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Official report of debates

Opening of the sitting No 29

Debate: Request for waiver of the immunity of Mr Marcin Romanowski

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): The sitting is open.

I remind members that they should insert their badge before taking the floor. As you begin your speech, please press the microphone button once only.

Dear colleagues,

The first item of business this afternoon is the debate on the Report titled "Request for waiver of the immunity of Mr Marcin ROMANOWSKI" (Doc. 16053) presented by Ms Heike ENGELHARDT on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs.

Dear colleagues,

On 29 September 2024, I received from the Public Prosecutor General and Minister of Justice of Poland, Mr Adam BODNAR, a request for waiver of the immunity of Mr Marcin ROMANOWSKI, a member of the Polish delegation to the Parliamentary Assembly. It was immediately referred for a report to the Committee on Rules of Procedure, Immunities, and Institutional Affairs, in line with Rule 73.2 of the Assembly's Rules of Procedure.

Today, the Committee presents a draft resolution to the Assembly. It is the first time that the Assembly has been formally requested to decide on a request for waiver of the immunity of one of its members. The request was examined based on the statutory documents and the solid regulatory framework the Assembly has built through several resolutions, the most recent of which, "Guidelines on the scope of the parliamentary immunities enjoyed by members of the Parliamentary Assembly," was prepared in 2021 by Mr Tiny KOX.

I would like to remind members that no debate shall be held on the merits of the case or on whether the actions attributed to Mr Marcin ROMANOWSKI justify prosecution by national authorities.

The debate should be confined to arguments for or against the waiver of immunity.

At the end of the debate, the Assembly shall conclude either on the waiver of immunity, by voting in favour of the draft resolution, or on the retention of immunity, by voting against the draft resolution.

No amendments to the draft resolution will be admissible.

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.

Miss Heike ENGELHARDT, you have the floor.

You have 7 minutes now, and 3 minutes at the end to reply to the debate.

Ms Heike ENGELHARDT (Germany, SOC, Rapporteur): Thank you, Mister President.

Dear colleagues,

There are very specific rules that the Assembly is obliged to follow upon receipt of a request to waive the immunity of a member of the Assembly. I will therefore briefly outline the procedure to date.

Firstly, a request, addressed to the president of the Assembly, from Mr Adam BODNAR, the Minister of Justice and Public Prosecutor General of Poland, was received on 29 September 2024. This request comprised several documents and was submitted by the Minister of Justice and Public Prosecutor General of Poland, a person who is clearly a “competent authority” as set out in Paragraph 9.7 of the Guidelines on the scope of parliamentary immunities enjoyed by members of the Parliamentary Assembly.

On 30 September, at the earliest opportunity, the President of the Assembly announced the request in the plenary. In accordance with the Rule 73.2, the Rules Committee was then automatically seized of this matter.

In accordance with Rule 73.3, the Committee immediately proceeded to consider the request. It appointed me as rapporteur on 30 September.

The same day and as soon as the Committee was seized of the matter, on 30 September, I invited Mr Marcin ROMANOWSKI to attend a hearing scheduled for 1 October 2024. Mr ROMANOWSKI, upon learning of the request and its procedure, left Strasbourg to go back to Poland. In his email, Mr ROMANOWSKI explained that he had left Strasbourg for Poland “with the aim of efficiently and without undue delay preparing” for the Committee. As Mr ROMANOWSKI had left Strasbourg, I invited him to attend online. Mr ROMANOWSKI was also given the opportunity to have a Parliamentary Assembly of the Council of Europe representative represent him at that hearing. Mr ROMANOWSKI chose not to attend either in person or online and he also did not appoint a representative. The exchanges and documents that he submitted were circulated to the Committee.

As set out in Rule 73.3, the Committee must “immediately consider the request”. This is obligatory language and is understandable. The decision on lifting immunity necessarily needs to be capable of being taken expeditiously. How would it be seen were the Assembly to take a different approach and, due to its inactivity, to impede crucial criminal investigations into potentially serious wrong-doing? An approach lacking expedition would not accord with the purpose of the immunity and would undermine the credibility of the Assembly. Moreover, it would not be appropriate for the Assembly to delay the timely functioning of national justice systems.

Therefore, and in line with the rules, the Committee took action to proceed “immediately” in this task. The Committee adopted the draft resolution, without amendment, on the afternoon of 1 October.

There are specific rules that apply when considering a request to waive immunity. I will briefly recall these.

According to Rule 73.4, the debate on the report “shall be confined to arguments for or against the waiver of immunity”. And, in this context, I should recall that Rule 73.1 makes clear that these “immunities are granted in order to preserve the integrity of the Assembly and to safeguard the independence of its members in exercising their European office”.

In this context, it is important to recall that immunity is not conferred for the personal benefit of individual Assembly members; otherwise, the Assembly would risk becoming seen as a potential haven for corrupt politicians. Rather, immunity is granted in order to guarantee the independence and integrity of the Parliamentary Assembly of the Council of Europe as a whole and of its members in the exercise of their functions within the Assembly.

Flowing from this overarching purpose of the immunity of members of the Parliamentary Assembly of the Council of Europe, are specific rules restricting the matters that the Assembly can have regard to, when considering a request to waive immunity. Specifically, the Assembly cannot look into the details of the national criminal proceedings, the merits of the case, details of the individual investigation, or of any assessment of guilt or innocence. Thus, Rule 73.3 provides that the Committee must “not pronounce on the guilt or otherwise of the member, or on whether or not the opinions or acts attributed to him [...] justify prosecution”. We must

therefore restrict our consideration to matters affecting the Assembly and Mr ROMANOWSKI's exercise of his functions as member of the Parliamentary Assembly of the Council of Europe, and any procedural matters are restricted to that focus.

We therefore need to focus on the relevant criteria that could impede a decision to waive immunity. There are two such criteria: whether the legal proceedings initiated against Mr ROMANOWSKI jeopardise the proper functioning of the Parliamentary Assembly of the Council of Europe; and whether the request is serious, meaning that it is not inspired by reasons other than those of dispensing justice.

In this instance, the alleged wrong-doing occurred before Mr ROMANOWSKI became a member of the Parliamentary Assembly of the Council of Europe and relates solely to local matters relating to the alleged misuse of public funds.

The alleged wrong-doing thus does not relate to the functioning of the Assembly, nor to the exercise of Mr. Romanowski's functions as a member of the Parliamentary Assembly of the Council of Europe.

These are therefore not matters affecting either the integrity of the Assembly or the independence of Assembly members when exercising their European office. For these reasons, it is not possible for us to properly conclude that the proceedings jeopardise the proper functioning of the Parliamentary Assembly of the Council of Europe.

As to the second criterion, the Polish authorities have submitted detailed information, in their request, concerning the various criminal charges facing Mr ROMANOWSKI that the prosecution service are pursuing. From the information received from Mr ROMANOWSKI, it is clear that he is challenging these charges and is availing himself of the support of legal advisers and recourse to the courts in order to do so. This is perfectly normal in the course of a criminal investigation and as part of the right to a fair trial. However, it is not within the scope of the Assembly to look beyond this and to examine the merits of the case. Such matters are for the national authorities applying national law and the protections of the European Convention on Human Rights.

Therefore, in light of the material submitted to the Committee, including the prosecution case being pursued, there are insufficient reasons to doubt the genuine intentions of the prosecution against Mr Marcin ROMANOWSKI as aiming at anything other than the proper administration of justice.

Having regard to these considerations and as set out in my Explanatory Memorandum and the draft resolution, there are no grounds for the Assembly to refuse to waive the immunity of Mr Marcin ROMANOWSKI in order to allow justice to be administered.

The draft resolution therefore concludes with a decision to waive the immunity of Mr Marcin ROMANOWSKI to allow justice to be administered.

Of course, it goes without saying that the Polish authorities will be expected to adhere to the highest standards in ensuring that such administration of justice is fair and impartial.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you. Thank you so much.

So, you will have only 1 minute and a half for your reply.

Dear colleagues, in order to finish by 4:35 p.m., I will interrupt the list of speakers at about 4:30 p.m. to allow time for the reply and the vote.

Speakers have 3 minutes in the debate. I call first on behalf of the Alliance of Liberals and Democrats for Europe, Mr Ryszard PETRU.

You have the floor.

Mr Ryszard PETRU (Poland, ALDE, Spokesperson for the group): Thank you, Mister President.

Let me start by saying that the charges against Mr Marcin ROMANOWSKI has nothing to do with this Assembly. The immunity of the Council of Europe should only apply to the activities conducted as a representative of the Council.

The allegations against Mr Marcin ROMANOWSKI refer to the period when he was not a member of the Council of Europe. The charges refer to his activities from 2018 up to 2023 when he was Deputy Minister of Justice in Poland. Please note, he became a member of this Council afterwards, only in 2024.

Since Mr Marcin ROMANOWSKI is facing criminal charges at home, Council of Europe immunity should not protect him from the trial. The national parliament has already waived his immunity back in July this year. Waiving immunity does not mean that somebody is guilty. On the contrary, it is the way of proving to the court that you are innocent.

As far as the formal procedures are concerned, the request from Polish authorities came on time and in line with the Council's rules and procedures. And the fact that the decision is to be taken today is also in line with those rules.

Secondly, Mr Marcin ROMANOWSKI didn't show up, as has just been mentioned, at the Committee on Rules of Procedure, Immunities and Institutional Affairs. He didn't give himself a chance to provide his arguments. More than that, the Committee also offered him the online option to defend himself and he also rejected that.

According to the notion of Polish Prosecutor General, Mr Marcin ROMANOWSKI is responsible for the misuse of more than 25 million Euros in public funds. The allegation referred to the period when he was a Deputy Minister of Justice in charge of the so-called "justice fund".

For the record, the purpose of the fund is to facilitate former prisoners' return to normal life, providing victims and witnesses assistance and supporting crime prevention.

According to the Polish Prosecutor General, the reality of recent years has been very much different. A significant portion of this money has been misspent.

Let me name just three main charges Mr Marcin ROMANOWSKI is facing at home. Firstly, money from these funds was used for the party election campaign. Secondly, Mr Marcin ROMANOWSKI is being prosecuted for rigging tenders. And thirdly, he was colluding with other suspects by agreeing testimonies.

I don't want to judge those allegations. I can only say that they are serious. It is for an independent court to assess these allegations. Immunity cannot protect against impunity. We are not prejudging guilt today. That is for an independent court before which Mr Marcin ROMANOWSKI should appear as soon as possible.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you.

Mr Andrej HUNKO on behalf of the Group of the Unified European Left.

Mr Andrej HUNKO (Germany, UEL, Spokesperson for the group): Thank you very much, Mister President, Dear Heike ENGELHARDT,

First of all, thank you very much for the report. I would like to say, on behalf of the European United Left, that we support this report. The debate on the immunity of MEPs is sometimes misunderstood by the public.

Let me remind you that immunity was fought for by parliaments in the 19th century, so to speak, because the monarchist executive, which was often still in place at the time, often abused the system and arrested MPs before votes or made it impossible for a parliament to function if MPs could not speak freely. This requires a certain degree of protection, and that is parliamentary immunity. It is not absolute. And that's a good thing, because of course you can't hide behind this immunity when it comes to other things.

In this case, there is an accusation against the Polish MEP Mr Marcin ROMANOWSKI, and he was arrested in Poland. Thanks to our President of Parliament, who reacted immediately and pointed out his parliamentary immunity, he was released. Now we are taking the regular route, so to speak, and that is a good thing. I am also pleased that the Polish authorities also respect the parliamentary immunity of the Parliamentary Assembly of the Council of Europe, so to speak. So, we are lifting the immunity. We support that.

We simply have to emphasise this again and again; the lifting of immunity is not a prejudgment. It is, of course, *in dubio pro reo*, as in all cases. But it is now going its normal way, so to speak, and that is why we support the report.

Thank you very much for your attention.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Andrej.

On behalf of the Socialists, Democrats and Greens Group, Mr Stefan SCHENNACH.

Stefan, you have the floor.

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

I would also like to congratulate the rapporteur on summarising this somewhat turbulent session here in a way that is really important.

A request was made by both the Prosecutor General and the Minister of Justice of the Republic of Poland to waive the immunity of a Member of the Assembly. It is not our task now to go into the depths of the case, whether something is right or wrong, but our task was to assess whether this request or these two requests are serious, and the Committee felt that they were serious.

Immunity is not an individual right. Immunity protects a parliamentary assembly and protects elected representatives from arbitrariness. But it is not an individual right that a Member of Parliament can waive. That is why we have not taken this issue lightly and why we consider this seriousness of the request to be correct and also propose that this immunity be waived for the administration of justice in Poland. We assume that the Polish authorities and the Polish judiciary will do everything in full respect of the law to investigate this case accordingly and to comply with the relevant Council of Europe conventions.

In this sense, we will fully support the rapporteur's proposal.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Stefan.

Now I give the floor to Mr Vladimir VARDANYAN on behalf of the Group of the European People's Party.

Vladimir.

Mr Vladimir VARDANYAN (Armenia, EPP/CD, Spokesperson for the group): Thank you, Mister President,

It's not an easy or pleasant task to discuss the issue of lifting immunity of your colleague, but we should take into account that it's quite essential for the further proper functioning of our organisation.

For sure, immunity is not for a personal benefit. It is given to the members of this Assembly to organise the proper activity of this organisation. And we are not in a court. We cannot judge when we shouldn't judge. And we shouldn't even try to understand the behaviour of Mr Marcin ROMANOWSKI within or out of our Assembly.

We are here to understand, for the first time in the history of our Assembly, which kind of criteria should we take into account for the lifting of immunity. And here the situation is quite clear. We should get the positive answer for three interconnected questions.

First, whether we have the proper request from the proper authority of the country.

Second, whether we have the situation where the lifting of immunity may jeopardise the further activities of this organisation.

And third, whether we really are dealing with a serious accusation, and we should be assured that it is not a case of politically motivated prosecution.

The Committee gave positive answers to all three questions.

We have a proper request. We have a situation which not dealt with our organisation, its immunities and cannot jeopardise our activities.

The last one: we are dealing with serious criminal charges. And we should take as a presumption that in a democratic country the prosecutor's office understands perfectly well that such a kind of request to such a respectful organisation as the Parliamentary Assembly of the Council of Europe is a very serious thing.

And all the Polish authorities should understand that we will follow the continuation of these criminal proceedings.

But once again, we are not a court and we shouldn't judge. We just should decide the issue of lifting the immunity. And not lifting of immunity, taking into account all the above mentioned, would mean that we somehow jeopardise the process of the administration of justice. And this is even more complicated and dangerous for democratic society, than not to lift immunity.

So I do believe that we should vote in favour of lifting immunity.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): I will now give the floor to Mr Paweł JABŁOŃSKI on behalf of the European Conservatives Group and Democratic Alliance.

Mr Paweł JABŁOŃSKI (Poland, EC/DA, Spokesperson for the group): Thank you, Mister President.

Dear colleagues, the European Convention on Human Rights. Madame Rapporteur mentioned it and it is very important. 75 years ago, almost, in this very building, it was adopted. It was created by this very Assembly. We're all proud of it, and we should be. But the question is, do we ensure that the Convention is observed, is applied, that human rights are safeguarded, defended, are protected?

And most of you here so far have been right. It is not our job to judge on specific charges. It is our job to make sure that we proceed in line with the law, with the procedure and with the convention.

So let's answer the question.

Is that the case today? Let me refer you first to Article 6 of the Convention, paragraph 3, letter B.

Everyone charged with a criminal offence, even the most serious one, even worse possible, everyone enjoys minimum right to have adequate time and facilities for the preparation of defence. Minimum right. So, was Marcin ROMANOWSKY guaranteed this right? You say he did not show up. So let me walk you through the dates.

Sunday evening the media started to report that this request was made. So Mr Marcin ROMANOWSKY started preparation in advance, started consulting with lawyers, started preparing his defence, started translating hundreds of pages of documents. This is the most important, one of the most important cases in Poland. Monday afternoon, at precisely 02:08 p.m. he was officially notified to stand up the next morning, 18 hours and 22 minutes later. Precisely this was the time he was given to travel back to Strasbourg, to consult with his lawyers, to prepare his defence, to translate the documents. 18 hours.

So is this adequate time as the Convention provides? Some of you will say that this is not a court of law, but under our procedure, he also enjoys rights. Paragraph 73.3 states that he has these rights to translate documents, to appoint the representative. He was effectively denied that because he didn't have adequate time. And today we will all be answering these questions, where these basic human rights, and we should protect basic human rights of all people regardless of our political allegiance, of our world view. I know you have been put under a lot of pressure these last few days. We all have allegiances, but we have one duty above all as members of this Assembly: to protect, defend, safeguard human rights of all people, regardless whether we like them or not.

So, I ask you to consider these questions very thoroughly and we will be hearing these arguments. We will be hearing these arguments. We are against the report, but we will, depending on this debate, we will be considering putting forward a motion of procedure to refer the report back to the Committee so that we guarantee the right to have adequate time dedicated for the person concerned, for Mr Marcin ROMANOWSKY to prepare his defence, his basic human rights right to a fair trial.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): In the debate I call next Ms Magdalena BIEJAT.

Magdalena, have you inserted your card?

Ms Magdalena BIEJAT (Poland, SOC): It's working right now, I think. Thank you.

Dear colleagues, Mr Marcin ROMANOWSKI is facing 21 criminal charges in Poland and it's not our role to assess those charges nor to judge him. Our role is to let the Polish court judge him for the actions, the activities he undertook, not in relation to his job at the Parliamentary Assembly of the Council of Europe.

Mr Marcin ROMANOWSKI's colleagues are trying to convince you that he can't count on a fair trial in Poland. It's not so. In fact, the Polish court honoured the immunity of this Assembly and this is why we are now having this debate and why should we vote for Mr Marcin ROMANOWSKI's immunity to be waived and let the court do its job.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Mr Marek BOROWSKI is next.

Mr Marek BOROWSKI (Poland, EPP/CD): Thank you, Mister President, dear colleagues,

My honourable colleague Mr Paweł JABŁOŃSKI said that Mr Marcin ROMANOWSKI left Strasbourg, went to Warsaw because he wanted to study the tons of documents to prepare the discussion with the Committee. So can I ask what documents?

The problem is that in my opinion, Mr Marcin ROMANOWSKI hasn't claimed, hasn't even claimed the immunity of the Council of Europe at all because the charges brought against him by the prosecution office, Polish prosecution office, have nothing to do with his activity as a member of the Council of Europe. Those are two different questions.

So I think that, of course, the immunity should be lifted, should be waived.

And I think also that Mr Marcin ROMANOWSKI, certainly he feels himself [to be] innocent. I'm not a judge. I don't judge. I don't judge Mr Marcin ROMANOWSKI, but I would like to see him free of charges. He's my parliamentary colleague in Poland.

But I think that lifting this immunity, this is an opportunity for Mr Marcin ROMANOWSKI, who claims himself [to be] innocent, to stand trial and to convince public opinion in Poland and the court, of course, that all these charges are unfounded.

I think this is the convincing argument in order to lift the immunity. I will vote of course in favour of this resolution.

By the way, congratulations to the whole Committee, because this resolution is very precise and this is a pattern for the future, how to conduct possible cases in the future. And I encourage all my colleagues here in the hemicycle to do the same. It means to vote for the resolution.

Thank you.

(Very light applause)

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Next is Mr Zsolt NÉMETH.

But before I give you the floor, dear Zsolt, allow me to congratulate you on your election as the new President of the European Conservatives Group and Democratic Alliance. I wish you all the best and I'm looking forward to working with you at the Presidential Committee.

You have the floor.

Mr Zsolt NÉMETH (Hungary, EC/DA): Thank you, Mister President. And dear colleagues, I look forward to co-operating with you as well and the Secretary General.

Dear colleagues, I would like to advise this discussion to be extremely cautious.

I don't think that we are in a situation where we could say that we are moving on chartered waters.

This is the first time of this type of decision in the life of the Parliamentary Assembly. And even now it is not without very serious conclusions.

I believe that we should pay attention to the situation, that there is a very tense internal situation in Poland when we hear news that the Polish judiciary is under a very serious political instrumentalisation these days.

I would draw your attention to the fact that the Polish minister sent his letter on Sunday to the Parliamentary Assembly.

May I ask you why? Why did the Polish minister send this letter when he was arrested in the middle of July for the first time, disregarding the immunity of this colleague of us? So in the middle of July he could have sent this letter to the Parliamentary Assembly. And I think this is a very serious procedural problem.

Our colleague was not in the position to prepare himself and to prove if there is a situation when the immunity be lifted or not lifted.

And I think the translation is also a very serious matter.

And the other question which we have discussed in the past days, whether it was a competent authority when the request was signed by a prosecutor who was suspended by the Supreme Court of Poland.

So, dear colleagues, I believe that we have now a conclusion, immunity exists. And the Parliamentary Assembly of the Council of Europe defends us. And our job is to make sure that in which way we are protecting our colleagues, and if we need, we need to change the procedures, the timelines in this regard for the future.

So, in this case, I would like to support the initiative of Mr Paweł JABŁOŃSKI, the Vice-President of the European Conservatives Group and Democratic Alliance, to refer back now this report, and come back to the question at a later time when we have the appropriate knowledge, what is the situation with this concrete case.

Thank you very much.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Mister Zsolt NÉMETH.

I now give the floor to the president of the Socialist Group, Mr Frank SCHWABE.

Mr Frank SCHWABE (Germany, SOC): Dear Mister President,

(Not only the Socialists but Socialists, Democrats and Greens Group as well! I have to say it! It's important because at the end they will leave ...!)

So, I don't understand really this politicisation of this question; this is a very normal procedure. It's maybe the first time and new for us, but it is a very common procedure and you know it, each and every one [of us] should know it from their national parliaments so there is no reason why in this case the group of the United Conservatives, Right Extremists and Right Populists politicises the situation. It is not helpful, not even for Mr Marcin ROMANOWSKI.

I want to underline that each and every one here in the room says we are not the ones who found him guilty or not guilty. We have just our normal procedures and we want to secure someone.

And I refer - it was an interesting discourse in the history of immunity from Mr Andrej HUNKO and Mr Vladimir VARDANYAN spoke about it as well - we have to understand what immunity means. Immunity has a reason, but it is not what immunity doesn't mean, with that end, you are prevented from criminal investigation. And if there is - imagine that we would do this! We would prevent people from criminal investigation. Just think for a second about what this means and where we would end up as an organisation if this would really happen.

So the procedures are quite clear, we can look into the procedures for the future if we can make something much better but for sure each and every one of us understands the request and for sure Mr Marcin ROMANOWSKI could prepare himself for a very long time, and it's really a pity that he didn't attend the meeting.

Anyhow I thank Ms Heike ENGELHARDT for the report, I thank the Committee for this report, and I thank the president, because, as I understand from the Polish media, not everyone was happy about your action and your activity in the summer, but it was right, because there was an immunity. You insist on this, and it helps Mr Marcin ROMANOWSKI in a specific situation, but it was clear as well that the rules provide immediately when

we come back to an opportunity to decide to lift the immunity – for sure we have to do so, because in the end we should have some trust in the judiciary system in Poland, I hope so that we have it all together, so I think it is the right way to proceed.

It is a very normal procedure. We should not politicise it, and in the end for sure I would support this report and thanks very much again for the preparation.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Frank.

Dear colleagues,

You know the President of this Assembly is the only president of an assembly or parliament that does not have the right to vote.

So, I am not taking a position and I am neutral. I just want to add as a historian, an historic element: it is for a long time now that immunity exists for this Assembly and the parliamentarians in this Assembly and those who need to learn more, I just want to inform you that there is a special page on our Assembly site on which a lot of cases are being referred.

Mr Frank SCHWABE is right, this is the first time it is being discussed. All the previous cases, it was the President who was asked to give the immunity.

Okay, Frank, I will use the whole title of your party. You are the first party here and of course, you have a big title because you are the first party.

I am going now to Ms Agnieszka POMASKA, who is next.

Ms Agnieszka POMASKA (Poland, EPP/CD): Dear Mister President,

First of all, I would like to explain that this request was sent and prepared by the Prosecutor General – he's not suspended – and sent by the very experienced prosecutor who is also not suspended, as it was mentioned and suggested by Mr Zsolt NÉMETH.

I would also like to express my surprise that Mr Marcin ROMANOWSKI was not here. He was registered for this session to take part from Monday to Friday. None of us from the delegation were informed that he was leaving, so we were deeply surprised and I'm sorry for that. We normally don't work as a delegation like that.

And we strongly believe that everyone in this place, in the Polish parliament, has the right to defend themselves here or before the independent court.

I also regret that when the Committee was taking place at the same time yesterday, Mr Marcin ROMANOWSKI started to offend its members, commenting that some political order was placed. We deeply respect the procedures here, we deeply respect decisions that are made in the Council of Europe, and I would like to underline that. I totally disagree with this kind of comment and with this kind of attitude to the Council of Europe's Assembly and the Council of Europe as a whole institution.

I strongly believe that it's crucial for democracy to let everyone defend themselves in front of an independent court. And so it is in Poland. We will not decide here if Mr Marcin ROMANOWSKI is guilty or not. We decide here if he is entitled to defend himself before the Polish independent court. That's why I ask you to vote to lift the immunity of Mr Marcin ROMANOWSKI.

Thank you very much.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Ms Katarzyna SÓJKA is next.

Ms Katarzyna SÓJKA (Poland, EC/DA): Thank you, Mister President.

Dear colleagues, we have been lied to.

The report of the Committee contains serious misinformation and omissions and it fails to inform you that the entire proceedings may be illegal. Yes, illegal.

On Friday 27 September, the Supreme Court of the Republic of Poland ruled that Poland's National Prosecutor, Mr Dariusz BARSKI, has been unlawfully dismissed by the government and that his subsequent replacement, first by Mr Jacek BILWICZ and then by Mr Dariusz KORNELUK, has also been illegal.

The Supreme Court ruling puts in question the validity of all the decisions and actions taken by the National Prosecution Office since January 2024, including their request to waive Mr ROMANOVSKY's immunity.

The request was made by Mister Piotr WOŹNIAK, authorised to act by the illegally appointed Mr BILWICZ, and later confirmed by also illegally appointment Mr KORNELUK.

I repeat, the request was made by a body that was not authorised to present it, and the Committee should have reacted according to rule 73.3.

The Committee must examine whether the request was made by a competent authority and if there are any doubts it must refer the case back and ask further questions. In this case the community failed to do so and it failed to mention these facts to this Assembly. The Committee lied to us.

Dear colleagues, we have a duty to safeguard human rights and to act based on fact, not political interests of one group or another. And we should demand that the Committee follow the law, nothing more, nothing less. And that it requests Poland's Prosecution Office to clarify its competence so that our doubts are cleared.

This is a decisive moment not only for Marcin ROMANOVSKY, this is a decisive moment for this Assembly. It is also a test of our decency and integrity. Your decisions today will determine whether one of our members may be arrested based on potentially illegal requests.

We are rushing proceedings in this case, effectively turning this Assembly into a kangaroo court.

Polish government controls the prosecution office and it intends to explain this case for political purpose.

We should not take part in this. We should be better than that.

We have a duty to safeguard human rights and we should fulfil this duty.

I call on you, dear colleagues, to vote against the report or at least to refer it back to the Committee.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): On behalf of the Group of the European People's Party, the President of the party, Mr Pablo HISPÁN.

Mr Pablo HISPÁN (Spain, EPP/CD): Thank you very much, Mister President,

First of all, I want to recognise how the president of the Assembly, Mr Theodoros ROUSOPOULOS and the Secretariat, have accomplished their difficult duty and been an example of respect, [with regards to] the right of the members of the assembly and the proceedings of this institution.

Also, the Committee on Rules of Procedure, Immunities and Institutional Affairs has acted in a very professional way, analysing the requests made by the competent authority. I congratulate also the Chair of the Committee on Rules of Procedure, Immunities and Institutional Affairs.

The attitude of Mr Marcin ROMANOWSKI has been the opposite. This has been the worst example of bad faith and of the worst practice of act in a public life. He had the chance to be at the Committee on Rules of Procedure, Immunities and Institutional Affairs. He had the chance, the opportunity to present his case. He had the chance, if he wanted, to say that the request had not been made by the competent authority and what he did was escape.

The Assembly has given him the opportunity to defend himself. And if it would be a political persecution, his escape from Strasbourg on Monday, instead of presenting his case to the Committee on Rules of Procedure, Immunities and Institutional Affairs, is the best proof that his presence in this institution was any more than a trick to escape his trial in Poland.

The Assembly has been an example of how to act in a very painful and difficult situation and the respect of the rights of its members.

Thank you very much.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Pablo.

Mr Dmytro NATALUKHA is next.

Mr Dmytro NATALUKHA (Ukraine, EC/DA): Dear colleagues, dear President, I would like you to forget for a moment that this has anything to do with a specific person, specific country, or a specific political group.

This has to do with something that has been announced here by a previous speaker, and he said it very precisely. It's about setting a pattern. It's about setting a pattern. It's about creating a precedent.

And this is why we should deal with this with utmost care. We should be extremely careful in how this vote will be going, because this is how potential future votes on the same situations might be then dealt with.

Now, we have heard about the criteria, the three criteria that had been made and met so that this case can go on.

The first one being the proper request from the authorities. The second one that it won't jeopardise the authority of the organisation. And the third one is that we're dealing with serious criminal charges.

You know who or what lacks in these three criteria? The defendant. There is not a single word about the defendant. And if you have ever dealt with anything, with any court in your own country, you know that there is a fourth criteria, a proper notification of the defendant.

Would it be unreasonable to ask for at least 24 hours of notification for the defendant to be able to come wherever he needs to come, to prepare whatever he needs to prepare? Would that be unreasonable? Would that be, in a way, inadequate? That is what matters. That is what we should be looking at, setting a fourth criteria to this procedure: proper notification of the defendant.

And if we are right, then basically we are not talking about if he is guilty or not guilty. He is wanted or he is not wanted. This refers to his previous cases before the Parliamentary Assembly of the Council of Europe or during the Parliamentary Assembly of the Council of Europe.

We are talking about only the possibility of the defendant to properly prepare before being heard in front of the Committee. 24 hours. It sounds very reasonable to me. I bet in almost all of the jurisdictions that are represented here in this house, you have that in your national legislation, you have that option to be notified at least 24 hours prior to the hearing. This was not the case. This was not the case. This might have been the most important hearing in his life, and he was not duly notified. In fact, we don't even know how he was notified.

Does anyone know? I don't. So my question to you is: was the defendant provided with proper and adequate measures and time to defend himself? No, he wasn't.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Dmytro.

Ms Wanda NOWICKA is next.

Ms Wanda NOWICKA (Poland, SOC): Mister President,

Allow me first to thank the rapporteur, Ms Heike ENGELHARDT, for her work and for her very clear report.

Immunity, either at the national or international level, is about protecting and securing the rights of elected members to pursue their mission without repression, pressure, or intimidation of any kind, which often is the case in countries with authoritarian regimes where democracy is threatened and manipulated.

Immunity is not about protecting us from legal charges or punishment in case we have committed or plan to commit a crime or any wrongdoing of a criminal nature.

In the case of such an unfortunate situation, we – elected members – like all other members of our societies, need to face legal charges in front of all enforcement institutions.

This is the case of Mr Marcin ROMANOWSKI, who is currently facing serious criminal charges and his case should be dealt with by the Polish legal institutions according to the Polish law.

At the process of consideration of his immunity in the Polish parliament, he received plenty of time in the Committee on Rules of Procedure, Immunities and Institutional Affairs to defend his case. It is indeed a pity and a shame that he refused to defend his case in the Committee on Rules of Procedure, Immunities and Institutional Affairs of this assembly.

And as a member of the Committee on Rules of Procedure, Immunities and Institutional Affairs of the Polish parliament, I can assure you that while his immunity was finally lifted and procedure applied, all the regulatory requirements have been met.

Therefore, I will ask you to let the Polish rule of law institutions do their job. First, the investigation, and subsequently during the fair trial. Of course, if the investigation proves the need for it.

Please vote in favour of the resolution as submitted by the Committee on Rules of Procedure, Immunities and Institutional Affairs.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you.

I now call Mr Konrad FRYSZTAK.

Mr Konrad FRYSZTAK (Poland, EPP/CD): Mister President,

It is worth mentioning that the acts of which Mr Marcin ROMANOWSKI is accused had been committed much before he became a member of the delegation to the Assembly of the Council of Europe and are in no way related to his activities in the Council of Europe.

Even more so, waiving his immunity is a purely technical act with no political background whatsoever. As shown by the investigation conducted by the Polish prosecutor's office, Mr Marcin ROMANOWSKI allegedly committed as many as 11 crimes, including participation in an organised criminal group, abuse of powers, failure to fulfil obligation and attestation of untruth in documents.

What's more, the scale of irregularities is complemented by the amount of money related to the charges against Mr Marcin ROMANOWSKI, as we are talking here about 112 million Polish Zloty, which is over €26 million.

The whole case concerns the justice fund that was created to provide comprehensive assistance to victims of crimes in Poland. Unfortunately, the money allocated to the fund not only was often illegally spent but was also an element of an illegal electoral political campaign.

Mr Marcin ROMANOWSKI was one of the most important people in the Ministry of Justice, who at the time, was responsible for the justice fund.

During the investigation, the prosecutor's office discovered a number of irregularities that became the basis for the favour of Mr Marcin ROMANOWSKI's immunity, about the same as the Republic of Poland. Of course, I totally supported this resolution.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Konrad.

Mr Jan KANTHAK.

Mr Jan KANTHAK (Poland, EC/DA): Mister President, dear colleagues,

Please listen carefully because the case of Marcin ROMANOVSKY is a picture of the whole thing which is going on on Poland.

We are shifting our democracy to what is called "militant democracy". This is not only my term as an opposition politician. It's a direct quote by the current Prime Minister of Poland, Donald TUSK.

Please hear exactly what he said. I also couldn't believe my ears, but these are his words. He stated, "We will surely make mistakes or take actions that according to some legal authorities may not fully comply with the rule of law."

Once again, the Prime Minister of my country openly admitted that he is going to break the law and, very important, "The prosecutions in Poland are the largest in the whole of Europe. Only Nuremberg trials after World War Two and Yugoslavia were bigger".

This is political fanaticism, and the case of Marcin ROMANOVSKY is supposed to serve this fanaticism.

There is a huge determination to distract attention from their own governmental mistakes. Determination is so strong that the Prime Minister and the Prosecutor's Office did not respect the immunity that comes with being a member of the Parliamentary Assembly of the Council of Europe.

They have already arrested Marcin ROMANOVSKY without regard for this existing immunity. They disrespected this Assembly. They disrespected you, dear colleagues, and they continue to disrespect us, demanding that we act on their whistle.

It is a trap for this Assembly. Let us not fall into this trap.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Jan.

Dear colleagues,

I have said that I'm going to give an end to this discussion by 4.30 p.m., but since we have only two speakers and we have two more minutes to 4.30 p.m., I would give the floor to both, asking them to be as quick as they can.

Ms Danuta JAZŁOWIECKA.

Ms Danuta JAZŁOWIECKA (Poland, EPP/CD): Thank you, Chairman, dear colleagues,

In the Assembly, very often we discuss law breaking by authoritarian governments. These governments are formed by officials, ministers and advisors. In case of breaking the law, they are on the front line.

In recent years, on a daily basis in my country, we experience cases of breaking the law and even destroying the rule of law.

Last October, Poles said, enough of destroying the rule of law in Poland. They elected a new government. Now we face long months of restoring the rules of law in Poland.

What are the ministers of the former government doing in the meantime? Those in the international institutions hide behind immunity. The European Parliament, the Council of Europe.

The case of Mr Marcin ROMANOWSKI is similar. He doesn't want to submit to an assessment of judgment of independent Polish courts. Thus he counted on the immunity of the Council of Europe. The Committee on Rules of Procedure, Immunities and Institutional Affairs was ready to talk to him, was open to his arguments. So why didn't he take advantage of the committee members' offer to participate in the committee meeting and present the arguments in his case?

He and his lawyer were in Strasbourg for several days. But after receiving the invitation he disappeared to Warsaw. Why?

Mr Marcin ROMANOWSKI didn't take advantage of the online connection offer. The committee secretariat connected with Mr Marcin ROMANOWSKI three times for nothing.

Mr Marcin ROMANOWSKI, are you in this room?

You have asked all of us. You have the right to speak. Where are you? Are you ignoring us?

Today in the media he accuses the Council of Europe of treating [him] badly. Whether he forgot that in the assembly we have rights, but at the same time we have responsibilities.

Are these the standards of the person who feels injured? So we shouldn't go in the same direction as Mr Marcin ROMANOWSKI to ignore the assembly.

Our responsibility as a member of the assembly is to vote for the committee resolution. So I ask you to do it.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Danuta.

The last speaker is Ms Iwona ARENT.

Ms Iwona ARENT (Poland, EC/DA): Mister President,

Dear colleagues,

I understand that many of you don't like the previous Polish government and, of course, you are entitled to such an opinion but this is not a popularity contest but a very serious question about sending a man to jail today or not.

The rapporteur indicates this Assembly should assess the seriousness of the case. Where is this in the rules? Rule 73 states explicitly "the Committee shall not make any examination of the merits of the case in question" yet the report goes on and on about how serious the case is.

It's really serious. Mr Marcin ROMANOWSKI is being accused of using money from the justice government fund to build a support centre for women and children victimised by crimes. And yes, this centre is Catholic-inspired. Not everyone in this room may be a fan of the Catholic church and again, that is your opinion to which you are entitled. But please do not let that cloud your judgment.

By our rules, you are required to answer the following core questions, issue an opinion on the competence of the requesting authority under the formal admissibility of this request. The main question being is this request made by a competent authority or not?

Let me point out a very important fact for you. The Polish Supreme Court issued a verdict last week that the national prosecutor who initiated the lifting of the immunity was appointed illegally. Illegally!

Our Assembly must assist if the request was made by a competent authority. This national prosecutor has, according to our Supreme Court, as much authority to lift anyone's immunity as a Polish bus driver or a postman.

My dear colleagues, we risk becoming the laughing stock of Europe if we lift this immunity. Let us be cautious and give the Committee the time to assess this case properly and not in less than 12 hours were the rights to defend are being violated and members of the Committee on Rules of Procedure, Immunities and Institutional Affairs were not given time to properly give the attention that such an important question deserves.

Under all circumstances, I think we all want to avoid that and a couple of you here asked the European Court of Human Rights will convict Poland for a grave violation [the speaker is interrupted by the President] on Article 6 and in this.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Ms Iwona ARENT, I have given you the time - over the time that we had already announced at the beginning and I asked you kindly to speak even less than 3 minutes and it's been almost 4 minutes.

So really sorry for this.

Rapporteur Ms Heike ENGELHARDT, you have only 1 minute and 30 seconds to reply.

Ms Heike ENGELHARDT (Germany, SOC, Rapporteur): Thank you.

The Committee on Rules of Procedure, Immunities and Institutional Affairs and the Assembly do not determine criminal charges, therefore Article 6 does not apply.

It also does not look into the details of criminal charges, so detailed documents on the details of the charges are not required.

Moreover, the documents and correspondence addressed by Mr Marcin ROMANOWSKI have been transmitted to Committee members.

About the authority, I think the Minister of Justice is without any doubt a competent authority in line with our rules.

About setting a pattern for future cases.

Yes, indeed. And the responsibility of our Assembly is not to obstruct justice.

Hence the need to act immediately as foreseen in our rules. We cannot set a pattern of delaying justice.

I just want to underline that we are here to follow our rules. We are here to follow a democratic process given in our rules. And by the way, we are not in terra incognita. We are very well prepared by our rules.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Heike. I'm listening.

Mr Paweł JABŁOŃSKI (Poland, EC/DA): Mister President,

Point of order. Procedural motion based on Rule 37.1, letter D.

I move for a reference of the report back to the Committee.

It is clear after this discussion that Mr Marcin ROMANOWSKI wasn't given adequate time.

And no, Madam rapporteur, the convention applies. The convention guides us in all our actions. We cannot close our eyes to the convention.

Moreover, we have Rule 73.3 and the Committee was obliged to examine whether a competent authority filed.

It wasn't the minister of justice. It was another prosecutor that signed the request. Not the cover letter. The request.

We are standing in threat of setting a very dangerous precedent, as my Ukrainian colleague said, let's not fall into this trap. Let's not be called a kangaroo court or kangaroo assembly. Let's just give us some time.

I move a motion to refer it back to the Committee.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): So, dear colleagues, Mr Paweł JABŁOŃSKI has proposed that the report be referred back to the Committee.

This motion can be agreed on a simple majority.

On this motion, only the proposer, one speaker against and the rapporteur or chairperson concerned may be heard. The proposer has already spoken. Does anyone wish to oppose?

Yes, Mister Frank SCHWABE, you have the floor for 30 seconds.

Mr Frank SCHWABE (Germany, SOC): Dear Mister President, dear colleagues,

As I mentioned before, we just follow very normal procedures.

The Committee does the job [that] the Committee has to do. The rapporteur does the job and we should not politicise it and follow this procedure.

And for sure we should *not* send it back. It is our obligation at the end to decide in the first. And we have the first opportunity to decide, and this is now.

So I'm against this proposal to refer it back to the Committee.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): What is the opinion of the Committee, Mister EFSTATHIOU?

Mr Constantinos EFSTATHIOU (Cyprus, SOC, on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs): The motion equals a review of the decision of the Committee, so it cannot be acceptable.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Mister EFSTATHIOU.

Dear colleagues, the Assembly... please listen carefully, because this is the first time that we have this procedure and I don't want any kind of mistakes or misunderstandings.

The Assembly will now vote on the motion to refer document 16053 back to the Committee.

If you vote yes, the report will refer back to the Committee and we will not vote on the immunity of Mr Marcin ROMANOWSKI today.

If you vote no, we will continue the discussion and will vote on the immunity of Mr Marcin ROMANOWSKI today.

So the vote is open now.

Please insert your cards, all colleagues, insert your cards and the vote will open any minute.

You mean it is AI?

Give us a minute.

It was a nice break on a very interesting, I have to say, and if I may, I would like to congratulate our colleagues, because the speeches were not only polite, but in the meaning of this Assembly, exchanging views. Even if we have a lot of differences, it was very interesting. And since it is the first time that we have this opportunity to exercise the lifting of immunity of a colleague of ours, it is important that we exchange views.

Well, sorry... I didn't hear you.

As I said, I'm the President and I cannot speak more on the case, because I don't want to intervene.

Are we ready now?

Okay.

I see that you are very happy that you can vote now.

The vote is open.

The vote is closed.

I call the result to be displayed.

The proposal is rejected.

Dear colleagues, I will now call the representative of the Committee, Mr Constantinos EFSTATHIOU, to reply.

Mister EFSTATHIOU, you have 3 minutes.

Mr Constantinos EFSTATHIOU (Cyprus, SOC, on behalf of the Committee on Rules of Procedure, Immunities and Institutional Affairs): Thank you. Thank you, Mister President.

As rightly stated by the President of the Parliamentary Assembly, Mr Theodoros ROUSOPOULOS, whilst we are all aware of the immunities accorded to us as members of the Assembly, this is the first time that such a matter comes before the Assembly.

And importantly, we should welcome the fact that Mr Marcin ROMANOWSKI's immunity as a member of the Assembly was recognised and respected by the authorities. This was not obviously going to be the case when the criminal charges were initially brought. And the recognition was in large part due to the assiduous work of the President and the Secretary General of the Assembly, which I'm sure we all welcome.

It is vitally important for the integrity of the Assembly and in order to safeguard the independence of the Assembly members in the exercise of their European office in functions that states respect the immunities of members of the Assembly.

This case has shown that this can be done and that the Parliamentary Assembly of the Council of Europe can respond efficiently in its term.

As a corollary of this respect of the immunity of members of the Assembly, it is therefore crucial that the Assembly assumes full responsibility for responding to requests for waiving immunity in a timely and effective manner.

We must not overstep the extent of our remit when doing this or look into purely domestic matters. This is the role of national courts and prosecutor offices in their application of national law in full respect of the European Convention on Human Rights.

We are not judging, nor pressing charges, nor condemning Mr Marcin ROMANOWSKI since our role is restricted to the protection of immunities for the purpose of preserving the integrity of the Assembly and the independence of the members of the Assembly work.

I would therefore like to congratulate the rapporteur for her careful consideration of these important and sensitive issues and for having produced a resolution which was adopted by the Committee without amendment.

Thank you, Mister President. Dear colleagues.

Vote: Request for waiver of the immunity of Mr Marcin Romanowski

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Costis.

Dear colleagues, I remind members that in accordance with Rule 70. Sorry, the debate is closed.

I remind members that, in accordance with Rule 73.3, the draft resolution for the retention or the waiver of immunity contained in Doc. 16053 is not amendable.

We will now proceed to vote on the draft resolution. A simple majority is required.

The vote is open.

The vote is closed.

I call for the result to be displayed.

The draft resolution in Document 16053 is adopted.

Dear colleagues,

The second item of business this afternoon is a debate under urgent procedure on “Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine” (Doc. 16050) presented by Ms Mariia MEZENTSEVA-FEDORENKO on behalf of the Committee on Migration, Refugees and Displaced Persons.

In order to finish by 5:55 p.m., I will interrupt the list of speakers at about 5:50 p.m. to allow time for the reply and the vote.

I call Ms MEZENTSEVA-FEDORENKO to proceed at the floor.

And please, colleagues, if you want to stay, please be seated. We need order.

Debate under urgent procedure: Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Now I call Ms Mariia MEZENTSEVA-FEDORENKO rapporteur, for her initial remarks.

Mariia, as you know, you have 7 minutes now, and of course, you have 3 minutes at the end to reply to the debate. Whenever you are ready, you can take the floor.

Order, colleagues.

Ms Mariia MEZENTSEVA-FEDORENKO (Ukraine, EPP/CD, Rapporteur): Dear President,

Dear Secretary General,

Dear colleagues, dear guests, dear families of the civilians in captivity, and dear heroes of Ukraine.

I think with no due delay, we have to say that indeed, today we debate a historical document which we hope you will highly support by your votes with the title "Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine".

You text, but you don't receive a reply. You wait, but you never receive a call.

You are being given information that your relative is a missing person. His or her whereabouts are unknown. He or she might be sick and need medication or operation which is not given by the Russian soldiers.

He or she might be sending you a letter, but you never receive it, a physical one like in old school days.

This resolution puts a light to every tragedy of the captivities, civilians, and prisoners of war.

But colleagues, all those who are not very into this topic, I would like to outline the difference between these two categories.

According to the Geneva Conventions, which are constantly breached by the Russian Federation, in terms of prisoners of war, you can exchange them. So this resolution supports the approach of Ukraine. Exchange all for all, and then our problem is sort of gone. But then we have to give the rehabilitation.

When it comes to civilians in captivity, we don't have anyone to exchange them for because Ukraine commits to international law and Russia doesn't.

Russia takes our civilians, children, adults and others in captivity, or deports them or forcibly displaces them.

It is very important to mention that the tortures that have been outlined and recorded in 2024 by UN and OSCE Moscow Mechanism outlined constant torture, rape for men and women, forcible labour, like taking our people to demine the territories, risking their lives.

They are, of course, suffering forced labour and sometimes are forced to commit suicide because you cannot live in such conditions.

When you have a prison cell and you are forced to sing a Russian anthem, you might forget the words and then you are being beaten up. You try to speak your home language, your native language, which is Ukrainian, but you are forbidden. Any tattoo that you might have on your body is a sign of sort of Nazi regime for the Russians. And I'm citing that.

This resolution clearly states that the Parliamentary Assembly of the Council of Europe is sending a very clear message to the Council of Ministers. And we give thanks for the support also for the Secretary General, that this item has to become a priority.

In this resolution we call that our forces of UN, of ICRC, of every member state of the Council of Europe and observer states have to be united for a possible broader mechanism, to bring the perpetrators to justice, issue international warrants against them, insert sanctions against them. Everyone who commits tortures, plans them, and orders them to be committed against civilians and prisoners of war.

By the way, just yesterday, 16 Ukrainian prisoners of war in the Donetsk region were killed by the Russian forces and filmed. And of course this information will be misused by the Russian Federation.

I also want to mention, colleagues, that these efforts are not exhaustive. We already started thanks to your help and thanks to your brave message to work on the compensation mechanism. When we talk about such immoral actions and mass war crimes, these families, relatives and those who survived captivity have to receive reparations.

And we call and we highly support the efforts of the Council of Ministers and Secretary General and all of us and our member states to finally establish the compensation mechanism. The Register is there. We need to move on, colleagues.

Of course, today is also a very interesting day which is called the International Day of Non-Violence and it's also the birthday of a very famous person whom you surely know, Mahatma Gandhi.

If he could see what is happening today in the 21st century, he would be totally shocked.

So when we call for non-violence, we call also for the commitments that the Russian Federation still has under universal jurisdiction and international humanitarian law, which it doesn't commit to.

In my speech, colleagues, I would also like to mention Ukrainian authorities who 24/7 on a daily basis are in touch with the families, are searching for their loved ones and are committed to the common result.

This is the office of the President, coordination headquarters for treatment of prisoners of war, the Office of the Prosecutor General, the Security Service of Ukraine, the Ministry of Interior, the Office for the Missing Persons in Special Circumstances, the State Border Guard Service, the Office of Ombudsman, we can name it.

I'm sure you saw different photographs rolling across the world of how you may lose half of your weight after being under forced starvation, forced beatings, and all the terrible war crimes that are committed just because you once said "Glory to Ukraine!". Slava Ukraini [spoken in Ukrainian]. For these words...

Thank you, friends.

...for these words you are deprived of your freedom. And freedom is a paramount right of a person enshrined in many resolutions we follow.

Now I will finish and I will continue in my final remarks.

I thank the Committee on Migration, Refugees and Displaced Persons for our extensive work. I thank the Chairman. I thank Ms Tatiana TERMACIC and I want to reassure you all, there are no amendments.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Mariia.

In the debate, I will call first Ms Anne STAMBACH-TERRENOIR on behalf of the Group of the Unified European Left.

Anne, you have the floor.

Ms Anne STAMBACH-TERRENOIR (France, UEL, Spokesperson for the group): Thank you, Mister President.

Thank you, Madam rapporteur, for alerting us to this terrible situation regarding missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine.

I just wanted to say a few words to remind you that our main objective here is peace. Peace is a founding principle of the Council of Europe.

The conflict in Ukraine has shattered thousands of lives, torn families apart and caused many people to disappear. Not only have many soldiers, both Ukrainian and Russian, lost their lives, but thousands have also been captured and held in detention. Behind these soldiers are families living in complete anguish. Civilians, too, are under direct attack: men, women, children, and the elderly are killed, forcibly displaced, imprisoned or disappeared.

These terrible stories remind us of the brutality of this war, and they must not go unpunished.

Our Assembly must ensure that the texts of international humanitarian law are respected everywhere, and that prisoners are treated with respect and dignity. This text shows just how far we are from achieving this. Thousands of people, both civilians and prisoners of war, are subjected to inhumane treatment in complete violation of international law and our own European Convention on Human Rights.

The member countries of the Council of Europe must take a clear initiative on the world stage to ensure accountability and redress for the damage caused, wherever possible.

Among the civilian victims, 30 Ukrainian journalists and media professionals are still being held in appalling conditions. And this morning, alongside Julian ASSANGE, we collectively reiterated the urgent need to mobilise to protect those who inform us, sometimes at the cost of their lives, and whose actions and voices are so important for humanity.

We must also help and support humanitarian organisations, in particular the International Committee of the Red Cross, so that it can fulfil its role of regularly visiting and helping prisoners, in accordance with international law. Our Assembly must stand in solidarity with all the families of prisoners and missing persons and must continue to protest against the injustices caused by this war.

But we must also stand up against the consequences of other wars in the world, which are multiplying. As well as taking lives, these confrontations create situations of extreme insecurity and inequality. Russia's aggression against Ukraine is a terrible example, but the situation is just as disastrous in the Middle East, where the Israeli-Palestinian conflict plunges tens of thousands of civilians into horror, killed, wounded or held hostage. Hamas is still holding Israeli hostages, and at least 40 000 Palestinian civilians have died under Tsahal bombs in Gaza, according to the UN, many of them women and children.

Today, the conflict is spreading, with new belligerents and new victims, and our Assembly, guardian of peace in Europe and promoter of peace in the world, must also take a stand on what is happening over there. Because war encourages war, and when a war breaks out somewhere in the world, it increases the chances of another breaking out elsewhere.

In this logic of perpetual search for peace and respect for international law, my group stands firmly by all the direct and indirect victims of the Russian-Ukrainian conflict, reaffirms that their dignity as human beings must be respected, and calls for the release and return of all prisoners.

Thank you very much.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): "Thank you, Anne" [spoken in French].

On behalf of the Socialists, Democrats and Greens Group, Ms Miapetra KUMPULA-NATRI.

Ms Miapetra KUMPULA-NATRI (Finland, SOC, Spokesperson for the group): Mister President, dear colleagues,

I start by underlining our repeated message of undivided support for Ukraine in the fight for its independence and territorial integrity against the unprovoked hostile war by Russia.

I thank the rapporteur for this report, as there is still much to work on for missing persons, prisoners of war and Ukrainian civilians in Russian captivity.

This week here in Strasbourg, we have met, talked, seen pictures and have seen proof of young Ukrainians who have been released from the prisons. Some 90% of the prisoners have been tortured. Their starving faces and bad health have been exposed to the world.

Prisoners of war enjoy special protection under international humanitarian law. Their detention is only meant to prevent them from participating in the fighting. They cannot be prosecuted for taking part in direct hostilities. Detained prisoners of war must be protected from violence, torture, intimidation, and insults. And for the civilians, their place is not at all in captivity at all.

We call for the immediate and unconditional release of civilians taken captive by Russia.

We do forget those imprisoned now, missing or in captivity.

The international community, the organisation like ours, the Council of Europe, we work for human rights and the rule of law. We stand by wives, mothers and children without information of their loved ones. We international organisations and politicians, we observe, collect names, lists and proof, negotiate releases, and get ready to make criminals accountable.

The day will come when Russia will be made accountable for these heinous crimes.

This is the most important work of the Council of Europe now and we must be ready. The Register of Damage has already been set up. We work now for a compensation mechanism.

A special tribunal to prosecute Russia for the war crimes they have committed and is to be set up. We must continue broadening the sanctions and pay more attention to the violations of sanctions already in place.

Dear colleagues,

The rapporteur here made a good report with good suggestions that we need to work with urgently. The report speaks for itself. Unanimously handling in the Committee is also an important message.

But I also remind us all of our tireless work for missing children, deported children to Russia, continues. As minors cannot be called prisoners of war, but what is it then?

Teenagers are kept in detention centres for weeks to months, unlawfully adopted to Russian families, their documents changed, those Ukrainian teenagers made to join youth clubs with military training, teenagers refusing to sign the Russian passports that are kept in the detention camps.

If not prisoners, what are they?

We work together for human rights, human beings, the independence of our member states.

"Glory to Ukraine" [said in Ukrainian].

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): On behalf of the Group of the European People's Party, Ms Yelyzaveta YASKO.

Ms Yelyzaveta YASKO (Ukraine, EPP/CD, Spokesperson for the group): Dear colleagues,

Imagine if your friend or relative is fighting in a war, goes missing or gets into captivity by the enemy. What would you do when you would try to defend this person and get them out of captivity? You would start reaching different international organisations asking for their assistance. And these organisations – we know their names, it's the ICRC, it's the OSCE, it's different UN agencies – usually facilitate the exchanges of prisoners of war. Civilians are facilitated by national governments, international organisations.

But unfortunately, in the case from February 2022, Ukraine has met the reality where all these international organisations that I named are not only dysfunctional, but they cannot really address the reality.

I'm calling on this Assembly to look at the political reality and institutional capacity of these organisations and to make certain recommendations. What, as the Council of Europe that is now taking the lead in this question, what can we do to make sure that these organisations start working again? And what are the root causes of why they cannot actually deliver what we all hoped they would deliver?

Currently, the Ukrainian prisoners of war that are currently captured in Russia – we have a number, at least 6 000 people. According to the Geneva Convention, the ICRC must go and visit them, but Russia denies that. There is a massive number of human rights violations, but how can we make sure that they are brought back home? We need to look for different creative solutions. We need not only to raise awareness, impose sanctions, we also need to do everything possible that there is institutional capacity of different organisations for the future to deal with these questions.

We have prisoners of war and civilians captured in different countries, including those countries that we are currently discussing so much: Armenia, Azerbaijan, Israel and Palestine, Ukraine and Russia. And we need to deal with all of this.

I'm asking you not to say, "You know, it would be ICRC that will be dealing with that". Let's make sure that we develop very concrete mechanisms that will be new, that will facilitate these solutions. This is very much needed, and please, let's not only avoid the justice, but let's not avoid new actions that time is asking us to make. That's very important for our people.

Thank you.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Elizabeth.

On behalf of the European Conservatives Group, Mr Paweł JABŁOŃSKI.

But I don't see him here.

Mr Paweł JABŁOŃSKI (Poland, EC/DA, Spokesperson for the group): I am here, Mister President.

I changed; I switched seats.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): But you have to insert your card. Have you done it?

Mr Paweł JABŁOŃSKI (Poland, EC/DA, Spokesperson for the group): It's inside.

Now it's even visible.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): I'm listening. Now it's even visible.

Mr Paweł JABŁOŃSKI (Poland, EC/DA, Spokesperson for the group): Thank you, Mister President.

Dear colleagues,

We are discussing probably one of the most important reports during this 4th part-session.

It is most important because it concerns human lives. And this is no metaphor. This is very, very real. This afternoon we had the opportunity to talk to people that suffered, that were victims, that were victims themselves; that have relatives, close loved ones, neighbors, that have fallen prey to Russian aggression.

They have been detained illegally. They have been tortured. They have been seriously wounded, and many of them lost their lives. It is our duty as this Assembly to speak up in their name, because they cannot do it. They cannot defend themselves. And we are working relentlessly, since the beginning of the Russian invasion, and in some instances, even [from] before.

Although there were debates in this chamber; many times there were many that wanted to somehow justify what Russia has been presenting. But I am very glad to hear that this is no longer the case, that everybody realised how dangerous Russia is. Unfortunately, we can obviously congratulate ourselves that we now realise that we are working to support victims of Russian aggression, to support victims of these illegal detentions, prisoners of war, children especially.

But there's still much more to be done, and we still need to go back to our countries, to go back to our parliaments and spread these words, continue this fight. This is our duty as parliamentarians. This is our duty to safeguard human rights in the very real, the most "real" meaning today. Because if we fail to do so, Russia will continue its war of aggression. If we fail to support Ukraine against this aggression, Russia might prevail. And this would only mean that Vladimir PUTIN would deem it as his success, even though costly. Even though he also made lots of losses – human lives, Russian soldiers – he lost. But he doesn't really care about this. This is just the cost of this tyranny that we are very willing to bear.

He will only draw one conclusion out of it if he is allowed to win: that it was worth it, that it is worth repeating, that it is worth continuing, [that] it is really beneficial to attack other countries. And believe me, he will not stop. We have to stop him. We have to do everything in our power to stop him in order to save ourselves. We support Ukraine. We commend our brave Ukrainian friends for this everyday fight, and we will do... On behalf of the Polish parliament, I can say this: we will not rest until Ukraine wins this war and Russia is defeated.

Thank you very much.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Paweł.

On behalf of the Alliance of Liberals and Democrats for Europe, Ms Yevheniia KRAVCHUK.

Ms Yevheniia KRAVCHUK (Ukraine, ALDE, Spokesperson for the group): Thank you, President, thank you, colleagues, for being at this debate, thank you, Ms Mariia MEZENTSEVA-FEDORENKO, for your work and your dedication and everything that you did to have this resolution and to help give hope to those who are waiting for their loved ones.

In this resolution [it is] mentioned that thousands and thousands of servicemen and civilians are in captivity right now. And it's not just numbers. Under each number, there is a story of a family that is being torn apart. And right now in this chamber, we have families of those who are waiting for their loved ones to come back: wives, mothers, sisters. They're travelling around the world, different countries, asking to put pressure on Russian Federation so all the prisoners would be returned. And I would like to admire their courage and to thank them for not losing hope in international organisations.

I would like to thank that this resolution also mentions the civilian journalists that are illegally detained in the occupied territories, but also in Russia itself. More than 30 Ukrainian journalists are currently in prisons. And on 28 June 2024 – not long ago – we had good news.

Mr Nariman DZHELYAL, the deputy chair of Mejlis Crimean Tatar People organisation, but also a journalist, was released and it is also a part of our work here, because he was mentioned in the Parliamentary Assembly of the Council of Europe resolutions.

But I'd like to mention some more names because their families are waiting for this. These are journalists that were detained after the full-scale invasion:

Mr Dmytro KHILYUK, Ms Irena DANILOVYCH, Ms Victoria ROSHCHINA and many, many others.

But also these illegal detentions started in 2014, with the occupation of Crimea.

Journalist Mr Vladislav YESYPENKO was arrested in Crimea in 2021 and sentenced to six years in prison.

Among the captured indigenous Crimean Tatars: Mr Amet SULEYMANOV, Ms Asan AKHMETOV, Mr Aziz AZIZOV and many other others.

And they are particularly vulnerable in this situation as well.

Of course, we mention our work to bring the aggressor to justice and the Register is mentioned, the special tribunal that has yet to be established is mentioned, and investigation of crimes.

All these steps bring us closer to justice.

We shall not rest until the last captured serviceman or civilian is returned to Ukraine and to their families.

Thank you so much and please support this resolution.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Yevheniia.

Ms Tuula HAATAINEN is next.

Ms Tuula HAATAINEN (Finland, SOC): Mister President, dear colleagues,

The abduction of Ukrainian children is a flagrant violation of human rights. I condemn in the strongest term Russia's war crimes committed against innocent children. I totally agree with the resolution that international attention has not been sufficiently given to the topic of Ukrainian prisoners of war and civilian captives, despite the massive violations of international humanitarian law.

Forced deportations from occupied territories are war crimes. They are used to change the demographic makeup of parts of Ukraine. The Russian Federation is not only trying to destroy Ukrainian democracy, but also the Ukrainian identity and culture. Russia is not only stealing children from Ukraine, it is also depriving them of a normal future and a stable life. More concrete actions are really needed to fight this.

The International Criminal Court has issued an arrest warrant for Mr Vladimir PUTIN on the responsibility for the war crime of unlawful deportation and transfer of children during the Russian War against Ukraine. My hope is that the current Russian/PUTIN governance will end soon. I had the chance to meet with one of the Russian opposition leaders, Mr Vladimir KARA-MURZA in Finland in September and he told something that stayed with me: When change happens in Russia, it happens fast.

Let's hope that becomes true soon.

Mr Theodoros ROUSOPOULOS (Greece, EPP/CD, President of the Assembly): Thank you, Tuula.

Mister Serhii SOBOLIEV, you have the floor.

Mr Serhii SOBOLIEV (Ukraine, EPP/CD): Thank you, Mister President.

First, I just want to start with some figures: 6 000 prisoners of war who are now in the prisons of Russia or their concentration camps; 14 000 civilians who are now in Russian prisons or concentration camps, and only less than 2 000 that are now approved by the Red Cross. Fewer than 20 000 – it's not an exact figure, because it's impossible to approve this through international organisations – children are now illegally on Russian territory.

So it's figures. But only with figures can we understand the thousands and thousands of lives of our citizens. And it's very important to see that it's not only figures. All our propositions for the Russian side. Let's make a change – all for all. No answer to this because PUTIN has a war not only on the battlefields, but he also has a war against civilians and children in Ukraine. It's his best argument to continue this war.

Second, a very important question, if you have the possibility, and you can have this possibility, who is visiting Ukraine to see the conditions Russian prisoners of war are in? It's exactly according to international standards, even in our conditions. And you can understand all our people who saw the conditions Russian prisoners of war are in now.

Olenivka is the worst example of what we saw in previous times but you can imagine now in what conditions our prisoners of war, our civilians, our children are now suffering in Russia.

But it's the main question, why during the Second World War did two such organisations as the International Red Cross have exchanges – even during the Second World War – with fascists? Why does the International Red Cross now have nothing to do with these conditions? The only answer is that we have no possibility to visit your prisoners of war or your civilians who are now in prisons. It's not the answer.

Let's see the organisation that had to do this. No answer. So I think it's very important that we have in this report to stress these conditions and to have this in order to see the real situation with prisoners of war, with civilians and exactly with children. Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

In the debate next I call Ms Lesia VASYLENKO.

You have the floor.

Ms Lesia VASYLENKO (Ukraine, ALDE): Thank you, President.

And thank you to the families of the prisoners of war and the civilian hostages who are here with us today when we discuss this very important and very painful topic.

No one could have covered this topic better than our rapporteur Ms Mariia MEZENTSEVA-FEDORENKO, who has been a champion advocate for prisoners of war and illegal detainees in Ukraine. And now she brought all the heavy gut-wrenching facts and heart-wrenching stories to light here, before this Assembly in this report.

It is not the first time, however, that we discuss Russian war crimes here in the hemicycle.

For over a decade the Ukrainian delegation has been talking about torture, rape, inhumane treatments and all sorts of atrocities that Russian soldiers commit in Ukraine against the Ukrainian people.

Unfortunately, today will not be an exception. But today I really wish that all of you in the room listen especially carefully and take in every detail.

Thousands of accounts of hell on earth have been documented by human rights organisations, the ICC, and our government. When POWs and civilian hostages are exchanged, they seldom look like human beings: more like walking corpses or images of Holocaust or Holodomor survivors that have come to life. The bodies are scarred with torture, rape, genital mutilations, harsh beatings and unthinkable inhumanities.

With the return of our POWs, we learn of the sick experiments Russian torturers conduct in their prisons. Upon return one prisoner of war, a grown man, could not speak. He had to learn to use language all over again, because for 12 months he was not allowed to utter a single word. Imagine for 1 year you are not allowed to speak because you will be beaten, you are not allowed to speak because food will be taken away from you, and even water will be taken away from you. Obviously, at a subconscious level, you associate speech, words with danger to your livelihood and to your very existence.

Such conditions mean that many Ukrainians do not survive the Russian prisons. We know of 170 who have died in the hands of Russian torturers because of untreated wounds, malnutrition, denial of basic medical care and daily beatings.

170 is just the number of cases that we know of, because their bodies have been returned in prisoner swaps. The real numbers are likely to be higher, much higher.

When we talk to you today about our prisoners of war it is with a purpose. We ask that you take in the stories and that you recount them in your parliaments and to your governments, that you mobilise pressure on Russia to let in international observers in the prisons where Ukrainians are held, to push for adequate detention conditions in accordance with humanitarian law and basic humane treatment, and finally we ask you to call on Russia and put pressure on Russia to consent to an ALL for ALL exchange of hostages, POWs and political prisoners.

The cruelty and insanity that goes on in Russian prisons must stop, and we must all be part of that solution.

Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

And I call on Mr Didier MARIE. You have 3 minutes.

Mr Didier MARIE (France, SOC): Thank you, Mister Chairman.

First of all, I would like to take my turn in thanking our colleague for the quality of his remarkable work, which reminds us of the crimes committed by the Russian Federation in Ukraine, against both prisoners of war and civilians.

The report reveals that the number of people registered as missing or captured is close to 66 000. In reality, a much higher number is unfortunately to be feared. In most cases, families remain without news of them, in fear and anxiety of not seeing them again.

Expedited trials that in no way respect the rights of the defence allow the conviction of civilians captured by the Russian Federation.

The United Nations Independent International Commission of Inquiry on Ukraine reports that acts of torture are perpetrated by Russian armed forces and prison staff against these prisoners.

Yet the Russian Federation has ratified the International Covenant on Civil and Political Rights, article 9 of which states that no one shall be subjected to arbitrary arrest or detention. It has also ratified the Third Geneva Convention, which protects prisoners of war from ill-treatment.

The scale of the crimes committed against these prisoners remains difficult to determine. Only the International Committee of the Red Cross has any information on their fate. It is therefore essential that it be able to continue its work.

Ladies and gentlemen, tomorrow we will be debating the Holodomor. This reminds us that as long ago as the last century, the Soviet authorities orchestrated a famine in the Ukraine. This was accompanied by violent repression targeting the Ukrainian elite, with the aim of eradicating their culture.

Russia's violent war of aggression today has the same objectives as the famine organised in the last century. It is the Ukrainian nation, with its own culture and language, that it is trying to eradicate.

The news reaching us today from the liberated Ukrainian zones confirms the horror of the Russian forces' exactions and encourages us to mobilise, again and again.

This debate therefore gives us the opportunity to strongly reaffirm our support for Ukraine, for as long as necessary. The Council of Europe, which was exemplary from the outset of the Russian aggression and was able to reach an agreement on the Register of Damage for Ukraine, must continue to make its own contribution, as Mr Alain Berset reminded us yesterday.

I shall therefore vote with conviction and strength for the draft resolution before us, which will enable us to focus on the situation of these thousands of prisoners of all ages, whom we hope to see return home as soon as possible.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on Ms Zanda KALNIŅA-LUKAŠEVICA. You have 3 minutes.

Ms Zanda KALNIŅA-LUKAŠEVICA (Latvia, EPP/CD): Thank you.

Dear colleagues, first, let me thank Ms Mariia MEZENTSEVA-FEDORENKO for a very comprehensive and detailed report.

The content of this report is very tragic. The systematic use of torture against Ukrainian prisoners of war and civilians in captivity, forced labor, and the temporarily occupied territories of Ukraine are just few of many of Russia's violations of international humanitarian law and basic human rights.

It has been 950 days since Russia openly attacked Ukraine. Soon it will be 3 years.

Sometimes it may feel that Russia's massacres in Bucha and Irpin and many other places have happened a long time ago, and the worst is behind us.

However, in reality, this fight is still ongoing. Ukraine is still bleeding and losing its best women and men. Every single day, without exception. Children are being abducted and their identities erased. Civilians being captured and tortured. Brave Ukrainians are being killed by Russia every single day. Today. Now.

The Kremlin orchestrates war crimes each day, hitting civilian infrastructure, shopping malls, children's hospitals, while threatening its nuclear card if someone would dare to respond adequately.

Our actions lately haven't met the level that is necessary to reach a just peace for Ukraine.

We need to stop Russia's brutal violation of international rules-based order and its impunity.

We need to put every pressure possible on international organisations so that prisoners of war, civilians in captivity, and their abducted children can be returned home, that they can return home.

And additionally, dear colleagues, there are concrete decisions that we must make in order to save Ukraine and Ukrainian children, women and men.

Colleagues, the EU's five largest Russian fossil fuel importing countries alone paid Russia 1.2 billion Euros this August alone, in one month. Due to sanctions exemptions, member states continue buying Russian gas and pipeline oil. From one side, we are trying to find finances to support Ukraine. From the other side, the finances for Russia's war machine are continuing to flow even from the pockets of Europeans. This is absurd. It has to be stopped.

At the same time, there are huge amounts of frozen Russian state assets waiting to be properly and fairly confiscated and transferred to Ukraine for its restoration. Decisions on establishment of the compensation mechanism need to be made now.

And finally, last but not least, Ukrainians are fairly asking for weapons. They can and will defend themselves. Let's coordinate and find the final impetus to reach justice. Let Ukraine strike back. Let Ukraine save the lives of its people.

Glory to Ukraine.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on Ms Kadri TALI. You have 3 minutes.

Ms Kadri TALI (Estonia, NR): Mister President.

Dear colleagues, dear rapporteur,

I cannot express my gratitude well enough for all your work that has such an important value for the future of the world, but most crucially for the people living in this tragedy.

I am Estonian – the outcome of the year 1972. I was 19 when Estonia regained its freedom. It makes me something of an expert in Russification. I do not know where my grandfather has been buried. I have never met him. My father grew up without his father. He did not have the chance to see him before he was taken away. My great uncle went missing, and it was only via his letters that he wrote to himself, to his home address, by which his sister could recognise her brother being alive. These were the times when no one could have relatives in the free world, or the "evil West", as it was called.

We Estonians live on the coast, and that enabled us to have access to news from Finland. We kept our national pride through song festivals – the Singing Revolution. But Russia is at a dead end, and propaganda works like magic. The figures speak for themselves. Almost 66 000 people registered as missing. In reality, the number of victims is much higher.

In addition to that, we have the tragedy, talking about missing children. This is where the urgency lies and where the time is critical.

There are about 1.4 million people in Estonia. Out of that number 270 000 are children. Today, there has been talk about 20 000 children having gone missing from Ukraine. The number is arguable, and some mention that over 700 000 children were taken to Russia for so-called "rescue".

If we were to calculate in the context of the same figures in Estonia, the whole nation would have been wiped out. I ask you to think about it. This is genocide.

In everyday life, if you see a child needing help, you are required to step in. Unless you act, you are accused of being an accomplice. May I ask what is different now? Can you ask yourself, if it were my child, would I wait a year, two months, a week? Would I spend time with numerous amendments? Let me guess. You wouldn't waste 10 seconds before you act. Especially with children, it has to be very clear. Alienation from their homeland, their parents, is not only a crime but has an irreversible result due to Russification. And this is exactly the aim – to steal the future of their country, to steal their identity.

So please, let's make a firm action plan and start acting right away before it is too late.

Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on Mr Dmytro NATALUKHA.

You have 3 minutes.

Mr Dmytro NATALUKHA (Ukraine, EC/DA): Esteemed Chairman, esteemed colleagues

Mariia, thank you very much for this report.

It's extremely important that this honorary Assembly becomes the voice of the tens of thousands of Ukrainians, and not just Ukrainians, people who are on the side of Ukraine, whose work, voices otherwise will never be heard, because we might never hear from them again. And this is precisely what we should avoid doing.

Like the voice of Oleksandr ANTONENKO, who has been freed just a couple of days ago. He spent 10 months in the Russian captivity, and this is his story. It's public, it's in the Twitter or X, whatever you call it.

"For the first time 3 weeks in captivity, we were fed about just 4 times. Porridge was served on one tray, and we were given four spoonfuls each. A few times a week they took us out for the execution and then brought us back. They did try to force us to co-operate. In the tent camp in Kursk, they drew a Z on my forehead with green paint because I refused to co-operate with them. I lay on the ground for a long time and my legs started to hurt, to go numb from the cold. I asked for help. They asked me where it hurt. I showed them, and then they started hitting that spot with a stick. In the Kursk detention centre they threw me out of the bus onto the asphalt. Then they kicked me about 10 meters into the building, just like a football ball. During the intake process, we had to strip and they beat us the whole time, even using electric shockers. I arrived at 11:00 a.m., but didn't enter the cell until 05:00 p.m. they just beat us the entire time. There was a guy who was beaten to death. I don't know how people endure this. Once I shoot myself with my elbow and the guard injured his hand. He then took me out and beat me until he was completely exhausted, hitting me with a stick, his hands and even a belt. At that moment I regretted surrendering and thought it might be better if they had thrown a grenade at my position. At one point they beat me so much that I no longer felt any pain or anything. I thought my eyes would pop out and I lost consciousness. They brought me back and started interrogating me. The women who treated us also treated us with hatred. They said they are going easy on us and needed to be tougher. I was in shock, and in a way, they saw that we are civilians and they didn't realize how we could be that resilient. They just couldn't realise how we can endure all this pain. Nevertheless, they called for other officers to beat us more strongly. Another inmate, Oleksii ANULIA, wished me happy birthday. He said he had nothing to give and took his piece of bread and split it in half. When I think about it, I get tears in my eyes."

This is what is happening in those cells, ladies and gentlemen, and this is why it is so important to support this report.

Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I call on Ms Larysa BILOZIR.

You have 3 minutes.

Ms Larysa BILOZIR (Ukraine, ALDE): Honourable colleagues,

To begin with, I would like to express my gratitude to the rapporteur Ms Mariia MEZENTSEVA-FEDORENKO and all the team that worked on this urgent file, for drawing attention to one of the most painful and terrible topics for all Ukrainians.

As of today, nearly 66 000 Ukrainian servicemen and civilians are missing or captured. Sixty-six thousand! And today, there is no Ukrainian who has not been influenced by this war... and you never know what is going to happen tomorrow.

Just imagine that one day your child, your father or anyone dear to you is imprisoned and faces daily torture, starving or is missing. I have my personal story of the nanny of my three children. She is my age, and she lost her 24-year-old son, Olexandr CHERNYSHUK, like thousands of other Ukrainian defenders he went to protect his country on the first day of the full-fledged invasion. He disappeared on the battlefield that was already occupied. He has been missing for two years and his mother does not know whether her only son has been killed and his body is lying on the ground or he is alive and tortured. We did everything we could – made requests to the co-ordination centre, the Central Tracing Agency Bureau, the ICRC, indicated co-ordinates and names of all nine militaries that disappeared with him. Up to now, we have had no information. It sounds terrible, but for some mothers it is a privilege and luck to bury her son.

And one more story. Consider the story of Olena OSTAPCHUK from my constituency. She lost all three sons. One was killed and two are missing. So the mother doesn't know whether her sons are alive or not. We can't imagine how this woman lives. Russia doesn't clarify the fate of missing persons, or ensure investigation. Russia has violated all possible conventions and norms of international humanitarian law that they could.

We must act now. We must demand immediate access for the International Committee of the Red Cross to all 66 detention sites. We must push for comprehensive prisoner exchange: all for all. We must support the prosecution of these war crimes with every tool at our disposal. Create a tribunal for the crime of aggression. Create a mechanism of compensation for those who suffer from Russian aggression. We shall not allow Russia to weaponise time. Time is precious as people are dying in prisons. One hundred and seventy dead returned from captivity. This means that treatment is not only improper but crosses all human boundaries. We need to bring justice to create accountability. We need to avoid delayed justice. Delayed means denied. We must act now. Thank you, colleagues.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

Now I call on Mr Rostyslav TISTYK. You have 3 minutes.

Mr Rostyslav TISTYK (Ukraine, EC/DA): Dear Chairman, dear Mariia, dear colleagues,

Today we are discussing one of the most disturbing and painful topics related to the war that Russia started against Ukraine: thousands of Ukrainian citizens, both military and civilian, have gone missing or been captured by the Russian occupiers, and their fates remain unknown.

Unfortunately, the topic of exchanging prisoners of war is also a reason for political blackmail, manipulation and psychological pressure on Ukrainians. Russian authorities are using prisoners as a tool for trade, delaying the exchange process and thereby putting the Ukrainian military and civilians at even greater risk. This is not just a delay - it is a systematic violation of the norms of international humanitarian law.

Ukrainian prisoners of war are subjected to brutal treatment, torture and even execution, as evidenced by numerous data from human rights organisations. Ukraine, while holding Russian prisoners, observes all norms of international humanitarian law, providing them with humane treatment, which is stipulated by the Geneva Conventions.

The situation with captured civilians is particularly difficult. Russia is reluctant to exchange them and often does not even recognise that they are in captivity. The reason for Russia's direct violation of the Geneva Conventions is that the capture of civilians is prohibited. We call on the world community to increase pressure

on Russia to stop this barbarism. Missing people are not just statistics: they are someone's parents, children, brothers and sisters. Their return is a matter of honour for every democratic state that seeks to stop this unprecedented violation of human rights.

Separately, we would like to express our sincere gratitude to the countries that directly participate in the exchange of prisoners and make efforts to return our citizens home. These countries have demonstrated their commitment to the principles of humanity and international solidarity by working to ensure that as many of our fellow citizens as possible can return to their families.

All possible measures should also be taken to ensure that all cases of abduction and illegal detention are investigated fairly and transparently, and that those responsible for human rights violations and crimes against humanity are held accountable.

We call on our European colleagues, law enforcement agencies of EU countries and relevant international organisations to actively participate in the investigation of these terrible crimes. This is not only a matter of justice for Ukraine, but also the protection of the fundamental values of Europe, such as respect for human rights, freedom and dignity of every person.

The fate of prisoners of war and civilians in captivity is one of the most pressing issues of modern warfare. We cannot allow these people to become hostages of political manipulation. Their return is our duty to their families and justice.

Thank you for your attention.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on Ms Yuliia OVCHYNNYKOVA of Tienikova.

You have 3 minutes.

Have you pressed the button?

Ms Yuliia OVCHYNNYKOVA (Ukraine, ALDE): Yes, it's okay.

Thank you, Mister President.

Dear colleagues,

Dear Mariia, first of all, thank you very much for your powerful work. You're really example of struggle for our fundamental rights. Thank you.

This report is an unprecedented document, shedding light on the humanitarian crisis and gross human rights violations committed massively by Russian forces, while offering a crucial roadmap for the necessary unity, solidarity and the Parliamentary Assembly of the Council of Europe action first to make bring back detained, deported, illegally imprisoned Ukrainians and, secondly, to bring aggressors to accountability.

As a member of parliament, I receive many appeals every week from the families of missing soldiers or prisons of war.

Each letter holds the fragile hopes of women clinging to the belief that their husband, brothers, sons will return, no matter how grim the circumstances. These families live in agonising uncertainty with no way to learn the fate or location of their missing loved ones.

One such mother reached out me. Her son, only 18 at the time, had volunteered for the Territorial Defence Forces, and after his capture she was tortured by unknown individuals using his account, sending videos and documents of her son, assuring her he was alive but demanding ransom. They threatened her with a video of his execution if she didn't comply. Now this mother, fighting with every ounce of her being to keep her son alive, is seeking justice through the European Court of Human Rights.

Another story that haunts me is that a wife, desperate for news of her missing soldier, she was informed that her husband was a prisoner. Yet a month later the family's world crumbled when DNA confirmed his death.

This is just two of countless stories that weighed heavily of my heart. Under article 70 of the 1949 Geneva Convention every prisoner of war should be allowed to send word to their family within a week of capture. Yet the Russian Federation rapidly and intentionally fails to honour these basic human rights.

They continue to deny full access to Ukrainian prisoners and civilians, blatantly defying the Geneva Convention and international law.

The International Committee of Red Cross and United Nations must be granted immediately access to all places of detention. So, after all, I stand with Ms Mariia MEZENTSEVA-FEDORENKO and urge the Council of Europe and its member states to take urgent action preventing disappearance, securing the humane treatment and release of captives and holding Russia accountable for these crimes against humanity.

We must not let the stories of anguish be forgotten.

Thank you very much.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on Ms Olena KHOMENKO.

You have 3 minutes.

Ms Olena KHOMENKO (Ukraine, EC/DA): Dear colleagues,

I would like to begin this speech with a real and a very personal story.

This story is about a young marine, Yurii, who had been in Russian captivity for more than two years and was returned to Ukraine during the latest prisoners of war exchange. While in captivity, Yurii lost his ability to speak and to feel emotions — Russian torture had brought him to this point. Upon returning to Ukraine, receiving proper medical treatment and undergoing rehabilitation, he eventually started to speak again.

The first words he uttered to his mother were: "Why is there so much pain? Why are people so cruel to each other?"

Today's reality is this. If you are a Russian soldier in Ukrainian captivity, you receive decent treatment, medical care, regular meals and the opportunity to contact your family — all because Ukraine respects international law.

If you are a Ukrainian in Russian captivity — you will either be executed, or you will be subjected to a miserable death in captivity, or you will be left physically and psychologically crippled for life, with little chance ever to get back to normal.

Let's speak facts. Prisoners who have been released from captivity say that they have witnessed other Ukrainian citizens die in Russian captivity due to torture, unbearable conditions and lack of medical care.

Just imagine, that sexual violence was committed against more than half of the prisoners of war.

Former male prisoners reported threats of rape, unwanted touching, and genital torture. Victims of beatings and electric shocks to the genitals reported being told: "I will take everything off you so that you cannot have children".

What else is needed for the world to act? What else is needed for the international organisations to fulfil their mandate?

And let me be clear — Ukraine is not Russia. We comply with the international laws that Russia so blatantly disregards. We do not torture. We do not humiliate. We treat prisoners of war as mandated by the Geneva Conventions. The contrast is stark, and it is this very contrast that must drive our collective actions.

I commend Mariia's work on this historic resolution, which particularly emphasises the systematic use of torture against Ukrainian prisoners of war and civilian captives.

Russia must be held accountable for its crimes, and we need your support to ensure that happens.

It is not only silence that kills, but also indifference.

We have all means to defend human dignity, and we shall not rest till the last captive is released.

Sorry Mister President, thank you dear colleagues.

(Light applause)

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on Ms Lesia ZABURANNA.

You have 3 minutes.

Ms Lesia ZABURANNA (Ukraine, ALDE): Thank you.

Dear President, dear colleagues,

First of all, I would like to express my great gratitude to my colleague, to the rapporteur, Ms Mariia MEZENTSEVA-FEDORENKO because it's one of the most important and sensitive topics for all Ukrainians.

As for today, more than 38 000 of Ukrainians are listed as missing people. Please imagine the average population of a big town in Europe is about 40 000 people and once this big town has disappeared from the map of Europe.

We have the same situation just now. Russia's war against Ukraine is marked by deportation, kidnappings and an alarming number of civilian deaths. Families have been torn apart. [There are] children who haven't seen their mothers and fathers in over two years and wives who haven't seen their husbands.

The senses of those who do manage to return are really heart wrenching. Every single person held in Russian captivity has an awful experience. They return without teeth, having lost dozens of kilograms, in poor health and in need of extensive rehabilitation. Some come back unable to speak. Just imagine the horror someone must endure to lose the ability to speak.

And I would like also to highlight on the very important issue about our deported kids. According to the statistic data, we have about 20 000 deported kids. And actually, in the summer of 2024, Russian authorities took nearly 40 000 Ukrainian children from occupied territories to summer re-education camps. Also under false names, they are adopted by Russian families who hide their true origins and try to convince them that Ukraine is the enemy. Many of these children have been forcibly taken from their parents. And what [do] we have to do together? Last week, President Volodymyr ZELENSKYY presented a victory plan outlining the path to a just peace. The first and most urgent part of this plan is military support for Ukraine. The second crucial element is to maintain pressure on Russia. And finally, I would like also to ask for your support in the accountability in the process of the establishment special international tribunal to prosecute the main crime, the crime of aggression. Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on the last person on the list, Ms Olena MOSHENETS. You have 3 minutes.

Ms Olena MOSHENETS (Ukraine, ALDE): Thank you Mariia for your report and thank you dear colleagues for these heartbreaking personal stories.

Fear and anxiety about what happened to them, where they were, are they alive, are they in captivity? Expectation of at least some news. Hope for the best... beliefs and prayers...

Hundreds of thousands of Ukrainians live in this cycle of feelings, as the Register of Persons Missing under Special Circumstances as of the end of September shows 55 000 people, most of them military personnel.

This includes a mother from Kharkiv who is still waiting for her 29-year-old son, who disappeared in January 2023 in the Luhansk region.

"He is an ordinary Kharkiv citizen, a Ukrainian, a builder. When I walk through Shevchenko Garden, I know that my Dmytro also walked here. I believe that I will see him alive, and I believe that I will see his future happy life," says the mother.

The entire multi-million Ukrainian family is happy when the next prisoner of war exchange takes place, but after the joy of return comes the acceptance of the horrors that Russians commit against Ukrainian prisoners of war.

The overwhelming majority of those returned to Ukraine have health problems and chronic illnesses caused by the Russians' mistreatment, which violates the provisions of the III Geneva Convention Relative to the Treatment of Prisoners of War.

Ukrainian defenders in Russian cells are subjected to beatings, torture, attacks by aggressive dogs without the ability to defend themselves, starvation, sleep deprivation, rape...

A relative of the combat medic Ms Olena KRYVTSOVA, who was returned from Russian captivity in October 2022, spoke about the conditions of her stay in Russia: torture, being used as punching bags to train Russian special forces, hunger, hygiene problems and failure to provide feminine hygiene items.

Olenivka is a word that brings tears to the eyes. Once a peaceful village in the Donetsk region, it is now the centre of an occupation penal colony. In July 2022, 50 Ukrainian prisoners of war were killed there. It became a symbol of Russian torture of war prisoners.

Even in war, there are laws, there are norms of international law, which the Russians ignore every day. The actions of the Russian Federation constitute war crimes. We call on the member states of the Council of Europe to facilitate the search and prosecution of war criminals, using not only criminal law, but also administrative measures, such as expulsion from third countries.

"Accountability" should be not only words, but actions.

Thank you.

(Light applause)

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

That concludes the list of speakers.

I now call on Ms Mariia MEZENTSEVA-FEDORENKO, rapporteur, to reply. You have 3 minutes.

Ms Mariia MEZENTSEVA-FEDORENKO (Ukraine, EPP/CD, Rapporteur): Thank you, dear Chairman,

Colleagues, I'll try to be very brief. You've referred to very concrete points of this resolution we've drafted together with the Committee on Migration, Refugees and Displaced Persons.

And indeed, I want also to thank Switzerland for its leadership in placing the Summit on Peace this year in the respected country.

And this draft resolution refers to point 4 of Mr Volodymyr ZELENSKY's Peace Formula. That's why we're talking today about missing persons, civilians and prisoners of war (POW) in captivity.

Colleagues, you have mentioned justice. Justice should not be delayed. But unfortunately, there are only four international warrants issued by the International Criminal Court (ICC) for the illegal deportation of children. They have multiplied in numbers also for these concrete war crimes.

Indeed, the time is now, and you might ask, should I go right now and search for POWs and civilians in captivity? You cannot because you are sanctioned by the Russian Federation for expelling it. And thank you for that. What you can do immediately after our vote is to take action on social media, to take up a story of one or several prisoners of war or civilians in captivity and tell the world that these people, who are today with us on the balcony, these women, they exist, they are not artificial, they are not just on social media, and they are not just statistics.

Let us go back to statistics quickly. Three thousand and seventy-two POWs and civilians were released. This is a very incredible number compared to what every story takes. But let's not forget you mentioned the figure of more than 65 000 that are still awaiting to be released. This is a pure genocide. And thank you for mentioning the tragedy when a Russian rocket targeted Olenivka prison in Olenivka in July 2022. This is a pure genocide. Genocide that has been conducted by the Russian empire on our great grandparents and is being conducted on us today.

Colleagues, please, spread the word; please use your action; please be tireless because we, under the rockets, under the constant daily shellings in different cities and towns and villages of our country, are still restless, waiting for the captives to be back.

Thank you to each and every one of you who has used a slogan. We will work all tirelessly until the last captive is released.

Yet again, glory to Ukraine. Glory to Ukrainian defenders. Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

Does the chairperson of the Committee wish to speak?

Mister GONCHARENKO, you have 3 minutes.

Mr Oleksii GONCHARENKO (Ukraine, EC/DA, Chairperson of the Committee on Migration, Refugees and Displaced Persons): Thank you very much. Thanks to the rapporteur. Thanks to the Secretariat of our Committee for a great job done.

This is a very special report, by the way, on a very special day.

Yesterday was the Ukrainian national day of defenders. Those defenders, thousands of whom now are in captivity, suffering, tortured, those defenders who made possible that we are here with you. It's very important to speak about them, to help them, to do everything we can for them.

It's not just our goodwill, it's the obligation of everyone here in this Assembly, because we can be here, we can speak about democracy, the rule of law, human rights, just because these hundreds of thousands, men and women – two years and a half ago and ten years ago [before that] – took weapons in their hands and went to protect these values with their lives, with their freedom, they did it in a number of...

We don't know the names and places of these battles. We know, for example, the Battle for Mariupol where Azov together with marines, together with border guards, other servicemen for weeks were fighting and giving us the time to react, the time for the world to understand the threat and to react.

They bought this time for us, many of them with their lives, others with their freedom, and we need to do everything we can to help them.

But it's very special also because now we're saying about Russian butchers – by the way, I want to say to Russian butchers, we see you, we watch you, we will find all of you and we will take you to responsibility sooner or later, and this is in this report, that we will find all of you. That's why it is important and you should know this and be aware of this.

But I want to tell you one more reason why it's special, because even not our servicemen and civilians are tortured there. Thousands of them who are in the hands of Russians, but thousands of families who are physically in Ukraine, but whose heart is bleeding every day. That's the worst possible torture, when you know that your beloved ones suffer and you can't do anything, you can't do anything, you feel yourself powerless. That's the worst possible torture.

And with this resolution, we say to them, you are not powerless. Your greatest power is your love, and you are not alone. We are with you. The free world is with you. We will fight for everybody. We will knock at any doors, at all possible doors. We will ring all possible bells until the moment when every one of our heroes, every one of our civilians, everyone will be back home.

Bring them back home now. "Glory to Ukraine" [spoken in Ukrainian].

(Applause)

Vote: Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

The debate is closed.

The Committee on Migration, Refugees and Displaced Persons has presented a draft resolution and a draft recommendation [Doc. 16050], to which no amendments have been tabled.

We will now proceed to vote on the draft resolution contained in Doc. 16050. A simple majority is required.

The vote is open.

And the vote is closed.

I call for the result to be displayed.

And the draft resolution in Document 16050 is adopted unanimously.

Congratulations.

We will now proceed to vote on the draft recommendation contained in Doc. 16050. I remind you that a two-thirds majority is required.

And the vote is open.

And the vote is closed.

And I call for the result to be displayed.

And the draft recommendation in Document 16050 is adopted unanimously.

Congratulations.

The next item of business this afternoon is the debate on the report titled "The honouring of obligations and commitments by Bosnia and Herzegovina" (Doc. 16039) presented by Mr Zsolt NÉMETH on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee).

In order to finish by 7:00 p.m., I will interrupt the list of speakers at about 18:45 p.m. to allow time for the reply and the vote.

In the absence of Mr Aleksander NIKOLOSKI, the co-rapporteur, who has left the Assembly, I call only Mr Zsolt NÉMETH, rapporteur. You have 7 minutes now, and 3 minutes to reply to the debate.

Debate: The honouring of obligations and commitments by Bosnia and Herzegovina

Mr Zsolt NÉMETH (Hungary, EC/DA, Co-Rapporteur): Alexander NIKOLOSKI has been appointed as member of government in North Macedonia. I have the honour to congratulate him from this place and I also have the honour of presenting our report on Bosnia and Herzegovina with his full support.

Mister NIKOLOSKI and I consider that the discussion of this report is very timely because many developments have occurred over the last two years in Bosnia and Herzegovina.

In some of our countries, these developments went unnoticed among the dramatic flow of events, for example, in the Ukraine, but they divert the full attention of our Assembly. The main driving force of these changes is the procedure for the accession of Bosnia and Herzegovina to the European Union.

In June 2022, before the general elections, the main political actors adopted a political agreement on principles for ensuring a functional Bosnia and Herzegovina that advances on the European path. According to this agreement, the state institutions at all levels of government have been set up in record time after the elections.

Important reforms have been agreed upon and voted by the parliament regarding the prevention of conflict of interest, independence of the judiciary, anti money laundering and mechanisms against torture and ill treatment. All this in a very limited time period. In the short time span, the government coalition at the state level has proved that with political will and for the poorest pursuit of a common goal, Bosnia and Herzegovina could deliver reforms.

The European Commission took stock of the progress and has decided to agree on the opening of accession negotiations on 22 March 2024. This decision opens a clear perspective for Bosnia and Herzegovina, but on this path, some of the most difficult issues that are cause for divisions will need to find a solution. Since this decision from the European Union, some worrying developments have occurred. Some of these are difficult issues and are directly related to the obligations and commitments to the Council of Europe.

First issue on the list, but maybe the last that can be solved, relates to the election law. The electoral framework in Bosnia and Herzegovina is in violation of the European Convention on Human Rights, and the court has confirmed its SEJDIĆ and FINCI case in several decisions. Plus, the election of the Croat member of the straight presidency further complicated this challenge.

In March 2024 this year, the high representative enacted a new electoral law to address the issue of the integrity of elections, but the discriminatory framework inherited from the day to the constitution remains. Full reform needs a change to the constitution. Many different technical solutions have been proposed and discussed with the support of the Venice Commission. If a perfect solution existed, it would have been adopted already. This issue can only be solved by consensus between all parties in Bosnia and Herzegovina, and there can be no lasting solutions without approval of all three constituent peoples. There can be no winning side. A lasting solution must help build long lasting mutual trust and confidence. Finding a solution to this institutional deadlock would also certainly allow the necessary steps required to be taken before ending the mandate of the high representative.

Our Assembly has called for a clear strategy for transferring responsibilities from the high representative to domestic authorities, and the conditions were defined in Agenda 5 + 2. This agenda has to be fully implemented, in particular regarding the definition of state property, but this has to be done in parallel with constitutional reform. That would improve the efficiency of the legislative process. Both reforms go hand in hand with the objective of empowering domestic authorities and improving their legitimacy and political responsibility. In this regard, the recent situation of the constitutional court casts doubts on the readiness of all parties to work on a real solution. The court cannot operate at full capacity because two of its members still need to be appointed by the National Assembly of Republika Srpska.

The Venice Commission provided two opinions in this regard with constructive proposals. For all these reasons, the draft resolution repeats the call of the Assembly for constitutional reform in Bosnia and Herzegovina. But such a reform needs trust and confidence, which is lacking at the moment. It shouldn't be made a precondition for all the rest. Other encouraging reforms regarding the independence of the judiciary and the fight against corruption are about to produce their first results. Such reforms, even if they can still be improved, are positive developments. Finally, our report and this report and the draft resolution contain chapters on history teaching.

Mister NIKOLOSKI and I are convinced that this topic is really important for the peaceful future of Bosnia and Herzegovina. Hate speech is still prevalent in the country, notably during political campaigns. The denial of genocide in Srebrenica is fuelling divisions and defiance between communities, as evidenced by the contrary positions on the UN General Assembly Resolution. Education is essential to build a more tolerant and inclusive society. History textbooks tend to over emphasise the conflicts between communities in Bosnia and Herzegovina. The Council of Europe has produced several important norms on history teaching, teaching that seems relevant for Bosnia and Herzegovina providing guidance on history teaching in post conflict situations. Creating a core curriculum without erasing differences, but sharing them and allowing an understanding of diversity of points of view seems necessary. The observatory of history teaching in Europe by the Council of Europe could provide useful assistance in this regard. Understanding the past is essential for building a shared future, for fostering a real European democracy, and for strengthening democratic citizenship. This is our wish for the future of Bosnia and Herzegovina. Thank you very much for your attention.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much Mister NÉMETH.

We'll now continue with speakers on behalf of political groups and in the debates.

I call first Mr Josip JURATOVIC on behalf of the Socialist Group.

Mr Josip JURATOVIC (Germany, SOC, Spokesperson for the group): Mister President,

Ladies and gentlemen,

"Divide and rule, by force if necessary" may sound simple, but it promises success, and not only, as we know, in Bosnia and Herzegovina.

Freedom must give way to supposed security. Human rights for the supposed self-determination of peoples, democratic values for economic interests. That is the motto of the nationalists.

In Bosnia and Herzegovina, the people are not to blame, not even in the Western Balkans. These people live and work together or side by side in a free and well-ordered Europe without any problems. It is the fault of the system of corrupt nationalists and their vassals, who use force if necessary to prevent any attempt at co-operation between people who are prepared to shape their future together. They talk loudly about reforms on

the outside, but block and prevent any approach on the inside. The posturing of the secessionists, separatists, and unitarists is just a diversionary tactic by the nationalists, who together have only one problem: the fear of having to answer to the independent judiciary.

Yet, as our report shows us today, Bosnia and Herzegovina's current so-called troika government, thanks to the consistent support of the OHR and the European Union (EU), has been able to implement many more reforms in two years than two nationalist-led governments did in eight years.

Ladies and gentlemen, Bosnia and Herzegovina is not a developing country. The people of Bosnia and Herzegovina want and expect us to support the truly democratically-minded people in the parties and outside the parties so that they can act effectively. They want and expect us to help them build functioning state institutions – the parliament, the government, the independent judiciary and the free media – whereby expertise must be more important than party affiliation. Only then, ladies and gentlemen, will our resolutions and Court rulings make sense.

The people of Bosnia and Herzegovina want and expect Visegrád 2 from us, instead of just a new edition of CEFTA or even Dayton 2. Secondly, they want and expect the EU to keep its word and participate in EU accession with clear timelines, instead of always talking about the prospect.

Ladies and gentlemen, they exist, the democrats in Bosnia and Herzegovina and in the Western Balkans. They want to work together in a network and on the basis of democratic principles and the Charter of Human Rights. They need us.

We would like to thank the Monitoring Committee for what we consider to be a correct monitoring report and fully support the accompanying draft resolution.

Thank you for your attention.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

In the debate I next call Mr Ricardo CARVALHO on behalf of the Group of the European People's Party.

You have 3 minutes.

Mr Ricardo CARVALHO (Portugal, EPP/CD, Spokesperson for the group): Thank you, Mister President, dear colleagues,

First of all, we'd like to congratulate the co-rapporteurs on this report and draft resolution.

With regard to both Bosnia and Herzegovina for us in the Group of the European People's Party, it's very important to continue to fully support its citizens, and it's also important to recognise its constitutional and legal order, sovereignty and territorial integrity.

We must congratulate the pace of reforms achieved since 2022 by Bosnia and Herzegovina authorities.

In the Group of the European People's Party we are also very pleased to note that following these important reforms, the European Council in March 2024 decided to open accession negotiations. It was a clear sign from the European Union of a new dynamic in favour of the region and it is a key opportunity that Bosnia and Herzegovina has to take advantage of and which can act as a lever for the country to also be able to fully honour the commitments it made with the Council of Europe.

Despite real progress in the capacity to carry out reforms, Bosnia and Herzegovina still has a long and challenging way to go with regard to other important reforms related to strengthening democratic institutions and the rule of law, and also protecting human rights.

Regarding the rule of law, we must highlight the need for electoral legislation in line with the European Convention on Human Rights and to guarantee equality and non-discrimination of citizens, without forgetting the transparency and integrity of the electoral process, a constitutional court and the judicial system as a whole in line with the Venice Convention and the new legislation capable of guaranteeing permanent funding for public broadcasters and transparency in the media ownership.

Regarding the protection of human rights, and especially with regard to young people and the younger generations, it is important and also critical to continue with reforms in education, eliminating all aspects of segregation and discrimination.

Schools must be organised as multicultural, multinational, and open and inclusive institutions.

Dear colleagues,

Twelve years after Bosnia and Herzegovina joined the Council of Europe, we should be happy with achievements, but at the same time, we should encourage and also demand more and more progress in some areas that are crucial for the proper functioning of democratic institutions.

The Council of Europe, as we know, must continue to play this important role in helping Bosnia and Herzegovina to make up for what is still lacking in terms of democracy, the rule of law, and human rights.

The Action Plan 22-25 is more important than ever for us to succeed, but it is also essential that Bosnia and Herzegovina continues to strengthen the rule of law and intensify efforts to combat corruption and organised crime and establish a track record of investigations and convictions, including at a high level.

We desire Bosnia and Herzegovina transform into a dynamic and prosperous multicultural state.

Thank you very much.

(Light applause)

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

In the debate I call next Lord David BLENCATHRA on behalf of the European Conservatives Group and Democratic Alliance.

You have 3 minutes.

Lord David BLENCATHRA (United Kingdom, EC/DA, Spokesperson for the group): Is that working now? My apologies. Technical incompetence.

It's a pleasure to support the report with my colleague, Mr Zsolt NÉMETH, his co-rapporteur, Mr Aleksandar NIKOLOSKI.

It sets out some welcomed improvements, but highlights that some fundamental problems remain and have not been addressed.

I first visited Bosnia and Herzegovina in 1996 when I was on a special mission for the United Kingdom government in Mostar. Half the city was in ruins and I walked over thousands of empty rifle shells and a temporary and terrifying Stari Most bridge.

When I went back to observe the elections 22 years later, I was shocked to see no real progress made.

The best that could be said was that the three cultural and ethnic religious groups were not killing each other, but otherwise the country was trapped in a post-war time warp with no progress on the economy or development.

The report draws attention to the problems of corruption at all levels of society, in the judiciary, prosecutors and members of parliament. But for me, I think the key elements of the report relate to the constitutional crisis, which has no prospect of being solved unless there is a rewriting of the whole Dayton Accord.

Dayton got the credit for drafting an accord which seemed to give equal rights to all groups in the country. The problem is that in many ways Bosnia and Herzegovina is not a coherent country. Like many places in the Balkans, it is Christians, Muslims and Orthodox who can all legitimately say that the country was theirs for part of the last 1 000 years. In all the election observations, on missions I've done, I have never seen such a convoluted and unworkable election system.

As you know, they have to elect three presidents, a Bosnian, Serb and Croat, and they swap over the chairmanship every 8 months. It is a recipe for no progress on education, employment, industrial development, nor any of the factors which matter to people.

Youth unemployment is 40% and thousands of young people are leaving. And at the election, I observed that each of the presidential candidates campaigned on the basis of "vote for me and stop those two other horrible people winning". There was nothing on improving the economy or the lives of the people.

So, colleagues, what can be done? The constitution enshrines and implements paralysis, and those in power just want to keep the status quo and are not keen to implement change. So all we in this Council can do is continue with excellent reports like these, pointing out the deficiencies and demanding that the various political sectors in Bosnia implement what we're asking.

And I would stress that our governments need to take a hard look at the Dayton Accord and stop treating it like a sacred document, like the Ten Commandments and the Holy Quran combined.

And what we're asking is not something weird and wonderful, but that our well established Council of Europe principles on standards, on democracy, the rule of law, and human rights be implemented. And if we cannot implement the constitutional changes required, then it must fall to the European Union to insist on all the changes we've outlined in these reports as the price of entry into the EU.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on Mr Ryszard PETRU on behalf of Alliance of Liberals and Democrats for Europe. You have 3 minutes.

Mr Ryszard PETRU (Poland, ALDE, Spokesperson for the group): Thank you, Mister President.

We welcome and support the report on the obligations and commitments by Bosnia and Herzegovina.

First of all, we welcome Bosnia's path to the European Union. The report we are discussing today does two key things.

Firstly, it recognises the steps that Bosnia and Herzegovina took in the last two years on its European path. They result in the Council of Europe's decision to give a green light to opening accession negotiations with Bosnia and Herzegovina. At the same time, the report explicitly recognises and calls out the actors whose activities negatively affect much-needed progress, like hate speech, genocide denial and actions preventing proper functioning of democratic institutions.

It has been noted that Republika Srpska must act within the legal framework and respect the decision of the Constitutional Court. We are glad that the report addressed both the past and the future of the country. It recognises what the UN General Assembly resolution did this year by recognising and commemorating the 1995 genocide in Srebrenica. At the same time, the report is calling for reforms in the education system in Bosnia and joint core curriculum in history.

Finally, we wish to express our expectation that Bosnia will finally take serious steps in implementing the decision of the European Court of Human Rights and secure the equality of its citizens.

To sum up, we support the report. Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

I now call on Mister Paul GAVAN on behalf of the Group of the Unified European Left.

You have 3 minutes.

Mr Paul GAVAN (Ireland, UEL, Spokesperson for the group): I will wait. Now. Okay, sorry for that delay.

On behalf of the Group of the Unified European Left, I want to congratulate the two rapporteurs.

This important report on Bosnia and Herzegovina highlights concerns regarding several commitments entered into upon its accession to the Council of Europe.

It's important to note that Bosnia and Herzegovina has benefited from the co-operation programs of the Council of Europe since 2003. Successive action plans have been implemented covering the periods 2015-17, 2018-21, and an action plan for the period 2022-25 has been adopted. It's also important to recognise that the country's authorities have requested, on a number of occasions, the expertise of the Venice Commission with regard to a number of important draft laws.

This resolution reiterates its full support for the state of Bosnia and Herzegovina and all its citizens, and urges all Council of Europe member states to respect its constitutional and legal order, sovereignty, and territorial integrity.

The rapporteurs also congratulate the authorities of Bosnia and Herzegovina for the pace of reform since 2022, notably the adoption of a law on the prevention of conflict of interest, amendments to the law on the High Judicial and Prosecutorial Council, a law on anti money laundering and countering the financing of terrorism and a law designating the Human Rights Ombudsman as national preventive mechanism against torture and ill treatment. All significant progress.

Despite this, a number of important concerns are outlined in the report. Of particular concern is the fact that the 2022 elections were held under a framework which is in violation of the European Convention on Human Rights. The Committee of Ministers has adopted five interim resolutions in regard to this issue, calling for the immediate relaunching of electoral reform work, while pursuing all consultations necessary aimed at eliminating discrimination based on ethnic affiliation.

Perhaps the most serious charge made in this report is the alleged deliberate failure of the Republika Srpska authorities to implement the final and binding decisions of the Constitutional Court of Bosnia and Herzegovina and the obstruction of that court.

The report sets out a number of clear recommendations to strengthen democratic institutions and the rule of law. These recommendations focus on bringing electoral legislation in line with the European Convention of Human Rights, the method of electing judges and the proper functioning of the Constitutional Court, and the intensification of the fight against corruption.

We think this is a thorough report and we're happy to support it.

Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

And that concludes the list of speakers on behalf of political groups.

We'll now continue with the rest.

In the debate, I call next Mr Saša MAGAZINOVIĆ. You have 3 minutes.

Mr Saša MAGAZINOVIĆ (Bosnia and Herzegovina, SOC): Thank you, Mister Chairman.

Dear colleagues,

Denial of genocide is a daily political tool in the Balkans.

According to a report by the Srebrenica Memorial Center, during this year, there has been an increase in the number of cases of denial of genocide, including the most radical form of denial – the celebration of genocide. There must be a clear international commitment to prohibit and sanction that.

With today's resolution, we support the resolution of the UN General Assembly on the surveillance of genocide. That is very important. But I ask all of us, can we do more?

Bosnia and Herzegovina needs international support in the fight against the denial of genocide. I invite you to initiate consideration of the specific legal solution against the denial of genocide in Srebrenica, in the member states of the Council of Europe that do not have such laws.

I invite you to clearly define, in the creation of these laws, that such a ban refers to facts established by international criminal courts and not to leave space for the denial of genocide without impunity, as our neighbour country Serbia did, by leaving out the verdict of the International Criminal Tribunal for the former Yugoslavia.

I'm head of the Bosnian delegation here in this Parliament and I didn't have any obstacles to be elected. But I cannot be elected as president of my country because of my ethnic background and where I live. This is discrimination. Several decisions of the European Court of Human Rights have already been ruled on this, and each one is important in its own way.

The last case, KOVAČEVIĆ versus Bosnia and Herzegovina, speaks of the fact that a large number of citizens are prevented from having the right to vote for the leaders of their own country. The KOVAČEVIĆ case worries all those who believe that the state should belong to an ethnic group and territorial units and not to its citizens.

The case, together with all previous ones, forms a complete picture and complex task for a serious reform of the constitution and electoral law.

We should fight together. We should fight together to respect the judgments of the European Court of Human Rights as well as the values of the Council of Europe.

Finally, I would like to thank the rapporteurs who recognise the efforts and results of the new government when we speak about the European path, as well as some of the results of the fight against corruption. Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

And I'll on Ms Iva DIMIC.

You have 3 minutes.

Ms Iva DIMIC (Slovenia, EPP/CD): Thank you, Mister President.

Dear colleagues,

First and foremost, I would like to congratulate both rapporteurs on an in-depth and thorough report.

We must acknowledge that Bosnia and Herzegovina stands at a significant crossroads. The nation has made important steps toward rebuilding its institutions and fostering a spirit of unity among its diverse communities. The resilience of its people, their commitment to peace, and their unwavering hope for a brighter future are commendable.

However, there is one clear expectation from us all: the systems and institutions of a democratic state must be established in Bosnia and Herzegovina as soon as possible. This is not merely a wish but an essential requirement for the nation's progress. Bosnia and Herzegovina's membership in the Council of Europe is both a privilege and a responsibility. It embodies a commitment to pursue democratic change vigorously and to uphold the values that bind us together.

The report indicates that democracy, human rights, and the rule of law are under scrutiny in the country. While we cannot ignore these challenges, it is crucial to recognise that the perpetuation of ethnic divisions will not yield the solutions we seek, especially in these turbulent times of migration affecting all of Europe. Instead, we must cultivate an environment where peace and democracy flourish. This requires collective efforts to overcome past resentments and mistrust. Establishing the rule of law is not just an option, it is a necessity for the future of Bosnia and Herzegovina.

In conclusion, while we acknowledge the challenges ahead, let us also celebrate the achievements and potential of Bosnia and Herzegovina.

Together, let us work towards a future where democratic institutions are robust, where human rights are upheld, and where the rule of law prevails.

The path may be complex, but with commitment and collaboration, I am confident that Bosnia and Herzegovina will navigate these waters and emerge stronger than ever.

Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

Now I call on Ms Sabina ĆUDIĆ.

You have 3 minutes.

Ms Sabina ĆUDIĆ (Bosnia and Herzegovina, ALDE): Dear colleagues, what a miracle!

Of all the topics that I expected to unite this chamber, I genuinely did not expect Bosnia to be one of them.

And listening to you, I'm honoured and humbled and extremely grateful that the representatives of various political families of different ideological backgrounds agree. And I deeply agree with every single one of you who spoke so far on what needs to happen in Bosnia and Herzegovina in the upcoming years. So, perhaps, if Bosnia can unite us on this, there is hope for other topics as well.

What I particularly appreciate about this report is that it makes a balance between the focus on the past and the future. I come from a truly multi-ethnic political party in Bosnia and Herzegovina, and it is our decision not to profit from war traumas. And we are deeply oriented towards the future.

While we are deeply oriented towards the future, we are also aware that there can be no future without showing respect, acknowledging, and also prosecuting those responsible for the darkest hour in Bosnia and Herzegovina. So that is why I am glad that this report recognises once more the much needed UN resolution, this year's much needed resolution on the Srebrenica genocide, and also calls for common future through the education system.

Here I have to take a moment and express my gratitude for my colleagues from the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) who unanimously supported my amendment on this resolution, calling not only attempts at common history books, but also rejecting and abolishing the practice of celebrating and honouring people convicted of war crimes, crimes against humanity and genocide in our school curriculum.

It goes to show how deeply divided in some of these matters we are.

If I was nervous, expecting that there may be challenges to this Amendment, and expecting that I would have a more difficult time in convincing you to support it, and then I realised that, unfortunately, we are so used to denial of the most obvious facts proven through the International Criminal Tribunal for Former Yugoslavia that we stand to even hesitate to ask for this acknowledgement.

So I'd like to thank you once more for proving that actually what we ask of Bosnia and Herzegovina today, for respect and implementation of European Court of Human Rights decisions, for protection of the Constitutional Court, for protection of minorities, is actually incredibly reasonable and unites us all.

Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

And I'll call on Mr Denis BEGIC.

You have 3 minutes.

Mr Denis BEGIC (Sweden, SOC): Thank you, Mister President,

Bosnia and Herzegovina stands at a crucial moment in its history. Since the 2022 elections, we have seen encouraging progress. The opening of EU negotiations marks a significant milestone, reflecting on the country's potential and desire to move forward on its European path. These positive steps demonstrate a readiness for greater integration and reform, and we should commend Bosnia and Herzegovina for its efforts.

However, to fully realise this potential, continued and determined action is essential. Strengthening the rule of law and building robust democratic institutions will be key to unlocking further progress. The challenges of institutional reforms, fighting corruption, and ensuring the independence of the legal system remain pressing. Addressing those issues will not only reinforce trust within the country but also enhance Bosnia and Herzegovina's standing as a reliable partner in Europe.

Corruption, as in many countries, is an obstacle that weakens governance and hinders sustainable growth. However, with the right commitment, Bosnia and Herzegovina has the opportunity to become a model for transparency and accountability in the region. By implementing concrete measures to combat corruption, the country can inspire confidence among its citizens, attract investment, and empower its youth to envision a prosperous future at home.

We are also deeply concerned by the tendencies coming from a certain part of the country. Threats to break away from Bosnia and Herzegovina not only destabilise the country but also challenge the entire European security order. The Council of Europe must remain united in its support for Bosnia and Herzegovina's territorial integrity and call for dialogue and national co-operation.

Bosnia and Herzegovina's future is in Europe. The country has already shown great resilience and determination, but the road ahead will require continued courage, political will, and a firm commitment to the values that underpin our common European family. Sweden and the EU stand ready to support Bosnia and Herzegovina on this journey, and we believe that with sustained effort, the country will achieve the progress its people deserve.

Thank you.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much. "Thank you very much" [spoken in Swedish].

I now call Ms Darijana FILIPOVIĆ. You have 3 minutes.

Ms Darijana FILIPOVIĆ (Bosnia and Herzegovina, EPP/CD): Is it good now? Yes.

Thank you, Mister President.

Dear colleagues, what I find positive is the fact that rapporteurs have succeeded in recognising the positive steps forward that have been occurring in Bosnia Herzegovina over the course of the last 2 years, since the last general elections held in 2022.

The increased ambition for the European progress of Bosnia and Herzegovina and the new energy have led to adopting reform laws in the area of the rule of law and the functioning of democratic institutions, which was also recognised in the report.

This resulted in obtaining the status of conditional opening of negotiations with the European Union, which restored public confidence in the European path for Bosnia and Herzegovina.

On behalf of my party, which is the party of ruling majority, we will continue and we will not spare efforts or energy in leading this process forward in the new year.

Of course, the report specially emphasises reforms that haven't yet been implemented, such as the constitutional reform and the electoral reform.

The constitution of Bosnia and Herzegovina is not a document that can easily be replaced by something else. Quite the contrary, it is the result of historical and social relations within Bosnia and Herzegovina. As such, it can only be changed by mutual agreement of legitimate political representatives within Bosnia and Herzegovina, specifically for the reason that it contains principles that stopped the war and which I strongly believe can preserve peace when respected.

We must keep this in mind when talking about constitutional reforms in Bosnia and Herzegovina, which are necessary in order to eliminate discrimination of both individual and collective rights that have been subject of various court decisions.

At the time when war conflicts continue to persist in Europe and worldwide, as a country that itself was at the war in the 1990s, Bosnia and Herzegovina knows very well just how much commitment is needed to preserve peace.

That is why we need to continue to work together on things that preserve peace and those are equality, stability, and security.

This can only be achieved if the full constitutional equality of three constituent peoples, not ethnic group, constituent peoples, Croats, Bosniaks and Serbs, is ensured. And the data on Paris Agreement, the peace treaties that ended the war and confirmed the multinational and multicultural character of Bosnia and Herzegovina must be upheld.

Thank you very much.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

And I will now call the last person for tonight's debate, Ms Seda GÖREN BÖLÜK

You have 3 minutes.

Ms Seda GÖREN BÖLÜK (Türkiye, NR): Thank you, Mister Chairman.

Dear colleagues,

As an integral part of the Balkans, Türkiye is keeping a close eye on developments in Bosnia and Herzegovina and the region as a whole.

Any instability in one of the Balkan countries is likely to spread to others and affect the whole of the European continent. Developments in Bosnia and Herzegovina should be of concern to all other members of the Parliamentary Assembly of the Council of Europe. We believe that Türkiye and the Parliamentary Assembly share the same view of the need to maintain lasting peace and stability in the country.

At present, the situation in Bosnia and Herzegovina, although calm, remains extremely fragile. Türkiye's support for the territorial integrity, sovereignty and political unity of Bosnia and Herzegovina remains strong. Türkiye continues its efforts to strengthen peace and stability in the country through its presence on the Steering Board of the Peace Implementation Council and its contribution to EUFOR's Althea mission in Bosnia and Herzegovina. Certain separatist rhetoric and actions in Bosnia and Herzegovina are worrying and pose a threat to the country's territorial integrity. It is important to continue to send out the message that the territorial integrity and sovereignty of Bosnia and Herzegovina must be preserved, and that separatist rhetoric and actions will not benefit any party in the country.

Dear parliamentarians,

In view of the current challenges, we believe it is important for the region to integrate into Euro-Atlantic security structures. We note that the European Union's decision to open negotiations with Bosnia and Herzegovina has created a positive atmosphere in the country. However, no consensus has yet been reached within the constituent population on the EU roadmap, and no EU chief negotiator has been appointed.

It is important that those responsible find common ground and solutions to overcome the challenges and offer a better future for generations to come. Local elections are one of the most important steps in this process. We hope that the local elections scheduled for 6 October in Bosnia and Herzegovina will be safe and successful.

Mr Denis BEČIROVIĆ, the acting President of Bosnia and Herzegovina, recently visited Türkiye and met with President Recep Tayyip ERDOĞAN. At the press conference, President ERDOĞAN stressed that social reconciliation and peaceful coexistence are of the utmost importance for all segments of society. The Chairman of the Democratic Action Party (STA), Bakir IZETBEGOVIĆ, also visited Türkiye last week and had a fruitful exchange of views with President ERDOĞAN.

Relations between Türkiye and Bosnia and Herzegovina will remain as strong as ever in the political, social and cultural fields. Through TİKA, one of our country's most important institutions, over 50 projects and events have been carried out in Bosnia and Herzegovina in the fields of vocational training, technology, social responsibility and culture in the space of three years. Türkiye, in dialogue with all parts of the country, will continue to approach Bosnia and Herzegovina with a holistic and inclusive policy, and will continue to increase its support in many areas.

Thank you very much.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

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 the type-written text can be submitted, electronically if possible, no later than 4 hours after the list of speakers is interrupted.

I now call Mr Zsolt NÉMETH, rapporteur, to reply. You have 3 minutes.

Mr Zsolt NÉMETH (Hungary, EC/DA, Co-Rapporteur): Thank you, President, and thank you, colleagues, for your important contributions.

I would like to express my gratitude to the Bosnia and Herzegovina (BiH) authorities for the co-operation, all the political parties, including the members of parliament in the Parliamentary Assembly of the Council of Europe (PACE). I would like to thank you very much for your co-operation while we have been preparing this report after six years. Don't forget, this has been quite a long process, but I think it was worth waiting for.

Ms Sabina ĆUDIĆ said that Bosnia unites PACE. I was glad to experience the same. Thank you very much for this quote, and I would like to add "vice versa". Hopefully, PACE unites also BiH for the future.

We found it very important that we create an appropriate balance in the text between past and future and between political and societal aspects because obviously the key question of the success of our political efforts is how we are able to prevent a further migration of people from Bosnia and Herzegovina out of the country.

The European Union – as you know, Hungary is presiding over the Presidency of the EU – plays a very important role and we are collaborating closely with the EU on accession countries. I think we are two important lungs of the European integration process – the Council of Europe and the EU – and we put a very important stress under our Presidency that now the negotiations framework with BiH should be adopted as soon as possible to start the effective negotiations with the country. This is a priority for the EU Presidency of Hungary.

And I do agree with Lord David BLENCATHRA that yes, we need to have reform relating to the Dayton Principles and the Dayton Agreement. We are convinced that we need to have it. But one thing is crucial, that we need to help create a new constitution respecting the rights of the three constitutional peoples, the two entities and the ten cantons which are reflected in the Dayton Agreement. This is, I think, a fundamental precondition for a successful constitutional reform.

Thank you very much for your attention.

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much. Does the Chairperson of the Committee wish to speak? You have 3 minutes.

Ms Zanda KALNIŅA-LUKAŠEVICA (Latvia, EPP/CD, Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe): Thank you.

Dear members, the last resolution on the monitoring of obligations and commitments of Bosnia and Herzegovina was adopted by our Assembly back in 2018.

Since then, the Monitoring Committee has continuously followed developments in the country.

After 4 years of stagnation, history seems to have suddenly accelerated since 2022, as evidenced by the decision of the European Union to open accession negotiations.

Bosnia and Herzegovina has yet to honour several commitments it entered into upon its accession to the Council of Europe in 2002.

These commitments relate to institutional reform, the independence of the judiciary, education, fight against corruption, and the situation of the media.

Honouring these commitments is not as much a duty towards the Council of Europe as a duty toward the population of Bosnia and Herzegovina.

The vast majority of the population strongly supports the reforms towards European integration to fight against corruption and nepotism, and the work of our Committee is to provide support and assistance when it is useful.

This is the reason why the co-rapporteurs made a special effort to present the situation in Bosnia and Herzegovina in an objective and unbiased way with the intention of helping Bosnians to find their own solutions by themselves, while respecting the values of the Council of Europe.

Our debates have shown that opposing narratives on historical events still divide communities. For a long time, some people in Bosnia have been thriving on divisions and fear. But the recent developments show us a new generation willing to seize the opportunity for good development.

Our task is to support those who have the genuine will to work to the benefit of the whole population and to help them to face the challenges for the future integration of Bosnia and Herzegovina in the European Union.

Dear colleagues, I thank the co-rapporteurs for preparing their report and all of our colleagues for their contribution to our debate, and I invite the Assembly to adopt the resolution proposed by the Committee.

Thank you.

Mr Gergely ARATÓ (Hungary, SOC): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Honorable Assembly,

First of all, I would like to thank the authors of the report, Mr Németh and Mr Nikoloski, for this balanced and well-founded report.

You may think that I differ from Mr Németh on many domestic and foreign policy issues, but in this case I have to admit that the report presents the various opposing points of view in an unbiased way.

We all know that the history, especially the war and genocide, still casts a shadow on the relationship between communities and individuals. Our job is to help healing and reconciliation, no matter how long that journey may be. We do not help by taking one side or the other in these conflicts, but by striving to ensure the enforcement of human rights for all communities.

The report can also be supported from the point of view that it does not want to solve all the problems with a single report, but focuses on the positive results and on the issues in which there is a chance for progress and which fall under the competence of the Council of Europe.

Among the report's recommendations, I would like to highlight one element. Even in this difficult situation, I consider the issue of education and the broad provision of language rights to be extremely important. I am convinced that the expansion and guarantee of individual and common cultural rights serves the stability and the creation of common foundations, and not the reduction and suppression of them.

Of course, I would also like to see the balanced and impartial nature of the report to prevail in the practical relations between Bosnia and the member States. Support of separatist tendencies, segregation and violation of common rules could lead to a dangerous slope, end results could be catastrophic.

But here I am afraid that at this point we are reaching the end of the possibility of agreement, so I will conclude by saying that I recommend the report to be accepted as a whole.

Mr Mustafa CANBEY (Türkiye, NR): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear President, Dear Colleagues,

Bosnia and Herzegovina is a country with which we have deep historical ties. We have stood by it since its independence. Türkiye has always strongly supported the sovereignty, territorial integrity and political stability of Bosnia and Herzegovina.

We attach great importance to the integration of Bosnia and Herzegovina into the European family and institutions, the well-being of its people, and the promotion of peace and stability in the region. Therefore, we fully support all international initiatives in this regard.

Despite the grim experiences of its past, I believe that Bosnia and Herzegovina has made significant progress and will continue to do so. This will especially be in cooperation with our Assembly and other institutions of our Council.

Steps taken in line with the guidance of these institutions, in particular the European Court of Human Rights, will strengthen democratic institutions of the country and public trust in them.

Nevertheless, as the report indicates, the primary obstacle to these steps and to effective cooperation is the lack of political agreement. It presents a major challenge for the country.

In this context, secessionist rhetoric and actions are particularly concerning, as correctly identified in the report. They pose a threat to the territorial integrity of Bosnia and Herzegovina.

Given the current atmosphere in the country and the importance of maintaining territorial integrity and sovereignty, such rhetoric and actions, should be avoided and prevented. They do not benefit any party.

On this basis, I believe it is crucial for the politicians to find common ground. They should develop solutions to overcome challenges and create a brighter future for the younger generations.

All in all, as a Balkan country, we support Bosnia and Herzegovina in all its efforts to build a future best aligned with our core values and standards.

Thank you.

Mr Didier MARIE (France, SOC): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in French*

Mr Marko PAVIĆ (Croatia, EPP/CD): *(Undelivered speech, Rules of Procedure Art. 31.2)*

I would like to thank the rapporteurs of the Monitoring Committee, Mr. Nemeth and Mr. Nikolski, for their report and hard and time-consuming work.

The draft resolution on Bosnia and Herzegovina's obligations reflects several key aspects of the discussions on human rights in the country.

However, discussing human rights in Bosnia and Herzegovina in this Assembly requires some essential context. As mentioned in the explanatory memorandum, Bosnia and Herzegovina experienced a tragic war between 1992 and 1995, which ended with signing of the Dayton Agreement.

It is important to note that this agreement established power-sharing mechanisms among the three main national groups – Bosniaks, Croats, and Serbs.

I fully support the protection of individual human rights, as this principle was affirmed by the European Court of Human Rights in its judgments. Nevertheless, while advancing the rights of minority groups and individuals is crucial, it should not come at the expense of the power-sharing democracy or the equal participation and representation of Bosniaks, Croats and Serbs.

The reasoning for maintaining this balance is clear: power-sharing was a precondition for peace and stability. The Council of Europe must remain vigilant to those who intentionally challenge the Dayton Agreement as part of their agenda, under the guise of advancing human rights.

Such actions are not beneficial to specific groups, but also threaten all individuals in Bosnia and Herzegovina and undermine the fragile peace.

Therefore, the preservation of power-sharing among Bosniaks, Croats, and Serbs, and the representation that links voters to their representatives, is of utmost importance.

For this reason, I suggest that the resolution include a reference to the principle of power-sharing democracy, as it remains a cornerstone of stability of Bosnia and Herzegovina.

Croatia is a friend to the neighbouring Bosnia and Herzegovina. I am certain that lobbying of our Government in the European institutions greatly helped in the opening of Bosnia and Herzegovina's accession negotiations with the European Union.

Croatian Prime Minister Plenković hosted a visit of the president of the European Commission von der Leyen and the Dutch Prime Minister Rutte to Sarajevo in January this year which led to opening of the accession negotiations.

In order to better operationally support this new phase, Croatia and Bosnia and Herzegovina signed the European Partnership Agreement, and through this framework numerous Croatian experts will be at disposal to the Council of Ministers of BiH.

Thank you.

Vote: The honouring of obligations and commitments by Bosnia and Herzegovina

Mr Markus WIECHEL (Sweden, EC/DA, President of the Assembly): Thank you very much.

And the debate is closed.

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) has presented a draft resolution [Doc. 16039] to which two amendments have been tabled.

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

Any amendment which has been unanimously approved by the Committee seized for report shall not be put to the vote in plenary and shall be declared as definitively approved, unless 10 or more members of the Assembly object.

I understand that the Chairperson of the Committee wishes to propose to the Assembly that Amendments 1 and 2 to the draft resolution, which were unanimously approved, be declared as approved.

Is that so?

If no one objects, I will consider the amendments to be approved. Is there an objection? If there is, we will need to verify.

OK, there is no objection. Perfect.

Amendments 1 and 2 to the draft resolution are therefore approved and will not be called.

We will now proceed to vote on the draft resolution contained in Doc. 16039 [as amended]. A simple majority is required.

The vote is open.

The vote is closed.

I call for the result to be displayed.

And the draft resolution in Doc. 16039 as amended is adopted.

Congratulations.

The Assembly will hold its next public sitting tomorrow at 10:00 a.m. with the agenda approved on Monday.

The sitting is adjourned.

Mr Paul GALLES (Luxembourg, EPP/CD): For technical reasons I was not able to vote at the end of the debate on “Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine”.

My intention was to vote in favour of the resolution and the recommendation.

The sitting is closed at 7:00 p.m.