



Provisional edition

Wednesday 12 October 2022, afternoon

Official report of debates

Opening of the sitting No 31

Address of Mr Edi RAMA, Prime Minister of Albania

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

The sitting is open.

Our next business is to consider the changes proposed in the membership of committees.

This is set out in document Commissions (2022) 07 Addendum 2.

Is the proposed change in the membership of the Assembly's committee agreed to?

I don't see any objection.

It is agreed to.

We now come to our next item of business.

Let me warmly welcome to the session the Prime Minister of Albania, Mr Edi RAMA.

Dear Prime Minister,

We are very pleased to welcome you to the Parliamentary Assembly of the Council of Europe, the oldest and broadest multilateral organisation in Europe, which aims at protecting and promoting peace through protecting and promoting rule of law, human rights and pluralist democracy.

Since your country, Mister Prime Minister, joined our organisation in 1995 already, your country has signed and ratified many of the Council of Europe's conventions and agreements to the benefit of your citizens.

One of them is the our famous Istanbul Convention aimed at combating violence against women and domestic violence.

I was glad to see your country amongst the states that signed last month in Dublin the Dublin Declaration to promote gender equality and to help prevent domestic, sexual, and gender-based violence.

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.

Mister Prime Minister, the region Albania is part of deserves, needs, and gets special attention from the Council of Europe.

Yesterday we had the most relevant debate on supporting a European perspective for the Western Balkans, which addressed several recommendations to the countries of the region and which also called on the Council of Europe member States to support the efforts of the Western Balkans to fully pursue their European vocation through various means.

By helping to protect and promote peace and prosperity in this important European region where your country is part of we do what the Statute of the Council of Europe obliges us to do, to the benefit of all our citizens and member States.

Mister Prime Minister,

This Assembly considers itself as an important European agora, open to debate important political, social, and cultural developments and to contribute to solutions that serve our common aims.

Therefore, I say it again, it is a real pleasure to have you today here in our esteemed hemicycle and to listen to your analysis, your proposals regarding your country, regarding the all of Europe, and regarding our Council of Europe of which your country is such an important member.

We look forward, Mr RAMA, to hearing from you and, after having listened to you, you have agreed that would answer questions.

Mister Prime Minister, the floor is yours.

Mr Edi RAMA (Prime Minister of Albania): Honourable Council of Europe, distinguished members of the Parliamentary Assembly,

I am very grateful for the opportunity to address this Assembly today on a crucial matter of truth and justice that calls upon us to reflect and act together.

I represent Albania but it is not primarily about Albania that I am here to speak. Although the subject of the concern I want to share with you is linked to Albania like the soul to its body. Yet it is worth beginning with Albania since what I am about to say bears on the question of the relationships of a country with its past and what impact that may have for its development in the future. It also bears on the relationship between states in the Balkans and beyond and what role Europe and European institutions play in how we develop these relations.

Turning a history of conflict into one of co-operation requires not only courage from leaders, goodwill among citizens and trust between states but also shared faith in international institutions. Indeed, our relationship with each other is mediated by our relationship with European institutions. If such institutions fail to secure justice, the loss to all of us is as great as the harm caused to the single victims of their errors. The damage goes far beyond the sum of individual tragedies. It is damage to our whole community of people and nations, a blow to all our efforts to turn a dark page in our history so as to write a bright new one. If institutions fail, the blow could be fatal.

War is, for you, a distant memory. For us, it is a wound that still burns while struggling to heal. And yet despite our different experiences with war, under the large umbrella of this institution, which defines itself as the continent's leading human rights organisation, historical memory cannot be taken lightly. Facts should never be undermined by power games and resolutions should always withstand the test of the future.

In the last decades, as you know, international institutions have been an essential factor in mediating conflicts in the Balkans. Like all other states in the region, Albania continues to build the future while struggling with the legacy of the past to develop democratic institutions while still being haunted by spectres of authoritarianism. It continues to construct solid relations with its neighbours including Serbia, who not too long ago was considered a mortal enemy but is now an important partner in our strategic Open Balkan initiative. It may be difficult to explain to those who approach our region for the first time why Europe, for us, is more than an institutional project: it is an existential one. History has never before been kind to us. We were never able to choose where we belonged. It was decided on our behalf. It was decided by empires, regimes and ideologies that kept us locked away from Europe in a country that called itself the "anti-imperialist lighthouse of the world" but who was in fact a dark hole at Europe's heart.

It was only three decades ago that we could freely change the course of our destiny and turn our gaze towards Europe's horizon. The faith of Albania and its European destiny is our anchor to the future. No matter what storms or fogs Europe encounters, Albanians, as a whole, cannot but imagine sharing the journey even if it turns out to be a tumultuous one. This is why we continue to inculcate hope in younger generations knowing that the harder a crisis like the current one hits all Europe, the easier it is for the forces of fear to threaten the sources of hope.

Yet, it is especially in moments like these when the future is once more at the mercy of the past and narrow-minded politicians are ready to exploit the past to assuage their citizens' fear of the future, that questions of truth and justice return to the fore. It is in moments like this that faith in transnational institutions needs to be restored and strengthened. It is in moments like this that small states must not be abandoned so that big states are not threatened by the cumulative results of their resentment. In these three long decades, if we have been taught anything, it is that democracy is always a construction project, never a finished building. Nothing we achieve is ever complete, nor is it irreversible. Nothing proves this point better than Russia's current aggression of Ukraine and the war that followed in Europe only a few hours from here. That country is once more haunted by its past and it is yet another vivid memory to those of us still haunted by their past of how easily history can be manipulated and exploited by dark forces.

In the Balkans, we are painfully aware of this. Our new Open Balkans initiative is an attempt to realise in-house the aspirations and the objectives of the stilted building process without delays, without hesitation, in a way that reflects our own will and determination. It is an attempt to put the ideas of European integration in disposal of peace and co-operation through the freedom of movement of people, goods, capital and services; through culture, arts and crafts; through joint political initiatives and joint forces on the face of crises bigger than us, through concrete outcomes that can show our citizens how meaningless it is to cling onto the ghosts of the past.

In a world of increasingly porous borders, this is how we want to see the Balkans: no longer a powder keg of Europe but the model of peaceful co-existence, no longer a hostage of the past but an example of how to build a shared future. And yet, how we engage with the past is crucial for all this to be possible. The past is not a slate that one can wipe clean. How we evoke the past, what stories we tell, what truths we choose to uphold, how we think of who we are and how others perceive us matters not just to keep a record of ourselves but to know how to engage with the world, what to follow, who to be friends with and who to believe.

And this is where I come to the main question I want to raise with you today and why it matters not simply for those directly affected but for all of us, for our citizens' ability to retain faith in politics, in lasting peace and in the transnational institutions. Ladies and gentlemen, there are nations in the history of the world who live their entire collective lives courageously defending their freedom surrounded by violence, lies and the hypocrisy of an international community that stands by watching as they are tortured into submission. They hope to resist for as long as they can and for the world to find the conscious, such as the Ukrainian nation now, and such as the nation of Kosovo a few decades ago. You will no doubt have noticed how eager the current Kremlin tenant is to construct parallels between Crimea and Kosovo. It is far from a stupid effort, although the evidence does not stand up to speculation. There is no parallel between Kosovo and Crimea although there is one between Kosovo and Ukraine. And by the way would it not be wonderful if you here, in this great Council, started by teaching also the other institutional bodies of international politics to spell and write Kosovo by its real and official name: "Kosova" not "Kosovo". The Republic of Ko-so-va. It is never late to do things right and going back to analogies there is an even stronger analogy between the tsar that sits in the Kremlin throne in our days and the butcher that used to occupy Serbia's Commander in Chief position during the war in Kosovo. There are two nations with a right to live freely in their lands with their language, their history, their culture, haunted by the same demons of the past disguised as special military operations. And there are two desperate tyrants: one dead and the other one playing with death, clinging to visions of past grandeur to manipulate their own citizens into deadly submission.

I will spare you the history lesson. After all, the kind of history we are evoking here is hardly history. It is every European's living memory. You all remember the devastating impact of the dissolution of Yugoslavia at the end of the Cold War. You all remember how the Western Balkans – the poorest and the most explosive corner of Europe – was struggling between life and death. You all remember how decades of tension within a region deeply divided by ethnicity, religion and ideologies culminated in the birth of seven independent countries. And you all remember the ensuing fragile peace process. A process that as recent events in Ukraine continue to teach us every day, will be foolish to take for granted.

I will concentrate my remarks on only one aspect of this human tragedy: the last chapter in the break-up of Yugoslavia – the humanitarian conflict in Kosovo. Decades of severe, widespread and well-documented repression, an intentional barbaric military operation of ethnic cleansing conducted by Slobodan Milošević resulted in hundreds of thousands of civilians displaced, half a million only in little Albania. Thousands died. Some 20 000 women were raped and these are official data from international organisations. And as we speak, some 1600 people are still missing. The living are still searching for their loved ones. The dead have not yet found the peace of the grave. It all escalated for decades under the nose of the international community. It took years of repression and deprivations for the world to find moral principles and to act on their behalf. But it happened, thank God, it happened in 1999. Kosovo's last scream of despair could no longer be ignored. Its battle for survival aroused the world's compassion and its biblical human waves escaping butchery triggered the democratic world's firm reaction. The international community took responsibility and came to its assistance. The first-ever full-fledged military intervention of NATO on European soil recognised the struggle of Kosovo's Liberation Army which resulted in the independence of the country a few years later. Justice was achieved, dignity was restored, reconciliation could start or at least so it seemed.

War is an ugly affair. It is in the nature of war that one pre-supposes the symmetry of combatants and assumes the harms committed by both sides. But the war in Kosovo was no ordinary war. It was the bloody showdown of an ultra-nationalist dictatorship in the womb of Europe. It was a democratic West conscience rally. It was a desperate call from the centre of Europe to redeem the integrity of the international community after decades of ignoring the plight of millions of civilians around the world. And the West rose to the challenge. The international community found its conscience. Europe found its moral compass and yet not too long after that compass was lost. It was lost in this very building. Those very same international institutions that ended the war in Yugoslavia and gave Kosovo the right to freedom, peace and dignity undermined their very own actions and their very own principles. They ended up not only questioning the motives and integrity of Kosovo's liberation struggle but assuming through their actions that they had never had any. How could this happen? I will spare you any interesting speculations. Here are the facts.

Less than a decade after NATO's intervention in 2008, Carla Del Ponte, a former Chief Prosecutor at the International Criminal Tribunal for the former Yugoslavia, published the memoir entitled *Madame Prosecutor*. In that book, Del Ponte claimed that heinous crimes had been committed by the leadership of the Kosovo Liberation Army, including, first and foremost, human organ trafficking. The book – naturally – sent shock waves throughout the world and this allegation occupied front pages from Europe to Australia, despite the fact that the allegations were vehemently denied in Kosovo. The most mysterious question of all was what prevented a powerful prosecutor, working with a very strong mandate given by the Security Council of the United Nations, to inquire further. Her investigations of the matter including in Albania in 2004 were inconclusive, to say the least. How did the allegations persist? Again, I will not engage in speculations on the answers but the questions raised in Del Ponte's memoir – guess what – were interesting enough to draw the attention of Vladimir Vladimirovich Putin's man, here in the Council of Europe. It was one such man, namely Mr Konstantin KOSACHEV, as head of the Russian delegation to the Parliamentary Assembly of the Council of Europe, who in 2008, tabled a motion for all of your predecessors. Listen to the title: "Inhuman treatment of people and illicit trafficking in human organs in Kosovo". This is what the occupiers called it: "Kosovo". Mr KOSACHEV himself, an MP representing United Russia – Putin's party for those who do not know – was subsequently sanctioned by the United States and the EU. Of course, not for very decent jobs but while the man fell from grace, his work persisted through the Council of Europe. Not only did it persist but it was elevated. His motion was picked up by this honourable body which blessed the team to prepare reports who claimed to conduct independent research in the region between 2008 and 2010 on behalf of this very body, the Parliamentary Assembly of the Council of Europe.

Serbian diplomats later bragged about how such reports were largely based on files supplied by the Serbian war crimes prosecutors but I do not want to speculate on this any further. What matters here is that the report mentioned – by name – high-ranking members of the Kosovo Liberation Army and accused them of committing horrific crimes including organ trafficking during and after the war in 1998–1999. And why the report did not produce then or at any point later, by the way, just for you to know, the Albanian delegation here presented did not obstruct and although without any evidence, its author claims to have obtained it was adopted in its entirety and verbatim by a resolution of this Assembly in January 2011. I am here today in 2022 and there is a reason for that. Not because I and us in Albania discovered today that this was the most horrendous fake news ever spread through the hands, the very noble hands, of the Council of Europe but because we waited patiently until we saw the official indictment, which I will come back to later. So I hope you understand the gravity of all this. Let me repeat totally unverified claims of a former Prosecutor General in search for great sales of her book – we know how it goes with people that leave office and then leave with their memoirs – led to a motion tabled by a United Russia MP, which turned into a Council of Europe report

sustained by totally dubious sources, which then turned into a resolution of this Parliamentary Assembly and led to the creation later of the Kosovo Specialist Chambers to judge – to judge – those suspected of human organ trafficking while fighting their liberation war.

One of the most famous novels of Albania but also European literature, *The General of the Dead Army* by Ismail Kadare tells the story of a representative of the Italian state visiting a village in post-war Albania to search for the bodies of Italian soldiers allegedly killed during the Second World War. In our case, reality exceeds fiction. A representation of one of the most well-respected European institutions, the Council of Europe, visited several sites in remote Albanian villages searching for specialised clinics where human organ extraction is supposed to have taken place. The report placed this particular emphasis on one key – listen to this – medical site: a yellow house in northern Albania where operations were allegedly based. The suspected building – which by the way is not yellow at all, but never mind this is the least offensive of the fantasies – is in fact not a clinic, it is a bare-stone construction of a poor Albanian family. Any of you can visit at any time. It is one of the many in remote areas that are practically the same. The village itself, situated in a very remote area in northern Albania, which was at that time – listen to this – cut off from electricity and running water as well as from paved roads. It is not exactly the ideal location for an operation of such complexity and sophistication as organ removals. So, imagine, sorry for bringing you to this horror imagination but imagine extracting organs without electricity without water and without roads to transport – let alone the specialised machinery and so on and so forth. Indeed, the villagers were questioned and they answered, they never ever, not only saw but either heard, of any such things. But even for their silence, the fantasies that were presented here to all the Parliamentary Assembly governors are written – you can check references to threats. So the villagers were threatened by the Kosovo Liberation Army, as well as given free payoffs such, and I quote, "free access to alcohol, drugs and prostitutes". Prostitutes! So prostitutes are brought from I do not know where to that remote village to silence the villagers. Alcohol and drugs are easy because there is an assumption worldwide that Albanians all make use of them.

This, unfortunately, was not the only place where that report resourced to very damaging stereotypes, in a devastating cocktail that mixes ignorance with arrogance. In ordinary circumstances, the confusion of a tiny traditional poor Albanian village with the red light district of a Western European capital would make one laugh at least at the naivety of the observer. But this is no laughing matter. It is no laughing matter that young people sacrificing their lives to free their country are depicted as members of a dangerous mafia group dealing with organ trafficking. It is no laughing matter that Albanians being Albanians from Albania and Kosovo, are regularly depicted as inferior people with an overdeveloped loyalty to their clan and insufficient respect for civil society and political institutions. It is no laughing matter that the report itself admits that, in crucial cases, investigators had no direct access to their sources. So what were they doing? Gossiping or what? It is no laughing matter that it admits in footnotes – they are very, very interesting footnotes that would have made jealous Franz Kafka and Dostoyevsky, and whoever has had the strong imagination to enter in the depth and dark insides of human nature – that several claims – it says there – could not be corroborated but the claims stay there still. You google, you check, you have it. It is no laughing matter that it emphasises that the investigators were operating under financial constraints and therefore they lacked resources for a proper legal investigation. What are we talking about? It is no laughing matter that throughout the process specialists and diplomats active in the region, called precaution and restraint. They were the same as you, the same as your predecessors sitting here, dignified and honourable representatives of the international community, but they knew more. And it is no laughing matter that Bernard Kouchner who is also a doctor, then special envoy from the UN Secretary-General repeatedly emphasised, "Please! Please, please stop with that. These claims are highly dubious." Nevertheless, the phantasmatic yellow house made its way here to capture not only the imagination but also the rules of procedure and even a voting session. Votes included in this house, in this house – which is real, it is not a phantasmatic house. The house of European nations. The house of all Europeans. Those from the EU and them only with the "E" without the "U".

But while Kadare's novel *The General of the Dead Army* is a fictional creation whose legacy is to entertain and teach readers about the horrors of the past, the ultimate accomplishment of your very own general in search of a non-existing army of organs, was to make a mockery of the word "human rights" itself. On the basis of that and despite it laying lack of evidence regarding the alleged trafficking of organs, the Kosovo Specialist Chambers were founded, leading to the arrest of four individuals, including the sitting President of Kosovo, Hashim Thaçi. Just for a second, put in motion the vehicle of your imagination, and imagine the president, the prime minister or the leader of your country being taken from his office and put in custody without an official indictment. Someone named Joe Biden used to call him Kosovo's George Washington but at this point, it would be more appropriate to call him Joseph K. since, like Kafka's character in the trial, he was arrested by a remote and inaccessible authority without understanding what he was indicted for. President Thaçi resigned with grace, left his office with dignity, made himself available to justice, and repeatedly said that he trusted

international justice because, in the end, justice is what he has put his life on the line for. He is still there, sitting in the Hague – a living Joseph K. in detention created by fake news that spread like a plague and affected international politics, and international institutions. But do not try to take me wrong. I am not here to question the Kosovo Specialist Chambers or anything that has to do with a due process. I am here to question the source – the very source – the infected abhorrent source that created all this wave and I am here to question the fact that in the official indictment that came out after one year that the man – not a simple man, a sitting president – was kept in prison, there is no single word – not one – that explicitly or implicitly brings the case of human organ trafficking. It is a non-existing matter. And this is why I am here today and I was not here last year, the year before last year or the year before last year because we were patiently waiting to see if something would pop up. Although we knew that nothing could pop up. It is pure fantasy, very well fabricated in the Kremlin and very, very intelligently trafficked, smuggled, in the channels of international politics and brought here in the temple of human rights.

Honourable parliamentarians, I understand the question of symmetry. I understand the importance of impartiality. I understand the urge to investigate. It is in the nature of institutions, such as this one too, that things take time and thorough research needs to be done before one can pronounce on any case but there comes a point where delays, hesitations manoeuvring lose their necessary administrative character and require a second meaning. One that ends up humiliating precisely those the international community is supposed to serve. This damages the international community itself not because it can no longer continue to do what it has always done but because faith in the international system is broken. When the world turns upside down and the victims become perpetrators, everything is possible. One abolishes a distinction between right and wrong, truth and lies, and if the distinction is abolished we are once again in the realm of arbitrary power and the first victim of the distortion is you. Yes, all of you. It is the international community itself.

Cruel fake news made the way to become a report that was transformed into a resolution in an admirable effort in fact to serve truth and justice by so many people that were totally misled and made it end up undermining both truth and justice. Your decade-ago actions have triggered in good faith one of the most monumental failures of international politics and international justice, an ugly distortion of human rights and dignity in the very act of seeking to uphold both. But I am not here to blame your predecessors – far from it. I am here for you, men and women I can see in the eye, who I associate with European consciousness of justice.

The Council of Europe, the world excellence in human rights protection, I am here to tell you that as a result of this Council's, this Assembly's past decision, the world of justice was turned upside down. Victims of horrendous war crimes were turned into perpetrators. The search for truth turned into a never-ending replication of lies. A young freedom fighter was turned into an Albanian mafia gang leader. It is easy. A peace-building elected leader was turned into a war criminal. A heroic struggle of ordinary people rallied under the flag of their Liberation Army was turned into a gruelling story of organ trafficking. A nation's quest for dignity was trampled in shameful accusations of mass atrocities. Those rescued through humanitarian intervention were accused of the most inhuman crimes and this is how international justice was displayed once more by international hypocrisy. But make no mistake, I am not here to plea for Kosovo. The truth of Kosovo is known to all, to all who have eyes to see, to all who have ears to hear, to all who have their heart in its place without the truth, the international community would have continued to stand by as they have done for decades while the people of Kosovo went through a brutal apartheid. If they ultimately intervened it was because the truth was on Kosovo's side. Kosovo has applied to join the Council of Europe. It goes without saying that Albania supports the application unreservedly and urges you to do the same. All of you. It goes without saying that Serbia should recognise Kosovo as a free, democratic and independent neighbouring state but if this major step for Serbia may take time, the admission of Kosovo as an equal member of the Council of Europe should not take any more time. Just do it. Do it now and do it for all of us, for Europe, not for Kosovo. For Europe that is facing together an ugly war and if you need a second opinion listen to the Ukrainians. Ukraine has not recognised Kosovo. Ask them what they think now. And thinking about what I told you before, try to imagine President Zelenskyy 10 years after, being part of something as real as President Thaçi today because already the Kremlin and Moscow are saying there are human organ trafficking activities by neo-Nazis in Donbas. Be prepared, admitting Kosovo to this big family of ours will contribute to peace and to reconciliation in the region, will consolidate human and minority rights in Kosovo, will support justice reform and institution building in the youngest democracy of Europe and will help Kosovo's society keep the government in check. I mean no doubt that Kosovo will continue to make progress on all these fronts, what brought me here is not the concern for Kosovo's democracy, which despite its young age, despite the current crisis, will do okay. It is Albania's strong faith in institutions such as this one that has been shaken with your decision, with that decision. When the truth of an entire nation is so dreadfully distorted one can only plea for God's sake do not let a previous

tragic mistake become your own forgivable sin. I am here for you. I am here for all of us. I am here as a European in Europe's temple of faith in international and human rights. And just like Saint Anthony ended up preaching to the fishes because the people had lost their faith, I hope tragic mistakes such as the one this Assembly did with the liberators will not turn us all into heretics. I am here to implore you, to save the face of human rights in Europe, to protect your own integrity, to tell all the oppressed people in the world and all the victims of human rights violations that they can resist without fear, that their legitimate resistance will not one day become a crime, that victims will not be accused as perpetrators, that the international community will not come to their help only to turn its back again soon after, that it will not degrade and humiliate with such dreadful allegations the very people whose dignity it was supposed to restore.

I urge you to drop the charges against Kosovo. I urge you to accept Albania's request to adopt a resolution asking for a follow-up report regarding unproven shameful allegations of organ trafficking by members of the heroic Kosovo Liberation Army. It is a crime that was not committed and should have never been attributed.

But let me end by repeating this: it is neither for the sake of Kosovo nor for that of Albania that you should adopt this new resolution. It is for your own honour and credibility. The world is bad enough as it is. Human rights are in danger everywhere. They need warriors to fight on their behalf but there can be no warriors if there is no faith. And it is all about faith. May God bless you all. May God bless the Council of Europe.

Thank you very much.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Mr Boriss CILEVIČS, a point of order.

Mr Boriss CILEVIČS (Latvia, SOC): Mister President, with all due respect and sincere sympathy to the Prime Minister, I deeply regret that in his impressive speech, he distorted and misrepresented the substance of the report and the resolution.

This is against our rules, sorry. The matter is not in our hands, it is in the hands of the judiciary, and we do respect the independence of judiciary in this House, thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, I do not consider this as a point of order, this is a comment, although I understand it, but we are talking indeed about the resolution of this Assembly.

We have run out of time, but nevertheless I would like to give at least the speakers on behalf of the political groups the chance to ask questions and I would like to ask the Prime Minister to be as brief as possible because we have spent this time.

Madam Thórhildur Sunna ÆVARSDÓTTIR?

Ms Thórhildur Sunna ÆVARSDÓTTIR (Iceland, SOC): Thank you, Mister President.

I believe, considering the unprecedented allegations against former members of this Assembly, we should allow an extension of the time to debate this, instead of eating up all the time of this Assembly without us being allowed to respond in any way whatsoever to these allegations.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, but we will have to deal with our agenda. We have allocated one hour for this intervention of Prime Minister RAMA and he has accepted that he would answer questions, but I would at least allow the speakers on behalf of the political groups to ask their questions and, as I said, I would ask the Prime Minister to be as brief as possible, as we have more issues on the agenda.

If it is the same point of order, Mister Damien COTTIER, I won't take it. If it is another point of order, you can raise it.

Mr Damien COTTIER (Switzerland, ALDE): Mister President, actually what was being said distorted reality.

The veracity, you have two former chairs of the Committee on Political Affairs and Democracy that spoke in this direction and the current one says the same.

This is why the request by my colleague, Ms Thórhildur Sunna ÆVARSDÓTTIR, is right, and my point of order, Mister President, is that we vote on the proposal of Ms Thórhildur Sunna ÆVARSDÓTTIR.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): We are not going to vote any deal in this respect with the order of business. That is in our rules of procedure.

So, sorry very much.

First I now give the floor to Mr Frank SCHWABE on behalf of the Socialists, Democrats and Greens Group. He's from Germany.

Mister Frank SCHWABE, you have the floor.

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

Dear Mister Prime Minister,

To be honest I've been here for 10 years, but I'm a little bit speechless because this is not possible for you to speak here for 50 minutes and at the end not give us the opportunity to have a debate.

I think he was familiar with the rules here, and with our respect this very problematic.

But we are a democratic organisation; it's not a problem. If you want to have a debate, I think we can invite you to come again into a committee or whatever. Let's discuss the topic. But I think it's not the right forum and not the right way to do it here. I don't really know how I should ask and how I should discuss what I want to ask.

I want to ask about judiciary form in Albania. I respect very much. I want to ask you, you have not so many judges now, after your fight against corruption, and these all things, how you deal with the question.

I would like to ask you if you come to Reykjavík, we have a summit in this organisation on 16 and 17 May next year.

These are my questions, but I don't know if this is the the forum to do so.

Again, if you want to speak about reports like other heads of states or governments as well, for sure, we are prepared to do so. Come back as soon as possible. Let's discuss it.

Thank you.

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

Before answering, Mister Prime Minister, I take first the four other groups so that you can combine your answer at the end.

Next I call Ms Elvira KOVÁCS, from Serbia. She speaks on behalf of the Group of the European People's Party.

You have 1 minute.

Ms Elvira KOVÁCS (Serbia, EPP/CD, Spokesperson for the group): Distinguished Chair,

Prime Minister,

On behalf of the Group of the European People's Party, I'm also shocked.

This was disrespectful to this organisation.

The report you mentioned was a report not of a Serbian delegation, Russian delegation or whoever. The report of this organisation.

You show true disrespectfulness.

It was adopted by overwhelming majority.

We agreed with the Group of the European People's Party that I would ask you about the Open Balkan initiative, but it is impossible after your one hour speech. Not a word about Albania and the values of the Council of Europe, but something else.

Sorry, I have been here for 15 years, I have never experienced this.

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, Ms Elvira KOVÁCS.

Next in the debate I call Mr Asim MOLLAZADA, he's from Azerbaijan, and he speaks on behalf of the European Conservatives Group and Democratic Alliance.

You have the floor, Mr Asim MOLLAZADA.

Mr Asim MOLLAZADA (Azerbaijan, EC/DA, Spokesperson for the group): Welcome to the Council of Europe, Mister Prime Minister.

My question related to security issues.

Just recently you participated in a solemn ceremony opening interconnection between Greece and Bulgaria for gas delivering from TAP and TANAP project. And is it the changing energy security situation in South Eastern Europe, this project, and what's your vision of that?

Also, second, based on information about the cybersecurity attack to Albania and also activity different proxy Islamic groups, have you got support from NATO partners and NATO allies on this dangerous situation?

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Mister Asim MOLLAZADA.

Now I call in the debate Mr Iulian BULAI, from Romania.

He speaks on behalf of the Alliance of Liberals and Democrats for Europe.

Mr Iulian BULAI (Romania, ALDE, Spokesperson for the group): Thank you, Mister President.

Mister Prime Minister,

Your visit here is historical.

The first part of your speech showed a visionary leader in terms of international affairs. But there was an asymmetry between all these great ambitions, and then showing a politician fearing the phantoms of the past. That is regrettable.

It should be clear, the core of this Assembly is not the prosecutors' one, so let us wait for the answers of the prosecutors in The Hague in order to issue opinions.

I have so many questions for you, I'll just have three follow-up questions and then a statement.

Why aiming for a mini-Schengen, which is the the Open Balkan initiative, when we can all help you to aim for a bigger Schengen?

Then, what is the role model that Albania could play in the future integration of the EU Balkans given your stability, the stability of your country?

Then, I'm very much impressed about how much you have taken the side of Kosovo within this Assembly, which has a certain legitimacy. On the other hand, dear Prime Minister, undermining them at home, supporting the Open Balkan initiative, which is very much criticised by Kosovo, and isolating it.

I would like to have sincere answers to your question.

Otherwise, thank you for the debate.

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Now, next I call now Ms Nina KASIMATI from Greece and she speaks on behalf of the Group of the Unified European Left Group and then, Mister Prime Minister, I would like to ask you to react on the five contributions.

Nina, you have the floor.

Ms Nina KASIMATI (Greece, UEL, Spokesperson for the group): Thank you very much, Mister President.

Welcome to our Assembly, Prime Minister RAMA, even in this tactless way you had the time for.

Anyway, you are very well aware that we are particularly keen on supporting Albania and all West Balkan Partners in meeting the necessary conditions for their EU accession process.

Do you think that the necessary adherence on Albania's part to European values and principles, that this accession process entails, could really be compatible with following a policy of developing deep synergies with state actors, like Türkiye, that violate human rights and the rule of law in the internal and nurture overtly revisionist agendas and adopt inflammatory rhetoric in this region running thus counter to a youth-proclaimed policies of PACE democracy and co-operation?

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Mr Prime Minister, you have the floor.

Mr Edi RAMA (Prime Minister of Albania): Mr President, honourable members,

I'm not sure, at least, about them who expressed their uneasiness about my speech, that they really understood what I was talking about. So I suggest to them, and to all that feel like them, to read it, and to read it again and again. Because they'll find there, very clearly, why I'm here and how highly I respect this institution.

But I strongly believe that the virtue, one of the virtues, of democratic institutions is to be humble in looking on themselves, and to have a fair share of self-criticism.

I didn't accuse your predecessors of anything. I understand them. If I was one of them and I would have been told from one member or some members here that there is suspicion of human organ trafficking, of course, I would vote like they did. I would make the same mistake they did.

But we are 11 years later. Where are the organs that were trafficked? They are not.

So it's not tactless, lady, to scream here and ask all of you to help the international institutions and the international politics to restore its credibility and to restore faith of people on them.

It's not tactless to simply share with you only facts.

I can imagine, and I understand, the only person I understand really, from what I hear, is the Serbian colleague. She's shocked, of course. For Serbia it will take time, it will take more time than for everyone else to absorb it, and to live with it, and to finally make this recognition of Kosovo, and build together with Kosovo a common future in peace.

But let me tell you, I didn't come here to be disrespectful to Serbia. There are many people in Albania and Kosovo that think I am a Serbian agent. So I'm proud. I'm proud to be serving the truth. When it's nice to Serbia, my truth is fine. As it's fine when it's not nice to Serbia. This is my truth. I don't pretend anything else than the truth of my nation that I represent here proudly.

Just put yourself in the shoes of every Albanian parliamentarian, of every Albanian elected person, of every Albanian young student abroad that meets with this prejudice built upon a fake news. That Albanians, even when they make war to liberate themselves from enemies, they traffic human organs.

Let me tell you, one colleague of yours, not a member, an ambassador here, he was worried because a missing person from his country in the Albanian mountains could have had his organs taken.

Why? Because he has listened to all this.

This is how stereotypes kill faith in truth and in institutions.

So I'm very sorry. I don't take [back] any single word from what I said. If you want to do a debate, I'm happy to come back for a debate. You should have a debate about it. It's through a debate that you can really find the truth.

[Interrupted by President Mr Tiny KOX] (*Thank you very much, Mr...*)

I have to answer the questions now, because there were many people...

(*Sorry, Mr Prime Minister...*)

No. You should not be sorry for me. No, no...

(*You'll get the floor, you'll get the floor*)

[Speaking over each other].

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): I explain to you the procedure.

I would like to answer very briefly to these questions, because I want at least to give some more members the right to ask their questions.

We are running out of time. We have run out of time. But I take the time. I have listened to the Assembly.

Please, continue your answer, but do it as briefly as possible so that I can give the floor to some more members, and then we finish the debate.

You have the floor, Mister Prime Minister.

Mr Edi RAMA (Prime Minister of Albania): I finished with my rebuttal to all the gentlewomen and gentlemen, and I simply wanted to follow with the questions.

I'll go back to the lady. I don't know where she comes from because they didn't introduce themselves. Ah, Greece. Now it's understandable why you are worried about our relation with Türkiye, but Türkiye is as Greece is, as Italy is, and they are - the three of them - defined in our foreign policy line as strategic partners.

I didn't really understand your question when it comes to Albania. I understand it when it comes to Greece. You have your own problems with Türkiye. I hope you will solve them through dialogue and international justice. When it comes to us, we don't compare and we don't pick between our strategic partners and friends, because we have learned from our past that neighbours are there to stay forever, neighbours will not go somewhere else. My grandmother, who was a very wise woman, as all your grandmothers, used to tell me "happy neighbour, happy house". The contrary is clear.

We don't fear anything bad coming from Türkiye. On the contrary, I would add Türkiye is very important for Europe's security and stability. Without Türkiye the refugee crisis of 2015 would have turned into an apocalyptic crisis for the stronger countries of Europe. It was Türkiye that stood there in the gates of Europe and did what it did.

To finish with that, I want to add that I know both. I have the honour to know both, and I have the privilege to consider myself a friend of both President Erdoğan and Prime Minister Mitsotakis. I think they are the best people in the right place to solve this, as Charles de Gaulle would say, man to man. This is what I wish for the best of Türkiye and for the best of Greece, because neither Greece nor Türkiye will go away.

To the question..

What is this?

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Nina, I will take your point of order later.

First we let the..

Mr Edi RAMA (Prime Minister of Albania): I thought only the Albanian Parliament has this kind of problem, so I feel home here.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Sorry, sir, but I also would like to ask you to be brief because our members have 30 seconds, so..

Mr Edi RAMA (Prime Minister of Albania): I am doing my best to respect and to honour this Assembly and to give answer to everyone.

If you want, I can stop here, because I finished my job here. I finished. I did what I came to do, but they are asking, I have to answer.

So, to the other friend – I don't know where he was from – who asked about why we need the Open Balkan, while we have the Berlin Process, I'm telling, they don't exclude each other. On the contrary, the Open Balkan would not exist without the Berlin process, and the Berlin process cannot be implemented without the Open Balkan. In this, just so you know, I think the same with the Serbian President Aleksandar Vučić and not the same with Kosovo's prime minister Albin Kurti.

This is how it goes. It's about conventions, and it's about your own truth. It's not about your own team or about your own colours.

To the role model – I don't know what you were talking about – what is our role model? What is Albania's role model? Albanian's role model are the Albanian great minds of our renaissance and all the Albanians that work hard in Albania or all over Europe, who do not deserve the stigma and the stereotypes that are so easily repeated when it comes to Albania and Albanians because of 0.7% of them who do other things.

We don't want to become like someone else. We don't want to be something else, someone else. We are very proud to be Albanians, and we are very very much eager to do everything we can so that our children are proud for us.

To the question of cyberattacks, yes, it was a cyberattack organised and sponsored by the Islamic Republic of Iran, based not on what we think, but based on forensic and thorough investigation of top agencies from the Microsoft threat intelligence team to several other American and European agencies. So, the attribution has been made based on facts.

To conclude, I am telling you that I would never ever dare to come here or anywhere else and to speak based on wishful thinking or on fantasies. I spoke to you from the floor based on facts. I very much wish that you will fix it, that this tragic mistake that was made at that time in good faith, by no doubt in good faith. I didn't accuse anyone of any conspiracies, but in good faith, not to become forever the unforgivable sin of the Council of Europe.

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Mister Prime Minister.

I now will take three more questions, no, four more questions. Then you have a few minutes to respond, and then I close the debate, because we are running out of time.

The questions will be posed by Mr Oleksii GONCHARENKO, Mr Titus CORLĂȚEAN, Mr Bernard FOURNIER, and Mr Damien COTTIER.

Mister Prime Minister, I introduced everybody with his name or her name, and country as I did with the first five questions, so perhaps you could take note of that.

First question comes from Mr Oleksii GONCHARENKO, from Ukraine.

30 seconds.

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

Prime Minister, first of all I see a lot of emotions now. I just want to calm all of us down.

I think that it's very important for us, like a free world, to be united, not to argue one with another.

I just want to say thank you also to Albania for all the support we're receiving for Ukraine, and also in the United Nations.

We are suffering from the same threats. Odesa, my native city; and Ukraine, from Iranian kamikaze drones; you, from Iranian cyberattacks.

My question is: what should we do with the world security system? The United Nations doesn't work. Should Russia be excluded from the Security Council of United Nations?

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Mister Oleksii GONCHARENKO.

Next I call on the debate Mr Titus CORLĂȚEAN, from Romania.

Mister Titus CORLĂȚEAN, 30 seconds.

Mr Titus CORLĂȚEAN (Romania, SOC): Mr Prime Minister,

No change for my country's clear support for the European path of Albania based on criteria.

There is one single question which is related to two elements.

The bilateral political discussions that we had during the years on one specific topic.

And secondly, and this is the first time we invoke this, the rule of law criteria for EU accession, the execution of judgments, a court of appeal from Albania from 2007 on the historical restitution of a historical symbol for our bilateral relations: Casa Iorga from Sarandë. Proof that King Zog I of Albania, as a proof of gratitude, offered this property to a historian, a great man from Romania, that wrote the first history of Albania in 1919, that was used by the Albanian delegation in the London Conference for peace for obtaining the independence of the country.

Do you have the intention for this restitution, and when?

Thank you so much.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): The next speaker is Mr Bernard FOURNIER, from France.

Mr Bernard FOURNIER (France, EPP/CD): Mister Prime Minister,

Even though Albania was not very dependent on Russia in terms of trade relations or energy supply, you said that the war in Ukraine should not affect the Balkans because, in your words, it is the most vulnerable chain in Europe.

As we discussed yesterday the European perspective of the Western Balkans, can you share with us your analysis of the destabilising factors in the region?

Thank you very much.

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

The last question comes from Mr Damien COTTIER from Switzerland.

Mr COTTIER, you have 30 seconds.

Mr Damien COTTIER (Switzerland, ALDE): Thank you, Mr Prime Minister,

We all want to have the best possible cooperation between the countries of the Council of Europe and I must say that as Chairman of the Legal Affairs Committee, I am a little sad that you have questioned the quality of the work that was done at the time by Mr Dick Marty, who is one of the most renowned rapporteurs of this institution and who created the international reputation of the Council of Europe.

So, do you think that this way of doing things is the best way to work with this institution?

Especially since you did not remind us that the follow-up to this report was the creation of the Special Chambers for Kosovo in The Hague, and that it is therefore an independent judicial process that is now underway.

You asked us to "*drop the charges*", but why are you asking that, Mr Prime Minister? You know very well that this is an independent judicial process, that the Assembly has made its report. It is not a criminal investigation. We have an independent judicial process that is now being put in place and how do you expect a political assembly like ours to intervene in a judicial process when we are here, as you said, in the temple of human rights to respect the rule of law? This cannot be our role, Mr Prime Minister. Do you agree with this analysis?

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Damien. *[in French]*

Mister Prime Minister, there are 5 minutes left, because we have a full schedule for the rest of the day. I would like you to combine the answers in the coming 5 minutes, and then I have to close this most interesting debate.

You have the floor, Mister Prime Minister.

Mr Edi RAMA (Prime Minister of Albania): In that case, I will begin by responding to the gentleman.

I wish to tell you that the President very kindly asked me not to refer to Mr Dick MARTY by name in my speech. I didn't mention the discussion that I had over lunch, when I was asked not to refer to Mr Dick MARTY... *[Interruption by Mr. Tiny KOX]:* (And I invite you not to talk about this reporter. Thank you)

Now, if you carry on telling me that what I said here is a request that I am putting to you. If you carry on telling me that I am, somehow asking you to obstruct justice in some way or to interfere in some judicial process, either you have not understood what I am saying, or you wilfully do not want to understand what I am saying. In my statement, I was very clear. I said there is a serious problem. The serious issue of trafficking in human organs is indeed a serious problem, but it has nothing whatsoever to do with the judicial process you are referring to. Why do I say that? Because in the indictment, there is no mention of trafficking in organs at all, and the chambers you refer to are, in fact, considering completely different matters. Completely different things. So, this very, very serious allegation, this shameful allegation, the allegation of trafficking in human organs is an allegation that has brought everyone together here in great solidarity. And, of course, that was quite understandable. When you hear of something so horrendous, when you hear of such a heinous crime, of course you all agree that you have to investigate it. And that was what then led to the establishment of the chambers that you are talking about. But the chambers are not now looking at the issue of organ trafficking, because it is just something that does not exist. There is nothing to investigate. And that is why I am turning back to you. The chambers in The Hague are doing something different; they are not investigating human trafficking. I haven't said anything about those chambers. I haven't said they should be dissolved. No. That is not what I have called for here. We are not talking about interfering in any kind of judicial process. And even Albanians understand that, that you can't interfere in judicial proceedings.

Now, I want to be crystal clear about this. If you look at this objectively, if you yourselves go back and read the report objectively, then you will understand why I am here. I understand, of course, people feel solidarity with members of the Parliamentary Assembly. I understand the sentiment. But let me be clear: I never said - I never even thought for a moment - that there was any kind of conspiracy. It was a tragic mistake, made in good faith. But in democracies, tragic mistakes are corrected. We have to be humble enough to accept that a mistake was made. Not to respond the way I see. Look at it objectively and say: there was a mistake, humbly admitted.

Responding to the other gentleman who spoke French, we don't have much time, but what I would say is this. When I talk about the Balkans, if you look at solidarity and stability throughout Europe, you can see that the Balkans are the most fragile area. And that's the case even when you look at the attitude taken by the aggressor of Ukraine today. Because, within the Balkans, there are areas where Vladimir Vladimirovich has certain footholds: *Republika Srpska* - Serbia and, to some extent, certain points in other countries. The only exceptions to that are Albania and Kosovo. Why? Because in Albania and Kosovo, Russia doesn't have a foothold; they don't have any influence.

So, that is the situation. We know that there are deep disagreements with Serbia, and I've referred to the President of Serbia as my friend. And I continue to say here, as I have said in other bodies on the international stage, the fact is that we must not put extreme pressure on Serbia, when it comes to sanctions. Firstly, Serbia cannot survive sanctions and, secondly, we have to be careful. You don't want to end up in a situation where you actually throw Serbia into the arms of Vladimir Putin. And there are people in Serbia who admire him, and we don't want to throw Serbia under the bus by exaggerating the pressure on sanctions.

I can't go into that in more detail because I don't have time.

Mr Edi RAMA (Prime Minister of Albania): The last... to the Ukrainian I have to answer. I left it at the end as a dessert.

My friends, I'm very happy I brought here some emotions, you need them. Not you as Ukraine, you as the Council of Europe. In the same time, I am the Prime Minister of Albania. I am 1.98 m, but I have a clear sense of the size of my country.

I don't think Albania can have the capacity and nor the pretension to tell the world what the world should do. This is the great thing also being the Prime Minister of a small country, because you don't have to take the most difficult decisions for the world, you have just to follow. We are very very committed to the European path, to the Western Alliance, to NATO. We are the most pro-European country in Europe, based on surveys of the European Union. We are more pro-American than Texans, so we are okay with whatever these big guys do when it comes to the big big big picture.

It's not up to Albania to tell if Russia should be excluded or should be included. If you want to exclude Russia, we happily exclude Russia. If you want to keep Russia, we keep Russia. This is not our thing, we don't rule the world. We want Albania to be fully respected, Albanians to be fully respected. We want our region to prosper working hand in hand with Serbia and making sure that our disagreements are not a reason to open new conflicts.

At the same time letting all people understand that the quality of democracy is not about how much you agree with each other, but how graciously you disagree with each other.

If you disagree graciously, everything is fine, and you know this because most of you are married.

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, Mister Prime Minister.

We have extended our debate by a half hour due to the fact that your introduction speech took a bit longer than normal. I hope that we at least have had a chance to answer some questions.

Thank you very much for being here with us, and I wish you well.

Now I have to go to the next item of business this afternoon and that is the debate on the report titled the "Honouring of Membership Obligations to the Council of Europe by Hungary".

You will find it in Document 15619 presented by Mr George PAPANDREOU and Mr Eerik-Niiles KROSS on behalf of the Monitoring Committee.

In order to allow time for the Joint debate this afternoon, I will interrupt the list of speakers at about 5:20 p.m. to allow time for the replies.

Before we listen to the rapporteurs, we have two remarks from members on personal statements.

First, I give the floor to Ms Ria OOMEN-RUIJTEN.

Madam OOMEN, you have the floor for a personal statement.

Ms Ria OOMEN-RUIJTEN (Netherlands, EPP/CD): Yes, Chairman. I have to make a point of order.

I made a terrible mistake this morning.

On the Türkiye report, I wanted to follow the rapporteur, but I didn't do it for the last vote.

So please, could you correct it? I wanted to vote in favour of the report and not against, as I did.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, Madam Ria OOMEN-RUIJTEN.

I also gave the floor to Mr Attila TILKI, from Hungary, for a personal statement.

Mister Attila TILKI.

Mr Attila TILKI (Hungary, EC/DA): I would like to raise a point of order concerning the vote on the resolution on the debate on Türkiye.

I intended to vote against the report, but I accidentally voted in favour.

Please consider my vote against.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, Mister Attila TILKI.

That was not a point of order with a personal statement, but it's noted.

Madam Nina KASIMATI, you had a point of order.

Or is it more a personal statement, I think.

Ms Nina KASIMATI (Greece, UEL): Yes, because Prime Minister Edi RAMA is now gone.

I would like to say that I'm not just a lady who took the floor. My name is Ms Nina KASIMATI. I was introduced by you, and I am the representative and the spokesperson of the Group of the Unified European Left at the Parliamentary Assembly of the Council of Europe.

In this capacity, I posed the question to Prime Minister Edi RAMA. The question was not posed on behalf of Greece but on behalf of the group, and I'm really sorry for that matter that Prime Minister Edi RAMA thinks that the violations of Türkiye against a sovereign state like Greece, and sovereign rights, is a bilateral problem.

Greece's borders are European – and human rights – as well values.

Thank you very much.

Debate: The honouring of membership obligations to the Council of Europe by Hungary

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

I think that there was some misunderstanding between the Prime Minister and our colleagues.

He advises to reread his speech, perhaps the Prime Minister will also re-read our minutes that are made to see what we did.

Now we will continue with the debate.

We will begin with Mr George PAPANDREOU and Mr Eerik-Niiles KROSS, the co-rapporteurs. You each have 5 minutes to present the report and 5 minutes in total to reply.

Mister PAPANDREOU, George, you have the floor.

Mr George PAPANDREOU (Greece, SOC, Co-Rapporteur): Thank you very much, after that very interesting debate.

We change gears to Hungary.

Hungary is a beautiful country with a proud people.

In this report we evaluate the compliance of its government with the principles Hungary itself has signed on to those of the Council of Europe. But it also is intended for the benefit of the nation and people of Hungary, whose fate and decisions made by the government affect us all in our unified European family.

Let me thank our colleagues from Hungary and the Hungarian authorities for our discussions as well as the hospitality during our recent visit to Budapest.

And, of course, our Secretariat for all their excellent support.

We also had extensive discussions with the opposition, organisations representing journalists, judges, local government, NGOs, as well as justice authorities and the ombudsman.

We did not get into questions, although we discussed them, of geopolitics, dependency of Hungary on Russian gas, the sizeable Hungarian minority in Ukraine, or other ideological issues, mixed races, or on the numerous reports on gender and minority issues.

We focused on what the Parliamentary Assembly 9 years ago expressed - its deep concern about "the erosion of democratic checks and balances" and the "excessively concentrated powers".

Since then, there have been numerous reports, Mr Chairman, from other bodies, the Venice Commission, ODHIR, GRECO, the EU Commission, United Nations, the ECHR, pointing to similar issues.

FIDESZ, the ruling party, has won successive elections.

Because of the electoral system it has also enjoyed an almost uninterrupted two-thirds majority in the Parliament over the past decade.

The importance of this supermajority is that it can, according to the constitution, make major changes to the constitution itself, vote in cardinal laws and make appointments to high positions such as the Supreme Court or the Kuria, the National Office of the Judiciary, as well as the Media Council and, recently, the so-called Public Trust Funds.

The question we were tasked to examine for this report was how these important powers have been used.

Were they used in a way that maintained or deepened democratic rule, and consensus building practices or were they used to further concentrate and consolidate political power of the ruling party, therefore undermining the practice and the spirit of democracy?

Unfortunately, we have confirmed the latter, what previous reports have established: the excessively concentrated powers further eroding democratic checks and balances.

Not only we, but many other bodies such as the Venice Commission, have constituted that these powers have been politicising the judiciary, impeding the diversity of media, weakening the power of the parliament for checks and balances through emergency measures, centralising the competencies and revenues of local government, electoral law changes seeming to benefit the incumbent party, and the transfer of public functions and properties, universities and hospitals, that is, to foundations, public trust funds as they are called, highly controlled by pro-government persons.

Our conclusion in brief:

Constitutional changes, cardinal laws and decrees, use of discretionary powers, financial policies and government funds have influenced the structure of the economic elite, of media, and political appointments to crucial institutions, undermining their independence.

In doing so, we are seeing the concentration of power, as has been stated in previous reports, and, further, the cementing of a monopoly of power over Hungarian political, economic and cultural life.

In conclusion, I again want to thank our colleagues from Hungary for our good cooperation, and as well as the Secretariat for their excellent work.

Now, my colleague Mr Eerik-Niiles KROSS will continue with his points which we have agreed on.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Just before I call Mr Eerik-Niiles KROSS, can we please get everyone to sit down and to keep the noise level very, very low - if it needs to exist at all.

It is very disruptive to the speakers if this level of noise carries on.

Thank you.

Mr Eerik-Niiles KROSS

Mr Eerik-Niiles KROSS (Estonia, ALDE, Co-Rapporteur): Thank you Chair.

Dear Colleagues,

After the previous debate I'm happy to say that thankfully our report doesn't cover anything regarding human organs trafficking. That makes me already quite relieved.

But to be serious, I as well would like to thank our Hungarian hosts, who received us in Budapest, for the frank conversations we had with them.

As you will notice reading the report, there remains a quite a number of issues where we agreed to disagree with the Hungarian government.

However, several themes where we would also probably disagree we didn't cover in this report, as Mr George PAPANDREOU already said, this is not a report about gender issues, about ideological cultural wars. This is a report about democratic processes, governance, rule of law, electoral situation, media situation, and very importantly about the judicial situation in Hungary.

With this approach we hoped, and still hope, to keep the debate in the legal realm, in the realm of rule of law, which is the core topic of this house.

We do hope that Hungary will not use the viewpoints in other areas as a smoke screen to criticise the much more fundamental questions raised by us and by the Parliamentary Assembly in this report.

In addition to Mr George PAPANDREOU's points, I would highlight really one core issue that I find most critical in the situation in Hungary right now. That concerns the so-called emergency situation legislative practice called special legal order, under which Hungary has been governed since 2020.

It means that the prime minister has the legislative power to sign and enforce laws without consulting the parliament. As you know the ruling party has a two-thirds majority in the parliament again, after the spring parliamentary elections.

Initially this governing practice was introduced during the Covid-19 pandemic as a special crisis management tool. At that time it was not maybe too far away from practices in some other countries. It was tacitly accepted by the Council of Europe and by others.

But in May this year [2022] the parliament amended the constitution, allowing the government to trigger a so-called state of danger in case of a war or humanitarian catastrophe in neighbouring countries.

Since the war in Ukraine was used as a pretext to reintroduce, after the end of the pandemic, this kind of special legal order, the Hungarian prime minister has been passing laws without the parliament ever since.

In war and crisis situations the good tradition of democratic nations has been to aim for national consensus, to aim for engagement with the opposition, and to try to have a unified response.

In Hungary the government's approach has been actually the opposite. Not only is the opposition sidelined, but the whole legislative branch of government is sidelined and marginalised.

We find that is a fundamental problem, at least a problematic trend, in the democratic processes in Hungary.

Personally, I find it also worrisome, because we have lots of historical precedents of that kind of system from before World War II, including in my own country.

Now the justification for this special order has not been used in any other neighbouring country of Ukraine in similar situations. It has not even been used in Ukraine itself, where the opposite has happened actually. The government and the opposition have been working together much better since the war started.

Strictly legally speaking, of course, the Hungarian decree governance is not illegal. It is constitutional. Under the current political situation, by the way, Hungary can change the constitution, as we were told, in six weeks. I cannot even pass a simple law in my country, in my parliament, in six weeks.

We know that legislation should be effective, but I'm not sure that it should be that effective. I'm not sure we should or Hungary should be proud of that.

In the recent report the European Parliament called Hungary an "electoral autocracy".

I'm not too happy with this term, but it certainly encompasses the core problem of Hungary today.

[Interrupted by Speaker]

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Can you bring your presentation to a conclusion, please?

Mr Eerik-Niiles KROSS (Estonia, ALDE, Co-Rapporteur): I'm sure after this report we will be looking at Hungary much more closely.

Thank you.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you very much, Mister George PAPANDREOU and Mister Eerik-Niiles KROSS, for your presentations.

We now move on to the speakers. I call Ms Ria OOMEN-RUIJTEN first.

Ms Ria OOMEN-RUIJTEN (Netherlands, EPP/CD, Spokesperson for the group): Thank you, President.

Let me first thank our rapporteurs, Mr George PAPANDREOU and Mr Eerik-Niiles KROSS.

Dear Colleagues,

In 2003, I visited Budapest. A particular highlight was recommended to visit. I had to visit the House of Terror.

Exhibited is the terror and repression from fascist and communist regimes against the Hungarian population. Impressive.

Extensive attention was paid to a young brave freedom fighter who had deeply committed himself for freedom, for democracy, for rule of law, and a society of values. This brave man was Victor Orban. The later highly appreciated prime minister did first govern Hungary from 1998 till 2002, and came again in 2010.

In 1990 Hungary joined our institution in 2004, the European Union, and that means that they had to obey the rules from those organisations.

But where do we stand now?

In the report it is stated that Hungary is drifting away from the principles and values of the Council of Europe, drifting and even denying the content and consequences of the European Convention on Human Rights, drifting away from the European Union, a community of values where the rule of law and respect for the freedoms are the binding assets.

Colleagues,

In the field of judiciary, we are, as the EPP, very concerned. Independence and impartiality are at stake, and there is an imbalance of powers between judicial institutions.

Let me be clear. A society which hasn't an independent and impartial judicial system cannot fight corruption. On the contrary, it poisons society and harms the interest of the citizens.

The electoral system and all the changes prevent smaller parties from obtaining a foothold and help, by all means, the governing party.

Then there is the recent creation of the so-called public interest groups, a trust that will be managed by nominated chiefs for life.

The press and media are suffering.

Dear Colleagues,

Special attention for fundamental rights and freedoms, LGTBI or refugees, refugees who are so clearly refused, are needed to do it in another way.

But, at a time where Europe is at war, Hungary denies sanctions against the terrorist, the terrorist who attacks us and who kills Ukrainian civilians.

Hungary is for me a highly civilised country with citizens who are very respected in Europe. That is why I expect a high moral standard, and I hope that this debate will be a wake-up call.

Thank you very much.

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

I now call Mr Martin GRAF.

Mr Martin GRAF (Austria, EC/DA, Spokesperson for the group): Dear Mister President,

Ladies and Gentlemen,

Today we are dealing with the report of the Monitoring Committee on Hungary's compliance with its obligations as a member of the Council of Europe with regard to elections and electoral law, the judiciary and the rule of law, and the media and freedom of the media.

Ladies and Gentlemen,

Let me say at the outset that I personally find this report extremely tendentious, politically motivated and one-sidedly manipulative in places. I cannot shake off the impression that parts of this report are an expression of a national as well as international hunting party against a successful center-right politician in Europe, in this case Viktor Orbán. According to the motto: If he can't be beaten at the ballot box, we'll harness the international bodies to ultimately shake up the clear order created by the voters.

This pattern is not new in Europe. It is always applied when, beyond left and liberal, majorities are democratically achieved in favor of conservative-patriotic forces. The majority of oppositional national and international criticism is based on opinions, assertions and tendentious reporting by political minorities and so-called non-governmental organisations controlled and financed by them, which, moreover, have no democratic legitimacy at all.

As a politician who lives only 50 kilometers from the Hungarian border and who has made countless visits and election observations in Hungary, I can say that Hungary meets high democratic standards in terms of elections and electoral law as well as the organisation of the same. Look to France or England as a yardstick when it comes to elections and electoral law, and you will have certainty. Further, I can say that Hungary is exemplary in terms of press and media freedom, and there is no lack of freedom and diversity. Look at other countries and do not measure them with double standards. I can say that in terms of the rule of law and justice, Hungary has no deficiencies that do not exist in all other member countries of the Council of Europe.

Perhaps a small digression on the emergency decree: If you see how opposition is dealt with in some countries, for example until recently in France or also in Belgium in the case of large opposition parties, then you will see that Hungary follows a higher standard. Whether the political competitors as well as their international sympathizers like it or not, Hungary under Fidesz and Viktor Orbán is and remains a stable democratic factor in the European family, and this partly manipulative, tendentious report will not change that.

Thank you.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you. *[in English]*.

The floor is now given to Mr Damien COTTIER.

Mr Damien COTTIER (Switzerland, ALDE, Spokesperson for the group): Thank you very much, Mister Chairman.

The ALDE Group has a rather different opinion from what has just been expressed. On the contrary, it finds this report to be of high quality and would like to thank the rapporteurs for the quality of the work and the information given. No, on the contrary, there is no question of... *[he is interrupted]* I am the one who has the floor now, I thank you: that is democracy, we speak one after the other, and we listen to each other.

There are no double standards: on the contrary, we measure all the countries of the Council of Europe on the basis of the same standards and, practically in all of them, there are criticisms to be made and improvements to be made in each of our countries. It is a positive element that the Council of Europe, with its institutions, be it the Parliamentary Assembly but also others, GRECO, MONEYVAL, the Venice Commission or others, comes and makes recommendations for improvement, supports the countries to make these improvements and makes criticisms when it needs to. In the country that concerns us today, Hungary, unfortunately, the ALDE Group believes that we must indeed – as the rapporteurs say – have concerns because there are many points on which the situation has deteriorated in recent years. The rapporteurs have spoken about this. The question of the separation of powers, and in particular the independence of the judicial authorities, is a worrying issue. The question of the independence of local authorities is also an issue that we must look at carefully.

This strong use of what is called in French "*l'état de péril*", this emergency situation, which is a possible mechanism according to the European Convention on Human Rights and the standards of the Council of Europe, but which must be used with great restraint and proportionality and with a limit in time. Here we see a system that is used much more strongly over time and without understanding exactly why in the current situation. Because there is a war in a neighboring country, it implies that institutional procedures are modified and therefore the respect for democratic institutions?

Then, of course, there are fears in the field of human rights; the question of migration which was mentioned; the question of gender; obviously, the LGBT question with the freedoms in this area where the situation is very worrying in the country; the work with NGOs; and the freedom of the media, with these bans or the closure of certain media and the creation of this foundation which brings together others.

We need progress in this country. It is important that we have this debate today. It is important that we look at things critically. For this reason the majority of the ALDE Group believes that it would be appropriate in this case to enter into a follow-up procedure.

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

Now we go to Mr George KATROUGALOS.

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

I would like also to congratulate and comment on the work done by the two rapporteurs.

I think that the contrarian argument I have heard by the conservative colleague; that there is a kind of plot against these ideas in the particular country and the particular leader; there is very concrete evidence for the contrary.

Since 2011 we have 23 opinions of the Council of Venice, of the Committee of Venice, related to electoral, legal or constitutional problems of the Hungarian government.

The report very pertinently pinpoints the important issues that are still crucial.

I must admit that I found some very worrisome resemblances between some of these aspects and some recent political facts in my country.

For instance, the extensive surveillance through spyware; the use of public money for influencing the press; but still, in Hungary this is beyond any comparison with other countries.

Still, all of us, the vast majority in this room, who are criticising the liberal democracies - we have a conundrum.

How can we explain that such a regime is winning four consecutive electoral wins, the last one with 54% of the electoral votes, which of course is without precedent and without any kind of reference to the other countries of Europe.

I think the response is not a complicated one. We have a double pathology in our continent. We have cases of illiberal democracies like in Hungary, like in Poland, emerging in other countries of the continent, but we also have the reverse idol of this pathology: the democratic liberalism which sometimes creates its reverse idol.

It is worrisome if we have just elections, and not respect of individual rights.

It is equally worrisome if the decision of the majority of the population does not have any kind of impact on the economic policy which should be followed.

Do I think that we should consider the pathology of all democracies as a whole, and insist on remedying both the liberal and the democratic elements of it?

I think that reports like that of Mr George PAPANDREOU and Mr Eerik-Niiles KROSS are very relevant to this direction.

Thank you.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you.

Now the final person in the speakers, on behalf of political groups, Mr Stefan SCHENNACH.

Mr Stefan SCHENNACH (Austria, SOC, Spokesperson for the group): Thank you very much, Mister President.

Yes, I strongly reject the attacks on behalf of my group on the two rapporteurs.

I too live only fifty kilometers away from the Hungarian border. When I open my eyes, I know what is going on. Vienna had to offer asylum to a whole university from Budapest, for the students, for the faculty and so on. The Central European University, which was in Budapest, is now in Vienna. But there are also quite a lot of artists who have no more air to breathe in Hungary, who are increasingly coming to Austria and Vienna for that reason as well.

It is regrettable. Hungary has always, for centuries, fought for its freedom, for its democracy. Even when tanks of an alliance entered Budapest; that was always a fight. But today Budapest, Hungary no longer belongs in the circle of truly democratic countries. It is an illiberal democracy with an extreme concentration of power with increased arbitrary measures. Everything is reduced; accountability of institutions, authorities.

Then these cardinal laws were created, which once again reduced the democratic system. It was already mentioned here today: the special rights and special legislation that allows to govern without the parliament. And please, the so-called hunting society, the *Venice Commission* is one of the most recognised institutions in Europe, and it has issued over 23 opinions on these laws, these changes in the laws, many of which were brought about without any public consultation.

Now we come to the end. This gigantic public trust fund, in which public and private money is built in, this is the gate, the barn door to corruption. That's why the EU Commission has also stopped any disbursement here for the time being. What particularly worries us here is that 470 media companies were brought into a media foundation. So, when you talk about freedom of the media, that no longer exists in Hungary. On top of that, the Pegasus spy software was used to spy on lawyers, NGOs and so on.

I will take into account the wish of the liberal colleague Mr Damien COTTIER insofar as today, carried by many, an amendment comes to open the monitoring procedure on Hungary.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you, Stefan.

Now we go to the list of speakers. We go to Ms Christiana EROTKRITOU.

Ms Christiana EROTKRITOU (Cyprus, SOC): Chairman,

Dear colleagues,

I would like to thank the two co-rapporteurs, Mr George PAPANDREOU and Mr Eerik-Niiles KROSS, for this excellent report which points out with clarity the situation prevailing in Hungary today.

Nobody can deny that Hungary is facing serious issues and the democratic values are backsliding.

Nobody can ignore the European Parliament's adopted report, just recently, in September, underlining the deterioration of human rights, democracy, and the rule of law in the country.

Of particular importance are the points raised regarding the independence of the judiciary and the situation of the media.

Without a true independent judicial system, democracy cannot survive, and without independent free media, people are silenced.

It is regrettable that measures taken to date are insufficient. It is imperative that the Hungarian authorities implement the recommendations of the Venice Commission.

But, dear colleagues, we should look beyond stating the facts. The Council of Europe is and should be beyond that. So the vital question is what can we do about it? How can we assist the country to overcome its problems, and how can we ensure that the Hungarian people fully enjoy the benefits and freedoms that come with this organisation?

The European commission has recently tried to answer that question by linking the disposition of funds to the progress made on vital and essential reforms.

The Council of Europe, and this Assembly in particular, should persist in constantly engaging with all stakeholders in Hungary, including civil society, to continuously monitor developments in the country, maintain an open dialogue with all parties with the object of agreeing on specific solutions in line with the Council of Europe's standards.

Taking stock of the current difficult situation in Europe, we have to be clear on one thing: the need to uphold international law in Ukraine should not provide us with an excuse to bypass or compromise with democratic deficiencies wherever they occur.

Thank you.

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

We move straight on to Mr Zsolt NÉMETH.

Mr Zsolt NÉMETH (Hungary, EC/DA): Dear Mr John HOWELL,

Dear colleagues,

Dear rapporteurs,

Dear Mr Eerik-Niiles KROSS,

I also hope that you don't traffic human organs in Estonia.

Electoral autocracy and such terms, it seems political witch-hunting continues.

This report is ideologically biased, and does not reflect reality, constructively, [and] fits into a series of reports named after people like Mr Rui Tavares, Ms Judith Sargentini and more recently, Ms Delbos-Corfield.

This exercise goes against the interest of the European co-operation in wartime – when we have a real and mounting problem surrounding us to fight the aggressor.

I have serious reservations with the methodology as well. NGOs referring to each other in a circle, but the official Hungarian position remains largely not reflected, decades-long accusations are repeated against the fact that solutions have been found with EU and Council of Europe actors.

Gratitude to all of you, many sitting here, who go against this decades-long progressive witch-hunting, especially in the European Conservatives and Reformists Group (ECR) and Group of the European People's Party (EPP), but in other groups as well.

Hungary remains committed to the founding values of the Council of Europe and the European Union, protecting our Christian heritage, national sovereignty and identity – including the protection of national and other minorities, family values, protecting our children against gender ideology, and fighting illegal migration.

The progressive left may like Hungary, or not.

Hungary is a democracy, four times having a two-third majority, based on the respect for human rights and the rule of law.

We fought the Communists in 1956. Later myself in 1989, 1990 - we know who the autocrats are, who the authoritarians are, who the illiberals are.

We are ready to fight the new global woke movements in the 2020s as well.

I am glad to see, dear colleagues, more and more successful allies everywhere in Europe, especially Poland, but recently in Italy and Sweden. I believe that more will come, in the Balkans and further away.

Dear colleagues,

Do not lose your hope and faith in a conservative Christian Democratic renaissance on our continent, a Europe united and safe.

Thank you very much for your attention.

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

Now, Mr Lőrinc NACSA.

Mr Lőrinc NACSA (Hungary, EPP/CD): Dear Colleagues,

Dear Rapporteurs,

We can see that this is a fabricated, left-motivated pre-written verdict. This is a politically-motivated attack against Hungary and the Hungarian people.

You, on the left side continuously blame the Hungarian people because of their choices, because how they vote, because they trust and choose the Fidesz and Christian Democratic government for the fourth consecutive times with a two-thirds majority in free and fair elections. Please stop blaming the Hungarian people.

Hungarian people always stood up for peace and freedom. For example in 1956 against the Soviet army and the communist dictatorship. Who came to help for us from the West, from your countries? I tell you: nobody but the Polish people helped us.

You, on the left, you paint a really bad and false picture about Hungary in the liberal media every day.

In the last six months we have received almost 1.5 million refugees from Ukraine because of the terrible war, started by Russia. But you still falsely accused us with different nonsense political accusations.

You use rule-of-law charges as a political tool. You on the left, attacked us because we filled our legal obligations and defended Europe from illegal mass migration. You, on the left attacked us, because we accepted a new constitution, replacing the old, communist one. You, on the left attacked us, because we said, we would like to build a Christian democracy.

You, on the left, attacked us because we protected our kids, and passed a law, which does not let any sexual content in kindergartens and schools, without the permission of the parents.

This report should be based on facts, not just individual cases and fabricated lies and factually wrong sentences. This report should be unbiased. This report should not contain a leftist-motivated political attack against a member country. This report should be based on the many political, economical and legal improvements of the last decade. We tabled 54 amendments to the draft resolution in order to have a more unbiased report. During the monitoring committee the left accepted only six, but exclusively wordings and technical changes. Now we have six amendments here in front of the plenary, also containing the recent developments.

In sum, the report does not meet the minimum requirement of a factual, objective, methodologically sound report that is based on reliable sources. The language of the report represents bias and does not meet the criteria of objectivity. The contents of the report stretch well beyond the scope of the Council of Europe.

Thank you very much.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you, Mister Lőrinc NACSA.

Is Mr Mehmet Mehdi EKER here?

No?

In that case, Mr Gergely ARATÓ.

Mr Gergely ARATÓ (Hungary, SOC): Thank you, Chair.

It's a difficult task for me to speak about a report, to address problems in our country. On other hand, it would be best if such a report were not required at all.

Unfortunately, it is necessary because the development of the recent years do not show any fundamental change in the matters of concern.

At the same time, we have to clearly see that the purpose of this process is not only, or not to name and shame countries, or either governments. Our joint work only makes sense if it brings change to Hungarian citizens.

We are successful, then we succeed in asserting their rights and protection.

For this point of view, the effective method is this process to maintain dialogue, but it is also necessary to level the facts and compare them objectively with the core values of the Council of Europe without any prejudice or exaggeration.

In that regard, I would like to thank the rapporteurs for the balanced and careful work, and especially the idea that they didn't remain on the surface of the phenomena, but also presented the deeper connections.

For example, between the electoral laws, the downsizing, the checks and balances, the weakening, the rule of law guarantees, and branches of human rights. What is happening in Hungary now cannot be judged only on the basis of certain details, but whole pictures must be seen.

However, many processes clearly point in the wrong direction now.

This February, the government overwrote the law in decree based on the state of emergency introduced due to the virus, essentially making it impossible for teachers to strike.

As a result, in recent weeks, several teachers protesting the restrictions on the strike and demanding higher wages have been expelled from public schools, and many other hundreds have been threatened with an official letter that a similar fate awaits them if they continue the process.

It seems very clear there is the connection between the lack of real rule of law and the branch of the rights of the individuals, the peoples of Hungary.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Can I ask you to wind up now, please?

Mr Gergely ARATÓ (Hungary, SOC): Thank you.

In this rare situation, I encourage the General Assembly to continue monitoring in the order and in the respect for the Hungarian people.

Thank you very much.

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

Now Mr Viorel-Riceard BADEA, is he here?

No.

In that case...

Oh, yes.

Thank you very much.

Mr Viorel-Riceard BADEA (Romania, EPP/CD): Thank you very much, President.

First of all, I would like to thank the rapporteurs. I would like to congratulate them for a well-structured report touching upon key issues concerning the democratic feature, the element of a larger democracy in Hungary and the constitutional issues that exist in that country.

We are concerned about a number of issues which are taking place in Hungary, because we in Romania are partners with Hungary on a number of joint projects. We also have issues as far as the education of Hungarian-speaking people in Romania first, and a number of cultural projects of a joint nature, so this is of great concern for us.

We feel that the models to follow are there and, unfortunately, we see a situation of divergence in Romania. We need a situation where there is greater trust on the part of all in the country. Trust in the country has been undermined by the various developments there.

Let us not forget the Charter. The European Charter for Regional or Minority Languages. There are numerous different languages that are included there. Croatian, Slovakian, Slovenian, Serbian... Numerous different languages are included within this particular charter, and it calls for the promotion of the teaching of languages in minority regions, for example Romanian and Hungarian. Up until now we have seen that there is a lack of measures being adopted in order to guarantee that this type of language is provided for. For Romanians living

in Hungary, there haven't been the necessary structures in place to ensure that teaching staff can be secured as well. And this particular issue is of great concern for us. We do feel that the Hungarian authorities have limited the scope, or their interpretation of the particular charter is limiting considerably the scope of this particular charter, and they have not met the obligations that exist within there.

We have raised this issue, but there has been a lack of dialogue on this particular front, and there has been a lack of consultation as well with the various minority groups in Hungary. We are speaking about numerous Romanians living in Hungary who have been marginalised by the system. They have been there for generations, just as Hungarians have been in Romania for generations as well, so we have a very serious issue concerning minorities, linguistic groups as well, and a lack of proper co-operation because of the various impediments that have been placed on the Hungarian side.

The music is great. In other words, the charter is there but the choreography is very lacking.

Thank you very much.

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

Now Mr Frank SCHWABE.

Mr Frank SCHWABE (Germany, SOC): Mr President

Ladies and gentlemen

I don't know whether I should be appalled by the speech of the two Hungarian colleagues and what they have said here and how seriously they take what we are discussing here - or whether I should actually be pleased because they are tearing the mask off their own faces, so to speak. Because they're making it clear that they're actually relatively uninterested in this. And I don't know where the left actually starts with them or whether they are all communists who are now criticizing what is happening here in Hungary. In this respect, it is really frightening, and we will see later, in the voting behaviour, how many representatives of Europe will end up representing the Hungarian position, which they represent here in any case, at least in the government position.

What is this actually about? This is an organization, the Council of Europe, which you join voluntarily. That is what Hungary has done. Hungary apparently wants to be and remain a member. And that's why there are certain values and rules that you simply have to abide by if you are a member here. And if you don't, then you can't be a member here either. And one of the rules that we have set for ourselves here is to check that the values and rules are being adhered to. And that's why I'm very, very grateful to the two rapporteurs for preparing this report - which I think is very well-balanced, by the way, and also very well-balanced in tone and also in discourse. That is exactly the task we have here. And I don't know how many left-wing extremists, so to speak, are supposed to be represented there among the rapporteurs. I think it becomes clear how absurd these accusations actually are.

We need these verification procedures because the situation in Hungary is as it is. We could talk for hours about what is not working as we would like. The issue of pluralism of media, of institutions has been raised. It is a caricature of media pluralism that we now find in Hungary. It's either state-owned or bought out by friends of Orbán accordingly. The rhetoric, by the way, is disturbing, I looked it up again: the United States has called Viktor Orbán's remarks unforgivable and strongly criticized the Hungarian prime minister's words about race mixing, the United States of America. So it's also rhetoric that is highly dangerous and that, by the way, ends up being against European values.

The European Parliament has stated that Hungary is no longer a fully-fledged democracy. I believe that we have no choice but to take a back seat, but we must also act in accordance with the European Parliament and the European Union. Hungary joined the Council of Europe on November 6, 1990. We then enter a monitoring procedure, a post-monitoring procedure, and after that it should actually be the case that we find ourselves back here in the normal procedure.

But if that is not the case, then we have to go in the other direction, and unfortunately that is the case. For at least ten years, Hungary has been going backwards in terms of the rule of law, democracy and human rights. That's why I think we have no choice but to reopen the monitoring procedure, as we did with Turkey and Poland, and I think we should also adopt this amendment.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you very much, Mister Frank SCHWABE.

Now the next speaker will be the last speaker that I will be able to call in this debate, so Ms Elvira KOVÁCS.

Ms Elvira KOVÁCS (Serbia, EPP/CD): Thank you, distinguished Chair.

Dear colleagues,

We should not think of democracy in a static way. Democracy has continually evolved since its emergence.

Across Central and Eastern Europe, democratic institutions have evolved from the ruins of failed socialist systems.

A multi-party system, free elections, secret ballots and other aspects of a representational government have been rapidly developed since 1989 in many countries in the region.

The very question posed by this report is the question of democratisation of democracy, which is known through different features and by a variety of institutions, as well as some practices without which it cannot be realised.

Democracy starts with human rights, which is the dignity of every individual person. In simple words, a democratic system is one in which everyone is treated equally before the law, has equal rights, and has equal access to power.

The very fundamental value of democracy is that it guarantees not only political freedom but makes sure that all citizens are enjoying social and political participation. However, for securing democracy to function, its requirements have to be fulfilled. Ensuring majority rule and minority rights are one such demand.

Minority political participation is where minority rights and social attitudes towards minorities meet. As a representative of the Hungarian political party in Serbia, I would like to stress that the task of the minority political party is to further the substantive representation of the ethnic minority, to secure a supportive social and political environment, in order to promote the interests of minority groups in a variety of social arenas, as well as to prioritise certain issues of importance on the political agenda, to further co-operation with the majority, secure maintenance and development of links with the kin state, regional aspirations, which affirm very good co-operation between the two countries in different fields, including infrastructure, agriculture, justice and the European integration process.

Our Parliamentary Assembly decided to closely follow the situation in Hungary in specific issues and to take stock of the evolution of the political situation in this country, the measures taken and the progress achieved.

During this process, Hungarian officials were very constructive and open. Hungary is a committed member of the Council of Europe.

The report and the draft resolution in front of us have firmly stated that the Hungarian justice system has good rates in terms of efficiency and quality, as depicted by the Council of Europe European Commission for the Efficiency of Justice. This was also confirmed in its 2022 Rule of Law Report, which reported that Hungary performs very well with regards to the estimated time to resolve cases.

All of those aspects suggest a sound and effective justice system.

Along these lines, the rule of law and democracy fully applies in Hungary. In legal terms a lot has been done, and there is a firm commitment of Hungary to respect human rights in co-operation with the Council of Europe's monitoring bodies as well as the Venice Commission.

Thank you.

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

As I said a moment ago, I must now interrupt the list of speakers.

The speeches of members on the speakers list who have been present during the debate but have not been able to speak, may be given to the Table Office for publication in the Official Report.

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

I now call on Mr Eerik-Niiles KROSS and Mr George PAPANDREOU, as the co-rapporteurs to reply.

You have 5 minutes in total.

Mr Eerik-Niiles KROSS, are you going first?

You have 5 minutes between you.

Mr Eerik-Niiles KROSS (Estonia, ALDE, Co-Rapporteur): Thank you, Chair.

Dear colleagues, I will be very short.

I think we have covered most what we wanted to cover. Based on the conversation we had here I do not assume that we will solve any problems of Hungary during this debate.

I'm surprised by the response from the Hungarian delegation, from the Coalition members to our report. During our conversations in the Committees and with them in Budapest, the conversation was much more about the substance and legalities of the wording.

We stand, of course, with our text. If there are any factual errors still in the text, we are happy to correct them. Other than other than that, it is our assessment. It is not an ideological assessment. It is as we see democratic processes strictly through the prism of rule of law and democracy parameters.

It has nothing to do with left or right politics.

I encourage everybody to vote for the report and for the resolution and go along with the rapporteurs regarding voting for the amendments.

Thank you.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you very much, Mr George PAPANDREOU.

Just wait a moment for your mic.

Mr George PAPANDREOU (Greece, SOC, Co-Rapporteur): I believe the report itself has the answers to many of the points that were put here.

But I want to make just two or three points.

First of all, in this report, dear Chair – and I assume that most reports, all reports, that the Council of Europe makes – is to ensure the rights, the voices, the sense of justice, the protection of each and every one. In this case, of each and every Hungarian citizen.

This is not against Hungary. This is in favour of each and every Hungarian citizen.

That is what we are tasked to do.

I would also believe that this is our duty here in the Council of Europe. But I would also say it is our patriotic duty, because I heard someone talking about patriotism.

Yes. I think in each of our countries it is our patriotic duty to help fight for the values, the democratic values, that allow us to serve our people best, in the best of ways.

Secondly, I honour the struggles of the Hungarian people for freedom and against authoritarian regimes.

I also have fought in my youth against the dictatorship. I saw my father, I saw my grandfather jailed. My grandfather died under house arrest during the dictatorship.

I was proud when the Council of Europe kicked Greece out of this organisation. I was proud because that gave us a voice and hope that we could restore democracy in our country.

So I do not see this organisation as an enemy.

Finally, I want to point out that it is our belief in democracy and fighting for democracy, yes, is proven often when we are in opposition when we are fighting to overthrow what we think is bad, what we think is unjust.

But I think the real test of democracy is not when you're in opposition, it is when you take power, and when you have a lot of power and how you use it. That is what we are criticising right now.

We are saying that we are seeing, and there have been numerous examples in this report, I take not the media only, where all this government funding is going to the government media, but also these public trust funds, transferring universities and hospitals to foundations outside of the public domain, to boards. They are basically all Fidesz friends in one way or another – for life, with cardinal laws. They cannot be changed but with a two-thirds majority.

Now I'm just giving you one of the examples. I would think that this is in the Hungarian people's right to demand much more transparency, much more democratic procedures and a much more "Open Society", a word which I know you don't like.

Thank you very much.

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

Mr Samad SEYIDOV, the acting chairperson of the Committee, do you wish to speak?

You have 3 minutes.

Mr Samad SEYIDOV (Azerbaijan, EC/DA, Vice-Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe): Thank you very much Mr President.

On behalf of the Monitoring Committee,

I thank the rapporteur for the important and challenging work in the limited time.

The preparation of this periodic review report was done under challenging circumstances.

Firstly, the work was initiated under difficult sanitary conditions.

Then, Hungary successfully chaired the Committee of Ministers last year and was fully committed to this important task.

And thirdly, later, parliamentary elections were organised on 3rd April 2022 after a vibrant election campaign.

This influenced the course of preparation of this report.

Therefore, I thank both the rapporteur and the Hungarian delegation for the flexibility shown, to ensure that the report could be presented today to our Parliamentary Assembly.

This report is a result of in-depth work in close co-operation with the Hungarian authority.

Our Committee organised hearings, the rapporteur travelled to Budapest last June, and we had many very many discussions in the Monitoring Committee.

The Parliamentary Assembly is invited to adopt the resolution, which will be important in our future co-operation with the Hungarian authorities, to address together, and with the technical assistance of the Council of Europe, some decisions highlighted in the report.

Again, I thank the rapporteur and the Hungarian delegation, and invite you to support the draft resolution tabled by the Monitoring Committee.

Thank you very much, Mr President.

Mr Aleksandar NIKOLOSKI (North Macedonia, EPP/CD): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear friends,

I will be open and direct. I must note that is becoming "fashion" in Europe to attack Hungary and the Government of FIDESZ and Christian Democrats. This is Government that rules the country with big popular support and won 2/3 majority on the last elections in April this year. To win 2/3 after 12 years in power is something rare in the political history. That shows that people support the politics and decision made in Hungary. As this resolution clearly says winning 4 times in a row and with 2/3 majority is unique situation among Council of Europe member states.

That is why I can not accept the attacks from politicians that are happy if they win 20% on the election and are happy if they create coalition Government of 4-5 parties and the Government lasts several years. These politicians after some time are forgotten in their countries as they care more about what happens in other countries than what happens in their domestic soil. Attacking Hungary out of “fashion” must stop and the democratic choice of the citizens must be respected.

That is why I disagree with the amendment tabled to get Hungary into monitoring procedure. That is not right and is far from reality. Hungary has functioning system of rule of law, has system for fight against corruption and as well freedom of speech and media and well established protection of human rights. These are all key elements of Council of Europe and that is why the request to get Hungary into monitoring procedure is politically and ideologically motivated request.

Dear friends,

Hungary has done a lot into ending the migrant wave during the 2015/16 Syrian war and millions of migrants that took their route to Europe. But Hungary is still facing huge migrant's challenges and is keeper of the European gate, stopping illegal migration. This must be credited and noted to Hungary as big contribution. We must underline that Hungary receives a lot of refugees every day from Ukraine. Bordering with Ukraine a lot is done the refugees to find shelter in Hungary. We should commend the people of Hungary for the great solidarity shown in the handling of the mass arrival of refugees from Ukraine since February 2022.

Also Hungary is safeguard of the traditional family values. This is something widely neglected in many European countries but let's not forget the family values are the core of our civilization. Protecting the family is in the core of every human. Hungary remains light in the dark on the European continent for this. Their policies are something that should be followed by many. In era where the number of citizens in Europe declines and the decadence is ever around protecting of the family values remains huge challenge.

For all this think Hungary deserves much better report than this, and should continue as full member of Council of Europe out of the monitoring procedure.

Thank you.

Mr Francesco SORBARA (Canada): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Honourable colleagues,

In the wake of the Soviet invasion of Hungary in 1956, Canada welcomed 37,500 Hungarian refugees; it was an important moment in our country's history and one that we designated, in 2010, as a national historic event.

As the President of the Canada-Hungary Educational Foundation said upon that designation: the Canadian response in 1956 “contributed significantly to the creation of an open, tolerant, and culturally diverse society, which remains a source of pride to us all.”

From Canada over the past decade, I have observed with tremendous concern as Hungary's political leadership has taken the country in the opposite direction, closing its doors to asylum seekers while stigmatizing LGBTI persons and other vulnerable groups.

This past August, for example, the Council of Europe Commissioner for Human Rights noted that access to asylum and to any form of international protection in Hungary has become “virtually impossible.”

While I join Co-rapporteurs Papandreou and Kross in commending the Hungarian people for the great solidarity they showed “in the handling of the mass arrival of refugees from Ukraine since February 2022,” I echo them in sharing my concerns about the actions of the Hungarian authorities towards third-country nationals and stateless persons.

The Canadian government has expressed similar concerns, as it has with respect to the treatment of Romani, the rights of LGBTI persons in Hungary, and the broader erosion of checks and balances for democratic institutions.

The report of co-rapporteurs Papandreou and Kross tackles some of these “long-standing issues pertaining to the rule of law and democracy that remain largely unaddressed by the authorities.”

Those include the “distribution of advertising by the state or state-owned companies to pro-government media”; the independence of the judicial system; and – perhaps most concerning – their conclusion that “the current electoral framework does not ensure a level playing field conducive to fair elections.”

In Canada, we place great importance on our relationship with Hungary – a NATO ally – and with its people.

I sincerely hope, going forward, that Hungary moves away from the notion of “illiberal democracy” towards one that embraces this body’s fundamental values of human rights, democracy, and the rule of law.

Vote: The honouring of membership obligations to the Council of Europe by Hungary

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

The Monitoring Committee has presented a draft resolution to which 11 amendments have been tabled.

They will be taken in the order in which they appear in the Compendium.

I remind you that speeches on amendments are limited to 30 seconds.

I understand that the Chairperson of the Monitoring Committee wishes to propose to the Assembly that amendment 9 to the draft resolution, which was unanimously approved by the committee, should be declared as agreed by the Assembly.

Is that so, Mister Samad SEYIDOV?

Mr Samad SEYIDOV (Azerbaijan, EC/DA, Vice-Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe): Yes, thank you.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you, does anyone object?

As there is no objection I declare that Amendment No. 9 to the draft resolution has been agreed.

Any amendment which has been rejected by the Committee for report by two-thirds majority of the votes cast shall not be put to the vote in plenary, and shall be declared as definitely rejected unless 10 or more members of the Assembly object.

I understand that the chairperson of the Monitoring Committee wishes to propose to the Assembly that amendments No. 1, 2, 4 and 6 in the draft resolution, which were rejected by the Committee with the two-thirds majority, be declared as rejected.

Is that so, Mister Samad SEYIDOV?

Mr Samad SEYIDOV (Azerbaijan, EC/DA, Vice-Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe): *(off mic)* You are correct.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Does anyone object?

As there is no objection, I declare that amendments 1, 2, 4 and 6 to the draft resolution are rejected.

I now call Mr Stefan SCHENNACH to support Amendment 8.

You have 30 seconds.

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

A lot of members of this Parliamentary Assembly are worried about the situation of including gender-based violence.

We ask to put gender-based violence into this paragraph.

I think it was a big majority who voted in the Monitoring Committee in favour, so I hope we get that majority also in the plenary.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you.

Does anyone wish to speak against the amendment?

Please.

Mr Lőrinc NACSA (Hungary, EPP/CD): Thank you, Chair.

In Hungary we have one of the strictest penal codes regarding domestic violence and gender-based violence.

In the past decades we decreased a really big number of the committed crimes in this field, so we don't support this amendment.

Thank you very much.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you.

What is the opinion of the Committee on the amendment?

Mr Samad SEYIDOV (Azerbaijan, EC/DA, Vice-Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe): Mister President, the Committee is in favour with a large majority.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): I shall now put the amendment to the vote.

The vote is open.

I declare the vote closed.

I call for the result to be displayed.

There we have it.

The amendment has been approved.

I call now Mr Titus CORLĂȚEAN to support Amendment 10.

You have 30 seconds.

Mr Titus CORLĂȚEAN (Romania, SOC): President, colleagues, we have tabled an amendment asking the Hungarian authorities after all these years, finally, to assure a real protection of national minorities, including a real representation within the parliament of Hungary.

Why? Because the so-called spokesperson of national minorities is a fake representation – he is not a member of the parliament, he has no voting rights and, practically, this mechanism is excluding the national minorities in Hungary from the process of taking decisions on all the domains of Hungary including national minorities.

Thank you so much.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you.

Does anyone wish to speak against this amendment?

Mr Barna Pál ZSIGMOND (Hungary, EC/DA): Yes, thank you, Mister President,

My point is that, absolutely, there's a real representation of minorities in the Hungarian parliament.

You might know Mr Cilevic. A very respected lawyer knows that.

They have a position in the parliament, even the small minorities, the historic minorities.

There is also a possibility in the law that if a person belonging to a minority achieves 20 000 votes, they can have a seat in the parliament.

On the other hand, a normal seat in the parliament has to achieve 100 000 votes, so it's positive discrimination for minorities.

Thank you.

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

What is the opinion of the Committee on the amendment?

Mr Samad SEYIDOV (Azerbaijan, EC/DA, Vice-Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe): Mister President, the Committee is in favour with a large majority.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): I now put the amendment to the vote.

The vote is open.

The vote is now closed.

I call for the results to be displayed.

There we have it.

The amendment is agreed to.

We now move on.

Excuse me. I have to get my papers in order.

I call Mr Christophe LACROIX to support Amendment 11.

You have 30 seconds.

Mr Christophe LACROIX (Belgium, SOC): The amendment that has been tabled aims to use the mechanism of the rule of law to safeguard human rights, and therefore aims to recommend the repeal of provisions in Hungarian laws that are contrary to freedom of expression.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Thank you.

Does anyone wish to speak against this amendment?

Mr Lőrinc NACSA (Hungary, EPP/CD): Thank you, Chair.

We indeed passed a law that says that we do not let any sexual education in kindergartens and schools without the permission of parents.

This law is about parents rights. We defend parents rights, and we ask you to do so.

Thank you very much.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): What is the opinion of the Committee on the amendment?

Mr Samad SEYIDOV (Azerbaijan, EC/DA, Vice-Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe): The Committee is in favour with a small majority.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): I shall now put the amendment to the vote.

The vote is open.

The vote is now closed.

I call for the result to be displayed.

The amendment is agreed to.

I understand that Mr Lőrinc NACSA wishes to withdraw Amendment 5 to allow for a conciliation oral amendment. Does anyone else wish to move Amendment 5?

No, so, the amendment is withdrawn.

That moves us on to the oral amendment.

I have been informed that the Committee wishes to propose an oral amendment, as follows:

In paragraph 13.1 delete “and Tilos Rádió's in 2022”, so that the last sentence reads as follows:

“In addition, the Assembly is highly concerned by the decision taken by the Media Council not to renew the licence of the independent radio stations Klubrádió in 2020 due to failings, which has resulted in discriminatory measures and a shrinking space for alternative media.”

In my opinion the oral amendment meets the criteria of Rule 34.7.a.

Is there any opposition to the amendment being debated?

There is not.

Mr Eerik-Niiles KROSS (Estonia, ALDE, Co-Rapporteur): I'm not sure if it qualifies as a point of order, but also the "stations" should be actually "station", in singular.

We're talking about one radio station now.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): That's fine.

I think I'd asked whether there were any objections to this oral amendment being debated.

That is not the case.

I therefore call one of the rapporteurs to support the oral amendment.

Mr Eerik-Niiles KROSS (Estonia, ALDE, Co-Rapporteur): We support it.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Does anyone wish to speak against?

No one wishes to speak against.

The Committee is obviously in favour.

I shall now put the oral amendment to the vote.

The vote is open.

The vote is now closed.

I ask for the result to be displayed.

That is massively agreed to.

Thank you very much.

I understand that Mr Lőrinc NACSA wishes to withdraw Amendment No. 3 to allow for a conciliation oral amendment.

Does anyone else wish to move Amendment No. 3?

No?

Does anyone wish to speak against, I'm sorry, that is simply withdrawn. Good.

I've been informed that the Committee wishes to propose an oral amendment as follows, in the draft resolution after Paragraph 14, insert:

"In addition the Assembly is highly concerned by the decision taken by the Media Council not to renew the license of the independent radio stations"...

[off mic discussion]

- Sorry, I have been given the wrong text.

"The Assembly notes that the Hungarian parliament adopted 17 legislative modifications in September 2022. These laws aim at improving the functioning of democratic institutions, by strengthening the transparency of the legislative process, by demanding public dialogue and consultation, tightening the rules of conflict of interests in public trust funds, and setting up an independent anti-corruption authority. The Assembly invites the Hungarian authorities to request the expertise of the Council of Europe relevant bodies and take into account their recommendations, so as to ensure the compliance of the adopted measures with Council of Europe standards".

In my opinion the oral amendment meets the criteria of Rule 34.7a.

Is there any opposition to the amendment being debated?

That is not the case.

Then I call one of the rapporteurs to support the oral amendments.

Mr George PAPANDREOU (Greece, SOC, Co-Rapporteur): Yes, well, this has been a consensus with all of us. It's stating the facts here and promoting the idea that we should work closely with Hungary in the application of these new laws.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): Does anyone wish to speak against the oral amendment?

The Committee is obviously in favour.

I shall now put this oral amendment to the vote.

The vote is now open.

The vote is now closed.

I call for the result to be displayed.

That has been agreed by 118 to 1.

I now call Mr Stefan SCHENNACH to support Amendment 7.

You have 30 seconds.

Mr Stefan SCHENNACH (Austria, SOC): In the light of the whole report, where we got a lot of problems in the Hungarian democracy, we invite now – and I think this is the most important amendment of this report – we invite now the Hungarian delegation and Hungary to be a part of the base monitoring procedure.

I think that is very helpful when we see what has happened in democracy in media and justice so that Hungary will be under the monitoring system in the future.

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

Does anyone wish to speak against this amendment?

Mr Zsolt NÉMETH.

Mr Zsolt NÉMETH (Hungary, EC/DA): Thank you, Mister President.

Dear Colleagues,

This report is the first periodic report on the plenary in this new system.

The proposal is trying to bring us back to a previous system, which was the so-called country monitoring.

In our opinion, the periodic monitoring review process was successful.

We had a dialogue. We had an exchange of views. Probably, we could have had a better result, but I think we should stay with that. For that reason, I don't think that old form of monitoring procedure should be brought back.

So we are against.

Thank you very much.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): What is the opinion of the Committee on the amendment?

Mr Samad SEYIDOV (Azerbaijan, EC/DA, Vice-Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe): President, the committee is in favour with a large majority.

Mr John HOWELL (United Kingdom, EC/DA, President of the Assembly): I shall now put the amendment to the vote.

The vote is open.

The vote is now closed.

I call for the result to be displayed.

And Amendment 7 is agreed to.

That brings us on to the draft resolution Doc. 15619, for which a simple majority is required.

We will now proceed to vote on the draft resolution contained in Doc. 15619 as amended.

The vote is now open.

The vote is now closed.

I call for the results to be displayed.

The draft resolution in Doc. 15619 as amended is adopted.

Joint Debate: Safe third countries for asylum seekers / Pushbacks on land and sea: illegal measures of migration management

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you, dear colleagues.

The next item is the joint debate.

We will first hear the presentation by Mrs Stephanie KRISPER of the report of the Committee on Migration, Refugees and Displaced Persons entitled "Safe third countries for asylum seekers" (Doc. 15592).

Then Mr Pierre-Alain FRIDEZ will present the report of the Committee on Migration, Refugees and Displaced Persons on "Returns by sea and land: illegal migration management measures" (Doc. 15604).

We will finish the debate on these texts, including the vote, at 8:30 p.m. We will therefore have to interrupt the list of speakers at about 7:40 p.m. in order to allow time for the reply from the committee and for the votes.

The rapporteurs have ten minutes each to present their reports and five minutes each to reply to the speakers at the end of the general debate.

I call on Ms Stephanie KRISPER, Rapporteur of the Committee on Migration, Refugees and Displaced Persons, to present the first report.

You have the floor.

Ms Stephanie KRISPER (Austria, ALDE, Rapporteur): Thank you, dear President.

As we sit here, more than 100 million people worldwide are displaced due to persecution, conflict, violence, or other human rights abuses.

Most of these suffering individuals who flee stay close to their home country. They are also most often in dire and dangerous situations.

Only a small percentage of them have the resources, the strength, and the courage to continue to seek security for themselves and their children.

What are they experiencing on their way to Europe?

They are crossing many countries that are again not safe for them, being denied access to a fair asylum procedure, being refused decent living conditions, or even being violently pushed back.

When I describe this suffering of thousands, I talk about the current experiences, the current reality also in European states: Hungary, Greece, Italy, Croatia, and others.

When refugees finally arrive in a country in Europe where they can claim asylum, what happens then?

Increasingly they are sent back by the authorities to a country that the respective state has declared as safe.

It would be a moral discussion if we were talking about solidarity, fair co-operation among states vis-a-vis asylum seekers.

Here in the Council of Europe, we discussed, also if it reflects beautifully values at the same time, on a clear legal basis, the European Convention on Human Rights. And what is in light of the Convention, the legal issue behind this practice to send asylum seekers back to a third country declared a safe. That in every case in which this presumption of safety is wrong, hence a refugee is sent back from safety to insecurity. This person faces, on European soil, *refoulement*, a violation of *Jus Cogens*, a violation of the prohibition not to being tortured according to Article 3 of the European Convention on Human Rights.

Such cases have become uncountable. Because in real life, as Hungary and Greece, and more and more states ignore the obligations vis-a-vis asylum seekers, and treat them often out of brutal populist reason of deterrence; [it is] inhumane.

But these states are still presumed safe by others. It needs complaints up to the very top of the European Court of Human Rights, which takes, as we know, years, 12 judgments, like *MSS vs Belgium and Greece*, or *Elias and Ahmed vs Hungary*, to confirm that even European countries have asylum systems with systemic deficiencies.

All these years, asylum seekers could not have challenged a wrong presumption of safety in their cases and were sent back into insecurity.

These cases in the European Court of Human Rights should have been a wake-up call, but they were not. We still have, in the core of Europe, an almost systematic application of the safe third country concept, the Dublin system.

And outside the EU, many member states of the Council of Europe have bilateral readmission agreements.

Also here, history has shown that such agreements, like the agreement between Spain and Morocco, have created an environment that favours the occurrence of and acceptance of *refoulement*.

At its worst, safe third country deals are closed, like the UK did, with states like Rwanda.

Evidently, the European Court of Human Rights has rapidly reacted to some by stopping the expulsion of an asylum seeker to Rwanda, but what an idea.

So how should member states proceed for such violations of *non-refoulement* not to happen?

How can safe third country concepts be brought in line with obligations pursuant to Article 3 of the European Convention on Human Rights?

Well, there are recommendations by the Committee of Ministers on the application of this concept, but they are from 1997.

Since then, as I mentioned, the case law of the Court has greatly evolved.

Therefore, we need up-to-date standards to support member states in fulfilling their obligations. Here, the Committee of Ministers is urged to react.

In addition, states should immediately re-evaluate both the presumptions of safety for every state after the other and their practice.

To put it politically, at the end: we have to decide. Do we opt for pushbacks, chaos and human suffering, or do we choose human rights, order and control?

To our colleagues from the right and far right, when many people seek protection it's an undeniable challenge. But we can show [we can cope with] this challenge while upholding human rights at the same time.

How Europe received millions of Ukrainian refugees who thankfully found protection, illustrates that perfectly.

I, therefore, invite you, dear colleagues, to support this resolution and recommendation. It is our legal, moral duty to stand up for the rights of asylum seekers and to uphold the human rights regime guaranteeing that these vulnerable individuals are treated with dignity.

I finally want to express my gratitude to the national parliament for delivering numerous replies to the questions I submitted and to the Secretariat of the Committee on Migration, Refugees and Displaced Persons for organising the fact-finding mission I went on with my colleague Mr Pierre-Alain FRIDEZ, which both greatly contributed to the elaboration of this report.

Thank you dear members of the Assembly.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you, Madam Rapporteur.

I now give the floor to Mr Pierre-Alain FRIDEZ, rapporteur of the Committee on Migration, Refugees and Displaced Persons, for the second report.

Mr Pierre-Alain FRIDEZ (Switzerland, SOC, Rapporteur): Thank you, Mr. Vice President.

If you don't mind, I'm going to speak sitting down because I gave my sheets to the translators and then it didn't come back.

Mr Vice President,

Ladies and Gentlemen,

Dear colleagues,

In these successive reports, especially the last one entitled "Pushed Beyond the Limits", it is urgent to put an end to refoulements at Europe's borders.

The Council of Europe Commissioner for Human Rights, Ms. Dunja Mijatović, is concerned about the recurrent problem of push-backs of migrants at Europe's borders, a widespread phenomenon in a number of European countries. And according to her, at least half of the member states of the Council of Europe are concerned - this is true to varying degrees.

These practices clearly contravene the higher law recognised by all our member states of the Council of Europe, for example, the 1951 Refugee Convention or the European Convention on Human Rights. The 1951 Refugee Convention requires states to guarantee people the right to seek asylum and to make a serious individual assessment of their protection needs. The ECHR decrees that a person cannot be returned without an individualised procedure to establish whether or not the migrant meets the criteria for asylum; until then, he or she must receive relief and protection. Furthermore, if a decision to return is taken, it must be ensured that the migrant will be sent back to a safe third country and that he or she will not run any risk to his or her health, safety and physical integrity. This is the essence of the report presented by my colleague Ms Stephanie KRISPER.

Although essential, these principles are in fact regularly trampled underfoot, often on a very large scale. We are talking about several tens of thousands of cases per year in Europe. The majority of migrants arrive on the coasts of southern Europe, in particular via Turkey or the Mediterranean, with the terrible tragedies at sea that are all too familiar and that are repeated year after year. The countries of arrival, Greece, Cyprus, Italy, Malta and Spain, have been literally submerged by the large number of migrants they have to deal with, with all the problems that we know in some countries: crowded camps with indecent living conditions, repeated refoulements, lengthy procedures, etc.

Agreements have been made with some surrounding countries to hold or turn back migrants: Turkey with the European Union in 2016 and Italy with Libya, the choice of the worst, a country anything but safe for migrants, a failed state where every conceivable human rights violation is perpetrated systematically with impunity. As early as 2015, but still today, problems are noted on the Balkan route, especially on the border between Bosnia and Croatia.

One element that can be clearly put in the discharge of these different countries concerns the lack of solidarity of other European countries against them; countries that, still today, refuse to do their part in solidarity with the countries of arrival. And the Dublin system does not help. Requests and efforts to relocate people, which are regularly hoped for, have too often gone unheeded. Yet, how can we remain insensitive to this multitude of dramatic situations, to these people without hope, in particular fragile and vulnerable people such as unaccompanied minors, large families, sick and disabled people?

Refoulements at sea and on land, violence against migrants, refusal to register asylum applications, criminalisation of NGOs that seek to provide aid and assistance to migrants and are treated as common smugglers, detention of migrants on boats and refusal of access to European territory, delays in providing assistance to boats in distress: the list of violations of migration rights noted by our Human Rights Commissioner is long. And one can only regret the rise of xenophobia in various countries that have welcomed migrants, the most striking example being that of Germany after Angela Merkel welcomed, in 2015, one million Syrian refugees fleeing war.

In this regard, we can only welcome the exemplary reception of Ukrainian refugees by our various states following the Russian aggression, while regretting that depending on the origin of the victims of a conflict, European generosity can be variable geometry. Recently, migrants have begun to be used as a means of pressure against a neighbouring state, in the sense of a hybrid war. Think of the borders between Belarus, Poland and the Baltic States; between Turkey and Greece on the river Evros; in Ceuta between Morocco and Spain. Some states have worked to amend their national legislation to allow for the justification of push-backs. And, as a final novelty - if one dares to use the expression - the proposal by some countries to outsource the management of their migrants to African countries.

In this story of migration, two rights, two different logics are confronting each other. On the one hand, the right to borders, and some countries put in the foreground the responsibility they have been given to protect the external borders of Europe - of the European Union - with the construction of walls or more or less systematic refoulements, often with the support, moreover, in any case, of the passive attitude of Frontex. On the other hand, the right of the migrants we have just spoken about in respect of the higher law, in particular the right of protection and the right to have access to a fair and equitable and, above all, individualized asylum procedure.

Two very different logics, two interpretations of the law: on the one hand, Fortress Europe, symbolized by the walls that are being erected everywhere; on the other hand, a Europe of solidarity, the Europe of the values of humanism and Christian charity. And the example given by Europe to the rest of the world is an issue in our history. If the land that gave birth to human rights begins to deny itself, how can we prevent fundamental rights from deteriorating on all continents?

Today, we may only see the tip of the iceberg. Today's migrations are perhaps nothing compared to tomorrow's migrations, caused by the development of misery, the consequence of global warming, with hunger and new wars to appropriate the meagre resources that will remain.

The causes of migration are multiple and all justified: people fleeing war; those fleeing their country for their own safety and human rights violations; people migrating for so-called economic reasons - but in fact, we are usually talking about extreme poverty, hunger, the loss of all hope of a better life for their children; and finally, migration in connection with global warming and lands that have become inhospitable. Whatever their true motivation, every migrant who seeks relief and assistance has the right to a procedure to establish their right to asylum or not. This is essential. No one can arrogate to themselves the right to decide that such a person would be a false refugee and turn them away without assessing their situation and the risks they run.

Irregular migration exists because of barriers to the free passage of migrants or refugees, but it is not illegal migration. Illegal migration does not exist. Every person, regardless of how they entered a territory, must have the right to seek help and assistance and the possibility to apply for asylum. This element is not negotiable.

The urgency today, and I conclude, and I am only repeating here the words of the Commissioner for Human Rights of our Council, is to implement without national interpretation the fundamental values represented by the ECHR; it is to prevent the denial of access to asylum and the return of migrants and refugees without individual procedures and guarantees; and finally, it is to put an end to what has become a normalisation, a trivialisation of the practices of *refoulement*.

Thank you for your attention.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you, rapporteur.

In the general debate, I call Lord Richard KEEN, of the European Conservative and Democratic Alliance Group.

Lord Richard KEEN (United Kingdom, EC/DA, Spokesperson for the group): Thank you, Mister Vice-President.

In addressing this matter I'll make particular reference to the second report on pushback.

Members,

Following the Treaty of Westphalia in 1648, international law came to recognise the territorial integrity of state borders, and the absolute right of a nation state to protect those borders.

Of course, in more recent times the international community recognised the need to mitigate the implications of that fundamental right.

That developed what became the UN Convention on Refugees in 1951, as amended by the 1967 protocol.

At the outset the convention sets out a very precise definition of a refugee: a person who has a well-founded fear of persecution in their own country. A person is no longer a refugee as defined by the convention once the basis for that status has ceased.

The present report notes the definition in the 1951 convention, but it then relies upon the more generalised matter of migration and migrants, merging the genuine refugee with the economic migrant.

Where a person has reached a country where they are safe from persecution, but decides to move on for economic or other reasons, then they cease to meet the definition in Article One of the Convention.

This is the point that the present report very largely ignores.

The present report then goes on to use the term "*refoulement*", a term with a strict technical meaning under the terms of the 1951 convention, but which is employed in the present report in a very loose and, dare I say it, inaccurate way. *Refoulement* is where a person is returned to their own country when they still have a well-founded fear of being persecuted there.

The prohibition on *refoulement* in the 1951 convention does not apply more generally to the removal of a person from a country they have entered illegally, and certainly does not apply to the means used to prevent such a legal entry in the first place.

I would note that the Dublin Agreements provide that migrants should be registered in the first EU country they enter, and they may be returned there. That is not *refouled*.

The present report also refers to certain prohibitions in Protocol 4 of our Convention with respect to expulsion. Again, I venture that these are taken out of context.

In summary we are faced with a report which proceeds upon a number of questionable assumptions regarding the present situation in international law.

There's a consequence. I fear that any resolution passed on the basis of this report might justifiably be ignored by member States.

It's in these circumstances that we cannot support the proposed resolution and recommendation.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): I call Mrs Ingvild Wettrhus THORSVIK, of the Group of the Alliance of Liberals and Democrats for Europe.

Ms Ingvild Wettrhus THORSVIK (Norway, ALDE, Spokesperson for the group): Thank you, Mister President

I would like to start by thanking the rapporteurs for an excellent reports on very important subjects.

Every person has the right to seek safety and to have access to human rights, whoever they are, wherever they come from, and whenever they are forced to flee. Governments automatically refusing entry or returning people without making an individual assessment of those in need of protection are in breach of the 1951 Refugee Convention.

In regards to the "safe third country" principle the practices in countries differ vastly – as shown in the report. There is a diversity of the countries considered as safe third countries, as well as the procedures described by the states. Big variations could pose a high risk of violations of the human rights of asylum seekers and it can undermine the right to apply for asylum.

In regards to push-backs, as the rapport states, push-backs by member countries have become widespread and, most worryingly, part of tolerated policy. The UNHCR informs that push-backs are carried out in a violent and systematic manner. There are examples of boats with refugees being towed back. People are rounded up after they have come ashore and forced back to sea. Many have reported the use of violence by state security forces.

We have seen a number of cases before the courts in regards to both the safety assessment of third countries and whether or not there [is] individual and fair examination of their application in regards to both push-backs and safe third countries.

In order to effectively protect human rights of asylum seekers and the right to asylum in Europe, the assembly needs to work towards common solutions as well as greater co-ordination amongst member States. There is also a need for member states and observers and partners to respect international obligations and to enhance interstate solidarity – because there is a disproportionately big responsibility put on some states, and member states must demonstrate solidarity by supporting them.

To ensure improving of the member states practices and to strengthen the rights of asylum seekers and refugees, monitoring of safe third country decisions is also essential. There is therefore a need to establish objective and independent monitoring mechanisms to monitor national law and practice as regards to the "safe third country" concept. As well as border monitoring mechanisms both at national and European levels.

I do hope that everyone will support these reports and apply the changes that need to be done to protect the human rights of asylum seekers.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): I call Mr George LOUCAIDES, of the Group of the Unified European Left.

Mr George LOUCAIDES (Cyprus, UEL, Spokesperson for the group): Thank you, Mister Chair.

Dear Colleagues,

I want to thank Ms Stephanie KRISPER for her report.

The fundamental aim of this report, with which we fully agree, is that asylum seekers who have been denied asylum in search of countries, should not in any circumstance be deported to unsafe third countries.

I want to also thank and congratulate Mr Pierre-Alain FRIDEZ for an excellent and thorough report, which underlines, first and foremost, that pushbacks have taken worrying proportions.

We feel obliged to emphasise that our rapporteur is absolutely correct in underlining that these illegal activities are not real instances of wrongdoing, and we would like to refer to the course of the UN Secretary General for full adherence to international legal norms in the handling of asylum seekers and refugees wherever they are.

The idea of a Fortress Europe, dear colleagues, and its attainment at any cost cannot be justified under any circumstances.

One should rather consider how to alleviate the root causes of increased refugee flows and provide people in need with safe routes and procedures.

In order to achieve this, we need to consider our national policies, and those of the organisations we are members of, on issues ranging from sustainable development to the protection of the environment, as well as our commitment and investment to peace, instead of warmongering.

At the same time, we owe it to ourselves as members of the same European community, to expand co-operation and take it a step further, towards effective solidarity and to responsibility-sharing.

As many international organisations have already underlined, violent and illegal deportations constitute grave violations of human rights.

The European Court of Human Rights has issued numerous respective rulings passing on a clear message: a state's failure to manage incoming flows and address pushbacks at its borders is unacceptable. Well-functioning democracies should respect international law and take all the necessary steps to not allow the deadly, at times, victimisation of people.

Even when other states, like Turkey vis-à-vis the Republic of Cyprus or Greece, instrumentalise migrants and refugees in order to exert political pressure, the reaction should be exactly the same. We should not victimise anew those trying to escape the misery of conflicts, poverty, famine, the social economic inequalities of persecution.

Likewise, the protection of external borders cannot be used as a pretext for illegal pushbacks, and increased political tensions between neighbouring states cannot justify trapping migrants and asylum seekers in deserted areas in between state borders.

As the report rightfully also notes, we as parliamentarians must exercise oversight over governmental action and strengthen transparency and accountability.

The rights to seek asylum must be fully respected.

Procedures must comply with recognised standards at all stages; whereas the illegality of pushbacks must be officially and explicitly reiterated.

In concluding, I would like to express our strong support for the report's call for serious changes to the legislative framework, in challenging illegal practises, adapting and implementing concrete measures, monitoring accountability, prosecution in our member States.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): I call Ms Ada MARRA, of the Socialist, Democratic and Green Group.

Ms Ada MARRA (Switzerland, SOC, Spokesperson for the group): Here you go, sorry. Thank you, Mr. President. Thank you, Madam.

The issue of migration and asylum in particular a recurring theme in our states and in the Council of Europe. Far too often it is used as a populist argument and an outlet for many political forces. In this Council, on the contrary, we try to give a voice to those who do not have one and who are all too often used as pawns in geopolitical strategies and political agendas. This is why our Group welcomes the two resolutions presented as well as the draft recommendations, as a reminder that people who flee their countries have rights.

For our part, we have a clear vision: we believe from a general point of view that, contrary to what we hear in the mainstream media, there is no migration crisis in Europe. The figures confirm this. But, apart from what is happening to the people of Ukraine, we are facing, apparently, a crisis which is related to reception and the application of the conventions and texts establishing the right of asylum. There is reception crisis if there is a desire to remove reception and processing of applications, as is being done between Italy and Libya, as is being done between the European Union and Türkiye, and as the UK wants to do with Rwanda. There is a crisis in the application of the principles of the right to asylum if there is no guarantee of access to an asylum application for any person requesting it and from any country. There is a crisis when people are being prevented from crossing a territory to quite simply lodge an application or when they are turned away once they arrive. There is a crisis when they are sent back to a third country that is not safe. We are obviously thinking here of Libya, but also of other countries on our continent, in view of the treatment that is being inflicted on asylum seekers.

The various international bodies have clearly understood this in their various statements or judgments, in which they are making mention of illegal practices. The texts we are discussing this evening are like a wake-up call to our states, which have, as the rapporteur Pierre-Alain FRIDEZ rightly says, and Ms Stephanie KRISPER says, "become accustomed to not respecting fundamental international law". The request to legislate, on the contrary, at domestic level seems to us to be a good way for our states to assume their responsibility for the reception of people and the proper treatment of procedures.

The time has come for our political leaders to stop denying the inhuman existence of pushbacks and the inhuman treatment inflicted on these men, women and children. It is time to enforce the existing standards already. It is time to stop the negative rhetoric on asylum where, as one European politician said: "*Wir schaffen das!*"

Thank you very much indeed to our two rapporteurs for their reports and we call on you to support the draft resolution and recommendations.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): I call Mr Aleksandar NIKOLOSKI, of the EPP Group.

He is not here.

I call Mr Jacek PROTASIEWICZ to the floor.

Mr Jacek PROTASIEWICZ (Poland, EPP/CD, Spokesperson for the group): Thank you, Mister President.

And that's right.

I will be replacing Mr Aleksandar NIKOLOSKI on behalf of the Group of the European People's Party on the discussion on the both reports "Pushbacks on land and sea: illegal measures of migration management" and the second one "Safe third countries for asylum seekers".

Let me start with words of gratitude to both rapporteurs. Their work is excellent. The result is absolutely competent, and unbiased, and they are both right, that pushbacks and not offering support to migrants or asylum seekers in a country which is recognised as safe is against both the Article 3 of the European Convention on Human Rights and Article 4 of its protocol number 4, which prohibits parties from returning migrants and asylums seekers to another country without individual assessment as to whether this is safe.

And that kind of practice is also against the 1951 Refugee Convention relating to the status of refugees that provides them with the right to apply for asylum in the first safe country where they arrive.

However, we should remember that the reality of our times is slightly different from times when the both conventions were prepared, negotiated, and adopted.

In recent months only, last winter, we were observing on the eastern border of Poland - the country I am from - that the asylums seekers, the people in poor conditions, living in unsafe areas, such as Iraq or Syria were misused, were abused - is better to say - for political reasons by the authority of a country, in this case, Belarus, which is of course not a member of our respective organisation. However, it is located on our eastern border.

That's why we should remember that - and now I'm saying as a Pole, not as a representative of EPP - that Poland, as a country, and Polish people, as human beings, are not reluctant, are not emotionless while thinking about those who are seeking a safe place to live, but sometimes we should remember that those people might be abused for political reasons, for those who are against human rights, against people's freedom, and against our meaning of democracy.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

We will now take over the list of speakers with Ms Selin SAYEK BÖKE from Türkiye.

Ms Selin SAYEK BÖKE (Türkiye, SOC): Thank you very much. *[in French]*

Our organisation's 73 years of shared values of democracy, rule of law and human rights is facing significant challenges.

One of the most tragic of these challenges is the displacement of millions of people and the pushback and pullback phenomenon we are experiencing.

The hard truth is that those in power have collectively failed the millions who are forced into mass human displacement.

Clearly, what we need is already stated in the report. The safety of return to the individually assessed for everybody.

However, I'd like to also underline that we do not just need individual assessment. We need a strong collective action. A collective action which will ensure a collective safety at home for everybody who cares to live in their homelands.

That should be the core goal of whatever step we take.

We should start by ending delegation of responsibility, almost always accompanied by political bargaining, financial negotiations, negotiations over human lives. We should end the inhumane and violent pushback practices. We should end discrimination between refugees based on where they come from. They are all human beings.

What we need is international solidarity. What we need is co-operation that will produce a collective solution based on the values of this organisation: human rights, democracy and rule of law, rather than political negotiation and bargaining over human lives.

What we need, therefore, is a strong parliamentary scrutiny over any non-transparent bargaining that might be going on wherever in the world.

In the short term, based on international law and human rights, it must be every nation's shared humanitarian responsibility. Not only certain countries, but every nation's, to protect all who are desperately seeking asylum in other countries for their right to live.

In the medium and long term, to stop the flow of migration and for the refugees to be able to return to their home safely, it's imperative that we end conflicts, we end instabilities, we end socioeconomic destruction, and we protect the victims right to life.

This is actually in accordance with the very standards of international law already specified in the UN Geneva Convention.

If we end the factors that are pushing people out of their homelands, then we won't have to discuss how to end pushbacks.

I think we should not forget about the structural problem at the core of this issue. People are being pushed out because of conflict, because their lives are being destroyed and they are seeking shelter. If they can find the shelter in their homes, and if we support this, and we use the funds not to create refugee zones with specific buffer areas, but we create safe homelands for people with the funds that we use already, to build infrastructure, to build public services in their home countries, then we can resolve this issue.

The historic responsibility falls upon all of us, so it's time we congratulate each other not for building walls of a fortress, but for building a better world for all people.

I congratulate our rapporteurs and I hope this is the first step in the right direction.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

I call Ms Marijana BALIĆ for Croatia.

Ms Marijana BALIĆ (Croatia, EPP/CD): Thank you, Mister Chairman.

First of all, I would like to thank both rapporteurs for their efforts and advice they provided for us, especially for the countries involved.

The resolutions and more importantly the exchange of views that we had during your visit to my country, Croatia, have been very useful for us.

Therefore, once more I would like to express my appreciation for that opportunity.

I'm stressing this especially in line with our accession to the Schengen Area, which is expected to be at the beginning of next year [2023].

Your visit in February prompted the Croatian parliament to request the government to address the issues you raised.

In this sense I'm also glad that the European parliament rapporteur, on the application of the Schengen *acquis* in the Republic of Croatia, which recently visited Croatia, came up with a positive assessment of the situation on the ground.

As we are also discussing the review of the Schengen and the asylum system in the European Union, your reports remain very important documents in addressing a wider range of issues in many member States of the European Union.

The point is that this is a European problem. It requires a European solution.

As the EU member State managing the longest new external land border, Croatia faces, on a daily basis, high pressure of migrant flows.

In addition to taking care of the security of the EU's external borders I would like to reassure you that Croatia puts the protection of human rights and human life first, as Croatia provides by undertaking measures and activities which we are and will strive for.

These issues raised in both reports and in a particular recommendation proposed by Ms Stephanie KRISPER provide us a useful tool for looking for a common European solution, and also show the synergy between the Council of Europe and European Union.

I firmly believe that the good management of our borders, the security of our citizens, and the full respect of international law, and protection of refugees, are not in contradiction with each other, but can and should be jointly achieved.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

Mr Barna Pál ZSIGMOND has the floor for Hungary.

Mr Barna Pál ZSIGMOND (Hungary, EC/DA): Thank you, Mister President

Dear Colleagues,

Today the pressure of migration is once again increasing, especially on the central Mediterranean and Western Balkan routes.

There is a modern-day population movement in progress around the world. The waves of this have reached Europe again. The question now is what the response of Europe will be.

The uncontrolled influx of migrants is a matter of serious concern for all of us, as its consequences threaten the stability of the region.

Dear Colleagues,

Migration has become a very serious problem these days, but I consider it very important that refugees should not be confused with illegal migrants.

First, let me stress coming to my country, that illegal migrants violently storming our southern borders have no right to enter Hungary in our understanding, after crossing through several safe countries. One of the most important tools to take back the power from smugglers and criminals for justice, law, order, security and human rights is to control our borders strictly and respect international legal regulations.

Hungary's priority is to protect its external borders and to strengthen its action against abuses of the asylum system. Illegal migration must be stopped already outside the EU. We need to address the root causes, to bring help to the source of the crisis. One of the most effective tools is international development policy.

At the same time, Hungary will continue to provide protection to third-country nationals in genuine need, in accordance with its international, European and internal legal obligations. Hungarian law enforcement, local councils, government offices, charity groups and volunteers have done an excellent job in helping refugees, even though the country was often subjected to unfounded attacks from left-wing political forces.

Hungary and Hungarians stand and will always stand with the innocent victims of the war in Ukraine. The Hungarian government is doing its utmost to help Ukrainian families affected by the war. They can always count on our country, whether they are refugees displaced from their homes or living in a war zone.

The number of people arriving to Hungary from Ukraine has now exceeded one and a half million. The Hungarian government has provided various forms of assistance to these people at the borders and central assistance points.

Dear Colleagues,

We are living in a time where common sense should prevail regarding the horrific and unpredictable war between Russia and Ukraine.

We will continue what we have started at the beginning of this conflict. We will continue to offer aid, help to refugees from Ukraine and support the sovereignty of Ukraine. However, at the same time, we will always protect our country from illegal migrants.

I would also like to call all the countries of Europe to stand together for the protection of our borders, for the security of the people of Europe.

The report favours in my understanding illegal migration. Therefore, I do not support the report.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

I call Ms Yuliia OVCHYNNYKOVA for Ukraine.

Ms Yuliia OVCHYNNYKOVA (Ukraine, ALDE): Dear Mr President, dear colleagues, dear rapporteurs,

The resolution calls the member states of the Council of Europe to take measures to prevent pushbacks, to protect the victims of pushbacks, to prosecute those responsible for pushbacks, and to improve international cooperation and coordination between border authorities, police, and other bodies in charge of border protection.

The list of measures on prevention, prosecution, protection, cooperation and coordination being implemented in national legislation and practice are meant to solve the human rights and humanitarian system better.

So the non-refoulement principle, the cornerstone of refugee protection guaranteed by the Geneva Convention, prevents refugees from being expelled, to return to the frontiers of territory where their lives or freedom would be threatened in consideration of their race, religion, nationality, membership of a particular social group or political opinion.

Unfortunately, XXXhybrid ethical use ofXXX refugees and asylum seekers from other countries by the Belarusian authorities resulted in increased pressure relating to immigration and asylum at the external borders of the European Union, Belarus' borders with Latvia, Lithuania, and Poland.

It was orchestrated by the Belarusian authorities in response to European Union sanctions against Belarus which were imposed for the violation of human rights.

We agree that people that have been played as a political card by such Russian terrorist regime should not pay the price of their lives and security. Countries have an obligation to help and process these asylum applications.

I believe that the more effective mechanism to strengthen border management and more a collaborative approach in preventing such juggling with human lives.

Today there are millions of Ukrainian displaced persons, refugees and seeking temporary asylum and shelter in the member states of the Council of Europe.

While destroying civilian infrastructure and blocking the evacuation of civilians from the occupied territories to the government-controlled parts of Ukraine, Russia practised illegal detainment of Ukrainian citizens and forced deportation to the territory of Russia, Belarus and the occupied region of Ukraine.

The European Parliament, in its resolution of 12 September, strongly condemned this practice of Russia and XXXX urgently advised to their XXXX obligation under international law.

We have to stop Russian aggression against Ukraine, stop the act of genocide and environmental violation.

One more important issue to raise. We are witnessing thousands of Russian men fleeing the country by land, by plane and by sea, to avoid mobilisation. Could they be considered real refugees or asylum seekers, and how should countries accommodate them?

Member states should be very careful not to let the situation become a new manipulation, destabilisation and social disruption, but at the same time follow international humanitarian law.

I want to emphasise that members states must implement their legal obligation in good faith, especially in tackling pushbacks. It requirements all member states to act together.

Thank you for you attention, dear colleagues.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

I give the floor to Mr Kamil AYDIN for Türkiye.

Mr Kamil AYDIN (Türkiye, NR): Dear President and dear Colleagues,

I would like to thank the rapporteurs for their exclusive works on two important matters for our continent.

I would like to raise a couple of points on the report on pushbacks.

Dear colleagues,

In recent years, unfortunately we have been witnessing a great deal of global as well as regional problems, which jeopardise and threaten human lives all around the world.

Apart from the bloody consequences of war and other atrocities, we can also see a dramatic increase in tragic death tolls of refugees, who only attempt to find a way out to have secure and more prosperous lives, which is granted as the first and foremost right of being human.

As far as the refugee issue is concerned, while some countries such as Türkiye are sharing such a meaningful burden of refugees regardless of their belief, identity or their colour, some others like Greece show a great resistance and reluctance to such global issues as refugees, as they are pushing them back into the depths of the Aegean Sea, resulting in miseries and losses.

It is quite disappointing that this report does not explicitly mention about Greece's pushbacks on the Aegean Sea and the land border between Türkiye and Greece. Credible international organisations and NGOs working in the field reported perpetration of pushbacks by Greek security forces on many occasions.

Indeed, video footage and statements by witnesses and victims often manifest the flagrant cases of pushbacks.

Despite the abundance of reports and evidence on Greek pushbacks, official Greek authorities suggest that they are merely combatting smugglers and human traffickers, emphasising that they are protecting the borders of Europe.

Such an approach from the Greek side does not help put an end to this inhumane practice and to hold those responsible accountable.

Finally, I would like to emphasise the fact that pushback is a pan-European problem and requires a co-ordinated and concerted effort for putting an end to this problem. Hence, all countries - including all of us - must act in accordance with its human rights obligations.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

I call Mr Domagoj HAJDUKOVIĆ from Croatia.

Mr Domagoj HAJDUKOVIĆ (Croatia, SOC): Dear Mister Speaker,

Dear Colleagues,

Let me start by thanking the rapporteurs for their excellent work. I hope that your visit to Croatia was an informative one, that you gathered all the information that you needed, and indeed your input is very valuable for us.

Discussing this report, I want to discuss something else, and that is how to protect migrants but also protect our countries.

How should we do it? How is the migratory flow to be controlled?

Some colleagues mentioned here that the best approach is to treat the problem at its core, so investing into the countries of origin of migrants.

I would put it a bit differently, because this approach will take a lot of time and a lot of funds.

We need to discourage perilous migration, dear colleagues. By perilous migration, I mean perilous sea crossings like crossings in the Mediterranean, walking long distances, for example from Bangladesh to Greece, where migrants are prey for smugglers, traffickers, other criminals, and unaccompanied minors are often exposed to violence and abuse.

What are the solutions that we can apply relatively quickly and efficiently?

Maybe extra-territorial processing of asylums is one of those approaches, as underlined in the report that I had the honour to present to this house. The creation of safe zones, also, may be one of the approaches.

Also the acceptance of the help of NGOs. This is vital, dear colleagues. I'm not talking about NGOs that are criminal organisations pretending to be NGOs and actually trafficking in people, but NGOs that are actually assisting migrants, helping those that need help.

These NGOs should be supported and allowed to freely exercise their activities, because they are more flexible, more speedy and more adaptable to the situation than, maybe, some official systems are.

Of course, the case to case approach is vital in this respect.

There are also other problems that we face, dear colleagues.

I will give you an example from my country, Croatia. Migrants who come to the border and apply for asylum are then taken to the reception centres. In over 75% of cases, after a few days they just disappear. They continue on their way to their final destination.

In conclusion, much more solidarity is needed on the European level and indeed the reform of our asylum system should be looked into.

No one who needs help should be denied help and protection by our countries.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

The floor is given to Mr Sławomir NITRAS from Poland.

He is not here.

I now give the floor to Mr José María SÁNCHEZ GARCÍA from Spain.

Mr José María SÁNCHEZ GARCÍA (Spain, EC/DA)*: *Thank you, Mister President. I'll be speaking Spanish, my native language. [in French]*

I must admit I am quite surprised by a lot of what I have heard in today's debate.

I haven't attended many settings of the Parliamentary Assembly, but I do see there are certain recurring issues you deal with, and this is one of them.

To the greatest satisfaction, I'm sure, of all members who spoke on but after the left and the center-left, I'd like to tell you that in Spain we have a law, Law No. 15 of the 12 July 2022, article 2. One of these laws says that discrimination on grounds of illegal residency is banned. In other words, Spanish legislation disqualified or outlawed any discrimination between people with legal and illegal residency. In other words, this whole concept of residency becomes meaningless.

I'm not sure if this is something you're calling for on the rest of Europe, not am I sure if people intend to rush to Spain themselves to be able to settle legally. But it's clearly a real problem.

The type of people who might be attracted by measures such as this might well be political activists, for example. This somewhat.. this incongruence by the Spanish government, pushed by a communist and socialist coalition, is not supported by international texts on asylum nor indeed by any legislation from the European Union.

For the reasons we know, we have pushed back the refugees. The fact is, there's no implementation of subsidiarity here when it comes to this.

Let me repeat what I said beforehand: there's no international text with the concept of economic migration. One of the speakers said a few minutes ago that human beings are entitled to migrate.

Obviously, that's the International dimension of what we call the national level of freedom of movement, but the right to migrate has to be legal, not illegal.

If migration is illegal, that comes under international law or the national law, but we'll see that Spanish legislation has eliminated the concept of legal residency by saying that legal and illegal residents are in equal footing.

As a result, we have to look at what this national law says about this.

I don't think that we can afford to accept exceptions.

States are sovereign. They continue to be sovereign, they continue to have borders.

It's not a matter of cruelty.

I know that some speakers today have been talking about a Christian view of life. I'm a Christian myself, but I can't accept this way we are eliminating borders so that we ignore the cultural nature of states.

Some states, because of their geographical situation, are not in a position to accept free movement of migrants unless they are fully in line with their legal requirements.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

I now give the floor to Mr Fazil MUSTAFA from Azerbaijan.

Mr Fazil MUSTAFA (Azerbaijan, ALDE): Dear colleagues,

I want to bring your attention to the fact that unanimously adapted draft resolution based on the report prepared by Mr Pierre-Alain FRIDEZ and discuss that Article 3 of the European Convention on Human Rights and Article 4 of its protocol prohibit state parties from returning migrants and asylum seekers to another country without an individual assessment as to ways that this is safe.

Member states are called upon to take a series of measures to prevent pushbacks, to protect the victims of pushbacks, to prosecute those responsible for pushbacks, and to improve international cooperation and coordination between border authorities, police forces, and other bodies in charge of border protection.

It is necessary to pay attention to the fact that dozens of migrants around the world risk their lives to cross international bodies to safety.

Also states have the right to decide whether they grant non-European Union nations access to their territory. They must do this in accordance with the law and uphold individuals' fundamental rights.

We understand that the European Union objectives in the field of external border protection are to safeguard freedom of movement within the Schengen area, an area without internal borders, and to ensure efficient mentoring of people who cross both external Schengen borders and the European Union's external borders, these countries that are not part of Schengen area.

Border surveillance operations carried out at the European Union's external border must respect international and European human rights and humanitarian law, as well as the sea.

But despite it, pushbacks have taken on worrying proportions taking place routinely on land but also in the more deadly environment of the sea.

We must come to a mutual solution for this problem. European Union member states must adhere to the rules established earlier for the protection of human rights.

Thanks.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

I would like to give the floor to Mr Halil ÖZŞAVLI from Türkiye.

Mr Halil ÖZŞAVLI (Türkiye, NR): Dear President,

Dear Colleagues,

I would like to congratulate both rapporteurs for their timely and comprehensive reports.

Although detailed information is given in the report about the legal framework on the prohibition of pushbacks and what needs to be done legally to prevent it, unfortunately, there is no information about why people leave their homeland at the risk of their lives and become refugees, and why they seek asylum.

I think understanding why people become refugees is as important as understanding why they were pushed back.

Back to the report, although Türkiye is the country most affected by pushbacks, it is extremely unfortunate that the report mentions Türkiye as a country that uses refugees as political pressure.

On the contrary, Türkiye is the country that provides shelter to the largest number of refugees in the world today and this situation has been going on for 11 years.

Could you please tell me which country of yours can provide shelter for 4 or 5 million refugees for 11 or 12 years?

Besides, unfortunately, there is no information given about the refugees pushed back by Greek security forces in the Aegean Sea and on the land border. I think there is no need to say that today Greece is the country which pushes back most refugees in the world.

According to the Turkish Ombudsman institution, between the years 2020 and 2022 – I mean in the last three years – 41 000 refugees were pushed back in the Aegean Sea and on the land border. And 400 of these people – innocent people – lost their lives. Some of these them died by drowning and some froze to death on land.

Videos of refugees who were pushed back, beaten or even killed by exploding their inflatable boots by the Greek security forces goes viral on social media and can be seen almost every week on TV screens.

In the light of this information, not mentioning Greece's role in pushback incidents is the most missing part of this report.

Dear colleagues, right to asylum is recognised in the United Nations Universal Declaration of Human Rights of 1948 and supported by the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

According to these international conventions, pushbacks are a form of denial of the right to asylum. If we aim to stop pushbacks, we need international collaboration and instruments and, as parliamentarians, we also need to address these challenges in our countries.

Thank you for your attention.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

I call Mrs Margreet De BOER for the Netherlands.

Ms Margreet De BOER (Netherlands, SOC): I thank both rapporteurs for their important work.

I have a few remarks and questions on safe third countries. We should not only focus on a definition of safety as the report does but also on the question – what can be regarded as a country of origin or third country?

Can we really force an asylum seeker to return to a safe third country, in which they have, in fact, never lived before as it is a standard practice in many member states?

Can you speak of a country of origin to which someone should return on the mere connection of nationality if the person in question has never resided there?

And with regard to pushbacks, I do not only call on member states on the European border to end all pushbacks, all states should take responsibility and protect asylum seekers from these actions.

Do the rapporteurs agree that states that commit pushbacks cannot be considered safe enough for Dublin returnees and that other states should suspend Dublin returns to these countries as long as prospects are carried out?

Migration and assignment policies are among the most pressing issues in Europe.

The asylum situation is often referred to as a refugee crisis but in many countries, it is not so much the number of incoming refugees that creates this crisis situation, it is the deliberate political choice to allocate insufficient resources leading to a lack of capacity on all fronts.

A lack of capacity which is then wrongfully used to argue that we as North-Western European countries cannot handle the number of asylum seekers arriving. Take the example of the Netherlands where it is a structural lack of capacity in asylum reception shelters due to continuous downscaling in asylum reception, and processing. The situation dropped so low below the minimum standards with hundreds of people sleeping outside some nights that recently a Dutch NGO successfully sued the state in order to ensure improvements of the reception conditions. However, rather than accepting these judgments, the Dutch state has appealed and meanwhile extended the maximum term for asylum decisions from six to 15 months and the maximum term for family reunification to 15 months as well. I feel really feel ashamed of my country, I have to say.

Political decisions create crises and asylum seekers and refugees pay the price and this deliberate violation of their rights must stop at our borders and in all our countries.

Thank you.

Mr Bertrand BOUYX (France, ALDE, President of the Assembly): Thank you.

The floor is given to Ms Jorida TABAKU, from Albania.

She is not here.

I now give the floor to Mr Allal AMRAOUI, from Morocco.

Mr Allal AMRAOUI (Morocco): Thank you, Mr President.

Dear colleagues,

First of all, I would like to congratulate the rapporteurs for their excellent work.

For my part, I would like to highlight the efforts of my partner country for democracy here, Morocco, a country of origin, transit and increasingly a country of destination for migrants. It continues to invest fully in the migration issue, with operations to regularise tens of thousands of irregular migrants with better integration and, consequently, better management of migratory flows at the African level through the mandate of leadership on migration entrusted to His Majesty the King, or the establishment of the African Migration Observatory in Morocco and, at the international level, through an intense and voluntary engagement – the Global Forum on Migration and Development, the adoption of the Global Compact for Safe, Orderly and Regular Migration in Marrakech.

You are right, dear colleague Mr Pierre-Alain FRIDEZ, to underline the importance of making borders an axis of co-operation and not of division, as well as the shared inter-state responsibility. This is reflected in the exemplary co-operation between Morocco and Spain as well as with other EU countries. The EU's financial support of €500 million over seven years to combat irregular migration falls far short of Morocco's efforts and does not cover its expenses, estimated at €427 million per year. This year alone, through July, Moroccan services have aborted more than 40 600 attempts to emigrate to Spain, 11 000 more than in 2021, helped more than 7 000 migrants attempting to cross the sea, and dismantled 124 migrant smuggling networks.

Morocco, as a responsible state, does not make financial aid a condition for maintaining its migration efforts: whether there is aid or not, Morocco will continue to do what it has to do.

But the operational imperative of border control is not limited to one country. It must be understood in terms of the indivisibility of security and its inseparable corollary of regional co-operation and solidarity among all partners. Migrants are victims not only of humanitarian crises but also of political manoeuvring, as is the case with Morocco's eastern borders. Algeria has kept its land borders closed since 1994, dashing hopes of a possible regional integration that would be beneficial to the entire Maghreb and even to the continent. These same borders become porous when it comes to migratory flows and they have no choice but to pass through Libya and then Algeria before entering Moroccan territory. These are outdated practices, where migrants are forced, voluntarily and deliberately, by the Algerian army to reach Morocco. This is an indirect strategy decried by several observers, which consists of using the migration crisis as a political weapon against Morocco and more broadly against other European countries such as Spain.

The migration flows from Algeria to Morocco are there. If there is no sincere and good-faith co-operation between neighbours along the migration routes, we cannot stop these flows.

Thank you.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

I call next Lord Leslie GRIFFITHS, from the Socialists, Democrats and Greens Group, the United Kingdom.

Lord Leslie GRIFFITHS (United Kingdom, SOC): Chair and Colleagues,

I find it a little frustrating standing here and having heard so many people with wilful or wilfully self-deluding understandings of the definition of a refugee.

I thought that we all knew what that meant, and that we all knew that we had our various countries subscribed to laws incorporating them within our domestic law, to accept the right of individuals as refugees to reach our shores.

I'm delighted that *refoulement* is receiving the accent that it is receiving, the three poles of the Geneva Convention are non-penalisation, non-discrimination, and *non-refoulement*.

Too often we have neglected the last one.

I'm resisting with every sense of myself an opportunity given at this late hour to say something rude about the British government and its own policies at this minute on the very question we are talking about. But having had one exposure to an over-the-top presentation earlier today, I am being terrifically well disciplined.

What I really want to suggest is that the one bit of this report that perhaps we could give greater attention to and really bring out in profile is the fact that although everybody has the right to come, they have to be assessed.

What's missing, as I discovered from my own compilation of the report on the anniversary of the Geneva Convention, is that our countries are ill prepared in general for the mechanisms that assess the claims of those who seek refuge.

If that were clearer, if that were efficient, then the fears of those small-minded countries who want to reject everybody simply because they're from somewhere else could be addressed.

Safe evaluation of those who present themselves as refugees needs greater profile to allay the fears of those who have exaggerated the situation on the one hand, and to give greater clarity to the meaning of *refoulement* on the other.

Thank you so much, those who've done all the hard work to bring these issues before us.

I wish that our response to your work were worthy of the efforts that you've made.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

I call next Ms Zdravka BUŠIĆ, Group of the European People's Party, from Croatia.

The floor is yours.

Ms Zdravka BUŠIĆ (Croatia, EPP/CD): Thank you.

Thank you very much, Madam.

Let me thank the rapporteurs for the report and their efforts to tackle this very sensitive issue.

As a member State of the European Union, Croatia has the obligation to protect the external borders of the European Union.

In doing so, we take all the necessary measures and implement relevant recommendations with the aim of protecting the rights of migrants and refugees.

As a Schengen candidate, Croatia continuously optimises its capacities and technical equipment for integrated land and sea border management, and information systems with regional co-ordination centres with the most modern technological equipment precisely in order to improve necessary procedures in every possible way.

Within the focus of planned activities and programmes, education of police officers in co-operation with civil society and international organisations is considered to be the most important issue. While special professional programmes in the field of human rights protection are being implemented within the framework of secondary and higher education.

The Croatian Ministry of Internal Affairs elaborated and distributed, on its own initiative, a special manual and rights of migrants, and also organised various meetings. All these meetings were really required by European Commission standards for the protection of fundamental rights of migrants and asylum seekers, as well as under judgments of the European Court of Human Rights of the Council of Europe.

In addition to the obligation to monitor the European Union's longer external land border, and prevent illegal entry, as well as possible threats and criminal acts, especially from the aspect of armed conflicts of which we spoke all this week, Croatia mainly strives to preserve and protect human rights and has zero tolerance for any forms of violence against migrants and refugees.

Isolated cases, I must admit, of transgression of power by police officers, which, unfortunately, did happen, were immediately processed, and they were only really a few.

Allow me to conclude that in addition to taking care of the security of the European Union's external border, longest border, the protection of human rights and human life is at the forefront of our interest.

Thank you very much.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

Dear colleagues,

I was asked by the Secretary General of the Parliamentary Assembly to inform you that we know that we are feeling that it's too hot here, but the Secretary General and the technicians are doing their best.

Please, we are asking for your understanding, this hemicycle is without windows and this afternoon was a really heated one with emotional debates, please.

We will continue.

The next on the speaker list is Ms Nerea AHEDO, Alliance of Liberals and Democrats for Europe, from Spain.

The floor is yours.

Ms Nerea AHEDO (Spain, ALDE)*: I'll be talking in Spanish. I'd like to start by thanking the rapporteurs for the two reports they've submitted.

I'd like to remind everybody that we're all talking here about a Fortress Europe which we try to make ever stronger. That seems to be the primary objective of our immigration policy.

Either we externalise our borders to do this and afterwards we pay countries, countries which don't always have a very good reputation when it comes to democracy and respective human rights. The idea is we would pay those countries to make sure either they don't reach our borders, or they take them back. That leaves us with a clean conscience. Or, we stop them getting in. If they do get in, we expel them, we push them back, often using violence. We've seen lots of examples in Melilla, North Africa most recently.

The problem is that this policy of collective pushback is becoming increasingly widespread both on our coast and our North African coasts.

The problem is that we are normalising this, and we're becoming increasingly tolerant of it despite the fact that it's illegal and immoral. I must ask myself: why are we doing this, what are we afraid of?

Are we unaware of the fact that people are being instrumentalised in this process and the more we try to push people back, the more we'll push migrants to seek dangerous routes onto our continent, trusting their lives to the hands of the mafia.

Despite everything we do, some people do succeed in entering Europe. In that case they need protection. I'd like to tell you about two examples.

People often reach the first country; that's the country which is obliged to deal with their asylum request. In many cases, the people don't want to stay in those countries. These are transit countries for them. But these transit migrants are increasingly complicated, not just because their requests aren't accepted, but also because they want to get into the Schengen Agreement, so the border in the Pyrenees for example, between France and Spain, is closed in many places, despite the fact that it is in Schengen.

Once again, the people who arrive in the initial country often don't want to stay there.

There's another issue. I don't know if it is fair that the countries of entry are expected to bear 100% responsibility simply because they are located there where they are, the entrance to Europe. I think we have to give some very serious thought to a sharing of responsibility, and reviewing and revising Dublin.

Either we can do that or we can delegate our responsibility to so-called safe third countries. That's very easy isn't it: let's make them responsible.

I'd like to know what the definition of a safe third country is. Is it acceptable that we designate Rwanda a safe country, as some countries have done? Is it legitimate to do that? Is it legitimate to send them back? I don't think it is.

I'll be supporting these two reports; I think they are a step forward.

But I think we have to start thinking in a comprehensive and structured way. We have to ensure that we have a humane and humanitarian migration policy based on human rights and the respect of people.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you [in Spanish].

Next in the debate, I call next to Mr Ahmet BÜYÜKGÜMÜŞ from Türkiye.

Mr Ahmet BÜYÜKGÜMÜŞ (Türkiye, NR): Dear President,

Dear Colleagues,

I would like to begin by thanking the rapporteurs for their comprehensive works.

Regarding the report on pushbacks, the rapporteur and the Human Rights Commissioner of the Council of Europe have rightly stated that pushbacks have become a pan-European problem encompassing more than half of the member states. Sadly, this inhumane practice systematically and regularly prevails in many countries.

Considering the magnitude of the problem and its violent and systematic nature, combatting pushbacks require a rather concerted and co-ordinated approach which must also include EU institutions.

Unfortunately, Frontex was involved in pushbacks on many occasions either by turning a blind eye or aiding the security forces in perpetrating pushbacks. In fact, as both rapporteurs have stated in their reports, internal investigations and the inquiry of the European Parliament have not produced tangible results as Frontex did not act in a transparent and accountable manner.

In fact, investigations by European Commission and the European Parliament revealed that the organisation was aware of the infringements and deliberately did not report them.

The migration committee in here have invited representatives from Frontex, but no representative has participated in the committee meetings for hearing. Mr Pierre-Alain FRIDEZ has contacted number of officers from the organisation and managed to acquire some information. However, it is a shame that the committee was unable to ask questions directly to the concerned officers regarding the allegations of complicity of the organisations in pushbacks.

I hope that all these investigations would yield some solid results in the protection of lives and rights of migrants travelling on land and sea. And that Frontex would take a path that would render the organisation transparent, accountable, and human rights-complaint.

Thank you.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

Next in the debate, I call next Mr Chris BONETT from Malta.

The floor is yours.

Mr Chris BONETT (Malta, SOC): Thank you, Madam President.

Dear Colleagues,

This resolution deals with the very sensitive subject of migration. It is a subject that has plagued my country for many years, which good or bad, has tried to deal with it by striking a balance between the rights of every person, notwithstanding the background, is given the opportunity to leave areas of oppression and settle in a country where these persons can be protected and start a new life with a much better quality, and the exigencies of the actual space available in order for everyone in that country to lead a good life.

However, although I understand the scope of the resolutions, I do have to admit that now that apart from the Balkan route and the Mediterranean route, we have a Ukrainian route for migration, it is really the time not to have a discussion limited to pushbacks and *refoulement*, but to open the scope of this discussion to a wider debate on how as European countries, who share the principles of solidarity between our peoples, start taking serious action on how we can help each other to carry this responsibility together.

Unfortunately, I have seen many occasions where discussions have been held on what an individual state has to do or not to do, but rarely has there been a serious discussion on how collectively we are to tackle this phenomenon, which will not leave us any time soon.

Whilst I do commend the governments bordering Ukraine for dealing with the influx of migrants so stoically in the past few months, I urge you all to speak in your respective parliaments on the need to assist not only the persons leaving their countries, but also those states who have the legal obligation to give them a home.

I think it is safe to say that the concept of voluntary relocation did not leave the desired results, and the number of migrants arriving on our shores far outweighs the number of those who have been received and given asylum by other states in Europe.

For over 70 years, this Council of Europe has been an institution in which member States with different backgrounds, different problems, have come together to legislate, to create treaties, that provide the vital balance between the fundamental human rights of persons and the responsibilities of each member State.

Madam President, it is useless to speak about interstate solidarity if such solidarity does not stretch to helping member States on the periphery of Europe who are constantly dealing with this problem.

Addressing pushbacks is not enough. Countries like mine cannot physically face all this on their own any longer. This problem needs to be shared by all member States who are urged to open their doors to house people migrating in order to live a better life. The call for legislation in this resolution addresses only part of the issue, and rather than solving it, will increase the problem in the targeted countries. This approach is definitely not enough.

Mister President,

My Dear Colleagues,

If you, like me, really believe in life, really believe in liberty, and in fundamental human rights, then let's tackle this subject in its entirety and legislate in a holistic way. Let's express solidarity with all peoples, and let's all be part of the solution to the problem, not just make sure it stays away from our borders. It's not Malta's or any other individual nation's problem. It is a European problem and as such requires a European solution.

Thank you.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

In the debate, I call next Ms Mariia MEZENTSEVA Group of the European People's Party from Ukraine. Mariia, the floor is yours.

Ms Mariia MEZENTSEVA (Ukraine, EPP/CD): Thank you, Ms Elvira KOVÁCS. Thank you, dear Chairwoman.

I see my great two friends in a combination in the joint debate, XXXX#sophie Ms Stephanie KRISPERXXX and Mr Pierre-Alain FRIDEZ. I salute you both, dear colleagues, because the mission which you have accomplished with very valuable deliveries, stipulated in both of your reports are opening up something that probably many international organisations could have been blind before about and this is the structure of the exact protection for those who are seeking asylum and a question we are posing to ourselves today. These people are probably in real need of protection because they are fleeing wars and our institution was always providing the mechanisms for protection and fair responsibility-sharing among its members.

Colleagues, I was very positively impressed today when I heard a deputy chair of the Council of Europe Development Bank speaking at one of the political group's meetings, showing exact figures of millions of euros jointly collected to support such people. For instance, there was allocation for Ukraine, we have submitted our application for this bank of the reconstruction of the Council of Europe but your countries who are receiving at least seven million temporary displaced persons and this is a new understanding in international law – we do not call them refugees – are receiving this assistance to help them with living, to help them with homes, to help them with food and to provide them with a shelter. And we highly appreciate, on behalf of Ukraine, this gesture.

I would like to remind you, dear colleagues, some very sad numbers, that these floods that occurred in our subcontinent after 24 February are the highest ranked by the UNHCR since the Second World War. Therefore, the mechanism which we are implementing, sharing and imposing on such processes have to be very tactical. And therefore, I salute both the rapporteurs for the tremendous work which has been done. We understand that there are also options which we can suggest already to the Temporary Protection Directive, and we highly salute a new mechanism that was recently proposed at the Committee on Migration, Refugees

and Displaced Persons on evaluation on professional skills. These people are not there only to sit and wait for the victory days or for peace. They are there to contribute to your economies, dear colleagues. That is what they are doing every day when they are aspiring for peace.

Thank you.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you, Mariia.

I call next Ms Mireille CLAPOT, of ALDE, from France.

Ms Mireille CLAPOT (France, ALDE): The geographical configuration of Europe means that some parts of the continent are very attractive to migrants, either for reasons of conflict, or for economic reasons, or because human beings sometimes have no choice but to move around our globe. Moreover, land and sea borders are an unavoidable aspect of international law.

Moreover, asylum is also an essential component of international humanitarian law. In particular, Article 3 of the European Convention on Human Rights and Article 4 of its Protocol No. 4, both of which demand individual examination of cases and outlaw them being sent back to the country if this isn't done.

Moreover, in your excellent reports, Rapporteurs, you do list countries which, sadly, practice refoulement and we would like to stress that this is not acceptable. Obviously, we must protect our borders, but in full respect of international law and the dignity of the people who migrate.

The United Nations High Commissioner for Refugees, or the International Organization for Migration, the Council of Europe via the European Court of Human Rights, the Commissioner for Human Rights of the Council of Europe, the Committee for the Prevention of Torture or, indeed, reports from the Special Representative of the Secretary General for Migration and Refugees - all of these bodies have flagged up shortcomings which we, as parliamentarians, cannot accept.

The European Union, moreover, is playing a somewhat ambiguous role. On one hand, it quotes law; at the same time, however, it is arming Frontex, which seems to carry out and tolerate quite dubious practices. The examples provided by the rapporteurs are quite frightening: pushback from Croatia to Serbia and Bosnia-Herzegovina, pushback from Greece to Turkey, pushback from Poland and Lithuania to Belarus, pushback from Italy and Malta to Libya. Pushback or refoulement is often justified by quoting hostile public opinion.

However, fraternity and the desire to take in refugees are widespread sentiments. We have seen this very recently with our Ukrainians friends.

I do note that the rapporteur has not referred to pushback on French borders, although NGOs have cited a certain number of cases on the French land border with Italy. In fact, France is more of a victim from pushback carried out by the United Kingdom.

So, what can we do? We have to train our law-and-order forces, we have to help support civil society, carry out parliamentary scrutiny, protect migrants, punish those responsible for illegal migration, if necessary, and facilitate cooperation with other countries.

I support the resolution and I was delighted that, during my maiden speech in this house, I was able to support these reports, which are fully in line with my humanist values.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you, madam.

The last speaker for tonight's debate is Mr László TOROCZKAI from Hungary.

Mr László TOROCZKAI (Hungary, NR): Thank you.

First of all we need to see the difference between a refugee and a migrant.

For nine years I was the mayor of the town that lies on the Hungarian-Serbian border, which is also the border of the European Union and which has been under the greatest inland pressure because of migration for the past seven years.

Since 2015, hundreds of thousands of illegal migrants have passed through our town, Ásotthalom. With this, they destroyed the lives of tens of thousands of law-abiding, decent European citizens.

They have broken into our houses on several occasions, they are destroying our agriculture and leave huge amounts of garbage behind, destroying our environment. They regularly shoot each other with guns or attack the Hungarian policemen and soldiers guarding the border.

When will I hear about the human rights of law-abiding, tax-paying, local European citizens here? Our rights do not matter? Who will compensate us for the damage caused by the migrants?

I really hope that the politicians who want to deprive law-abiding, tax-paying Europeans of their right to protect their own borders, live in a town like I do at the Hungarian-Serbian border.

Or, if not, then I hope they live in a ghetto populated by non-European migrants. I hope that their children go to a school where the children of migrants are in the majority.

If this is not the case, then you are all hypocrites!

You refer to the 1951 Refugee Convention. However, the world has changed a lot since then, so we need a new Refugee Convention. Demographically, there is a huge difference between Europe and other parts of the world, where most migrants come from.

If in a few years millions of migrants with completely different cultural backgrounds arrived in any country, that would lead to conflicts.

So, the source of the conflict is mass immigration, and there is a conscious policy behind this.

This intention is the same as that of large global corporations, who want to see faceless consumers and cheap labour in Europe.

These political and economic forces are not building a multicultural society, but are destroying a Europe based on the traditions of the ancient European peoples and Christianity. Those who love all the colours of the rainbow, but want to cancel the white.

Europe is full. These politics must end if we want conflicts to decrease.

Thank you very much.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Dear colleagues,

I must now interrupt the list of speakers.

The speeches of members on the speakers list who have been present during the debate but have not been able to speak, may be given to the table office for publication in the official report.

I remind colleagues that typewritten text can be submitted electronically no later than 4 hours after the list of speakers is interrupted.

Now, I call Mr Pierre-Alain FRIDEZ, the rapporteur, to reply.

You have 5 minutes.

First you, and then Madam.

Mr Pierre-Alain FRIDEZ (Switzerland, SOC, Rapporteur): I was only trying to be gallant, Madam President.

There you have it, dear colleagues,

I have many things to say and I thank you all for your contribution to this debate.

It is a very complicated subject, we can feel it, with a lot of emotion, with vehement criticisms that are justified from your point of view. But my problem is that I have the impression, when I speak with my colleague, with the commission, with the Secretariat about this problem, that I am really in line with the values of our European Convention on Human Rights; in the position of the UN Special Rapporteur on Human Rights and Migrants; Mr Felipe Gonzáles Morales, in the position of the UN Special Rapporteur on the Rights of Persons with Disabilities, Mr José Luis Pérez Sanchez. Felipe Gonzáles Morales; in line with the position of the Council of Europe's Commissioner for Human Rights, Ms Dunja Mijatović, who considers that more than half of our countries are concerned – even France a little bit – even if it is less important, in line with what the UNHCR says, in line with what the Special Representative of the Secretary General of the Council of Europe, Ms Leyla Kayacik, says.

I will start by talking about what Mr László TOROCZKAI from Hungary said: differences between refugees and migrants, damage related to migrants. It is clear, but it is obvious that if you put a wall on the border of your state and force thousands and thousands of migrants to be stopped suddenly on their way to Europe, it is clear that these people live and perhaps do some damage, it is clear. What is also clear is that with some of my colleagues here, notably Mr Paul GAVAN; I have made a point of saying Mr Paul GAVAN, I had the opportunity at the time, in the case of the campaign against the administrative detention of migrant children, to visit the camp of Röszke, a camp which was, in fact, a crossing point normally for migrants who entered in dribs and drabs. I saw barbed wire, I saw watchtowers, I saw 15-year-old kids from Afghanistan - this also refers to the war - who had been detained there for six months. We saw things that, from the point of view of the fundamental rights of migrants, are not acceptable.

Lord Richard KEEN, I think he is no longer here, referred to the Westphalian right of States to have borders. Indeed, there are stories of definition and some have a clear definition. There are genuine refugees, real refugees, who are fleeing from war and then perhaps from potential crimes that could be committed against them; and then there are economic migrants.

But, ladies and gentlemen, and here I am responding to Mr Halil ÖZŞAVLI of Türkiye, why do people become refugees? Why do they migrate? There are many causes. A year ago, in this chamber, we had a debate on climate migrants: the misery of climate change, and wars that do not stop in Syria or elsewhere. Huge problems in terms of security, just for their survival, push people to try to hope, to try to live somewhere. And there are indeed people who have wars, like in Ukraine where things are clear; they are welcomed; or in Hungary for example, based on their own values.

But in fact, all people who at some point present themselves at a border - and this has been said quite rightly by most of you - are entitled to help and assistance. And they are entitled to procedures: procedures that are the rules that exist in our Organization, that exist in all the fundamental organisations of this world.

And I believe that, in the end, what is fundamental is that in this temple of human rights, these rights are respected and that we try to imagine one simple thing: that the work is enormous. Certainly, we are only seeing the tip of the iceberg. The climate crisis, the conflicts, the hunger, the problems that arise are not going to make things any better and we, all the European states, must be united to find a solution. And I am clear: my country, Switzerland, is not doing enough. But it is true that thanks to the proposals of our Italian friends, we are going to improve things a little in the resolution. Lord DUNDEE is currently preparing a report on this issue of European solidarity, talking about what we should do to share the burden, all of us, the states. This is fundamental.

I will end by talking about Frontex to answer Mr Ahmet BÜYÜKGÜMÜŞ from Türkiye: I had the opportunity to go to Warsaw. I met the management of Frontex. It is clear that there was a long period when Frontex did not want to talk. In the end, they had to open up the discussion a little bit because sanctions were imposed – the European Union limited the money it gave to Frontex because there were dysfunctions. And, above all, they have organised, they have set up at the request of the European Union, a special service for the respect of human rights, which is in fact an entity that - in my opinion - will significantly improve the quality of border surveillance, so that Frontex - which is a structure decided by the European Union and which is certainly useful - is in any case there to verify that good practices exist and that human rights are respected. This is fundamental.

Thank you for your attention and, I hope, for your support for this report and that of my colleague.

Thank you.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

I call now Ms Stephanie KRISPER to reply.

You also have 5 minutes.

Ms Stephanie KRISPER (Austria, ALDE, Rapporteur): Thank you very much.

Thanks to the colleagues.

I'm grateful to hear in many speeches an amount of support by many of you who agree with our reports.

I wanted to react to the critical statements if they raised concrete arguments.

As to Croatia and Malta, I completely agree that we need European solutions and acknowledge also that some countries have to deal with more arrivals than others, so it is a call for solidarity also from my side. But a higher number of people seeking asylum can never, never be an excuse for inhumane treatment and violation of Article 3 of the convention. And it's also best way to have control. And you get control if you're compliant with the rule of law.

Pushbacks are not only barbaric but they also generate chaos that also right-wing parties do not like.

NGOs should of course be supported, and [they] play a vital role in securing asylum seekers' human rights, but they are not an excuse for the state to refrain himself from fulfilling its obligations.

As to Hungary, migrants are only illegal because Hungarian laws are completely contrary to European law and don't allow people to seek asylum at the border, that completely undermines The 1951 Convention relating to the Status of Refugees, and has to be urgently changed, in my opinion.

Hungary has accepted only 50 asylum claims this year and neither contributes in processing asylum claims and hosting receiving refugees nor in building a common European system based on the rule of law.

As to Türkiye, yes, there are really a number of pushbacks, and these are the reasons that we also call for a monitoring mechanism.

And as to my colleague Ms Margreet De BOER from the Netherlands, my report did not focus on the problem of the country of origin, and if somebody has no link to the country of origin anymore, I think that Article 8 of the convention is of support for these cases.

With one [case] of a girl having been born in Austria, I think deported back to Georgia, where she has not known – even the language – but now she is back. And my son – the [son of] my colleague from Hungary – I think, is going to the same school, by the way.

And, as to safe third countries without a link to the person concerned, that is not foreseen by UNHCR that persons are sent to a safe third country where there is no meaningful link found in the course of refuge that they took. And it is deplorable that not even, not only in the Netherlands but also in Austria for example the accommodation of refugees is deteriorating.

That's why we all, I think, have also to get together as a contractive force to fight for the level to go up again of accommodation standards, and I wonder why within the EU the European Commission hasn't started infringement procedures anyway. And we could also ask for this and motivate for such procedures.

And as to dear Lord Leslie GRIFFITHS, there are two phases: one is the admissibility phase and one is the phase where you, if the case is admissible, look into the case itself and on the merits. And I think on both levels there is not enough knowledge, often, as to a decision being taken really in a valid way.

But my report only focused on the question of admissibility, because it is a reason for not having a claim be admissible to say this person comes from a safe third country and here the problem is the change of burden of proof for the person being here of concern not having the possibility to change here the presumability of safety, which is in fact wrong.

So, this has to be looked at in every country concerned and I also hope in those who have voiced themselves critically today.

Thank you.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you, Ms Stephanie KRISPER.

Does the first Vice-Chairperson of the Committee wish to speak?

You have 3 minutes.

Mr Paul GAVAN (Ireland, UEL, Vice-Chairperson of the Committee on Migration, Refugees and Displaced Persons): Thank you.

The Committee on Migration, Refugees and Displaced Persons approved in June these two excellent reports.

Europe, and indeed the world, has been witnessing this year a strong increase of people on the move due to armed conflicts, violence, poverty and hunger, as well as climate change.

The numbers of persons seeking international protection in members States of the Council of Europe has risen sharply this year.

In this context, the joint debate this afternoon is of great value. It relies on the standards set by the European Convention on Human Rights, and the 1951 Refugee Convention, namely the obligation not to refuse refugees the right to apply for asylum.

Such a right is enshrined in most national constitutions and is even guaranteed by Article 18 of the EU Charter of Fundamental Rights.

It's, therefore, surprisingly sad that we have to discuss here ways to ensure that member States do not disregard these fundamental rights.

Ms Stephanie KRISPER's report on safe third countries is about asylum seekers and those whose asylum applications have been rejected and who must not be deported to unsafe third countries. As simple and logical as this is, we see lengthy debates about this subject based on political considerations rather than the existing legal standards.

For the member States of the Council of Europe, it is not admissible to deport persons to countries where their life and physical integrity, or their fundamental rights, are threatened.

Human rights cannot be negotiated, they must be respected.

Mr Pierre-Alain FRIDEZ's report highlights the most frequent violations of the right to asylum happening through what are called pushbacks or *refoulement*.

The number of alleged pushbacks by member States are a matter of serious concern. Obviously, not all who apply for asylum will be granted this protection, but this fact does not justify the attempts to blatantly deny such a fundamental right to a large number of people.

Mr Pierre-Alain FRIDEZ's report also underscores the extreme danger that migrants and refugees are routinely confronted with on land, but also in the more deadly environment of the sea. Violent pushbacks make thousands risk losing their lives.

Changes in the law and practices of member States are indispensable to stop pushbacks at land and sea, and to codify the principle of *non-refoulement* in national legislation.

Unanimously adopted, the draft resolution underscores Article 3 of the European Convention on Human Rights and Article 4 of which protocol prohibits state parties from returning migrants and asylum seekers to another country without an individual assessment as to whether this is safe.

Measures must be taken to prevent pushbacks, to protect the victims of pushbacks, to prosecute those responsible for pushbacks, and to improve international co-operation and co-ordination between border authorities, police and other bodies in charge of border protection.

I'll finish with a few words for our Hungarian colleague. Hate speech is not an acceptable response to a migration crisis. Racism is never an acceptable response to a migration crisis. Imprisoning children in cages on the Hungarian border, which I witnessed first hand, is never an acceptable response to a migration crisis.

Mr Alberto RIBOLLA (Italy, EC/DA): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in Italian.*

Ms Laura CASTEL (Spain, UEL): *Undelivered speech, Rules of Procedure Art. 31.2*

I want to personally congratulate the rapporteur for the work done. However, I would like to make some reflections on the use of the term "safe countries".

Pushbacks are prohibited by international law, under the non-refoulement principle, and by virtue of human rights treaties. The right not to be refouled is enshrined in Article 3 of the European Convention on Human Rights. Every person arriving in a country should have individual analysis of their petition to asylum or entry in the country. Let's keep this in mind.

Designating a country as "safe" means that the human rights situations there is considered satisfactory and individuals do not suffer persecution.

From my political group we do not believe in the notion of "third safe countries",

Safe for whom? and according to whom? Unclear.

Any list, as it so often happens, would erode international principles and the protection regime through overly broad definitions. Such approach will limit refugees' effective access to international protection. To recall, according to the UNHCR - the primary responsibility to provide protection rests with the state where asylum is sought. This burden should not be lifted to the detriment for refugees. Further, this runs counter to EU agreements to share burden for hosting and supporting world's refugees. This concept limits the space for receiving countries. As Enlightened by the report the practice is worrying. Not only for divergences between states but also procedures to access the application.

Right to asylum can be asked for many reasons, political reasons but also for persecution for LGBTI, for pertaining to a specific minority, etc.

No country can be considered entirely safe for absolutely everyone. Using the term "safety" lowers procedural guarantees and the quality of examination of applications. The use of this term is therefore highly problematic and may perpetuate an already existing human rights violation. And the EU once again will be complicit.

As stated, the right to seek for asylum is a human right for every person, and every petition should be examined individually and not conditioned by the country you come from or where you go to, or any other limitation.

We should all have a look at our national legislations and beware of such procedures. This Assembly should have a closer look, as suggested by the report.

We are against the so called "safe third country agreements", for, in sum, "safe countries" is a denial of the right to asylum.

Ms Barbara NOWACKA (Poland, NR): *Undelivered speech, Rules of Procedure Art. 31.2.*

Honourable Members of the Council of Europe

Thank you Mister Rapporteur for your astute and important work on this matter. Over the last years we have been witnessing a significant rise of violence, brutality, humiliation and cruel migrant pushbacks from member states to their previous country of transit or even another country, without giving them a chance to claim asylum. We also see that migration crises are being used as a tool to bring instability and conflicts to the countries of the EU.

We, as parliamentarians of democratic countries, believe that human rights are one of the strongest fundamentals of our community. Hence, we must underline the importance of Article 3 of the European Convention on Human Rights and Article 4 of its Protocol that are prohibiting Member States of the Council of Europe from returning migrants and asylum seekers to another country without an individual assessment.

Pushbacks are taking place routinely on land and at sea. Asylum seekers, including children are victims of this procedure. Sometimes deadly victims. The migration crisis on Polish-Belarusian border has started in August 2021. Beforehand, Aleksandr Lukashenko, threatened that he will neither stop the criminals, human traffickers nor armed migrants from coming to Europe. Since that time Belarus played an active role in causing a migration and humanitarian crisis on its borders with Poland, Latvia and Lithuania.

Thousands of people: men, women and children, with disabilities or representing minorities are detained by Belarusian soldiers in scandalous conditions - human rights organizations are reporting violence, beating and rapes. Asylum seekers or migrants shall not pay the price of a political game. States do have the right to protect their borders, but also have an obligation to process asylum applications filed at their borders or within their territory. Ruling majority in Poland has made a law aimed at restricting an access to territory and asylum for people entering Poland from the outside of the official border crossings. This law is in the contradiction to the constitution and the European Convention on Human Rights, which was signed by the Polish Ombudsman.

We should demand serious changes to the law and practice in the Council of Europe Member States to stop pushbacks immediately. As it is said in the report, we should ask Member States to take measures to prevent pushbacks, to protect the victims of pushbacks, to prosecute those responsible for pushbacks and to improve international co-operation and co-ordination between border authorities, police, and other bodies in charge of border protection, as reflected in the proposed draft resolution.

At this point I would like to thank all human rights activists, campaigners, members of formal and informal groups as well as representatives of churches and local communities at the Polish-Belarusian border for their outstanding work, courage and empathy. Also many thanks to Commissioner Dunja Mijatović for courageously standing up for human rights and her presence at the borders. Finally, quoting the biggest campaign for dignity of migrants and asylum seekers in Poland I have to emphasize: "no one deserves to die in the forest".

Mr Christophe LACROIX (Belgium, SOC): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in French.*

Ms Naomi CACHIA (Malta, SOC): *Undelivered speech, Rules of Procedure Art. 31.2.*

Thank you Mr President

I believe in empathy, and compassion and I would hope this is a guiding principle in all that we do as parliamentarians.

I also believe in acting pragmatically, with conviction, and with principle.

My country, right at the South of our European continent and often the first point of refuge for migrants, has saved thousands of lives over the years. We host one of the largest communities of refugees and beneficiaries of international protection, when compared to the size of our population.

Malta, a small island state, is in fact among the European states that receive the highest number of asylum applications relative to their geographical size, GDP and population – and given the references to Malta within the resolutions and reports, I expected this to be acknowledged. There is disproportionate pressure faced by countries such as Malta in terms of sea rescues, irregular arrivals and asylum applications.

And I cannot contribute to this debate without reminding everyone that solidarity is an essential and fundamental European value. But we must all practice what we preach. And while I understand and appreciate the spirit of these reports, it disappoints me, and it disappoints so many other people who like me live in countries in which migration has been a significant challenge, that such discussions often devolve to an exercise of finger-pointing. This is an international challenge, and thousands of lives will continue to be lost due to reluctance to take action.

Mr President, this debate must be a factual and realistic one. The challenge that we are facing does not start when migrants arrive inside Europe's area of responsibility. If we truly want to address this issue, let us make sure we keep looking at solutions at source – measures meant to save human dignity and the lives of so many women, men and children, desperate to seek a better life for themselves.

Let us not make the debate on migration a vicious cycle, of acknowledging that there is a problem, and then failing to express, and act on, effective solidarity with these countries. So many European citizens are frustrated by this inaction, and worst of all, the longer we take, the more lives we risk losing.

We have been hearing about the importance of relocation so many years – yet where are we now?

We have frontline countries admitting thousands of migrants, not just Malta - and then, we are falling short of implementing a truly practical and mandatory relocation mechanism.

Why is nobody sharing this responsibility as true European partners?

So yes – I call upon changes to law and practice to take measures to prevent pushbacks, I call upon the strengthening of the rights of asylum seekers and refugees. But please – European solidarity should be on top of the agenda, and not a footnote.

Ms Rocío ABREU (Mexico): *Undelivered speech, Rules of Procedure Art. 31.2.*

The idea of "safe third country" arises as a result of the Convention on the Status of Refugees that was signed in Geneva, Switzerland, in 1951.

The concept is summarized as follows: when a person leaves their country to apply for asylum in another, this second country can refuse to receive them and refer them to a third party that they consider can give them the same attention.

It is not enough to have good will to be considered a safe third country.

According to the Geneva Convention, there are some minimum conditions that a country must meet in order to belong to this category, the main one being to guarantee that asylum seekers will not be returned to their country of origin, to respect the principle of "no return".

In addition, they must ensure:

The right to housing, social security, medical services, employment and education,

The right to family reunification,

That the applicants have a close link with that third country,

The United Nations High Commissioner for Refugees (UNHCR) stresses that a country can only transfer the responsibility of hosting to another safe country if both countries have asylum systems that meet the same standards.

The application of the concept is subject to the premise that the applicant is going to be admitted in the third country. If that does not happen, the person must have access to the asylum process in their first country of destination.

In theory, it helps ease the burden on countries that receive the most asylum applications and redistributes applicants more equitably between different countries.

Historically, the safe third country principle has generally been applied within the European Union.

If Mexico were to be designated a safe third country, US border agents could turn away those who crossed the country to seek asylum in the United States, especially migrants from the Northern Triangle countries of Central America (Guatemala, El Salvador, Honduras).

In the opinion of migration experts who have expressed themselves on the subject in Mexico, this possibility does not make sense, since it does not have sufficient infrastructure to continue housing and serving these migrants who have already submitted their refugee application process in the United States. and that they are on the Mexican side, also, because it does not have the legal framework that supports the fact that they can remain indefinitely.

Currently there are between 8,000 and 10,000 migrants who are in these conditions; that is, people who applied for asylum in the US and who are in Mexican border cities waiting for a resolution of their cases, which can take up to 12 months.

This gives rise to irregular migration in all countries of the world, it should be noted that there is no universally accepted definition for irregular migration, since the International Organization for Migration (IOM) defines it as a movement of "people who they move outside the rules of the countries of origin, transit or host" (IOM, 2011).

A migrant in an irregular situation may find himself in one or more of the following situations:

You may have entered the country irregularly, for example with false documents or without crossing an official border;

You can reside in the country irregularly, for example in contravention of the conditions of the entry visa or residence permit; or

May be irregularly employed, for example if he has the right to reside in the country, but not to accept to be paid for it.

It is important to point out that the phenomenon of irregular migration refers both to the displacement of undocumented persons, that is to say, the irregular migratory flows, as well as the number of migrants who are undocumented at a given moment, that is, the populations of irregular migrants.

It should be noted that the Mexican government increased deportations by more than 50 percent from May to June of this year (preliminary figures indicate an increase from approximately 14,000 to 22,000), with the assistance of the National Guard and the army to the National Institute of Migration (INM). In turn, apprehensions at the US border fell 29 percent, from 133,000 in May to 95,000 in June. Therefore, in the first instance, it seems that the agreement between Mexico and the United States is fulfilling what both governments set out to do.

In general, there are no reliable statistics on the populations or flows of irregular migrants, one option to change the destination of migration and to be able to safeguard the right to life and ensure the well-being of migrants in an irregular situation is to change and improve public policies at the international level, in which access to fundamental services such as health, food, housing and education is guaranteed.

It is essential to point out that irregularity does not refer to people, but to their migratory status at a given time.

As a result of changes in national laws and policies, regular migration can become irregular, and vice versa, since the situation of migrants can change during their journey and stay in the country of transit or destination, which makes it difficult to have a comprehensive picture of irregular migration and profiles of irregular migrants.

It is important to note that an apparent change in irregular migration figures does not reflect the actual increase in the number of irregular migrants, but changes in policies and practices related to migration and border controls or other programs and administrative criteria.

For similar reasons, comparisons of data on irregular migration from different countries may not reflect real differences in levels of migration irregular, but rather the differences in border control and administrative systems.

Therefore:

Asylum conditions must be reconsidered, since not all countries like Mexico have the capacity for development so that migrants can enter and be supported by the government.

Migratory institutions must be strengthened, in this way acts of corruption, violence or human loss would be avoided, especially in border areas.

Create legal pathways for migration. In Mexico, President Andrés Manuel López Obrador has expressed his desire to create a temporary visa for Central Americans who wish to work in Mexico. A first step would be to extend to Salvadorans and Hondurans the Border Worker Visitor Card that he now applies to citizens of Guatemala and Belize, as well as expanding the number of states in southern Mexico where they can work. These steps may reinforce an existing regional labor market between southern Mexico and Central America.

Implementing long-term solutions and using different tools, as well as changing asylum processes and investing in immigration agencies, would help us tackle smuggling networks, create legal pathways for migration, and focus development aid more intelligently, instead of continuing with short-term measures.

It is essential that countries in their border areas develop strategies in order to recognize that each one has an interest in managing migration in a way that is intelligent, effective, humane and, above all, fair.

Mr Francesco SORBARA (Canada): *Undelivered speech, Rules of Procedure Art. 31.2.*

Esteemed colleagues,

Today, the question of how to make a good safe third country agreement is alive for Canadians – and for asylum seekers to Canada – as much as it is for Council of Europe members.

The Canadian government is looking to modernize its longstanding Safe Third Country Agreement with the United States.

Canadian courts have also recently made different rulings about the constitutionality of the legislation implementing the Agreement under which Canada sent refugees back to the United States.

Indeed, the question is currently being considered by the Canadian Supreme Court.

Coming into force in 2004, the Agreement requires asylum seekers to make a claim in the first country in which they arrive, subject to a few exceptions.

For example, both countries will accept refugees travelling through the other country if they are unaccompanied minors.

The Agreement also only applies to people who make asylum claims at official ports of entry, and not to those who enter irregularly across the border.

Canadian immigration legislation requires that Canada consider a country as “safe” by considering if the country is party to the Refugee Convention and the Convention Against Torture, and examining its policies and practices, and its human rights record.

It also empowers Canada to revoke this designation considering these same factors, based on an ongoing review by the immigration minister.

At the same time, the minister must report any significant problems to Cabinet, which ultimately decides if the “safe” designation is to be revoked.

Cabinet can also decide to engage in diplomatic, state-to-state discussions with another country to fix the situation or learn more about the situation.

The Agreement offers clear advantages. It results in more efficient and ordered administration of refugee claims. It also allows for information sharing between administrations.

At the same time, some critics charge that the Agreement has not responded to fluctuating safety conditions in the United States.

As it only applies to people making claims at port of entry; moreover, the Agreement has encouraged some people to make dangerous crossings across vast empty spaces – often in the dead of winter – to avoid being sent back.

Ultimately, whatever the outcome of the Supreme Court decision, Canada will have to assess the Agreement in its practical and legal effects.

This includes assessing the effectiveness of the review process itself.

In Canada's experience, safety is not merely defined by the text of legislation.

It is also defined by ongoing processes – of Cabinet diplomacy, government review and unforeseen consequences.

Thank you.

Ms Sabrina DE CARLO (Italy, SOC): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in Italian.*

Mr Stéphane BERGERON (Canada): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in French.*

Lord Alexander DUNDEE (United Kingdom, EC/DA): *Undelivered speech, Rules of Procedure Art. 31.2.*

Mr President, We debate this afternoon two aspects of European migration and refugee policy, which have divided the European Union for years: the so-called pushbacks and the issue of safe third countries.

Let us remember that the Council of Europe was founded when the wounds of the Second World War were still very visible and millions of persons had been displaced in Europe. The only logical and humane response was to protect and support them. Today, when Ukraine is attacked by Russian military, we should not be any less ambitious, less courageous or less humane than the founders of the Council of Europe and the drafters of the 1951 Refugee Convention of the United Nations. Millions of Syrian refugees received protection in Europe in 2015-16, and millions of displaced Ukrainians are presently under international protection in our member states.

However, we see also a sharp increase in arrivals of irregular migrants through the Balkan route, the Mediterranean route and the English Channel – all exploited by organised crime along their way through third countries. While the Dublin Regulation of the European Union stipulates that the first country of arrival is obliged to process an asylum application, thousands of undocumented asylum-seekers are nevertheless on the move through several countries in Europe.

At the same time, irregular migrant flows have been manipulated for political purposes as well. And I should instance Assembly Resolution 2404 (in 2021) on instrumentalised migration pressure on the borders of Latvia, Lithuania and Poland with Belarus.

The Grand Chamber judgment of the European Court of Human Rights in the case of *N.D. and N.T. versus Spain*, concerning the violent attempt of migrants to force their entry into Spanish territory in northern Africa, reaffirmed that countries have the right to protect their national borders against illegal crossings and, hence, asylum-seekers have to use the designated border stations for their applications.

For Council of Europe member states, it is a moral and legal imperative duly to process asylum applications and not to return migrants to unsafe countries. It is important to ensure proper border management and mutual cooperation in accordance with the European Convention on Human Rights. Readmission agreements with safe transit countries and safe countries of origin ought to be concluded and honoured.

The public debate on pushbacks and safe third countries often remains theoretical and dominated by vested national or political interests. Yet, we must not look away when humans are suffering while trying to cross our national borders ; and we must not neglect the suffering of those who transit our countries. Refugees who need protection should not be passed on to other countries. At the same time European integrity demands that countries with high numbers of asylum applications are not left alone.

Just now I am rapporteur on European solidarity concerning asylum and international protection. I believe that among our 46 Council of Europe states more solidarity can achieve secure complementary pathways for refugees and migrants, who will thus not face pushbacks or transfers to third countries.

I thank both rapporteurs Ms Krisper and Mr Fridez for their valuable work and for bringing their views and conclusions to our Assembly debate today.

Ms Heike ENGELHARDT (Germany, SOC): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in German.*

Mr Éctor Jaime RAMÍREZ BARBA (Mexico): *(Undelivered speech, Rules of Procedure Art. 31.2)*

President, dear Parliamentary Colleagues,

I would like to express my satisfaction for the report and resolution presented by the rapporteur Ms Stephanie KRISPER of the Committee on Migration, Refugees and Displaced Persons. The report expresses the concerns of the concept of "safe third country", in the face of the disparity and heterogeneity of its application by the Member States, resulting in the violation of human rights of migrants or asylum seekers, and the report identifies the measures, which must be taken in coherence with the obligations that have to be respected by the Member States.

The practice of not imposing sanctions due to the entry or illegal presence of refugees or asylum seekers who come directly from a territory where their life or freedom is threatened has been a common vision for 71 years. For this reason, the rapporteur draws attention to the tendency of some states to return asylum seekers to third countries without having clarity about the security of the recognized "safe third country".

It must be ensured that the country recognized as a "safe third country" observes the international human rights standards related to asylum established in universal and regional instruments, providing effective protection against the refoulement, and the possibility of requesting and enjoying asylum.

Rapporteur Krisper's sensibility manifests itself in pointing out that the determination of safe third countries can decide the fate and suffering of refugees and asylum seekers, therefore these human rights concerns must be urgently addressed and have to be in the center of the considerations of the Member States when applying this concept.

We see as positive the updating before the Committee of Ministers, the practice of member states informing the Committee of Ministers about their practice, and about the legislation of safe third countries, in order to allow the development of a superior plan with transparency, taking into account the minimum requirements to determine the safety of a third country. Also taking into account case law, future legal developments and information provided by courts and international organizations.

I share with you that Mexico is a country where all forms of international migration converge, and we consider the commitment to multilateralism as the ideal way to decisively respond to exclusionary narrative attitudes based on xenophobia, fear and prejudices. Since July 2018, our country has joined the Global Compact for Safe, Orderly and Regular Migration.

In June 2019, our country signed an immigration agreement with the United States of America, committing to toughen its immigration policy. The Secretary of International Affairs of the National Executive Committee of the PAN, Mariana Gómez del Campo, pointed out, 45 days after its signing, that the deportations of migrants made by Mexico increased by more than 50 percent compared to the previous month and that arrests at the border of the United States decreased by 29 percent, effectively making Mexico a "safe third country" of the United States.

The National Human Rights Commission of Mexico warned that the Mexican Commission for Aid to Refugees was at risk of collapsing due to the number of asylum applications filed and the numbers increase year after year.

In the National Action Party (PAN), we have pointed out our concern about the containment of the migratory flow by more than 26,000 elements of a militarized body called the National Guard, carrying out human rights violations and without a regulatory framework like the one being designed in this parliament for Europe, that makes it operational in safe conditions, with respect, and without discrimination.

Vote: Safe third countries for asylum seekers / Pushbacks on land and sea: illegal measures of migration management

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

The debate is closed.

The Committee on Migration, Refugees and Displaced Persons has presented the draft resolution Document 15592, just to remind you, because this is a joint debate.

The first document we will deal with is "Safer Countries for Asylum Seekers".

To this document six amendments have been tabled, and the draft recommendation to which one amendment has been tabled.

We will start with the consideration of the draft resolution, and then we will consider the draft recommendation.

I remind you that speeches on amendments are limited to 30 seconds.

I understand that the chairperson or the first vice-chairperson of the Committee on Migration, Refugees and Displaced Persons wishes to propose to the Assembly that all the amendments to the draft resolution – amendments from 1 to 6 – which were unanimously approved by the Committee should be declared as agreed by the Assembly.

Is that so?

Mr Paul GAVAN (Ireland, UEL, Vice-Chairperson of the Committee on Migration, Refugees and Displaced Persons): That's correct.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

Does anyone object? If so, please ask for the floor. Where is your hand?

There are no objections.

I declare that amendments 1–6 to the draft resolution have been agreed.

The President would say now I should go to page...

We will now proceed to vote on the draft resolution contained in document 15592. A simple majority is needed.

The vote is open.

The vote is closed.

I call for the results to be displayed.

The draft resolution in document 15592 is adopted.

I understand that the Chairperson of the Committee on Migration, Refugees and Displaced Persons wishes to propose to the Assembly that Amendment 7 to the draft recommendation, which was unanimously approved by the Committee should be declared as agreed by the Assembly.

Is that so?

Mr Paul GAVAN (Ireland, UEL, Vice-Chairperson of the Committee on Migration, Refugees and Displaced Persons): That is correct.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

Does anyone object?

As there's no objection, I declare the Amendment no. 7 to the draft recommendation has been agreed.

Now we will proceed to vote on the draft recommendation contained in Document 15592 as amended.

A two-thirds majority is needed.

The vote is open.

Thank you. The vote is closed.

I call for the results to be displayed.

The draft recommendation in Document 15592 is adopted.

The Committee on Migration, Refugees and Displaced Persons has presented a draft resolution, document, so another one, Document 15604, to the pushbacks, you know the text, to which 15 amendments, 2 oral amendments and 1 oral sub-amendment have been tabled.

I remind you all the speeches on amendments are limited to 30 seconds.

Any amendment which has been rejected by the Committee for report by a two-thirds majority of the votes cast shall not be put to the voting plenary and shall be declared as definitely rejected, unless 10 or more members of the Assembly object.

I understand that the Chairperson of the Committee on Migration, Refugees and Displaced Persons wishes to propose to the Assembly that Amendments no. 1, 2, 3, 5, 8, 9, 10, 11, 12, 13, and 15 to the draft resolution, which were rejected by the Committee with a two-third majority be declared as rejected.

Is that so?

Mr Paul GAVAN (Ireland, UEL, Vice-Chairperson of the Committee on Migration, Refugees and Displaced Persons): That's correct.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Does anyone object?

As there is no objection, I declare that Amendments 1, 2, 3, 5, 8, 9, 10, 11, 12, 13 and 15 to the draft resolution are rejected.

I remind the Assembly that objections – just a second.

I call Ms Sabrina DE CARLO to support Amendment 4. You have 30 seconds. Is she in the hemicycle? Does anyone else wish to support this Amendment 4? Please.

Ms Sabrina DE CARLO (Italy, SOC): Thank you President,

I think that if you want to talk about positive consequences, it is necessary to specify that these derive exclusively from clear conditions that promote the social and labor inclusion of migrants.

Only under these conditions, can we talk about positive consequences, otherwise, I invite you to come and see the situation in some centres in Italy – where, compared to 300 available places, we find over 2 000 people sleeping on the ground with poor sanitation and this, in short, because Italy, like other countries, is left alone.

Thank you.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

I have been informed that the Committee wishes to propose an oral sub-amendment as follows:

"Delete the word legal immigrants and replace with migrants, so that the last part of Paragraph 5 reads: 'migration is a natural social phenomenon and should be addressed collectively as a continent in order to manage migration flows in an orderly way that helps to promote the social and occupational inclusion of migrants, while benefiting fully from its positive consequences'".

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

However, do 10 or more members object to the oral sub-amendment being debated?

So, no one.

I call on the rapporteurs to support the oral sub-amendment.

You have 30 seconds.

Mr Pierre-Alain FRIDEZ (Switzerland, SOC, Rapporteur): Thank you, Madam Vice President.

Yes, in fact, the proposal made by Ms Sabrina DE CARLO clearly appealed to me and to the Commission. It is just that the term "legal immigrants" does not have a very clear meaning because, in this field of migration, legality or illegality is something that does not really matter: anyone who makes a request must be considered legitimate to do so.

So, the proposal is to speak of "migrants" instead and to remove the adjective "legal", which would strengthen the text without creating a different and complicated interpretation.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): *Thank you. [in French].*

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

Yes, please.

Mr Alberto RIBOLLA (Italy, EC/DA): Thank you, Chairman,

The sub-amendment totally transforms the amendment that my colleague Ms Sabrina DE CARLO proposed because the difference between legal and illegal immigration is deleted.

Instead, it is clear that there is a substantial difference as some colleagues before me said in this discussion, between legal immigration – those who have the right to be present in our countries, to apply for asylum – and those who do not.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): *Thank you. [in Italian].*

What is the opinion of the mover of the main amendment?

I guess that they are against, which should be said, okay, but it is obvious that the Committee is in favour, so I will now put the oral sub-amendment, in favour of the oral sub-amendment.

So now I put the oral sub-amendment to the vote.

The vote is open.

The vote is closed.

I call for the results to be displayed.

The oral sub-amendment is agreed.

We will now consider the main amendment. Does anyone wish to speak against the amendment as amended?

No? What is the opinion of the Committee, officially?

Mr Paul GAVAN (Ireland, UEL, Vice-Chairperson of the Committee on Migration, Refugees and Displaced Persons): *[speaking off mic, inaudible]*

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

I shall now put Amendment no. 4 as amended to the vote.

The vote is open.

The vote is closed.

I call now for the result to be displayed.

Amendment no. 4 as amended is agreed to.

I understand that the Committee wishes to move an oral amendment for conciliation purposes. If this oral amendment is agreed, Amendments no. 6, 7 and 8 will fall.

In the draft resolution after Paragraph 9, insert:

"The Assembly calls on member States to encourage changes at European level to achieve a sustainable reception process shared with other member States in accordance with the principle of solidarity referred to in Article 80 TFEU, based on shared possibility. The Assembly therefore calls upon member States to change their legislation and practice in order to promote a multilateral policy of putting in place legal pathways to all European countries on the basis of shared responsibility to promote solidarity with the countries most affected by the influx of migrants by sea and by land, and thereby contribute to putting an end to pushbacks".

In my opinion, the oral amendment meets the criteria of Rule 34.7a.

Is there any opposition to the amendment being debated?

That is not the case.

I therefore call the rapporteurs to support the oral amendment.

You have 30 seconds.

Mr Pierre-Alain FRIDEZ (Switzerland, SOC, Rapporteur): Thank you, Madam Vice President.

We have used amendments 6 and 7 in order, by taking the first sentences of each amendment, to manage to propose a new paragraph 10.

The idea was to take into account the fact that solidarity between the different European States is indeed fundamental to solving this problem. This was not really the subject of the report, it will be the subject of Lord Alexander DUNDEE's report, as I said earlier, on European solidarity. However, I thought that Ms Sabrina DE CARLO's approach was constructive and that it was a way of putting all this into practice and strengthening the report.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): *Thank you. [in French]*

Does anybody wish to speak against the oral amendment?

Mr Alberto RIBOLLA (Italy, EC/DA): Thank you, Madam President,

I agree with the whole oral amendment, except for the final part, because while it is absolutely necessary, our amendments reported this – to redistribute migrants and to share responsibility – it is also true that the issue of refoulement is an issue that is put at the end of this oral sub-amendment. And on the issue, we do not agree, so we will vote against it.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

The Committee is obviously in favour.

I shall now put the oral Amendment to the vote.

The vote is open.

The vote is closed.

I call for the results to be displayed.

The oral Amendment is agreed.

Does anyone wish to speak against... sorry...

I understand that the Committee wishes to move an oral amendment for conciliation purposes. If this oral amendment is agreed, amendment 14 will fall.

In paragraph 13, after “pushbacks” add “, to call for the sharing of responsibility in the management of migration between the different member States”, so that the last sentence reads:

“Time has come for parliamentarians to stand up against pushbacks, to call for the sharing of responsibility in the management of migration between the different member States, and to follow the developments closely both at the national and European levels.”

In my opinion the oral amendment meets the criteria of Rule 34.7.a. Is there any opposition to the amendment being debated?

That is not the case. I therefore call the rapporteur to support the oral Amendment. You have 30 seconds.

Mr Pierre-Alain FRIDEZ (Switzerland, SOC, Rapporteur): Thank you, Madam Vice-President.

It is in the same spirit as the previous oral amendment, namely that on the proposal of the Italians, of Ms Sabrina DE CARLO. We come back to this notion of sharing responsibilities, which is indeed an important element. This further strengthens this last paragraph and, therefore, also the whole resolution on this important theme.

Ms Elvira KOVÁCS (Serbia, EPP/CD, President of the Assembly): Thank you.

Does anyone wish to speak against the oral amendment?

Okay.

The Committee is obviously in favour.

I shall now put the oral amendment to the vote.

The vote is open.

The vote is closed.

I call for the results to be displayed.

The oral amendment is agreed.

Last voting for tonight.

We will now proceed to vote on the draft resolution contained in Document 15604 as amended.

A simple majority is required.

The vote is now open.

The vote is closed.

I call for the results to be displayed.

The draft resolution in Document 15604 is adopted.

Congratulations.

The Assembly will hold its next public sitting tomorrow morning at 10:00 a.m. with the agenda that was approved on Monday morning.

The sitting is adjourned.

Thank you.