-Discrimination):** Madam Chair, as Ms Tonia ANTONIAZZI said, the Committee was in favour by a large majority.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** The Committee was in favour by a large majority.

I shall now put the amendment to the vote and the vote is open.

The vote is closed. I call for the results to be displayed.

*Amendment 11 is agreed to.*

Then we continue to Amendment 5 which is an oral sub-amendment. I have been informed that Mr Fourat BEN CHIKHA wishes to propose an oral sub-amendment to Amendment 5.

First I call Ms Petra BAYR to support Amendment 5. You have 1 minute.

**Ms Petra BAYR (Austria, SOC):** Thank you very much.

I just have to find it.

This Amendment elaborates on what "concrete" meant when we talk about discrimination on grounds of sexual identity. It delivers some concrete examples.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much.

Mr Fourat BEN CHIKHA wishes to propose an oral sub-amendment as follows: In Amendment 5, replace the words "and gender identity" with the words "gender identity and sex characteristics".

In my opinion the oral sub-amendment is in order under our rules.

However, do ten or more members object to the oral sub-amendment being debated?

Please, could those who object raise their hand in the hemicycle?

For those who are on the remote system, ask for the floor.

Ten or more members. We have to have ten or more members, so it's the same procedure as last last time we had a debate on that.

I see none in the plenary.

What's the result on the screen?

One on the screen.

That's obviously less than ten.

Fewer than ten members object to the oral sub-amendment being debated. Therefore, I call Mr Fourat BEN CHIKHA to support his oral sub-amendment.

You have 1 minute.

**Mr Fourat BEN CHIKHA (Belgium, SOC, Rapporteur):** This will bring the wording into line with the rest of the draft resolution and ensure intersex people are included.

Thank you.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Thank you so much.

Does anyone wish to speak against the oral sub-amendment?

I see none in the plenary. Is there someone on the screen?

No.

What is the opinion of the mover of the main amendment, Ms Petra BAYR?

**Ms Petra BAYR (Austria, SOC):** Totally fine with the sub-amendment.

**Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly):** Fine by Ms Petra BAYR.

I assume that the Committee is in favour.

Yes, the Chair of the Committee confirms that.

I will now put the oral sub-Amendment to the vote.

The vote is open.

The vote is closed.

I called for the result to be displayed.

*The oral sub-Amendment is agreed to.*

We continue considering Amendment 5 as amended.

Does anyone wish to speak against Amendment 5?

I see no one in the Plenary.

There is no one on the screen.

What is the opinion of the Committee on the Amendment?

The Committee was unanimously in favour.

I shall now put Amendment 5 to the vote.

The vote is open.

The vote is closed.

I call for the result to be displayed.

*Amendment 5 is agreed to.*

We continue to the draft Resolution.

We proceed to vote on the draft Resolution contained in Document 15425 as amended.

The vote is open.

The vote is closed.

I call for the result to be displayed.

*The draft Resolution in Document 15425 is adopted.*

We now go to the consideration of amendments and the draft Recommendation.

In addition to the Resolution the Assembly has just considered, the Committee on Social Affairs, Health and Sustainable Development has presented a draft Recommendation present in Document 15420, the file to which one amendment has been tabled.

I remind you that the Assembly has already adopted the amendment which was unanimously adopted by the Committee.

We now proceed to vote on the draft Recommendation contained in Document 15425.

The vote is open.

The vote is closed.

I call for the result to be displayed.

*The draft Recommendation in Document 15425 is adopted.*

The Committee on Equality and Non-Discrimination has presented a draft Resolution in Document 15429 to which no amendments have been tabled.

We will now proceed to vote on the draft Resolution contained in Document 15429.

The vote is open.

The vote is closed.

I call for the result to be displayed.

*The draft Resolution in Document 15429 is adopted.*

I see on the screen that Mr Mogens JENSEN from Denmark has asked for the floor. Maybe it's a point of order. I want to listen to what you have to say.

The floor is yours.

We do not hear you.

There you are.

**Mr Mogens JENSEN (Denmark, SOC)\*:** *[Speaks in Danish]*

**Ms Ingerd SCHOU (Norway, EPP/CD, President of the Assembly):** I think Mr Mogens JENSEN I understood you and the Swedish colleagues also, maybe the Finnish, but the rest of the Plenary did not understand. I do think you had a message about the technical problems, so it should be clearer. If you are not in a situation where you can talk English, maybe German, you have several possibilities.

There is a technical problem with the online system because... Is it okay again?

Mr Mogens JENSEN, I ask you once more because I think you had a serious message, point of order. Would you be able to repeat it in English or German? You have several options. Can you ask for the floor again, Mr Mogens JENSEN? Or maybe you can write it in the messages.

No, he is not there.

Then I think we have to take a short 10-minute break because at about 12 we will start to address Mr Željko KOMŠIĆ, Chairperson of the Presidency of Bosnia and Herzegovina. We have to wait for that.

A short 10-minute break.

## **Discours de M. Željko KOMŠIĆ, Président de la présidence de Bosnie-Herzégovine**

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Dear colleagues, can we continue our meeting of this morning.

The next item of business this morning is the address by Mr Željko KOMŠIĆ, Chairperson of the Presidency of Bosnia and Herzegovina, which will be followed by questions to Mr KOMŠIĆ.

I would like to inform members who are present in the chamber that they can follow the original speech on channel 8. Members connected remotely, including the Chairman of the Presidency, can follow by switching to the channel called Special BCNS.

Now I want to welcome His Excellency Mr Željko KOMŠIĆ, the current chair of the Presidency of Bosnia and Herzegovina.

Good to see you again, Mr President, although you are far away at home, as I understood. But in modern times we are able to communicate even at a distance.

Mr President, we are very happy that you are joining us today virtually. The 24 April this year 2022 will mark the end of the 20th anniversary of Bosnia and Herzegovina's membership of the Council of Europe. A very good occasion to take stock of the achievements and continuing cooperation, including with the Parliamentary Assembly.

I myself, as a former rapporteur on your great country, had the privilege to visit your country several times, and I'm really happy that we now have you here as the President in our Assembly to talk about your country, its possibilities and its problems.

For the Council of Europe, Mr President, our Assembly, the key objective is to work closely with all member states and support them in their efforts to uphold human rights, democracy and the rule of law, and preserve peace in our continent. And of course, with regard to Bosnia-Herzegovina, peace is a very clear and concrete issue.

Maintaining the stability and democratic rule in Bosnia and Herzegovina is essential also for our work. We therefore are very honoured to have you among us today and we look forward to hearing from you on how we can further develop also our collaboration on shared values to consolidate democracy, human rights and the rule of law in Bosnia-Herzegovina.

As you know, Mr President, this assembly is strongly committed to continue supporting the democratic developments in your great country, particularly in the context of the ongoing constitutional and electoral reforms with a view to strengthening in a meaningful way the country's democratic institutions and ensuring compliance with relevant judgments of the European Court of Human Rights.

I have said enough, Mr President, I give you now the floor.

**Mr Željko KOMŠIĆ (Chairperson of the Presidency of Bosnia and Herzegovina):** Thank you Mr Chairman.

Thank you for the opportunity to address you in an unusual way.

At the same time, I have to say I'm addressing you from my home in Sarajevo and not from Presidency's seat because I'm infected with COVID-19 right now.

If you don't mind I will proceed in my language.

**Mr Željko KOMŠIĆ (Chairperson of the Presidency of Bosnia and Herzegovina)\*:** Dear President, ladies and gentlemen, members of the Parliamentary Assembly of the Council of Europe,

Allow me, at the beginning, to thank you for this opportunity to address the Parliamentary Assembly this year when Bosnia and Herzegovina is marking its 20th anniversary of its entry into the Council of Europe.

Also, allow me to use modern technologies as a means of address so that we can respect all the measures caused by the increase in Covid-19 infections. This will certainly not affect this opportunity to present to you the current socio-political situation in my country. Of course, I will give my presentation through the special prism of the fundamental values of the Council of Europe for which I have been advocating in my work, and of which I am sure the citizens of Bosnia and Herzegovina wish to see embedded in our country's political and social system.

That is why, at the very beginning of my address, I will briefly review the main principles established during the founding of the Council of Europe in 1949. These include the protection of human rights, multi-party parliamentary democracy, and the rule of law; spreading awareness of European identity; the conclusion of specific international treaties; securing continental unity, and finding solutions to social problems in Europe. The reason behind these goals is understandable following the end of World War II. In the war-ravaged Europe, many countries were in a process of transition towards upholding the fundamental principles of liberal democracy, which at the time was no easy task.

The context of the time, especially the geo-political one, led to the creation of two poles of distinctly ideological nature: one turned towards liberal democracy and market economy, and the other, towards communist doctrine and a centralised economy. Or rather, a bi-polar world was co-created on a global level and lasted for almost five decades, until the collapse of the Berlin wall when a whole series of transition processes began in various European countries.

Today, however, we have a totally different political relationship in the world based on a multi-polar world order and global power interests produced and manifested in countries all over the world. In such circumstances, there are a number of countries that have not yet completed that transition process, following the principles of liberal democracy and market economy, which makes them easy prey for various geo-political interests.

My country, Bosnia and Herzegovina, is a country with a tradition spanning almost 1 000 years. At different points of time, it had different internal arrangements and at one point, it was a kingdom, lasting for several centuries. At that time, given the size of its territory, it was the largest country in the region. After that, there were conquests of Bosnia and Herzegovina by different kingdoms and empires, bringing their own culture, customs, and religion, and incorporating them into the social system of my country. Still, Bosnia and Herzegovina survived and outlived such kingdoms and empires.

During World War II, the citizens of Bosnia and Herzegovina joined the anti-fascist movement en masse, participating on the side of those forces that fought against Fascism and Nazism. At the same time, during World War II, the citizens made a decision to restore our statehood and joined the then-Yugoslavia together with the other then-republics. The participation of Bosnia and Herzegovina in former Socialist Federal Republic of Yugoslavia continued until March 1992 when the citizens decided in a referendum to make Bosnia and Herzegovina a sovereign independent state.

That same year, the Constitution of the Republic of Bosnia and Herzegovina was adopted as a democratic expression of its citizens, already containing the basic principles of liberal democracy and market economy, identical to those embedded in the foundations of the Council of Europe.

Bosnia and Herzegovina became a member state of the United Nations in May 1992, thus gaining status as a subject of International Law.

In these time periods, Bosnia and Herzegovina was never a country of divided or segmented society, nor was there any form of discrimination of its citizens. However, the Declaration of Independence of Bosnia and Herzegovina led to an aggressive reaction from neighbouring countries, which during the war from 1992 to 1995, or rather during the aggression against my country through war and conquest; they sought to obliterate any existence of Bosnia and Herzegovina and claim part of its territory. Such war activity led to unprecedented horrors escalating to the crimes of genocide, war crimes, crimes against humanity, and ethnic cleansing.

All these elements that I have mentioned were also established by the judgments of the International Criminal Tribunal, based in The Hague, for the Former Socialist Federal Republic of Yugoslavia. Those judgments established the existence of several joint criminal enterprises involving individuals and groups in Bosnia and Herzegovina as well as those from the neighbouring countries, aimed at establishing "ethnically clean" territories in order to annex such cleansed territories to those neighbouring countries.

The reason I am mentioning all this, is because in the 2nd part of my presentation, I will clearly point out that such policies are still present in Bosnia and Herzegovina, but the method of war conquest has been replaced by political and diplomatic means or rather that some are still continuing to implement their war-time goals in peace time.

The war in Bosnia and Herzegovina ended with the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina which was initially indicted and signed in Paris in 1995. It was signed by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, whose legal successor is today Serbia. Or, as clearly stated in International law, these agreements are usually signed by participants to a war. This removes any sort of doubt that there was a Civil War in Bosnia and Herzegovina – because it was an inter-state armed conflict as established among other things by the International Court of Justice in The Hague.

An integral part of this agreement, colloquially called the Dayton Agreement, is the constitution of Bosnia and Herzegovina as its Annex 4. It is obviously an imposed constitution not an expression of the democratic will of the citizens of Bosnia and Herzegovina. It is rather a document which is an integral part of a peace agreement. It defined Bosnia and Herzegovina as a country with two entities and one district with different ethnic communities. In that constitution, which we must all respect there are many open questions and ambiguities leaving a lot of room for various arbitrary interpretations, most often inspired by particular interests of different political elites both in Bosnia and Herzegovina, and in the neighbouring countries.

This constitution established a new political system in Bosnia and Herzegovina that was supposed to evolve towards democratic standards and values, such as those contained in the Goals of the Council of Europe. Unfortunately this never happened.

Contrary to this, active ethnic politics in Bosnia and Herzegovina have sought to, and continue to seek to, create an artificially divided society dominated by ethnic affiliation as the only valid license for political action. Although the European Convention for the Protection of Human Rights and Fundamental Freedoms is an integral part of the constitution of Bosnia and Herzegovina, we must point out here that, unfortunately, it is under-implemented in the country.

The reason for such ambitions lies in this unfortunate term, I must say, unfortunate term "constituent status" or "constitutive status", which is mentioned in the constitution of Bosnia and Herzegovina. The Constitution contains no legal definition or any elaboration of what that exactly means.

And that is why there is a new legal practice which I consider to be very dangerous, that the use of the term constituent or constitutive serves to reach different goals with domestic political actors with visible support from the neighbouring countries. In my opinion, wrong political and legal practices against somebody's ethnicity becomes a condition, a sine qua non for political action, which goes as far as to make sure that you cannot get a simple job if you're not of the right ethnicity; I mean public service. Is it not an evident form of systemic discrimination which unfortunately exists in my country? As a legalist here, I can say freely that here the term constituent is actually the source of systemic discrimination in Bosnia and Herzegovina, as established in five judgments of the European Court of Human Rights in Strasbourg, which I want to list chronologically. Judgments in the cases of Sejdić-Finci, Zorić, Pilav, Šlaku, and Pudarić.

These judgments establish clearly the existence of discrimination based on ethnicity, and place of residence, and it orders the respondent state, that is the state of Bosnia and Herzegovina to introduce the necessary changes to its constitutions removing all forms of discrimination from it.

Unfortunately, this has never happened. If we look at the Sejdić-Finci ruling we will see that ethnic discrimination is a derivative of racial discrimination. Do we need something like this in modern Europe, in a modern liberal democratic order? That's the question for all of us, not just for Bosnia and Herzegovina. I am absolutely certain that we will all agree that we do not need such legal constitutional frameworks and that we must invest all efforts to combat all forms of discrimination, together.

There's a particularly interesting part in the Zorić case ruling which clearly says that Bosnia and Herzegovina does not have a full democracy, but rather limited or restricted democracy through the distribution of political power between ethnic communities called "constituent people" in my country. This lack of a full democracy is, in fact, in stark contrast with one of the fundamental goals of the Council of Europe, that is why the Zorić ruling orders Bosnia and Herzegovina to change its constitution: to enable the realisation of a full democracy.

That's a very important issue. How else can we achieve the rule of law or organise a proper law-based state if all the citizens of any country, including Bosnia and Herzegovina, are not equal before the law without any exceptions? How can we achieve a liberal democracy at the core of which is the struggle of equality, against all forms of inequality, if we know that in Bosnia and Herzegovina exists the imposition of a system of politically pushed in-equality. This is not a liberal democracy, which I certainly find unacceptable.

It is obvious that the current political system in Bosnia and Herzegovina based on ethnicity is creating three parallel totalitarian systems based on an affiliation to one of the three ethnic communities trying to govern them autocratically. In such a system, through affiliation with one of the ethnic communities, which is an expression of its political exclusivity, is an attempt to control resources, jobs, standards, public procurements – all kind of privileges, profits and gains, which clearly creates an environment for corruption of unimaginable proportions.

Since the signing of the Dayton agreement 26 years ago, instead of evolving the political system into one based on democracy and the rule of law, my country is moving backwards, along a regressive path. We are distancing ourselves from democracy trying to maintain or even strengthen the ethnic political system that generates corruption in all segments of society through the use of ethnic politics and manipulation with the fear of members of the different ethnic communities.

That is why it is important to emphasise that ethnic politics, once they run out of energy, they reach for emotions and empathy within their respective communities. This is done so by instigating fear that ultimately forms a system conducive to corruption and denial of the rule of law.

I believe that we share the same opinion that this political system has no place in modern Europe.

Allow me now to use this opportunity, in just a few sentences, to look at different ideas of those who seek to maintain the principle of in-equality in Bosnia and Herzegovina, those who proposed introduction of a con-sociational democracy by allegedly copying the political systems of Belgium, Switzerland, Northern Ireland, or South Tyrol.

There are at least two problems here. Firstly, a con-sociational democracy is not the same as liberal democracy and it does not exist in these countries or parts of some other countries, not in the way that con-sociational democracy was designed. Such countries or parts of those countries have a completely different historical context than Bosnia and Herzegovina. Those political systems are simply not compatible with my country. The second problem is that any introduction of a con-sociational democracy in Bosnia and Herzegovina would certainly lead to new proceedings before the European Court of Human Rights because this type of political model is based on inequality and annulment of the fundamental principles of liberal democracy, regardless of the fact that it contains elements of proportional representation.

To use such long-outdated political models would be a step backwards for Bosnia and Herzegovina. Such policies go so far as to deny the existence of the nation of Bosnia and Herzegovina, a country that has existed for almost a thousand years. They want to portray any expression of nationality as a political issue.

I want to say here today: I am, according to European standards, Bosnian-Herzegovinian by nationality and ethically I am a Croat.

Because nationality is an expression of belonging to one's own state, the neighbouring countries are denying the nation of Bosnia and Herzegovina by trying to use ethnic identities in my country to their advantage, creating thus an environment where we, Bosnian-Herzegovinians, should ask them for consent if we can be Bosnian or Herzegovinians by national affiliation. This is absolutely unacceptable and in complete contradiction with the European Convention on Human Rights and Fundamental Freedoms.

On the other hand, when we look at the decision-making system in my country, the situation is such that any majority in the lower house, that is directly elected legislative bodies, is completely made void through the use of a new political tool called "entity voting". In short, this means that in the House of Representatives of Bosnia and Herzegovina, which is the lower chamber, 42 MPs, even just five of them, can block any decision-making because they come from one of the two entities. Is such a thing an expression of liberal democracy? Of course it isn't, because it is obvious that a political minority can block any decision making to the detriment of the political majority until the minority is satisfied.

With something like this today in Bosnia and Herzegovina, through obvious separatist activities, the country is held hostage and ultimately it's hiding a system of blockages and blackmail and keeping Bosnia in complete political uncertainty until the wishes and intentions of some political leaders have been met. Isn't that an

expression of complete autocracy and a lack of the fundamental principles of democracy? To make it worse, the reason for keeping Bosnia and Herzegovina in a state of crisis is because someone is refusing to accept judgments of the International Court, in The Hague, establishing the crime of genocide.

Just imagine what would disrespecting the decisions of any court mean in your respective countries. Undoubtedly, criminal liability of those who fail to respect judgments of courts.

It's very similar with decision-making in the upper house of the Parliament, which is the house of people, comprising 15 indirectly elected MPs: they're appointed by political parties. Two of them, only two of them, can block any decision-making so that if all 42 MPs make a unanimous decision, only two people can bring it all down because they need an entity vote. Is that not a clear indicator of the in-equality of the value of the votes of the MPs in the houses of the Parliament – where one vote from a member of the House of People appointed by political parties is at least three times more powerful than that of an MP from the House of Representatives elected by the people of Bosnia and Herzegovina?

It's used as a political tool today in order to prevent the normal functioning of the institutions of Bosnia and Herzegovina with complete disregard for fundamental democratic principles. And I find this unacceptable.

For that reason, there is this new application before the European Court of Human Rights dealing with the inequality of votes in the two parliamentary houses in Bosnia and Herzegovina. Unfortunately, the application of this principle of constituent people in daily decision-making in Bosnian institutions for the past 26 years, doesn't serve to protect the rights of constituent people but rather to prevent Bosnia and Herzegovina from stabilising and progressing from 2008, which is when Bosnia signed the Stabilisation and Association Agreement with the European Union.

Parties supporting ethically-based decision making have been using ethnic quotas in decision-making in the executive and in the legislature to prevent the adoption of European standards. Laws related to the adoption of the *acquis* failed in the House of People through ethnic voting or entity voting in the House of Representatives. This happens regularly. Although regulations from the *acquis* do not infringe on ethnic identity, culture, tradition, language or education, as values that these houses are to protect.

For that reason, there are dozens of laws in the European agenda waiting on the parliamentary procedure. That is why we cannot fill the constitutional quarter of the federation; we're not appointing governing bodies of many independent law enforcement agencies – that is why we're wasting European funds. Many other things are, to the detriment of all the citizens of Bosnia and Herzegovina, under the guise of fighting for ethnic interests of constituent people. This is also unacceptable. We're talking about the abuse of the right of constituent people to prevent Bosnia and Herzegovina from becoming part of a civilised community of European parliamentary democracies, so that my country can never become a new member state. These policies are intended to turn my country into a territory where foreign regimes will have an influence on the economy or through creating a new Transnistria in the Western Balkans, and in one part of my country.

Let me remind you that the European Commission did give a clear legal definition in its 2019 opinion. Everything that my country needs to improve in order to continue its long path towards candidate status. At that moment, political actors advocating the disappearance of Bosnia and Herzegovina decided to stop all the processes and bring 3.5 million people back to 1995 by talking about the rights of constituent people, by restoring entity competencies, and finally by this anti-civilizational resistance towards the punishment or denial of adjudicated genocide and war crimes.

And today, when Bosnia and Herzegovina is talking about the need to change its constitution and election law, in order to implement five rulings of the European Court of Human Rights, we have against the emergence those political forces that have no intention of implementing those judgments. These political forces are trying to create a new constitutional arrangement through manipulation with profound discrimination that would be shielded behind the in-equality of votes of the citizens of Bosnia and Herzegovina.

Unfortunately, for the neighbouring countries that are directly involved in this, their goal is quite clear: to achieve all their wartime goals using political and diplomatic means in peacetime. Their intention is reflected in two aspects. The first is to use the constitutional and election law changes to create a system where these neighbouring countries will have the golden share or the key word in all the decisions made in Bosnia and Herzegovina and thus complete control over my country. Such intentions can be easily identified anytime they speak about the constituent status of people or the phrase "the government accepts anything that the three ethnic communities agree upon". Regardless of the fact that they are striking a blow at the foundations of democracy, human rights, and the rule of law, they often do things like that in diplomatic talk even with you, because I believe that you have come across this from time to time.

And secondly, when they see that something that is failing, they reach for their allies in Bosnia and Herzegovina who, on behalf of those neighbouring countries block the work of the institutions of Bosnia and Herzegovina to create an illusion that Bosnia and Herzegovina is a dysfunctional state. In addition to that, other than incursions in the political system of my country, through their political satellites in Bosnia and Herzegovina, they are trying to control natural and other resources in my country completely. How else do you explain the political intentions of the neighbouring countries not to define the border with Bosnia and Herzegovina through an international border agreement on land and sea? All is with the aim of giving them an option to manage the natural resources of Bosnia and Herzegovina.

I therefore, use this opportunity to ask you all not to accept this type of diplomatic talk because it harms Bosnia and Herzegovina and its citizens.

And finally, I'd like to take this opportunity to point out my vision of a solution for Bosnia and Herzegovina.

First of all, I strongly believe and I cannot back down on this. We need to achieve full equality of all the citizens of Bosnia and Herzegovina to create equal opportunities. This would eliminate all forms of discrimination associated with this phenomenon of constituent people.

Let me emphasise once again: creating an environment of persistence in calculable corruption of a society, where not even those who are the best of us can succeed, but those who are suitable or nepotistically connected is a tool for systematic corruption. Systemic corruption is not an acceptable system for any society, including Bosnia and Herzegovina.

Second, it is necessary to change the political system of Bosnia and Herzegovina. From a limited democracy we move towards full democracy as established by the five judgments of the European Court of Human Rights, but also in compliance with the 2005 opinion of the Venice Commission, which analytically, accurately, and legally specifies all the changes that Bosnia and Herzegovina must make in order to become a modern democratic society.

Therefore I want to take this opportunity to ask you all to study the opinion of the Venice Commission from 2005, because it's very important that we accept this as a form of assistance of the Council of Europe to countries in transition.

Finally, changes to the constitution and election law in Bosnia and Herzegovina must not be made without respecting the fundamental principles of liberal democracy, human rights, and the rule of law because everything else will lead my country to further instability. Thus the instability of the entire region of the Western Balkans.

We all know very well that a citizen and individual is the bearer of the sovereignty of a country, which must be applied in Bosnia and Herzegovina, too.

I use this opportunity to ask you all not to agree to any diplomatic and political talks that seek to harm Bosnia and Herzegovina. You can easily recognise them: they will be outside of the fundamental principles of the Council of Europe.

Thank you very much for your attention.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** May I thank you, Mr President, for your vision of the recent history of your country, the actual situation including its problems and possible way out according to you, in the direction of modernisation of Bosnia and Herzegovina towards a "modern, democratic society," as you called it.

You agreed, Mr President, that we would take questions from our members and to facilitate it a bit because you are there in isolation, we will now ask five speakers of the political groups to address their questions to you. Then you will answer them and then we will see how much time we still have left for other questions because there are quite a lot of them.

First in the debate I call on behalf of the Socialists, Democrats and Greens Group, Mr Gerardo GIOVAGNOLI from San Marino.

You have the floor.

**Mr Gerardo GIOVAGNOLI (San Marino, SOC, Spokesperson for the group):** Thank you Mr Tiny KOX and thank you President Željko KOMŠIĆ,

The current Bosnian policies seem to have taken on very worrying characteristics due to the level reached by the statements by some top level politicians and the tangible actions that followed towards a policy of separation and division, contrary to the essential terms of the Dayton Agreement and against the sovereignty of Bosnia and Herzegovina.

The political tension prevents the possibility of building and sharing the progress of Bosnia and Herzegovina as a European state of profound importance for the life of Europe and for the construction of its union.

My question is "what can the states of Europe, from the smallest to the largest, do to support Bosnia and Herzegovina's stability and progress at this critical juncture?"

And good luck with recovering from Covid.

Thank you.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Mr Gerardo GIOVAGNOLI.

We now go to the questions on behalf of the Group of the European People's Party. It will be asked by Mr Reinhold LOPATKA from Austria.

**Mr Reinhold LOPATKA (Austria, EPP/CD, Spokesperson for the group):** Dear President, Dear Colleagues,

I think that the speech of the President was not an optimistic one and indeed the situation in Bosnia and Herzegovina is not a good one.

Twelve years after the delivery of the Judgment of the European Court on Human Rights decided on the Sejdić and Finci case, we are still waiting for necessary reforms. Also the Constitutional Court of Bosnia and Herzegovina is calling for it.

Of course, our political group Group of the European People's Party (EPP/CD) supports the territorial integrity of Bosnia and Herzegovina and also the equality of all free constituent people. I think this is essential for peace and lasting stability in the entire region. We request Bosnia and Herzegovina to adopt necessary reforms.

My concrete question is: will this issue be addressed before the next elections?

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Mr Reinhold LOPATKA.

Now the next speaker on behalf of the European Conservatives Group and Democratic Alliance is Lord Alexander DUNDEE from the United Kingdom.

Alexander, you have the floor.

**Lord Alexander DUNDEE (United Kingdom, EC/DA, Spokesperson for the group):** Mister President, along with colleagues, while thanking you very much for joining us today...

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Sorry Lord Alexander DUNDEE, sorry. You have to wear your mask.

So sorry to say it but we are all the same here in the hall.

**Lord Alexander DUNDEE (United Kingdom, EC/DA, Spokesperson for the group):** Mister President,

Along with colleagues, while thanking you very much for joining us today and in welcoming the current peace stabilisation intervention of EUFOR and NATO, as well as looking forward to the future prospect and to the mutual advantage of your great country joining the European Union, do you agree – and following your own remarks – that there are three key elements now perhaps agreed between your administration and the United States which should be addressed and deployed this year?

Firstly, a revision of the Dayton Agreement to achieve necessary electoral reform.

Secondly, equality of rights within your democracy.

Thirdly, an extension of trade, culture and co-operation agreements with other states and regions in order to support jobs, economic growth and prosperity in Bosnia and Herzegovina.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you very much, Lord Alexander DUNDEE.

The next speaker is Ms Liliana TANGUY from France, on behalf of the Alliance of Liberals and Democrats for Europe Group.

You have the floor, Ms TANGUY.

**Ms Liliana TANGUY (France, ALDE, Spokesperson for the group):** Thank you Mr President.

President KOMŠIĆ, dear colleagues,

For more than 30 years and despite the signature of the Dayton Accords, the path to peace in Bosnia and Herzegovina has been paved with obstacles.

As a member of the France-Bosnia and Herzegovina Friendship Group in the National Assembly, I follow the situation in your country day by day, and at the beginning of this year, one part of Bosnia and Herzegovina celebrated the creation of Republika Srpska with hateful speeches while the other part condemned these celebrations deemed as unconstitutional.

Despite these disturbing events, the international community has not been able to put up a united front. The situation is deteriorating and is now threatening the stability of the entire region of south-east Europe.

In this context, Mr President, I would like to ask you, on behalf of my group, about the future of the country. What path do you think Bosnia and Herzegovina, its leaders and its communities, should take to ease tensions, and how can the international community, the European Union and, even more so, the Council of Europe and our Assembly support the country in this path?

And finally, I would like to remind you that the French Presidency of the European Union will be organising an EU-Western Balkans summit in June, an important moment desired by President Macron for the future of the region and that of Bosnia-Herzegovina.

Thank you very much.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Thank you, Ms Liliana TANGUY.

Now before we get the reaction of the President of Bosnia and Herzegovina, we have the last question on behalf of the Group of the Unified European Left, proposed by Mr George KATROUGALOS from Greece.

George, you have the floor.

**Mr George KATROUGALOS (Greece, UEL, Spokesperson for the group):** Thank you very much, Mr Chair.

I would like myself to welcome President KOMŠIĆ to our Assembly. You are very right to say that imposed constitutions create problems when they are not freely decided by the people, we have seen that in Bosnia, we have seen that in Cyprus, and you are very right. I share much of your criticism for the complex system created after the Dayton Agreement.

How do you envisage to overcome these problems through a constituent assembly beyond that the ethnical division of the country? And how do you stand vis-à-vis recent interventions or initiatives from abroad, for instance, regarding the United States actions against Dodik, or what we are hearing recently about a joint initiative from Serbia and Turkey? Do you think that all these initiatives from abroad are conducive to your efforts?

Many thanks, Mr President.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Many thanks to you, Mr George KATROUGALOS.

Mr President, you have heard the five questions on behalf of the political groups. They cover a broad spectrum of issues. Could I please ask you to react to these questions? You have the floor, sir.

Mr President, please could you ask for the floor again. That is the way the system works here. Then we can get you here in the Assembly. Please ask for the floor.

As you might see, dear colleagues, we have a connection problem we are trying to solve it. One moment, please.

We are still trying to restore the connection with President KOMŠIĆ. Please, one more moment of your time to see whether we can solve this.

Dear colleagues, modern technology allows us a lot but not always at the right moment. We have lost the connection with the President of Bosnia and Herzegovina. I pity it very much because having presidents in our Assembly is a great privilege and having answers to our questions is even a greater privilege. I will propose to the President of Bosnia and Herzegovina, if we cannot restore connection within a minute, that he answers the questions in writing. And I also would propose that the Chairman of the Presidency of Bosnia and Herzegovina is going to answer the questions of the other colleagues who are on the list. Of course, it is up to him to decide, but I think that question and answering is part of this point of the Agenda.

But I am sorry that we cannot restore the connection with the President. I will propose that he answers in writing and therefore we end this issue. Sorry again, but technology is not always our best friend, as I stated earlier.

We still have to wait for the results of the election of a Vice-President to the Assembly and I will check whether these results are available and I can announce them to you. One moment.

**Mr Željko KOMŠIĆ (Chairperson of the Presidency of Bosnia and Herzegovina):** *[Answers provided in writing]*

I would like to apologize for not being able to give answers in a live session due to loss of the internet connection, so I am sending them to you in writing, which will be delivered to you by Ambassador Ivan Orlić, Head of the Mission of Bosnia and Herzegovina in Strasbourg. To all questions, I will offer an integral, unique, answer.

The Council of Europe, as well as the whole of Europe, can help Bosnia and Herzegovina by protecting the fundamental values of the Council of Europe, through the protection of individual human rights and liberal democracy. Everything else will lead Bosnia and Herzegovina into even deeper divisions and instability, which is transferred to the instability of the entire region. Therefore, as I said in my speech, it is essential to protect human rights in Bosnia and Herzegovina at the individual level, and thus to establish full democracy. As for the rights of the "constituent peoples", I will also repeat once again what I said in my speech, that such a political system based on the equality of "constituent peoples" or ethnic communities if applied in Bosnia and Herzegovina, would have at least two problems. First, because such a system is contrary to the judgments of the European Court of Human Rights in five cases: Sejdić-Finci, Zornić, Pilav, Šlaku, and Pudarić, since it is not in line with the European Convention on Human Rights and Fundamental Freedoms and, secondly, how I have pointed out in my speech that such a system based on inequality creates a limited form of democracy, which is ultimately a generator of systemic corruption. The bizarreness of our reality in Bosnia and Herzegovina is best illustrated by the example when the state attempted to tax bookmakers and their profits it was proclaimed as jeopardizing the vital interests of one of the ethnic communities. To support such a system would be directly related to the support of corruption of unimaginable proportions which is completely in contradiction with the goals of the Council of Europe.

In order for Bosnia and Herzegovina to become part of modern democratic systems, it is necessary for the first step to amend the Constitution of Bosnia and Herzegovina in such a way as to eliminate all forms of discrimination, and to move from ethnic policies dedicated system toward equality of all citizens. This is an essential question about the way how to achieve complete democracy in Bosnia and Herzegovina.

Only after that, we can dedicate ourselves to building completely different social relations, as a society of equal chances. If there is no equality in the system of Bosnia and Herzegovina, then there is certainly no market economy, which then prevents my country from accepting all the competitive challenges of larger markets, such as the European Union market. One cannot participate in competitive challenges if there is no

fundamental equality or if there are privileged actors. In that case, it is no longer a free market-based system but one of the expressions of monopoly or oligopoly, run by leaders of ethnic political parties. That would be neither good nor useful.

I see the future of my country only in such a socio-political system in which there is equality of every citizen, regardless of his or her ethnic, religious, cultural, or any other affiliation. Only, when Bosnia and Herzegovina become a country of equal citizens, it is possible to start building democratic values. The current system, dominated by the "constituency of the people" which is not a liberal democracy system, is a system based on the privileges, benefits and profits of a small group of people who seek to manage all resources in my country by generating corruption of unimaginable proportions.

Once again, I would like to ask you all, in your diplomatic and other contacts, not to allow talks in which the fundamental goals of the Council of Europe are being circumvented or annulled.

Finally, I would like to thank you for your attention and opportunity to address you on the occasion of the 20th anniversary of Bosnia and Herzegovina's accession to the Council of Europe.

**Mr Tiny KOX (Netherlands, UEL, President of the Assembly):** Dear colleagues,

I would like to inform you of the results of this morning's election. I would like to inform you that Mr Piotr TOLSTOÏ did not obtain the absolute majority of votes in the first round. We will therefore proceed to a second round, by secret ballot, for the election of a Vice-President of the Assembly in respect of the Russian Federation.

The results are as follows:

Total number of voters: 169.

Invalid or blank ballot papers: 12.

Votes cast: 157.

Votes for the absolute majority: 79.

The votes were expressed as follows: 73.

I remind you that according to article 41.c of our Regulations, the election is acquired by relative majority. If the candidate does not obtain a sufficient number of votes, the seat of Vice-President will remain vacant until a candidate presented by the Russian delegation obtains the required majority. Voting will take place electronically via the SCYTL platform, in the same manner as in the first round.

The tellers appointed by each political group in the first round remain unchanged for the rest of the election:

- EPP: Ms Boriana ÅBERG (Sweden)
- SOC: Ms Selin SAYEK BÖKE (Turkey)
- ALDE: Ms Béatrice FRESKO-ROLFO (Monaco)
- UEL: Mr Hisyar ÖZSOY (Turkey)
- EC/DA: Mr John HOWELL (United Kingdom)

The vote is now open. It will be closed at 6 pm.

We will continue our work during this time but, for the moment, we have reached the end of our session. We will resume at 3:30 p.m. Thank you very much.

**La séance est levée à 13h**