



European Conference of  
**Presidents of Parliament**  
Strasbourg, 20-21 September 2012

Conférence européenne des  
**Présidents de Parlement**  
Strasbourg, 20-21 septembre 2012



# Proceedings Actes

**Strasbourg**  
**20 – 21 September 2012**  
**20 – 21 septembre 2012**

*1<sup>st</sup> working session - Thursday 21 September afternoon*  
*1<sup>ère</sup> séance de travail – jeudi 21 septembre après-midi*

**Thursday 20 September 2012**

*The sitting was opened at 3.30 pm with Mr Jean-Claude Mignon, President of the Parliamentary Assembly of the Council of Europe, in the chair.*

**OPENING OF THE CONFERENCE****The President of the Parliamentary Assembly of the Council of Europe**

I am very pleased to welcome you to Strasbourg for our biennial meeting. Two years pass quickly, but the world we are living in has not changed, which makes our meetings all the more necessary. The least we can say is that the world is moving at breakneck speed, so fast in fact that we sometimes find it hard to keep up with all the many and in some cases dramatic events that are taking place.

In view of the international situation, we have this year, as an exception, chosen three subjects for our joint deliberations. At first sight, they might appear something of a mixed bag, but all three directly relate to the challenges we have to meet and test our ability to find effective responses to the daily concerns of our 800 million fellow European citizens.

First of all, we have decided to discuss the future of the European Court of Human Rights, as this depends just as much on the measures taken by the Council of Europe, of which it is often considered the jewel in the crown, as on each member's responsibility to guarantee the effective protection of human rights at national level. Since it was set up a little over 60 years ago, the Court has made a substantial contribution to ensuring that we now enjoy the most sophisticated human rights protection system in the world. However, as we are well aware, the Court is becoming buried under an avalanche of applications, the overwhelming number of which would have no justification if each state fully implemented the system of the European Convention on Human Rights.

Last March, the British chairmanship of the Committee of Ministers held a major conference in Brighton – the third after Interlaken and Izmir – on the reforms to enable the Court to continue to function effectively. The Court itself is constantly streamlining its working methods to deal with this flood of applications.

However, we cannot solve this problem without you and the active involvement of national parliaments. That is why I personally wanted us to discuss the Court's future at this conference. The conferences I mentioned admittedly brought together experts and eminent personalities, but I believed it was essential for Speakers and Presidents of parliaments to take up this issue and try to work out solutions.

As I have just mentioned, the applications to the Court are a reflection of the functioning – or rather the malfunctioning – of the rule of law in some countries. I am not exaggerating when I say that, in a way, they represent a snapshot of the state of democracy in a particular country. The fact is that parliaments are both the product and the guarantors of that democracy. The applications also provide us with invaluable indications on the new challenges that are posed by a society in permanent flux and which we must take up as parliaments.

It is first of all up to national parliaments to ensure that new draft laws, and the laws already in force, comply with the European Convention on Human Rights. It is also parliaments' responsibility to amend or pass laws when the Court finds that violations have occurred.

This issue is, however, not purely legislative or technical in nature. In essence, it is highly political. We are all politicians. This is not just a question of legal texts but of political will. It is up to us parliamentarians to demand of our executives, through the process of parliamentary scrutiny, the swift and complete execution of the Court's judgments. It is up to us to ensure that the state of democracy and the judicial system in our countries – by which I mean the daily functioning of institutions and democratic culture, practices and traditions – are consistent with the major principles, values and ambitions that guide the European Convention on Human Rights.

The Parliamentary Assembly plays a major role in this process. Firstly, through its parliamentarians, whose dual office – national and European – establishes a prime link between Strasbourg and the national capitals. Just as important, it is the Assembly that elects the judges to the Court by ensuring that their competence is fully consistent with the prestige of that institution. The Assembly also keeps a close watch on the execution of the Court's judgments and has initiated a dialogue with several national delegations to find out what measures have been taken in their parliaments to address the serious problems identified in this connection.

More generally, through its monitoring mechanism, the Assembly closely examines the state of democracy and human rights in its member states and in Europe as a whole. On this subject, we are keen to learn what the final position of the European Union and the European Parliament will be on the signing of the European Convention on Human Rights.

That brings us to the second subject. It is clear that the crisis in Europe and the world is not limited to the financial and economic situation but is also a crisis of democracy. It would in fact be more precise to speak of democracy in a process of rapid transformation having to grapple with new realities.

The testing times we are going through are unprecedented as they belong to a world that has become totally interdependent and encompass several crises at once. We have to address at one and the same time the problem of a financial system that has become excessively opaque and complex, which falls outside any democratic

oversight, leads to individual bankruptcies and plunges sovereign states into turmoil; the problem of a large number of national economies, especially in Europe, where growth is virtually at a standstill, economic activity is being undermined by austerity, unemployment is reaching record levels and the euro zone has been tossed into uncertainty while the economic models in other parts of the world that do not necessarily uphold the same democratic and ethical standards are gaining the upper hand; and the problem of manifest political instability, with its succession of interstate conflicts, its civil wars and the terrorist and nuclear threat; as well as the issues of climate change, the population explosion and the dwindling resources vital for human survival.

This bleak picture mainly applies to Europe, especially a particular part of it. Confidence in the future is probably much greater in China, or even in Germany, than in France or Greece.

In this context, there should be no surprise if more and more of our fellow citizens are feeling disorientated and, owing to a lack of satisfactory political responses, are increasingly moving away from the traditional political class. We are witnessing the erosion of citizens' confidence in the institutional authorities, voter fatigue and a decline in the public image of politicians. As a consequence, Euroscepticism, populism and extremism are spreading in several European countries. At the same time, new popular movements are emerging, often spontaneously, thanks in particular to social networks, and we must, therefore, be extremely vigilant.

I should nonetheless like to express the wish that the picture I have just painted, albeit sombre, may be a source of hope. A crisis admittedly leads to upheaval and suffering but it also provides an opportunity to call things into question, prioritise and actively seek solutions. Disasters often produce new ideas and can bring about change.

We are currently living on credit, whether it be in economic, political or environmental terms or, in particular, in terms of confidence, but, as we are fully aware, all credit has to be repaid sooner or later. Nonetheless, we must not give up our values. Quite the contrary, for it is these values that enabled Europe to overcome the devastation of the Second World War and become a politically and economically powerful continent, and these very same values must continue to guide us in weathering the current storm and mark out the path to follow in order find the appropriate responses.

One of the major problems to be faced is that in an interdependent world the major decisions are increasingly being taken at supranational level. This is further evidence of the relevance of a meeting like this, which enables us to maintain the vital link between our national policies and the things we have to accomplish together.

I am proud that our family now welcomes the parliaments of our close neighbours. Last year the Moroccan Parliament and the Palestinian National Council were given Partner for Democracy status and have since then played an extremely active and

beneficial role in our Assembly. I should like to pay tribute to the former President of the Parliamentary Assembly, Mevlüt Çavuşoğlu, whose idea it was to create this partnership. Other parliaments in neighbouring countries are also represented today on a regular basis at our sessions, and I hope that these ever closer relations will soon be reflected in their being given the same status. The implementation of Partner for Democracy status could not have come about at a more timely moment in view of the revolutions in the Arab countries, in which people called for more dignity, more justice and more democracy – precisely those values championed by the Council of Europe.

The Parliamentary Assembly was among the first bodies to welcome these movements, which provide an ideal opportunity to extend the area of democratic stability to the southern Mediterranean. The Council of Europe was also at the forefront with regard to the introduction of programmes of assistance in the democratic process in those states. After all, who other than the Council could offer such a wealth of experience, which was particularly valuable in helping the democratic transition of the countries east of the Berlin Wall?

At the same time, although we are very ambitious we must remain clear-headed, realistic and modest. Firstly, because even in the countries of Eastern Europe and the Caucasus, which are now all Council members, with the exception of Belarus for obvious reasons that you all understand, our efforts do not always result in the progress we were hoping for. Secondly, because the situation in the Arab countries is much more complex, the most tragic reflection of this being the atrocities perpetrated in Syria. I take this opportunity to condemn in the strongest possible terms the crimes against humanity that are continuously being perpetrated there and which we are powerless to deal with. We have also been bewildered for some days now with regard to the violence unleashed by some extremist groups in the Arab world in reaction to the distribution of a film that has neither the qualities nor the merits to warrant such attention. We find it hard to understand how some people are quick to take the lives of innocent men and women because of the irresponsibility and stupidity of one individual.

Virtually all countries in the region that have tried to tread the path of democratic transition are currently seeking to find their way between two contrasting visions, one secular and the other religious (and even ultra-religious), one democratic and the other authoritarian.

On this fundamental question, I should once again like to pay a special tribute to my predecessor Mevlüt Çavuşoğlu, who set the Council of Europe Parliamentary Assembly on the path of an in-depth debate on interfaith and intercultural dialogue. I therefore welcome the fact that we were able to sign last Sunday a joint communiqué supporting and endorsing the appeal of Pope Benedict XVI for new Christian-Muslim co-operation in the Middle East. All religions can live together without any hatred and

with due respect for everyone's beliefs in order to build a free and humane society together.

I should next like to pay tribute to the remarkable work by my friend and colleague Anne Brasseur on the religious dimension of intercultural dialogue, in which she stressed in particular the need for the national authorities to take great care to ensure that parents' religious and non-religious convictions are not offended. She also called for a real partnership for democracy and human rights between the Council of Europe and the different faiths and main humanist organisations in order to encourage the spread of our Organisation's fundamental values. I truly believe that these values of the Council of Europe are the binding agent that can unite the 800 million European citizens with different cultures and convictions. It would also be remiss of me not to mention the report by our colleague Luca Volontè on the victims of violence against Christians in the Middle East.

We have a duty towards our neighbours to defend our values and share them to the best of our ability with those who identify with them, but we also have a duty to learn about and gain a better understanding of the situation on the ground, in which, we have to admit, we have in the past not shown sufficient interest and in respect of which we do not always understand in our own countries the issues involved. We have no ready-made solutions and it is even less possible for us to impose solutions that might seem the best from our point of view, hence the vital need to engage in discussion and dialogue. In this connection, I have every confidence in the positive output and outcome of our meeting, especially following the debate we shall be holding on the third theme.

Finally, I should like to welcome the presence of our international partners, with whom we must continue to maintain close, complementary and constructive relations.

In view of our busy and complex national and international agendas I hope we shall benefit from these two days to produce as many new ideas as possible and further strengthen the bonds that unite us. I thank you for being here and for your active commitment. Let us not forget that 800 million Europeans have placed great hopes in us and that more and more women and men, both in neighbouring countries and worldwide, turn to us and the example we have set.

Thank you for your attention.

I now have pleasure in giving the floor to my friend Mr Thorbjørn Jagland, Secretary General of the Council of Europe, an outstanding Secretary General.

**Mr Thorbjørn Jagland, Secretary General of the Council of Europe**

I have always regarded parliaments as an indispensable cornerstone in any democracy.

I truly believe that this Conference is the perfect platform and the perfect time for us to rethink several important issues, consider the best ways to construct a genuine democratic culture, and reflect on how we can lead by example, cementing the fundamental values that we hold so dear. It is also an opportunity to rethink how best to refocus our efforts on the real needs and rights of Europeans rather than succumb to snappy slogans peddled by populist politicians.

We have a busy two days ahead of us to reflect on the role to be played by national parliaments in the future of the European Court of Human Rights and to debate the major challenges and opportunities presented by the Arab revolutions. Another very timely question is: is representative democracy in crisis?

On this last point, there can be no doubt that we are witnessing a crisis of trust. Public confidence in democratic institutions, whether the political parties or national parliaments, is trickling away. According to a poll published by the European Commission earlier this year, many Europeans perceive politicians and political parties as dishonest and corrupt. In most European capitals, democracy remains the only game in town, but people are starting to have doubts as to whether it is still a game worth playing. Election turnouts are low, membership of mainstream political parties has fallen and, at the same time, radical political movements, whose democratic credentials are more than questionable, are gaining ground.

What does this mean? It means that people feel less and less as if their vote matters. They feel that while they may be able to change who is in power, they are not able to affect the actions that their leaders take. This means Europe is faced with the possibility of an even more corrosive threat than that exposed by the financial crisis: a threat to our fundamental values and the moral foundations of our society. It seems there is a growing gap between the citizens and democratic institutions. We need to bridge that gap and regain trust. How are we to do this?

Part of the answer is to take a long, honest look in the mirror. As I have said, national parliaments are the cornerstone institutions of representative democracy, but parliamentary democracy can only exist and function properly if it enjoys the trust of its citizens. In the absence of such trust, its very foundations are at stake. It is therefore vital that parliaments ensure that their own functioning does not give rise to suspicion. Only then can trust be won back and for this to happen, we need to lead by example.

There are three main areas that warrant our attention: parliamentary immunity, the financing of political parties and campaigns, and lobbying.

Let me start with parliamentary immunity. Sadly, there are too many cases of corrupt politicians hiding behind their immunity. Corruption is one of the most widespread and sinister of social evils, and when it involves elected representatives it is detrimental to the administration of public affairs, undermining the trust and confidence which are necessary for sustainable economic and social relations. Immunities from investigation and prosecution enjoyed by elected representatives often throw up major obstacles in the fight against corruption. Let us not forget that the main purpose of parliamentary immunity is the protection of parliamentary independence, and therefore of democracy itself. It is not a personal privilege of individual members of parliament, so it must not be unlimited. Nor can it be allowed to obstruct the course of justice. A balance has to be found between the duty to shield the independence of parliament and the need to ensure due process.

I support the recommendations made by my colleagues at GRECO, the Council of Europe's Group of States against Corruption: it is high time that many of our member states imposed limits on immunity. Procedures for lifting immunity should be made more transparent, more efficient, simpler and less politicised.

I now come to the financing of political parties and campaigns. Camouflaged political financing threatens our democratic principles and the spirit of our parliamentary democracy. As with parliamentary immunity, transparency is vital. The Council of Europe has repeatedly called on member states to set up transparent systems for the funding of political parties and election campaigns. It is encouraging to see that some states are taking this seriously but a great deal of work remains to be done. Many states still do not have a truly independent supervisory body. In some states such a body does not exist or has limited functions. Information is scarce. Too often, books and accounts are not published in an accessible and timely manner and anonymous donations are still too common. Incumbent candidates and parties use loopholes in legislation to use state funds and resources to their own advantage. The list goes on.

The third and final issue is lobbying. This is part of our political reality. When it is limited to providing politicians with information about complex issues, it is also a constructive element of the political process, but if it becomes too influential, or indeed corrupt, or if only the voices of the powerful and wealthy are heard, then lobbying presents a real danger to these processes.

Given the dangers of party funding and lobbying, sanctions and restrictions are insufficient, inflexible, limited in scope or never applied. This needs to change. It is not just about preventing the scourge of corruption but also about protecting the rights of voters. It is up to you, up to all of us together, to commit the necessary political will – and adequate resources – so that corruption can be fought effectively and so that we can win back public trust. As Speakers of parliaments, you have a key responsibility in this respect. You can help ensure that proper standards of conduct for members of parliament are in place. The effectiveness and, most importantly, the credibility of these standards will depend on the tools at your

disposal, and on parliamentarians' awareness of this issue and on their willingness to comply. If misconduct comes to light, it must be met by appropriate sanctions.

I strongly believe that these difficult times present us with an opportunity to make progress. In this spirit, the European Conference of Presidents of Parliaments presents us with a unique opportunity to iron out inconsistencies within our institutional framework, inconsistencies that have fuelled anger and distrust among the wider public. It is also an opportunity to look to the future and take bold decisions that will benefit our entire continent, as well as our neighbours.

In a wider perspective, we have to think about how representative democracy can function in an environment where more direct influence is playing an increasingly important role thanks to the media, especially the social media. It will not have escaped your notice that young people want to be on the internet, on Facebook and social media. Unfortunately, too few of them go to the polls where they can have a real influence. More and more young people think that influence comes about through social networking, not from the ballot box. That is a paradox that needs to be discussed. The political parties, throughout Europe, should look at the reasons for this drop in voter turnouts.

This development has an impact on the whole of society including politicians. **The influence on politicians can be seen everywhere and every day – whatever meeting you are in today, politicians are sitting looking at their iPhones and iPads rather than listening to the discussions.** The *New York Times* recently remarked that politicians get so many voices in their heads from the social media, that they can forget their own voice. How can political parties survive in this completely new environment?

There are many challenges in front of us, and I am very pleased that you are all here to debate them. I hope that these two days will be productive. Enjoy your stay in Strasbourg.

## **The Chair**

I now have pleasure giving the floor to Ms Jozefina Topalli, Speaker of the Albanian Parliament, who will be speaking on behalf of the chairmanship of the Committee of Ministers, which is currently held by her country.

## **Ms Jozefina TOPALLI, Speaker of the Kuvendi (Albania)**

This conference is an excellent opportunity to identify and take up the many challenges ahead of us in Europe and the world as a whole.

I thank you for giving me the opportunity to address this forum on behalf of Albania, which for the first time holds the chairmanship of the Council of Europe's Committee of Ministers.

Allow me to express our deepest gratitude for the enormous support you have given Albania and its people in the last twenty years. On 28 November 2012, Albanians will be celebrating 100 years of independence. This is one of the most important events in the history of our ancient nation. Our independence is in a way the jewel in our crown. Today, Albania is a free country and a member of NATO. Who could have imagined just a few years ago that it would one day hold the chairmanship of such an important organisation? Albania is a small nation but we can look back on a century-old tradition of tolerance and excellent interethnic and interfaith relations. We were not affected by the Holocaust. On the contrary, there were more Jews living in Albania at the end of the Second World War than at the beginning. That is why the priority theme of our Chairmanship of the Committee of Ministers is "United in Diversity", just three short words but words with a fundamental meaning.

Today, the main talk is about the crisis, but the true crisis is a feeling of helplessness. Those who overcome a crisis surpass themselves, while those who are only able to offer failures and difficulties to the crisis fail to make the most of their own abilities and values and only compound the problems instead of solving them. Speaking only about a crisis places much more value on it. To stop talking about it places more value on conformism. Instead, we must work together, take up the challenges and address the reality around us.

Parliament is the most sacred temple in our countries. Europe has changed, and the world is becoming more and more interconnected and interdependent. Europe must take up new challenges in this new millennium: globalisation, the financial crisis, the co-existence of religions, demographic changes, and new sources of energy. National parliaments themselves are faced with challenges in this period of economic crisis. Democracies are always faced with challenges. My country's experience enables me to say to you that what looks impossible is in fact possible. Albania is a young democracy. It can be compared to a girl full of hopes, dreams and desires and the wish to turn them into reality. Two decades ago, Albanians could only travel inside their country and could do so only with permission from a dictatorial regime. Today, with rapidly growing democracy they are able to travel freely within the Schengen area. Twenty years ago, Albania was known as the most isolated country in the world, whereas today it chairs the Committee of Ministers of the Council of Europe.

The moment for courageous decisions, for implementing new ideas, has arrived. Unlike some of our neighbours, we have not had a recession. Albania is strengthening its economic development, and joining the European Union is both a national objective and a challenge for the EU.

We must not give up the hope of building democracy throughout the world. Albania can provide an example of a country where several religions co-exist within a democratic framework that safeguards rights and freedoms, in accordance with the values of the Council of Europe.

I also wish to express the hope that in the near future, certain European countries, members of the European Union and NATO that have not yet recognised Kosovo will take the right decision.

## **The Chair**

I now invite you to adopt the agenda of our conference, which, as you know, will be divided into three themes.

We shall begin our proceedings with the first theme: "Future of the European Court of Human Rights – role of national parliaments". If we have enough time this afternoon, we shall commence the discussions on our second theme: "Is representative democracy in crisis? Challenges for national parliaments".

Tomorrow morning, we shall continue the debate on the second theme before embarking on the third and final theme of the conference: "Arab revolutions: challenges and opportunities".

At the end of the proceedings, it will be my pleasure to present to you an oral summary of our debates.

Are there any comments on the draft agenda?

*The draft agenda was adopted.*

You will also find the conference Rules in your information packs, as well as proposed amendments to the Rules which are of a purely technical nature. Are these amendments approved?

*The amendments to the Rules were approved.*

In accordance with these Rules and with past practice, Mr Omirou, Speaker of the Cyprus Parliament, which hosted the last conference, will act as the Vice-Chair of the conference.

We shall therefore begin debating the first theme.

## **Theme 1 - Future of the European Court of Human Rights – role of national parliaments**

### **The Chair**

By way of introduction to our first subject, it is my pleasure to give the floor to Sir Nicolas Bratza, President of the European Court of Human Rights.

### **Sir Nicolas BRATZA, President of the European Court of Human Rights**

I thank the Parliamentary Assembly for making the future of the European Court of Human Rights the first theme on the agenda of this high-level conference. This is a time of a general movement in favour of Europe's unique human rights protection system, and your parliaments are of course vital players in this.

I wish to pay tribute to the Parliamentary Assembly, which has kept faith with the Convention and the Court since the very beginning and throughout all the stages of their development.

The role of parliaments in the future of the Court is a pivotal one.

A study published in Britain on the eve of the Brighton Conference made the point that the Westminster parliament has yet to fully play its role in ensuring that human rights are effectively respected. However, this may also apply to other parliaments and other countries represented here today.

In the process of reform of the Convention system that is now underway, there is one key word that speaks directly to legislators, and that is "subsidiarity". In the context of the Convention, it defines the role of the Convention organs – the Court and the Committee of Ministers – relative to that of the national authorities – legislature, executive and judiciary. This will be one element of Protocol No. 15 to the Convention, which will in due course come before your respective parliaments for ratification. Subsidiarity has long been recognised as a cardinal principle of Europe's human rights system. The primary responsibility for respecting human rights rests with states. Failing that, it is then the responsibility of the Court and the Committee of Ministers to ensure that these rights are given effect in practice.

Responsibility is shared between the national and the European level, so the reform process rightly focuses on both. There is today a strong consensus over the importance of improving national implementation of the Convention. Nowhere is this clearer than in the Brighton Declaration, which opens with a detailed list of concrete measures that states should be considering. It can be seen as a broad blueprint – not one that is imposed by Europe but one put together by states, made up of ideas and proposals that have proven their worth in actual practice and can be adapted as

required to other states. I therefore hope that the parliaments of Europe will be able to put human rights onto a stronger footing.

I should like to highlight the provision of effective remedies at national level. This is no mere formality or technicality but the mainstay of the Convention system and goes to the heart of subsidiarity. Domestic courts need to be equipped to play to the full their role in protecting the rights enshrined in the Convention. This truism provides the key to understanding why some of the largest, most populous European states, such as Germany or Spain, account for relatively few cases before the Court. Turkey has drawn inspiration from these examples, and a new individual remedy before the Constitutional Court takes effect this month, with the potential to strike a new balance between the domestic and the European systems. Where effective remedies are lacking or deficient, applicants will continue to have recourse to Strasbourg for what they cannot find at home. An application to the European Court should be the exception and not the rule, as it can sometimes appear.

I should like to sketch briefly the current situation of the European Court of Human Rights.

I begin with the good news that one of the structural reforms of Protocol No. 14 has worked extremely well in practice. I refer here to the new power of the single judge to filter out clearly inadmissible cases. Because of this, the tide has actually turned – for the past year, and for the very first time, the number of cases pending before the Court has started to go down month by month.

The problem of repetitive cases remains intact, however, with nearly 40,000 of these pending. It is not a generalised phenomenon; it affects only some states, but it hinders the efficient administration of justice. Faced with such a high number of repetitive cases, the Court operates a policy of prioritisation, with the highest priority going to the most urgent, serious and significant applications. The consequence of this is that many thousands of applicants have little prospect of seeing their case decided within any reasonable – or foreseeable – timeframe.

The Court is willing to be part of the solution to this problem. To this end it adopts pilot judgments that provide guidance to national authorities about how to overcome deep-seated problems in the domestic system. Your role as legislators is vital in this connection. The systemic problems brought before the Court generally call not only for legislative reform but also extra resources. At a time of financial crisis, these are not the most welcome of words, but the problems that cause thousands of repetitive cases cannot be disregarded.

The future of the European Court of Human Rights really does depend on states treating effectively both the causes of repetitive cases and the consequences.

I now turn to a more general point: the margin of appreciation that is accorded to national authorities by the Court. It is a concept often referred to in the same breath

as subsidiarity. Indeed, in Brighton, states decided to add both these points to the Preamble of the Convention. In many types of case, the Court's approach is first to determine the appropriate margin of appreciation. There is no general formula for this – whether the margin is broad or narrow depends on a number of variables. The second stage is to establish whether or not the national authorities remained within that margin. An important consideration here is the structure of national legislation and the legislative process behind it. The legislature's considered judgment carries much weight with the Court, which recognises "that the national authorities have direct democratic legitimation in so far as the protection of human rights is concerned" and that "by reason of their direct and continuous contact with the vital forces of their countries, they are in principle better placed than an international court to evaluate local needs and conditions".

As for the structure of national legislation, the principle of proportionality is an often decisive consideration in human rights cases. A legislative regime that is closed to considerations of proportionality and the balancing of interests runs the very real risk of taking the state outside its margin of appreciation. That balancing exercise is a typical function of the domestic courts, but it may be done directly, and successfully, by the legislature itself, as numerous examples demonstrate.

Given the growing scope and sophistication of human rights law in our modern societies, expert advice in this area is a prerequisite, as the Parliamentary Assembly argued in its Resolution 1823 last year. States also recognised this in the Brighton Declaration, albeit in different terms. The Court itself intends to continue in the same direction.

I should like to make one final point before concluding: the European Court believes very strongly in the value of dialogue with national authorities. Our main interlocutors are, of course, the senior courts of the European states but we have also been attentive to developing our contacts with parliaments. In addition to receiving numerous parliamentary delegations in Strasbourg, our official visits to member states invariably include discussions with parliamentary authorities. To use the words of the Brighton Declaration, this is an invaluable "means of developing enhanced understanding of their respective roles in carrying out their shared responsibility for applying the Convention".

The future of the European Court of Human Rights is among the highest priorities of the Council of Europe and of very real importance to all the peoples of Europe. I know that, with your support and that of the parliaments you represent, the protection of human rights throughout Europe will be secure.

## **The Chair**

Thank you, Sir Nicolas, for that excellent introduction, which will provide input for the debate, which I now open.

The list of speakers has been distributed.

In accordance with our Rules, the order of speakers was determined by drawing lots at the meeting of delegation secretaries held at 2 pm on the basis of the speakers registered at that time. I ask the Speakers of parliaments wishing to add their names to the list to do so immediately at the Table Office.

I would also remind you that, according to our Rules, speaking time is limited to five minutes.

### **Mr Jean-François ROBILLON, President of the National Council (Monaco)**

Justice delayed is justice denied. These words of Jean-Paul Costa, a former President of the European Court of Human Rights, alerted the media at the intergovernmental conference in Interlaken to the risk of paralysis in the Court. It is true that the individual application is a key component for the success of the European Convention on Human Rights, but it also requires considerable information and awareness-raising efforts to avoid the large number of inadmissible applications.

On this question, we should as parliamentarians redouble our efforts among our respective governments to ensure that potential litigants are provided with appropriate and transparent legal advice on the way the Court works. This involves providing specific training for national judges, lawyers and legal experts in contact with litigants and by strengthening the presence on the ground of national human rights bodies that act as sources of free, effective and efficient advice to all citizens.

The Interlaken, Izmir and Brighton intergovernmental conferences reaffirmed the principle of subsidiarity by emphasising the place that should be occupied by the European system of justice. It is the responsibility of each state and of national courts to ensure that the rights guaranteed by the European Convention on Human Rights are fully respected on their territory. Today, the European Court quite clearly has neither the role nor the material resources to take the place of the domestic courts.

In the light of the Court's case law, states can accordingly choose either to anticipate rulings to ensure that their legislation complies with the Court's judgments or to wait until judgment is given against them. I appeal to my colleagues to bring about more parliamentary involvement in this area. The role of national parliaments and our task as parliamentarians are crucial in the system of subsidiarity of the European Convention on Human Rights, of which the Court is the guardian.

It is crucial because the role of parliaments is to ensure the compatibility of draft laws with the Convention and with its interpretation by the Court. It is also crucial because parliaments are fully involved in bringing national law into line when judgment is given against their state. They are called upon to “introduce specific mechanisms and procedures for effective parliamentary oversight of the implementation of the Court’s judgments on the basis of regular reports by the responsible ministries”. Finally, it is crucial because it is the Parliamentary Assembly of the Council of Europe that elects the judges of the Court and thereby confers upon them democratic legitimacy.

It is also vital to consider improving the interaction between the Council of Europe bodies, especially the Committee of Ministers and the Parliamentary Assembly, in order to arrive at stronger joint positions vis-à-vis states that do not execute the Court’s judgments or execute them far too late.

I would also like to stress that there remains an urgent need to give the Court financial resources appropriate to its work if total gridlock is to be avoided.

Finally, allow me, as the Speaker of the parliament of a small European state, to voice my concerns at the decision to tighten up the procedure for electing the national judges sitting on the European Court. Current trends in the candidate selection procedure have led to a situation in which preference is given to very high profile individuals, i.e. those with an exceptional career background and abilities. This process is laudable, but for the small states there is a risk of individuals being removed from the list of candidates for national judges because, despite their merits and proven abilities, they cannot always compete on career background with judges from other countries owing to the territory’s small size. It therefore seems to me to be just as important to take the nationality criterion into consideration in the candidate selection procedure.

### **Mr László KÖVÉR, Speaker of the Országgyűlés (Hungary)**

National communities subject to the authority of foreign states by the treaties that concluded the world wars have been struggling for decades for their survival exclusively by invoking the law. It was precisely for this reason that we were unable to support the communist period, which completely flouted our rights. It was therefore not surprising that the national protest exploded so forcefully in 1958. The commitment to law and justice is a strong feature of our national identity. In fact, Hungary is often referred to as a nation of lawyers.

Given this situation, it is perhaps easier to understand why, immediately after regaining its independence, Hungary committed itself to the European legal system and incorporated in its legislation the European Convention on Human Rights. In doing so, it also submitted itself to the jurisdiction of the European Court of Human Rights. A representative of the Hungarian government acts in cases before the Court,

assisted by members of the relevant ministry's representation department. An analysis of the work accomplished quickly reveals the large increase in the number of Hungarian applications received by the Court each year: there were 127 cases in 1993 but this number had risen to 656 in 2011, with a violation of the Convention found in 241 cases. With respect to this last figure, in 184 cases the violation was due to the excessive length of proceedings before the domestic courts. This was, moreover, was one of the reasons behind the reform of our judicial system, which has also been debated in international forums.

The rise in the number of cases brought before the European Court, especially those relating to excessively lengthy proceedings, determines the possible areas for action by national parliaments. The Hungarian parliament regularly monitors the execution of the Court's judgments. In 2007, the National Assembly adopted a resolution calling on the Minister of Justice to inform the relevant committees once a year. This has now been done five times.

In our view, the law is determined by moral considerations. It is therefore morally unacceptable for the Court of Human Rights to have ruled against our country for prohibiting the display of symbols of totalitarianism. The National Assembly banned people from wearing Nazi and communist symbols in public in order to protect democratic society and human dignity. Václav Havel, the former Czech president, was right in 2008 when he said that there was no difference between the swastika and the red star. In accordance with paragraph 3 of the Brighton Declaration, one of the fundamental principles of the European Convention on Human Rights is the sovereign equality of states. It is important that, if double standards are to be avoided, the same rules should apply to all crimes against humanity.

### **Mr Pio GARCÍA-ESCUADERO, Speaker of the Senate (Spain)**

Over the years, we have tried either through the governments of the member states, which are Contracting Parties to the Convention, or within the Court itself to take measures to enable the latter to deal with the largest possible number of applications. In both 1998 and in the last few years, reforms have been adopted to provide the Court with structures that are as flexible as possible to meet the expectations of 800 million Europeans.

One problem is the time the Court needs to handle an application. The Interlaken, Izmir and Brighton conferences examined in turn the question of the Court's future. The Spanish Congress of Deputies and the Senate took part in each of those meetings. We need to analyse closely the role that could be played by national parliaments in the implementation of the individual rights enshrined in the Convention. We believe that parliaments can and must play a preventive role. They should take a close look at their legislation to satisfy themselves that it complies with

the Convention in order to avoid too many applications being brought before the Strasbourg Court. Parliaments can prevent cases being referred to the Court.

The phase of monitoring the execution of judgments is also important.

Parliaments must play a dual role. MPs are also members of international delegations, which enables them to pass on the message that all laws need to be examined in the light of the Convention and of the scrupulous execution of all judgments. Not all cases involving a violation of the Convention entail an examination of the domestic law by the courts, and therefore ways must be found of ensuring that all the Court's judgments are properly executed. That could be done by means of both specific and general measures.

The Spanish constitution provides that the case law of the European Court of Human Rights must be applied by all courts, from the Constitutional Court down to the district courts. We are therefore proud of the way in which the Court's case law is applied in our country. Moreover, the number of applications against Spain is traditionally very low.

As representatives of the people, we shall continue to follow very closely the implementation of the rights enshrined in the Convention and the execution of judgments. However, all parties to the Convention must ensure that the latter is properly applied.

That is why meetings such as the one we holding today and the one in Brighton earlier this year are so important. It is vital for everyone to commit to complying with the Convention, especially in a crisis situation.

### **Mr Cemil ÇIÇEK, Speaker of the Grand National Assembly (Turkey)**

The Convention system, with the European Court of Human Rights at its centre, plays a role that goes beyond the protection of the rights and freedoms of 800 million citizens. It makes it possible to take the necessary measures to redress rights violations and protect our common values, namely democracy and the rule of law.

The world is going through a very difficult period and we face many challenges: growing xenophobia, Islamophobia, racism and hate speech all of which are on the rise. These are worrying developments that not only disrupt social peace but are also detrimental to public security. These challenges must be recognised, and that makes it necessary to safeguard the effectiveness of the Convention system. It is essential to demonstrate the political will required to provide that protection. The key players are the States Parties, the European Court of Human Rights and the Committee of Ministers, which must all constantly focus on their responsibilities and mutual relations.

Turkey has always taken account of the case law of the European Court of Human Rights in order to improve democracy and the rule of law. We have taken all necessary measures to ensure that legal provisions fill the gaps in our national legislation. We have adopted a new system of individual applications, which will come into force on 23 September 2012 and benefit Turkish citizens.

We have also created the office of ombudsman and a national human rights institution. In addition, we have adopted three reform packages aimed at speeding up the administration of justice in Turkey. With regard to the enforcement of the decisions and judgments of the European Court of Human Rights, we shall continue our efforts since a large number of Turkish applications to the Court relate to the length of judicial proceedings. We are working on this. Draft laws on this subject will soon be submitted to the Turkish parliament.

Both our country's parliament and government benefit from excellent co-operation with the Court.

The criteria that determine the jurisdiction of the European Court of Human Rights must be carefully implemented. The Court's judgments must be clear, consistent and foreseeable. It is also important for legal provisions to be taken into account and amended if necessary.

We are undergoing considerable changes. We see the positive consequences of these developments but instances of hate speech and terrorist activities as well as other extremist phenomena are on the rise. Extremist groups are abusing freedom of speech and thought. Is there an inseparable link between freedom to provoke and freedom of speech? It is the European Court's responsibility to propose answers to the new questions emerging.

**Mr Peter WESTERBERG, Speaker of the Riksdag (Sweden)**

The European Union's accession to the Convention on Human Rights will confirm the EU's commitment to the protection of human rights, and it is Sweden's ardent wish that the EU should join as quickly as possible.

The right of individual application is and should remain the cornerstone of the Convention system. The Court and member states share responsibility for guaranteeing the protection of the rights and freedoms set out in the Convention. However, the primary responsibility lies with the member states. The Court has a subsidiary role, as, I believe, we all agree.

Sweden is very concerned about the number of applications pending before the Court as there is a serious risk that the quality and consistency of the Court's case law will suffer in the long term. In spite of the progress made, especially thanks to

Protocol No. 14 and internal reforms, the time taken to deliver a judgment is still unacceptably long.

In order to ensure the efficient operation of the Convention system, it is essential for member states to fully apply the Convention at national level. This means that judgments must be executed swiftly and effectively and that every state must take account of the Court's decisions relating to other states, insofar as this is relevant to their own legal systems. The assistance provided to states by the Council of Europe should be stepped up.

Particular attention should be paid to repetitive cases, which still make up too large a proportion of those pending before the Court. It is up to member states to remedy the structural and systemic problems that lead to these appeals.

The supervision of the execution of judgments by the Committee of Ministers could be considerably improved. Pressure should be stepped up on states that fail to execute judgments within a reasonable time.

Sweden believes that appointing additional judges to the Court could be one way of helping it to deal with applications within a reasonable time. The Parliamentary Assembly should be involved in the procedure for selecting these additional judges.

We fully support the reform underway, the aim of which is to enhance the long-term efficiency of the Convention system.

The Swedish Supreme Court has enshrined in its case law a general principle that compensation for a violation of the Convention can always be requested, even if there is no direct foundation for this in domestic law. Sweden believes it is duty-bound to award damages in such cases.

**Mr Trajko VELJANOSKI, Speaker of the Sobranie (“The former Yugoslav Republic of Macedonia”)**

In the last few years, the European Court of Human Rights and the legal mechanisms on which it is based have been the subject of three major conferences: Interlaken, Izmir and Brighton. The fact that the initiators of these conferences were Council of Europe member states clearly shows that it is extremely important for us to have a well-developed, modern and efficient human rights protection system. It is a clear indication of Europe's commitment to democracy and the rule of law.

The Court's success is obviously reflected in its excessive caseload. However effective they may be, the operational reforms will not be enough to solve this problem. We need to ensure the effective implementation of human rights not only through the European Convention but also at domestic level, and to guarantee the execution of every judgment delivered by the Court. The right balance should be

found between the national and international courts in the execution of those judgments.

Member states and, especially, their parliaments must ensure compliance with the rules enshrined in the Convention when they pass new laws. The Court's judgments must be executed to the letter. The principles established by the Court must be complied with by all players and the supervisory authorities. This can be ensured by the practice of questions to the Government and by the work of parliamentary committees.

I should now like to say a few words about what the Republic of Macedonia has achieved.

The strategic decision to join the European Union and NATO is a strong guarantee of the stability and future of our state and underlies many of the reforms undertaken. The aim of the reform of the judicial system is to make it independent and impartial. That is a precondition for respect for human rights, freedom and, therefore, democracy. We have introduced a new mechanism for the adoption of judgments within a reasonable time.

The Republic of Macedonia is a multi-ethnic, multi-faith and multicultural state. The protection of the rights of minorities and ethnic communities is an important indicator of the level of democracy and compliance with European standards and values. Equality between the various communities in our country is clearly laid down in our constitution and legal system.

The European Convention covers the protection of minority rights on an individual basis. At the same time, it should not be forgotten that minority rights must also be tackled on a collective basis.

The Parliamentary Assembly has proposed that a new additional protocol to the Convention be drawn up for the protection of minority rights, but this is still a work in progress.

The Convention and the Court are part of the oldest and most fundamental foundations of European democracy. This system is the jewel in the crown of this Organisation. Let us preserve this jewel, let us polish it and make it shine brightly for future generations.

### **Mr Vincenc MATEU, President of the General Council (Andorra)**

The European Court of Human Rights has made an immense contribution to the protection of human rights in Europe for over 50 years. We are duty bound to find solutions to introduce measures that ensure the effective functioning of this

institution. It is up to the national parliaments to work with our governments and civil society to guarantee the effective protection of human rights at national level.

The provisions decided upon by the Interlaken, Izmir and Brighton conferences must continue to be complied with in order to guarantee the Court's long-term effectiveness by strengthening the principle of subsidiarity, making the system for monitoring the execution of the Court's judgments more effective and optimising the filtering and processing of applications, as provided for by Protocol No. 14.

Every democratic parliament must systematically check the compliance of draft laws with international human rights obligations by setting up specific human rights committees, providing parliamentarians and their assistants with human rights training or making sure that parliament is properly advised by experts on matters relating to the standards of the Convention.

Another key tool is the possibility for a parliament to ask the government questions concerning action that has been or is to be taken on drawing up legal rules applicable in the field of human rights. We must make use of this means of supervision in order to ensure that our national laws develop in line with the measures advocated by the Court, to monitor respect for human rights in each of our states and to contribute to the defence of the freedoms guaranteed by the Convention.

As the Convention is part of domestic law in the states parties' legal systems, all national laws and policies should be drawn up in such a way that they comply with the provisions of the Convention.

All citizens must be made aware of the Court's case law in order to avoid repetitive cases being brought before the Court because this results in an excessive caseload for this institution. It is essential to reduce the time devoted by the Court to applications that are manifestly inadmissible, and to repetitive cases.

It is also necessary to foster interparliamentary co-operation and ensure that the states parties continue to strengthen application of the Convention standards and take account of developments in the Court's case law. The Council of Europe's Committee of Ministers, which ensures the execution by member states of the Court's judgments and some of its decisions, and the Parliamentary Assembly are key instruments for the success of this reform.

In conclusion, I wish to endorse what Mr Robillon said and stress the very important role played over the years by the judges of the small states.

**Mr Ognjen TADIĆ, Deputy Speaker of the Chamber of Peoples (Bosnia and Herzegovina)**

The basis for this discussion is necessity to establish an efficient model of parliamentary mechanism that, by implementing the Court's decision, contributes to

rationalization of resolving cases before this Court. Namely, the number of unresolved cases jeopardizes the efficiency of the system of the Convention and is the burden for the future of the Court. It has been pointed out that the entry into force of Protocol No. 14 is not sufficient for resolving the problems the Court is currently facing. A model which reduces the influx of cases in the court registry is expected; the model which ensures rapid, full and effective execution of judgments of the Court, especially those that reveal structural problems.

Bosnia and Herzegovina have long been faced with a case concerning its structural problems. It is a decision of the Court on the appeal of Dervo Sejdic and Jakob Finci. The decision is that the Court has evaluated the provisions of the Constitution which defines the composition of the BiH Presidency and House of Peoples of the Parliamentary Assembly, violate rights guaranteed by, inter alia, Article 1 Protocol no. 12 to the Convention. Briefly, the decision says that the Court has evaluated that the provisions of the Constitution which defines the composition of the BiH Presidency and House of Peoples of the Parliamentary Assembly, violate rights guaranteed by, inter alia, Article 1 of the Protocol no. 12 to the Convention. This is because the Constitution stipulates that only Serbs, Bosnjaks and Croats may be elected in these authority bodies. You can only imagine what kind of challenge faced Bosnia and Herzegovina. It would be the same if the court issues a decision which stipulates changes to the constitutions of European monarchies to eliminate discrimination which prevents any citizen to become monarch, regardless of his birth. Can you imagine the circumstances that would in that case exist in Norway, the Netherlands, Great Britain – sorry, I am not sure whether the United Kingdom, meanwhile, has signed this Protocol – anyway, as far as I know, this protocol has not been signed by France, Sweden, Denmark, Monaco, Malta, Poland, Switzerland, all of them countries that are mentioned as an example for the reforms in Bosnia and Herzegovina. What would have happened if the Protocol was not signed by Bosnia and Herzegovina?

However, it has been signed so we started to find operative model and solutions for constitutional changes. First of all, the Parliament requested from executive authorities a proposal for Constitution amendments. The discussion on the issue lasted very long, but executives did not find any solution. Afterwards, a special parliamentary committee was established with the task to find a solution. An agreement was not reached even after several months. Then the discussion was moved to the public level and the leaders of major political parties are invited to find a solution. European Union also confirmed such invitation. The final deadline for submission of proposals to amend the Constitution was 31 August this year. A few parties really submitted their proposals. However, the problem still exists since all submitted proposals are significantly different. Some believe that discriminatory national entries merely should be deleted from the Constitution - what I personally consider optimal solution, and yet some believe that the Constitution should be completely redefined. However, there is not any parliamentary majority that supports any of the proposals. We now expect the beginning of a new round of negotiations in order to harmonize the proposal. So, the third year expires since the decision was made. In the meantime, the appellants submitted new appeals, and new appellants with the same or substantially similar requirements appeared.

It is the responsibility of all executive authorities, courts and parliaments to prevent human rights violations or to provide remedies for them, but experience from our case shows that the problem of execution of decisions that affect the structural issues of the signatory countries of the Convention is significantly more difficult than

the individual cases of violations of human and civil rights. Particularly because our Constitution is actually Annex to the Peace Agreement made in the negotiations even by those countries which are not signatories not only Protocol 12, but neither the European Convention for the Protection of Human Rights and Fundamental Freedoms. The United Kingdom and France did not sign this Protocol, Germany and Russia did not ratify it, while the United States of America is not the party to the Convention. Is it necessary to point out that these countries that make the biggest political pressure on Bosnia and Herzegovina to find a solution for the implementation of this decision of the Court?! The whole case has frozen political and other relations in the country for three years.

Therefore, in seeking to resolve the case before the Court, it is necessary to separate the issue of implementation of decisions in structural and other cases of violation of rights under the Convention and Protocol. As far as structural problems are concerned, the court should have more patience and better knowledge on the contents of appeals and the consequences of their decisions. It is easy to make a decision, but it is difficult to find two thirds of MPs to vote for Constitution changes. As for other cases, the parliaments should commit executives, when defining drafts, to compare their proposals with the Convention, and the parliament should further ensure that executive authorities really do that.

Finality of decisions obliges the Court to always bear in mind that the Convention belongs to the people and humanity, not to the Council of Europe, signatories, court or any imaginary power. The Convention must not be a political instrument, regardless of whether it serves the forces for integration or disintegration in European relations. Each of these forces is the potential risk for human rights and fundamental freedoms. Potential political benefit of the Convention must not be at the expense of not only justice, but also peace and internal political stability of any country. Exactly disruption of the peace and political stability leads to major violations of human rights and freedoms. The court is not and must not be an entity from another world.

The Convention is a standard that lives side by side with other accepted standards that rationally can be different. None of the parliament has got a magic wand that will solve this problem. Only time and hard work can bring progress. The solution is in a continued dialogue on human rights an spreading awareness and knowledge of those who make and implement laws, or in their decision not to play political games to the benefit of anybody, but to do the right thing and protect every man in every dimension.

### **Mr Eero HEINÄLUOMA, Speaker of the Eduskunta (Finland)**

Finland attaches great importance to the Convention and to the Court of Human Rights, which helps us to make sure that we comply with the commitments we entered into when we joined the Council of Europe.

When Finland ratified the Convention, our parliament was very closely involved in the procedure. A number of legislative measures had to be passed to bring our laws into line with the Convention. Parliament still plays an important role today in the implementation of the Convention and the Court's case law. Times are changing, and so are values. The Convention and case law are living instruments, and national parliaments must identify the consequences for their own legislation.

We welcome the reform of the Court, in the hope that it will be even better able in the future to protect the rights and interests of European citizens. We therefore support preserving the right of individual application.

Legislative changes are sometimes necessary to bring about a permanent solution to a problem identified by the Court. I shall give you two examples that the Finnish parliament had to deal with. In a recent judgment, the Court held that there was no sufficient legal guarantee in the case of house searches, so the law had to be amended to eliminate this anomaly and, in particular, avoid hundreds of similar applications being registered by the Court. The other example concerns the length of proceedings: any individual solution, such as just satisfaction, could not be considered as being a sustainable solution to the problem, and consequently a national legislative measure was required.

Our parliament's Constitutional Committee, the highest body under our constitution, has to consider all draft laws concerning basic rights. The parliamentary ombudsman monitors respect for and the implementation of those rights by conducting investigations in responses to complaints referred to this institution. The ombudsman also carefully examines Court judgments against Finland and is responsible for making recommendations and commenting on draft legislation.

I hope we shall continue to identify best practice and be able to continue to play our role in our national parliaments to bring about further improvements to the Convention system.

### **Ms Tsetska TSACHEVA, Speaker of the Narodno Sobranie (Bulgaria)**

Outlining the future of the European Court of Human Rights requires a clear and explicit definition of the roles played by the Court on the one hand and national parliaments on the other, in order to ensure that the European Convention is fully implemented.

The Bulgarian parliament wishes to play its part in strengthening this unique human rights protection system with the support of the Parliamentary Assembly of the Council of Europe. Bulgaria supports the principle of subsidiarity, which means that each member state is responsible for implementing the Court's judgments and abiding by the principles enshrined in the Convention. We acknowledge the need for parliament's more active participation to ensure the execution of judgments against Bulgaria. We give all due attention to violations identified by the Court in its judgments against our country. A number of measures have been adopted in 2012 to bring us into line with the pilot judgments, including an administrative mechanism as a compensatory remedy for individuals and legal entities in cases concerning the excessive length of judicial proceedings. This mechanism will be operational from 1 October. In addition, amendments are about to be made to the law on

accountability for damage caused by the state and municipalities. Amendments to the law have been passed concerning remand in custody and prevention of police violence and have led to improvements in procedural guarantees for upholding the rights of detained persons and the introduction of the “absolute necessity” standard vis-à-vis the use of firearms and physical force by law enforcement authorities.

Various options are available for incorporating a monitoring mechanism enabling parliament to scrutinise the implementation of Court judgments. As part of parliament’s task of supervising government action, an initiative has been launched to ensure enhanced monitoring of compliance with the Court’s judgments. The Minister of Justice has been asked several questions on the government’s willingness to execute pilot judgments, and a binding decision by the Council of Ministers is due to be taken shortly. This will involve the submission of annual reports to the National Assembly providing an overview of all the action taken to raise awareness of and implement the judgments of the European Court of Human Rights.

The purpose of the principle of subsidiarity and the international standards applicable to all states parties is to protect the Convention as ratified by virtue of our sovereign will. Bulgaria supports the principle of individual applications but points out that the Court should not be turned into a fourth judicial body above the national courts. The margin of appreciation concept is guaranteed by the Convention system. It should not be watered down by interpretations that extend beyond the limits of the Convention. In its judgments, the Court should remain within its jurisdiction.

Finally, Bulgaria, as a member of both the Council of Europe and the European Union, looks forward to the latter’s accession to the European Convention on Human Rights, with a minimum of amendments.

**Mr Bertel HAARDER, Speaker of the Folketing (Denmark)**

For seven years, I was the European Parliament’s human rights rapporteur. In particular, I was responsible for having the human rights report adopted in 1998 and 1999. My predecessor had encountered more difficulties because he had included in his report a number of minor points concerning his country or his party’s platform, with the result that his report was rejected. I concluded that if we wanted to make progress on human rights it was necessary to focus on the key issues that are the basis for our democracy.

When the European Court delivers a judgment, it is up to the national parliaments to implement the consequences without delay. The members of the Council of Europe Parliamentary Assembly have no less a responsibility: they must ensure that human rights are never watered down, for example from being weakened by additional protocols on the environment, biological diversity or climate change. Subjects like these do not fall within the sphere of human rights.

In view of the huge number of applications registered at the Court, I ask myself a number of questions. Should the Court not devote even more attention to key issues? Should it cease giving too wide an interpretation to certain Convention articles? Is it not too difficult for national parliaments to anticipate how it will rule on certain questions, as shown incidentally by the large number of dissenting opinions issued by its judges? These questions could provide useful input for our discussions.

National parliaments must ensure the implementation of the Court's decisions, but the Council of Europe must also ensure that the concept of human rights is not watered down. The Court has a role to play in this process so that we can focus on those essential human rights issues that are the basis for our democracy.

I am a huge advocate of human rights and wish the Court every success.

### **Mr Fred de GRAFF, Speaker of the Senate (Netherlands)**

The discussions on the future of the European Court of Human Rights touch on many policy areas. In the Dutch Senate, we hold these discussions not only with the justice and security ministers but also with the foreign and interior ministers.

In the run up to the Brighton conference we held a meeting of experts to discuss such matters as subsidiarity and the margin of appreciation, as well as more practical issues such as the causes and consequences of the Court's excessive workload. There was also a policy debate on the future of the European Court of Human Rights.

After the conference, we continued the discussions with the relevant ministers both orally and in writing. We were pleased to see that most of our observations were taken seriously by the government, which took note of our remarks on the cost of court registry fees and promised to give the Court material help. In a resolution adopted by all the parties, with one exception, the government is called upon to meet its commitments with regard to the Convention and to comply with the judgments of the European Court of Human Rights. Finally, the senators asked the Dutch government to increase its assistance to the Court by deploying young lawyers and staff to the registry, and not reducing its financial contribution.

The European Court of Human Rights is a key body for the defence of the fundamental values on which our democracies are based.

It is my hope that you will remain active in this matter. Governments must be reminded of the need to ensure not only the Court's future but also the execution of its judgments. That is primarily the task of the Committee of Ministers but, as we are all aware, this is an often difficult and politically sensitive exercise. That is why parliaments can have a decisive role when it comes to supervising the execution of judgments.

### **The Chair**

That concludes the list of speakers on the first theme, but if any of you wish to speak now I shall be pleased to give you the floor.

That is not the case.

Once again, let me thank Sir Nicolas Bratza and all the speakers. I have no doubt that their remarks will contribute to the discussions that will continue in our respective parliaments and could lead to an in-depth debate.

We shall now move on to the second theme.

### **Second theme: Is representative democracy in crisis? Challenges for national parliaments**

#### **The Chair**

Three colleagues have agreed to introduce this debate: Mr Jesús Posada Moreno, Speaker of the Spanish Congress of Deputies, Ms Barbara Prammer, Speaker of the Austrian National Council, and Mr Marian Lupu, Speaker of the Parliament of the Republic of Moldova.

#### **Mr Jesús POSADA MORENO, Speaker of the Congress of Deputies (Spain)**

I shall try to share with you my views on this extremely important debate, which, I believe, reflect those of the majority of Spanish MPs. For some decades now, discussions have been taking place in political circles and at universities on the crisis of representative democracy, but in the last few years the gap between the citizens and their representatives has widened. The causes of this development vary. One reason must no doubt be seen to be the mistakes made at European level. At the same time, the economic and financial crisis we are currently going through and the lack of an appropriate political response are having harmful effects on democratic life. However, let us not be naive: this is not the first time that the world in general and Europe in particular have suffered an acute economic crisis, although this one is particularly serious and will undoubtedly have very severe consequences.

Economic crises lead to discontent, which we fully understand, and can spark political crises that undermine the democratic institutions we have taken a lot of time to set up and stabilise.

We must first of all assert our confidence in the democratic system in order to respond to this crisis situation.

No one has ever succeeded in inventing a better political system than democracy. There is no greater legitimacy than that conferred by freely expressed universal suffrage. My predecessor once said that the temptation should be resisted to replace the legitimacy of parliaments by the legitimacy that certain groups or individuals whose representativeness has never been established seek to confer on themselves. This political legitimacy must, however, not result in inertia. We must take up the challenges and reinforce our democracy, especially at social level, and we must ensure that our citizens are aware that we are representing them legitimately. In order to do this, we must follow three different paths at one and the same time. Firstly, we must strengthen the institutions by creating new, more direct ways for citizens to participate in decision-making and legislative procedures. A good approach is to reach out to civil society, especially associations, while at the same time not overlooking the new electronic technologies, which enable citizens to formulate proposals. A draft law on transparency is currently being drawn up. We have 3,700 contributions from citizens and various social organisations. However, it is necessary to go further.

We must also show exemplary behaviour, especially when it comes to the use of public funds. We also need to be more transparent and meticulous in scrutinising public spending.

Citizens do not understand, especially in a period of crisis, the sharp tone that is often a feature of political debates, which is why they steer clear of political life. They need to understand the real reasons that motivate politicians. We must develop all the many forms of dialogue and try to reach consensuses, which would, incidentally, make for stronger parliamentary majorities.

Many people think that decisions which have far-reaching consequences for them are taken by institutions far removed from their day-to-day concerns, and we must ensure that processes that are set in motion end in more legitimate decisions.

In conclusion, I firmly believe that representative democracy is not in danger and that there is no viable alternative. We should be wary of those who claim that democracies are not genuine and that citizens' representatives are puppets with the markets pulling the strings. Parliaments will always remain the best expression of the sovereignty of the people and must continue to be the mainstay of states based on the rule of law. We must therefore implement reforms that enable parliaments to be more in tune with modern times and, as a consequence, enable citizens to identify with their political representation.

***Mr Omirou, Vice-Chair, took the chair***

**The Chair**

Ms Barbara Prammer unfortunately cannot be with us today. She will speak tomorrow morning at the beginning of the sitting. I therefore now call Mr Marian Lupu.

**Mr Marian LUPU, Speaker of the Parliament (Republic of Moldova)**

We Moldovans genuinely feel European, which is one of the reasons why we are endeavouring to become part of the European Union. Up to now, however, the main institutional proof that we belong to the European civilisation has been our membership of the Council of Europe. This forum has consistently guided us in adopting the most advanced standards and rules of law in a European democracy. Our country takes first place in Europe in at least one respect: the longest experience of assimilating democratic values.

The Republic of Moldova became a member of the Council in 1995. However, we are also the country that has experienced the longest period of monitoring with regard to its honouring of the commitments and obligations entered into upon its accession. It is time this process came to an end, and I call on the representatives of your states to express their support for this in the Parliamentary Assembly.

In order to convince you that the Republic of Moldova should enter the post-monitoring phase, I should like to inform you that the reforms aimed at strengthening our democratic institutions have moved up a gear since 2009, at a time when most countries in the world were concerned only with the disastrous consequences of the economic and financial crisis.

The key word was and remains reform: democratic, legal, economic, structural reforms, reform of the political class and the central and local public authorities and reforms in other areas too. However, for us the formation and functioning of a majority coalition in parliament and the government are probably the most difficult thing to achieve. Today, we can announce the success of the first coalition government in our country, the Alliance for European Integration. We are also demonstrating that democratisation and reasonable and transparent reforms produce economic benefits: in the last two years, Moldova has enjoyed the highest rate of economic growth in the region.

Representative democracy, transparency and involvement in the decision-making process, a fair and independent system of justice, freedom of speech and freedom of choice are some of the appropriate responses for dealing with economic and financial

crises. In this context I am highly appreciative of the analyses and recommendations in Parliamentary Assembly Resolution 1871.

Over the last three years, Moldova has made and is continuing to make significant steps forward in many fundamental areas to ensure the proper functioning of its democratic institutions.

After freedom of choice, I think the most important development was the restoration of media diversity and pluralism, freedom of the press and freedom of speech. I could also mention freedom of association and freedom to demonstrate. In less than three years, a large number of television and radio channels and electronic information portals have emerged and developed. Freedom of assembly and freedom to demonstrate are guaranteed and all forms of discrimination are prohibited by the new law on equality.

The parliament has adopted a national strategy for the reform of the justice system, and the case law of the European Court of Human Rights is expected to be generally and uniformly applied. The National Centre for Combating Economic Crimes and Corruption is now accountable to parliament, which will ensure the transparency of its work.

As a result of all these and other measures taken in the last few years, the European standards should be in force in my country and enjoy the highest degree of protection due to the adoption of a new constitution.

This is the first time since the proclamation of independence in 1991 that Moldova has been governed by a multi-party coalition, which is now in its third year and has recorded successes despite ideological differences. What is the secret of this success? The answer is a spirit of compromise, the ability to sacrifice certain interests and certain political ambitions for the benefit of national development objectives.

And all this is based, I repeat, on democratic principles, because the vote of the majority of citizens is not a blank cheque entitling politicians to do what they want. The achievements of the Alliance for European Integration show that the parties have become more mature, more responsible and more attentive to the citizens who have voted for them.

Moldova can now continue along its path to a democratic and European future, solve serious socio-economic problems and settle the Transnistria conflict, which is the main threat to our territorial integrity.

Parliamentarianism can and must make its contribution to the resolution of frozen conflicts. In this connection, I believe the recent proposals by the President of the Parliamentary Assembly will be put into practice.

We must not accept a decline in democratic values to which the economic crisis could give rise, so let everyone make a practical contribution to the search for possible solutions.

### **The Chair**

Thank you Mr Lupu for your statement. That concludes the introductions to our debate, which is now open.

I would remind you that speakers have five minutes.

### **Mr Gianfranco FINI, Speaker of the Camera dei Deputati (Italy)**

One might ask whether representative democracy is sick or in crisis. At any rate, one thing is certain: we are going through a period in which the risk for representative democracy is no longer the appearance of an ideological, or even military, dictatorship but the loss of one's soul. The risk that citizens perceive the democratic institutions as empty places where the decisions they are hoping for are not taken.

As the excellent document we have before us says, the economic and financial crisis has brought it home to everyone that the pairing of representative democracy and prosperity no longer works as it did in the past. We see that China, which is not, frankly, democratic, is experiencing much more economic growth than many of our democracies. The economic crisis has therefore undermined the relationship between representative democracy and well-being.

Our parliaments are called upon to adopt austerity measures, which creates social difficulties that in turn create ideal conditions for demagogues to flourish. This is without doubt the principal cause of the weakening of democracy, but there are others: the political parties are no longer what they were; the last century was one of ideological conflicts. Today, we are living in a post-modern (some say post-democratic) era and political parties are less and less ideological and much more programme-based or pragmatic. They are no longer the only vehicles of citizens' participation in political life. Today there are social networks and civil society. There are many instruments for political participation other than parliament.

The third cause of the undermining of the pairing of representative democracy and prosperity is the fact that many decisions are taken at a supranational level.

What reasons are there for being optimistic? I fully endorse what Mr Moreno said: the representativeness of parliaments has to be guaranteed. Women and certain minorities suffer from insufficient representation, and a parliament that does not truly represent society loses some of its credibility.

Finally, while it is true that the malaise is due to our parliaments having no control over the forums where decisions are taken, since these are made at supranational

level, the main challenge of our time will be how to overcome this democratic deficit. Parliaments are there to scrutinise governments, but if decisions are taken elsewhere then confidence can no longer be secured.

**Mr Laurent MOSAR, Speaker of the Chamber of Deputies (Luxembourg)**

The political challenges facing both our societies and our parliaments are well-known. They are all linked together: the economic and financial crisis, youth unemployment, the risks of a withdrawal into nationalism, protest votes and the emergence of hate speech.

The institutional challenges for parliaments are also well-known: the transformation of the media world, the new technologies, the proliferation of alternative means of representation and the omnipresence of social networks.

But do these developments mean that the model of representative democracy is fundamentally in crisis?

I do not think that is necessarily the case. If we resist all sense of urgency but nevertheless take action, then this would be one way of avoiding a crisis in representative democracy.

As long as parliaments continue to engage in debate, the new means of deliberation and representation should not be perceived as competing with representative democracy. Whether referendums, national (or even transnational) petitions or social networks are involved, representatives of parliaments must ensure that they have the means to make their voices heard.

It is becoming more important to provide the citizens with information without waiting for them to come along and ask for it since they are used to information coming to them via social networking sites. In addition to the dissemination of the reports of debates and the setting up of parliamentary TV channels, there is an increasing need to have a presence in the new media. Our Chamber of Deputies is making progress in this direction, especially with its launch a few weeks ago of a smartphone App. A further major challenge is therefore related to investing in the social networks and adapting to the new forms of citizen mobility.

However, parliaments should resist the temptation to imitate the speed of reaction of the media and social networks but, on the contrary, remain a kind of sanctuary for reflection and debate in order to be able to take decisions in full knowledge of the facts.

Democracy has a price, and wanting to save money at the expense of democracy could ultimately prove very expensive.

Representative democracy is not in crisis but there is a need to continue to invest in this extremely valuable common good. Democracy is not just for periods when everything is going well; it is above all in times of crisis that it must prove its worth. Circumventing parliaments can only make crises worse. In order to meet the challenges facing us, parliaments remain the best guarantors of representative democracy.

**Mr László KÖVÉR, Speaker of the Országgyűlés (Hungary)**

It is important for us to agree on the symptoms of the crisis of democracy, in particular the fact that citizens no longer have any faith in the social system and that this system is no longer able to manage itself. On the basis of these criteria, it can be argued that democracy is experiencing a crisis today. Voters no longer go to the polls and political parties are losing members. We politicians must never forget that democracy is not a law of nature like the law of gravity but a vulnerable human creation. It must not be allowed to self-destruct, and consequently corrective measures are required to overcome the crisis.

Democratic supervision must be strengthened and politicians prevented from weakening the system themselves. Instead of taking decisions in a hurry, politicians must first raise the questions posed by the crisis. For example, is it possible to protect the interests of the people while at the same time undermining certain values and weakening the economy? Can the room for manoeuvre of the family unit and of communities, especially religious communities, be reduced when they want to promote such values as solidarity and tolerance? Is it possible to broaden the freedom of individuals while at the same time calling on them to uphold the freedoms of the community? Is it possible to reconcile democracy and traditions at a time when Europe is experiencing economic difficulties? How is it possible to ensure the unity of our European societies other than by promising economic well-being?

After the end of the bipolar world order, only representative democracy enabled war to be avoided in Europe and it must be preserved. International integration must be firmly rooted in national well-being, with a responsible government that respects the will of the people. Only then can democracies survive and socio-economic stability be guaranteed. Only reactive states can transfer part of their sovereignty to ensure the operational ability of international integration.

International integration does not threaten national identity. On the contrary, it is the intensification of national identities that threatens international integration. As a great Hungarian thinker said in 1956, being a democrat above all means having no fear. In 2012, we have a very similar challenge. Let us be and let us remain democrats, let us have no fear to face up to reality.

**Mr Bozo LJUBIĆ, Speaker of the Chamber of Representatives (Bosnia and Herzegovina)**

Everything we can read in the background paper for the Conference of what we perceive as the democracy crisis is true, but is it the whole truth?

Why do people perceive politics as an asylum of careerists without qualifications? How much do we, as elected officials, contribute to such perceptions? Let us remember all the affairs that have sullied the developed democracies in the last decade. The supporters of interest groups and the opportunists and demagogues who feed on the weakness of others more often than not, become elected representatives. The truth is somewhere between reality and ethical conduct. Pure, idealised politics does not resist opportunism for very long, but the prevailing economic cynicism runs counter to our moral values.

Where and why was the ethical dimension of democracy lost? Where is the way out of the crisis? Let us not forget what Václav Havel said in 1994: The relativisation of all moral norms, the crisis of authority, the reduction of life to the pursuit of immediate material gain without regard for its general consequences – the very things Western democracy is most criticised for – do not originate in democracy but in that which modern man has lost: his transcendental anchor, and along with it the only genuine source of his responsibility and self-respect. It is because of this loss that democracy is losing much of its credibility.

This picture he paints should not lead us to be pessimistic or, even less, defeatist, but is a call for change. Let us begin with ourselves. We have to build or strengthen solidarity at both national and global levels, replace political and economic imperialism by a new world order, respect and protect individual and collective rights, strengthen direct democracy and show pragmatism, not opportunism.

The key response to the modern global crisis and to the crisis of representative democracy lies in adherence to the fundamental values on which democracy is built. Democracy is and remains the best political system we know. My experience in politics teaches me that in the long run it is necessary to invest in the education of the citizen and voter. No support should be given to the puppets of democracy, to the illusionists and self-proclaimed messiahs. Citizens must not be robbed of their vote and should be offered a quality choice of candidates of high moral and ethical integrity.

**Mr Josip LEKO, acting Speaker of the Sabor (Croatia)**

The crisis of representative democracy and its institutions is a contemporary problem affecting the whole world; Croatia is by no means an exception. However, it can also be said that certain difficulties bound up with my country's transition have helped to increase distrust of politicians and politics in general and of representative

democracy in particular. Millions of voters do not turn up at polling stations. How can their trust be restored? How can voters be convinced that their vote will benefit them personally and the whole of society, especially at a time of crisis?

The developed societies show no inclination to deviate from representative democracy, but politicians must ensure that it operates efficiently in the interests of the general good.

It is necessary both to find institutional solutions and restore citizens' trust, and national parliaments clearly have a role to play here. Overcoming public indifference is a prerequisite for the broader involvement of parliaments and citizens in debates, and this is important for all communities.

We should launch a comprehensive debate at national level on the current model of democratic governance in an effort to identify potential improvements. If this is not done, I fear we shall not be able to come to grips with the growing political apathy in society. A number of solutions could be studied to redefine the role of the parties in the electoral process or increase voter participation.

Parliaments must ensure that their democracies are genuine and not merely apparent, by which I mean not simply based on adding up votes and calculating an arithmetic majority. Above all, parliaments must ensure respect for the common weal, the determination of which cannot be left to the "invisible hand" of certain mechanisms, such as market forces.

Democracy needs millions of friends. It is essential that the number of people who want it to develop must be greater than the number of those who are indifferent or seek to undermine the representative system.

### **Mr Jean-François ROBILLON, Speaker of the National Council (Monaco)**

The architecture of the European institutions, including the Council of Europe, was inspired by the basic desire to defend the values of democracy, peace between nations, justice and respect for human rights and individual freedoms. The revolutions in the Arab world were, incidentally, to a very large extent driven by the same hope, the same aspiration to democracy.

The democratic momentum that was part of those revolutions was based on a positive desire, the desire to construct an ideal around representative democracy. At the same time, new groups, some of which sprang up spontaneously, others less so, and differing in their level of organisation, came into being to promote common causes, sometimes on a transnational basis, such as the "Indignados" movement in Spain. In this case, the democratic movement is organised against a particular situation, or a rejected ideal. Accordingly, the present economic crisis has, through its

international dimension, emphasised or revealed the fragility of our traditional democratic models.

I also fear that the new technologies have not developed a form of direct democracy but, rather, a form of tyranny of the moment, an immediate reaction not conducive to reflection and, ultimately, to the increased participation of citizens in their country's political life.

The foundations of democracy seem weakened with the growing number of abstentions, the loss of trust in elected representatives, the rise of populism and extremism, the upsurge of discrimination, or decision-taking outside the democratic process, especially in the economic and financial fields.

No state whatsoever is immune to a crisis of democracy. In the democracies we know there is room for improvement, both from outside and from within, and at both local and national level.

Improvements from outside include the Parliamentary Assembly's monitoring procedure. However, I would once more express my regret that the periodical reports on the older member states are confined to the sum total of the work done by other Council of Europe bodies in respect of each country. This situation maintains a form of discriminating inequality between the old and new member states, whereas the Council of Europe seeks to combat all forms of discrimination.

As far as improvements from within are concerned, a range of concrete measures should be considered in order to increase citizens' involvement in the conduct of public affairs. Alongside the traditional forms of representation, the political link between a society and those that govern it must be viewed differently, since the mandate given by fellow citizens can no longer be the sole expression of democracy.

### **Ms Romana TOMC, Deputy Speaker of the National Assembly (Slovenia)**

The lack of trust in parliaments and other democratic institutions does not as such imply a crisis of representative democracy but it does indicate that democracy in the Europe of today is the main victim of the economic and financial crisis. This crisis has revealed shortcomings in the interactions between the political, economic and social spheres, with the latter bearing all the consequences of the mistakes made in the first two.

The concentration of power in the hands of global financial networks has weakened banking stability in certain countries. However, the crisis would not have become so extensive if so-called sovereign states had not allowed it to happen by losing control over financial networks that only sought to look after their own interests. States found themselves the servants of these financial interests and were no longer able to play their regulatory role.

States and democratic institutions are therefore a significant part of the problem, but they are also an important part – perhaps the only part – of the solution. This means restoring to the word “democracy” all of its meaning. It is imperative to hold round tables, forums and direct contacts and make use of all forms of direct communication to ensure that citizens feel that they are able to exert direct influence on the decision-making process – not only every four or five years but every day.

This communication must be two-way, and this is the first step in the search for solutions. The role of parliamentarians, as the citizens’ messengers, should become clearer. We must show the electorate that their opinion is understood and respected. This would help to deal with the problem of increasing abstentionism, which is not as innocent a political phenomenon as it first appears.

It will be possible to win back voter trust only if parliaments fully regain their legislative function without interference from financial operators, and not forgetting their control function of the executive. Parliamentarians are among the most exposed branches of power since it is their responsibility to deliberate and decide on measures that, very often, are rejected by the population.

It is vital that voters play an active part in the decision-making process because that ensures that the final decision is also theirs. We have to explain that certain measures are the only possible way out of the crisis but are also the only way to improve the economic and social environment and, consequently, the standard of living of both individuals and society as a whole.

**Ms Miroslava NEMCOVÁ, Speaker of the Poslanecká sněmovna (Czech Republic)**

I hope that representative democracy is not in crisis. However, it is clear that it faces serious problems. Public opinion polls in my country show that it is parliament that enjoys the least public confidence. In fact, citizens do not believe their elected representatives; they do not believe that they act in the public interest. There is a stronger and stronger belief that MPs and senators only fight for their own privileges, although we politicians know that this is not true of most of our colleagues. However, this is a conviction that is gaining more and more ground among the public.

In view of this mistrust, people are looking for alternative solutions. There are many non-elected individuals who play an important role in public debate. However, politicians must not retreat from the political stage because they will otherwise leave the entire vacated space to populism.

I am convinced that populism is not a responsible form of decision-making and that it has never played a positive role in Europe. However, the media often succumb to its charms. It might be asked whether political representation has real power in our democratic societies or whether greater power is in the hands of the media. This is a

wide-ranging subject that could be the subject of an entire conference. In my opinion, one of the functions of parliaments is not to give in to this media populism since the media have never been elected in any elections.

The Chamber of Deputies of the Czech Republic opens its doors to the public to the maximum extent possible: direct access, the televising or Internet broadcasting of plenary sittings and meetings of committees and groups, the organisation of seminars for students and teachers, etc. However, I do not know if our efforts to breathe more life into the public space are sufficient since public dissatisfaction seems to be on the increase.

We all have the obligation to defend representative democracy. I know no better form of governance, which is the fundamental pillar of our society.

### **Mr Abdelwahad RADI, President of the Inter-Parliamentary Union (IPU)**

Last April, I had the honour to launch in Kampala, Uganda, the very first edition of the Global Parliamentary Report, a work published jointly by the Inter-Parliamentary Union (IPU) and the United Nations Development Programme. It is based on the findings of a large-scale global survey that we conducted over a period of two years. In my opinion, its conclusions are somewhat reassuring for the future of representative democracies.

Parliaments are admittedly under strong pressure from the electorate and other representative and supervisory bodies. Citizens are taking a growing interest in what their elected representatives do and expect them to be more receptive to their demands. They are calling for greater influence on parliamentary activities and on the way they operate, and they expect their elected representatives to demonstrate greater accountability and pay more attention to public demands. They also want parliamentarians to provide them with better services.

Parliaments face competition from other, more transparent bodies, such as civil society organisations and parliamentary monitoring organisations.

The parliamentary institution is always at the heart of the democratic system. The most recent events linked to the Arab Spring have shown that parliaments still play a key role in the citizens' search for more political say and more democracy. The way out of the crisis for countries in transition to democracy is necessarily via parliamentary elections, as shown in the cases of Tunisia and Libya. There have never been so many parliaments in the world. The fact that, in 2012, some 190 countries out of the 193 on the planet have some form of representative assembly shows the compelling need for this institution. Despite everything, parliaments are still the only bodies that can legitimately perform the functions entrusted to them, namely passing legislation and scrutinising governments. While parliaments and their members are confronted with major challenges from other institutions and the

citizens they represent, they nonetheless know how to respond to changing public expectations thanks to the watchfulness of their decision-making bodies and their ability to listen and respond.

Parliaments face great challenges, and we must come up with innovative responses, for otherwise we risk no longer being credible. If that happens, people will turn to other systems apparently capable of offering some of them personal advantages and enhanced well-being and of creating the illusion of more effective government action. In that case, representative democracy would indeed be in crisis, or indeed in danger. As Speakers of the parliaments of the great democracies, you have a vital role to play to keep the flame of representative democracy alive.

### **Mr Dag Terje ANDERSEN, Speaker of the Storting (Norway)**

Europe is experiencing a financial crisis. Is representative democracy also in crisis? With falling voter turnout, erosion of ideology-based politics, rise of populism, and lack of confidence in politicians, this is indeed a relevant question – especially relevant for us as presidents of parliaments.

Perhaps we should ask ourselves: If democracy is in crisis, what are the alternatives? Are there other ways of governing in the best interests of the people? Representative democracy as we see it today is a result of history evolving from ancient Greece's Athenian democracy via revolution in France, to the parliamentary democracies dominating the Europe of today. Through centuries people have fought for the right to be represented, and have influence on the political system.

I still believe in representative democracy. There are no good alternatives. In democracies social capital is built through relations between the electorate and the political leadership. Social capital is indeed a prerequisite for democratic stability.

Democracy is the only form of government where checks and balances genuinely counter each other, with power being distributed regardless of class, ethnicity or religion, avoiding elitism and oligarchy. I am not saying that the democracies we see in Europe today are all fully imbued with these qualities, but I'm convinced that only democracies could be given these characteristics.

-Only in democracies is there an authentic role for the opposition. In a functioning democracy it plays an essential role in parliament, making the parliament an indispensable check to the government.

-Only in democracies do the people hold the power. Through elections, they decide who should govern on their behalf.

-Only in functioning democracies does power shift between political parties and party coalitions - between majority and minority governments.

President,

If democracy is indeed in crisis, it is our responsibility as politicians and as presidents of parliament, to deal with it. Lack of trust and lower turn out at election time cannot be blamed on the electorate. The fault is ours, and the responsibility is ours. We must find ways to remedy the situation.

Remedy can be found in three key concepts: Representation, influence and transparency.

-When people as individuals feel they have their own representatives in decision making forums they gain trust.

-When people have influence through for example membership in political parties or interest groups they participate.

-When decision making processes are transparent people can be confident that there are no hidden agendas and they can have trust in their representatives.

An open and transparent system is a prerequisite for good representation and the people being influential, it is the key to building social capital and having prospering democracies.

We are elected as representatives of our people, without the electorate there would be no politics. As we all know, the word democracy comes from ancient Greece and literally means "ruling by the people". We must keep this in mind. And we must take to heart that we have been entrusted with power by our people. We have to earn their trust through responsible and transparent decision making. They deserve nothing less.

Thank you.

### **The Chair**

That concludes our discussions for today. We will resume at 9.30 tomorrow morning.

*(The sitting rose at 7 pm)*



European Conference of  
**Presidents of Parliament**  
Strasbourg, 20-21 September 2012

Conférence européenne des  
**Présidents de Parlement**  
Strasbourg, 20-21 septembre 2012



# Proceedings

# Actes

**Strasbourg**  
**20 – 21 September 2012**  
**20 – 21 septembre 2012**

*2<sup>nd</sup> working session - Friday 21 September morning*  
*2<sup>ème</sup> séance de travail – vendredi 21 septembre matin*

**Friday 21 September 2012 (morning)**

The sitting was opened at 9.40 am with **Mr Jean-Claude Mignon**, President of the Council of Europe Parliamentary Assembly, in the chair.

**The President**

Good morning everyone.

At their meeting this morning, the Secretaries General of Parliaments approved the activity report of the European Centre for Parliamentary Research and Documentation (ECPRD). Our conference is invited to take note of this.

We shall now resume the debate on Theme 2 of our conference. As I said yesterday, I shall begin by calling Ms Barbara Prammer, Speaker of the Austrian National Council, one of the keynote speakers on this subject, who was unable to be with us yesterday.

**Theme 2: Is representative democracy in crisis? Challenges for national parliaments (*continued*)****Ms Barbara PRAMMER, Speaker of the Nationalrat (Austria)**

It is barely 25 years since we celebrated the historic triumph of democracy in Europe, but in none of the Council of Europe member states can the task be considered completed. The promise of parliamentary democracy as the best possible political system is being increasingly called into question in a number of states, and people are wondering whether parliaments are capable of taking the swift decisions required to address the increasingly more complex economic and social challenges. Democracy as such is never called into question, but the search for alternatives to current practices is at the heart of the political debate.

There are three different perspectives on the crisis, or rather crises, of parliamentary democracy.

Firstly, the government perspective: governments focus on action and decision-making, emphasising efficiency, effectiveness and their responsibility for the common good.

The second perspective is that of parliaments, or to be more precise their members. Some people think it is necessary to have strong parliaments that are also partners of

ConfPrésPar21/09/2012Matin

the government, with public debates, the formulation of alternatives and transparency in decision-making, but it should not be forgotten that there are groups in some European parliaments that reject any compromise. However, one of the characteristics of democracy is the search for compromise solutions.

The third perspective is that of the citizens, who expect professional political work to lead to good results but in addition want to have their own voices heard, and, indeed, take part in decision-making. However, they are often disappointed with what is happening in parliament and do not really understand the procedures, hence the feeling that parliaments are far removed from ordinary citizens.

Without wishing to go into any great detail on this subject today, mention should also be made of the role of the media.

The crisis of representative democracy is being discussed on several levels and requires different responses. In general, it is the role of politics that is often called into question. It is sometimes argued that criticism is based more on nostalgia for the past than on prospects for the future. We are living in an era in which values such as freedom, self-determination and equality play an increasingly important role. The modernisation of society, the law, technology and the economy should make greater freedom a credible prospect but the economic crisis is giving rise to many fears. In this context, the central promise of democracy – self-determination and freedom – can backfire. This becomes clear when we hear people say that the traditional political arena is dissolving and should give way to the ability of politics to find solutions to specific problems. In this context, self-determination is no longer a matter of participation in certain political institutions and decisions but rather is seen in the context of regulations and procedures ensured by others for citizens.

However, as higher expectations are placed on governments, unease and criticism about their powers are increasing, resulting in citizens seeking new opportunities for more effective participation. Some advocate small concrete solutions, such as plebiscites, while others call for the further development and opening up of major democratic debate.

It is clear that in the European Union the economic and financial crisis raises the question of democratic legitimacy and the meaning of democracy. I think this democratic legitimacy requires further strengthening of the powers of the European Parliament and of national parliaments.

There is, however, a major problem when it comes to ensuring this democratic legitimacy: the public have no confidence in their MPs' ability to solve their problems because they are perceived as lacking in expert knowledge. The public criticise them for being part of the system and have little expectation that they will be able to fulfil the desire for more democracy.

Two points can be inferred from this observation. First, parliaments should be regarded as centres for political decision-making; second, they should also be forums for open discussion. The reasoning behind the decisions taken should be shared with citizens. Parliaments should be places where alternatives and compromise solutions are proposed.

In conclusion, I wish to give you three examples of initiatives recently launched by the Austrian parliament.

First, in order to involve young people, democracy workshops have been set up, and more than 11,000 young people aged 7 to 14 take part in them every year. In addition, a youth parliament is held twice a year, and MPs and members of the government actively participate in these meetings. Information made available to everyone helps to ensure greater transparency.

Next, the Austrian National Council provides information on the financial crisis, especially in connection with the European Stability Mechanism, while at the same time strengthening its function of democratic oversight.

Lastly, a parliamentary working group that I chair is looking at the future of parliamentarianism and is considering how to strike a balance between the development of direct democracy and strengthening parliament's role in the drafting of laws. We are following the similar debates taking place in other parliaments with a great deal of interest.

## **The President**

We now return to the list of speakers.

### **Mr Kimmo SASI, President of the Nordic Council**

In the Nordic countries, democracy is not really in crisis at all. It is deeply rooted and works well. Why is that? The answer is a welfare model that links society, the economy and democracy. I shall mention five of its features. First, all citizens are included in society, and this begins with an excellent education for everyone. However, equality does not mean not recognising talents. We guarantee young people a number of rights. For example, every young person must have access to education and find employment. However, young people also have obligations. Second, we encourage entrepreneurship. We reduce bureaucracy and regulation to a minimum because, as international studies show, the more regulation there is the more corruption there is. At the same time, no subsidies to ailing industries to save jobs, because that is lost money. You have to put that money into research and development and encourage people to use the latest technology in your own country. That is the way to proceed. Third, we endeavour to combine flexibility and security in the labour market. Fourth, we attach great importance to the rule of law. Fifth, we

ConfPrésPar21/09/2012Matin

think on a long-term basis and consider ways of giving priority to sustainable development.

As far as direct democracy is concerned, the interest rates applied by foreign investors are an excellent indicator: the lower they are, the greater is the confidence in the leadership. This will have to be taken into account more and more. I would point out, incidentally, that the rating agencies give the Nordic countries excellent credit scores.

Let us be positive: the economic crisis we are going through can strengthen democracy. Reforms are necessary and we must seek out the best practices in the various countries. We have a choice between several models. Let us consider the crisis as a new beginning.

### **Mr Reuven RIVLIN, Speaker of the Knesset (Israel)**

The world is plagued by conflicts between nations, cultures and values, and there are also conflicts between religions and within religions.

Recent events have shown that democratic values, such as freedom of speech, may clash with freedom of belief and freedom to practise one's faith.

In Israel, a state that is both Jewish and democratic, live 8 million people, 1.5 million of them Muslims and half a million of them Christians, with many other faiths represented too. The Israeli parliament has 120 members, 17 of them Muslims, Druze or Christians.

We are trying to reconcile very diverse values and we succeed most of the time, although at times some conflicts arise. Let me give you just one example: the mass immigration from Africa. Our country is obliged to navigate a course between a democracy's moral obligation to protect genuine refugees and its duty to fulfil its own social needs. This is an essential challenge, inherent in every democracy.

The conflict between democratic values and religious beliefs in Europe is a moment of truth for all parliaments, which accordingly have the opportunity to show that they are the "responsible adults" of this system. It is their role to prevent unrest caused by religious or cultural differences. We must maintain the stability of democracy and debate all issues for as long as necessary, but we must at the same time hold firm in the fight against extremist movements and those who seek to gain political capital out of conflicts.

The parliaments of the free world and the Council of Europe Parliamentary Assembly must find common ground through dialogue.

ConfPrésPar21/09/2012Matin

Freedom of speech, which we clearly have to protect, must also include the freedom of Muslims to protest – naturally by non-violent and legitimate means – when they feel offended.

In conclusion, Israel appreciates the efforts by Europeans to consolidate democracy on their continent and in neighbouring countries.

### **Mr Fred de GRAFF, Speaker of the Senate (the Netherlands)**

As you know, the Netherlands held elections to its Lower House of parliament a week ago and consequently its Speaker is unable to attend this conference. However, as the Speaker of the Senate I am able to be here and speak to you.

This was the fifth election in ten years, but on the eve of polling day 40% of voters still did not know who to vote for. The turnout was just 75%. One might think that there is a bug in the system. Why is that? I shall try to answer this question with respect to my country.

First of all, there is a mismatch between the parties and the preoccupations of the electorate. Parties try to reach out to voters but with varying success. A healthy democracy must be flexible and adjust to society's expectations. Eleven parties are represented in the Dutch parliament. In the 1950s, politics was predictable, with a consensus in the centre and clearly defined groups: Catholics, Protestants, Liberals and Socialists. Each group had its own political party, as well as its own newspaper, television station, schools and trade unions. Communication between them was only at the top level, where decisions were taken. Today, things are different: the traditional pillars have collapsed in the wake of secularisation, individualisation and globalisation. There have been many changes and there are even two representatives of the animal welfare party. New parties have emerged to champion new ideas.

This proves that democracy is alive and not necessarily in crisis. However, the public believe that no party fully reflects their aspirations and that coalitions lead to projects being watered down. They also have the feeling that their vote has no real importance because everything is decided in Brussels or falls outside the control of their government and parliament. It seems that the feeling of crisis sets in at the moment the gap between promise and practice becomes too wide. Politicians, especially in a period of austerity, must provide an honest response to public expectations.

The results of the recent elections were a surprise: voters were no longer scattered among a large number of small parties and the big parties gained ground. It may be concluded from this that voters want a stable government and that the Netherlands should maintain and further develop its international and European orientation.

**Mr Eduardo FERRO RODRIGUES, Deputy Speaker of the Assembleia da República (Portugal)**

Some people believe that the issue of the crisis of democratic systems is an ever-present matter, stemming from the concept of democracy itself, but I am one of those who believe that the problems facing democracies today are more serious and harder to address.

In Western Europe, the crisis is severe, as shown by the high voter abstention rate and the animosity towards politicians not only in the media but also among a large section of the public.

The key characteristic of the crisis of the democratic system is the lack of public confidence in their elected representatives, who, in their opinion, do not meet their expectations. A divorce appears to have been pronounced between the elected and the electors.

For many people, globalisation was an opportunity to improve their standard of living and enjoy greater freedom, but in the most highly developed democracies it was linked to a weakening of states in relation to the power of the financial markets and a progressive erosion of their ability to respond to public concerns.

The supremacy of deregulation, privatisation and liberalisation ended up convincing the population that governments were incapable of responding to the key issues and were even no longer able to protect the weakest members in labour relations and in social relations generally.

The crisis we are going through, which has lasted almost as long as the World Wars, has weakened the democratic system.

We must do all we can to avoid the disappearance of our social model, prevent the recession from taking firm hold and unemployment from rising, and reduce injustice. Public expenditure has to be controlled, but without economic growth it is impossible to ensure better control over public debt. In some countries, impressive crowds are expressing their anger, distrust and despair. We need to listen to them.

European parliaments have an irreplaceable role to play in promoting a new social, political and financial order in Europe, and they must take on this role to ensure that the crisis does not become a threat to freedom, equal opportunities and solidarity.

**Mr Miguel Ángel MARTÍNEZ, Vice-President of the European Parliament**

I shall not reiterate all the comments made, most of which I share, but I should like to add a few thoughts of my own based on my experience.

I think it is dangerous to attach adjectives to democracy. It is by its very nature representative and I am not aware of any democracy that is not.

We have made mistakes and we can be criticised for our weaknesses and shortcomings. We must seriously engage in some self-criticism, and I think the Parliamentary Assembly of the Council of Europe is the ideal place to do this. However, we must not assume that the bad patch that democracy is going through is due solely to our mistakes. It would be naive to disregard the role of certain less than transparent interests. Powerful interests have contributed to the disparaging and delegitimisation of politics, politicians and the institutions of democracy in order to take over areas of power to which they had no entitlement. Alongside them, there are forces – populists and demagogues – that are playing with fire by thinking they can take advantage of the situation we are in.

In my country, major political forces are proposing the abolition of 30% of councillors, without having carried out any sociological or legal study to support their demand, or are proposing to reduce by half the number of parliamentarians in some regional assemblies or abolishing the pay of all members of regional parliaments. Some media applaud these proposals as if they believed the expenditure associated with democracy were futile and should be cut.

As my Luxembourg colleague stressed, the crisis must not lead to savings at the cost of democracy, as it is our identity that is at stake.

The European Parliament is facing the same problems as national parliaments, and we are trying to address them by communicating with all Europeans more and by strengthening our ties with national parliaments.

### **Mr Hovik ABRAHAMYAN, Speaker of the National Assembly (Armenia)**

It was 21 years ago that the Armenian people declared their independence following a referendum. Since then, the system of European values has become the guiding principle of the construction of our state and expresses the will of our people. The question of the crisis of democracy has been on our political agenda for some time. However, the economic crisis and the austerity measures it has imposed are a challenge for our European system of democratic values.

Parliaments are one of the most important elements of representative democracy, but the Internet, information technologies and social networks provide new ways for citizens to become actively involved in the democratic life of a contemporary society. It is now possible for people to freely debate regardless of distance or borders, but such an environment creates the risk of seeing the policies that have been implemented becoming out of step with the dynamic desire expressed in the modern media. This is a particularly serious threat when the authorities are unable to assert

their legitimacy, so the present systems of governance need to be harmonised with the needs of the stakeholders in the democratic process.

Representation can no longer be the sole expression of democracy. More sustained forms of interaction between the public and the authorities must be found, and they must include direct democratic participation in decision-making at various levels.

Democracy is not sustainable without a democratic culture. It requires the continuous education of society, for which the political elite bears the main responsibility. Consistent efforts in this direction are the only way to ensure that the European system of values is not threatened. However, the fundamental rights guaranteed by the system can at times be abused and exploited for the dissemination of extremist ideologies. That is a threat to which we should respond together.

On this subject, I should like to point out that there are still people who are advocates of intolerance and racism in the Council of Europe member states. I am thinking here of a recent unprecedented incident: Ramil Safarov, a man who committed a cruel murder for ethnic reasons, was sentenced to life imprisonment then transferred to Azerbaijan, where he was freed and glorified by the Azerbaijani regime. You only have to visit the website of the President of Azerbaijan to read statements by high-ranking officials of that country defending such crimes. Manifestations of racism and xenophobia may be contagious, and this is a threat for the whole of Europe, which should respond appropriately and unambiguously to this challenge.

### **Ms Solvita ĀBOLTIŅA, Speaker of the Saeima (Latvia)**

Democratic governance is not always an easy matter, and representative democracy does not offer ready-made answers. It is not one leader with unrestricted authority who has the power to decide on our future but, rather, the people and their representatives.

Representative democracy is a well-developed concept of governance but it has its challenges. The solutions to them are not easy to implement because of the very essence of democracy, which requires participation, commitment, tolerance and an active civil society.

It is always difficult to analyse the causes of a problem in a period of crisis. People participate in an election when they trust their political leaders and think their vote will influence the outcome and when they appreciate the values of democracy. Most of the responsibility therefore falls to us elected representatives as our commitment may lead to the renewal of democracy. It is important to have wise parliaments made up of elected representatives capable of laying the foundations for a new democratic culture. Democracy provides us with a lot of choices but it also calls for everyone to accept responsibility for the consequences of their actions and reach well-considered decisions.

All individuals, with their own share of experience, have their own role to play in society.

The Europe we are living in today was born out of the Second World War. Fifty years later, with the collapse of the Soviet Union, it underwent profound changes. For twenty years now, it has no longer been divided geographically or ideologically. It is made up of many different layers, co-operative structures and mutually agreed rules. Most of the countries represented here are members of the European Union, a project initiated almost at the same time as the Council of Europe. The visionaries of that time enabled six countries to build confidence together. Today, it is more difficult to find such revolutionary ideas that redefine time and space. Memories of the war are fading and the achievements of that time are taken for granted. We have to define our generation's mission and our own role in order to ensure that future generations experience the peace and stability enjoyed by our children. At times when many people are under financial pressure, care must be taken to avoid damaging the foundations of our societies.

Our peoples want democracy, the rule of law and prosperity. Many Europeans have been able to achieve these objectives only for the last few decades, and we must ensure that future generations remember this.

**Mr Ivan MELNIKOV, First Deputy Speaker of the State Duma (Russian Federation)**

Today, people demonstrate in European towns and cities because they are not satisfied with the government's response to their concerns and believe their interests are not taken into account by their national parliaments. This problem takes on added urgency as the symptoms of the economic crisis are becoming increasingly more evident.

Each of our countries has its own particular parliamentary features, history and traditions. The manifestations of the crisis differ from one country to another but the means of remedying the situation appear to be more or less universal.

We, for our part, believe it is essential for any national parliament to be representative and perceived by citizens as reflecting their true sentiments in the law-drafting process. Parliaments must not be a simple component of the system of running the state but should be open, influential and independent centres.

In an information society, there are ample opportunities to get to know voter opinion by conducting opinion polls, analysing discussions on the Internet and taking account of debates in trade unions or associations. This requires a great deal of work but it is the only way to give the parliament all the authority it needs. The so-called "electronic

parliament” technologies need to be developed in order to improve the information provided to the public.

At election time, voters should no longer need to question the legitimacy of representation. Regular public consultations will ensure that the gap between the citizens and their MPs does not widen. The parliamentary mandate is not only political but also moral. In Russia, more opportunities for holding parliamentary inquiries should be provided. A parliament is really strong only if it has the necessary means at its disposal to uphold the rights and interests of citizens. We must also work more closely with the scientific community to ensure that we have an impartial and not a political approach to problems.

The crisis of representative democracy is above all a crisis of confidence. The more parliaments take account of public feelings, the easier it will be to overcome the difficulties we are facing.

### **Ms Asta R. JOHANNESDOTTIR, Speaker of the Althingi (Iceland)**

Democracy is the cornerstone of the member states and the fundamental principle of the Council of Europe. Representative democracy predominates, while direct democracy is less common.

Representative democracy has been the prevailing form of democracy in Iceland for a long time. The parliament has always had the possibility of referring important issues to the nation but the outcome of a referendum is not binding. It has asked the people three important questions to date and has always respected the result. A fourth referendum will be held on 20 October at the parliament’s request, on reform of the constitution.

The second type of referendum in Iceland concerns bills that the country’s President refuses to sign. In such cases, the result is binding: if the nation rejects the draft law, it is declared null and void. This procedure has been employed only three times, all of them since 2004.

The economic collapse in 2008 was followed by political turmoil. The “pots and pans revolution”, so called because people gathered in front of the parliament and protested loudly with pots and pans, was probably the most serious example of social unrest in our recent history.

Among the questions to be asked in October is: Do you want the new constitution to provide for a specific percentage of voters to demand a referendum? The plan is for 10% of the voters to be able to ask for a referendum on a draft law already adopted.

ConfPrésPar21/09/2012Matin

However, while direct democracy has its merits it will never replace representative democracy. Voter turnout has never been a problem in Iceland: it has always been above 80%, so elected representatives have a very clear democratic mandate.

The government and parliament are assisted by experts, in contrast to the public, who, according to some observers, can be manipulated by populists via the media.

The cost of referendums has been subject to a lot of criticism. Electronic voting is not legal in Iceland, especially because of the lack of data security. Of course, one cannot put a price on democracy but the fact remains that repeated referendums would be expensive.

To sum up, there is increasing pressure in Iceland to develop direct democracy, but representative democracy works well and the democratic mandate of elected representatives is undisputed. A referendum may provide something extra that benefits representative democracy, but only up to a point.

Representative democracy is not in crisis in Iceland and is unlikely to be replaced by other forms of democracy in the foreseeable future, despite the fact that we are experiencing some difficulties at the moment.

### **Mr Jesús MURILLO KARAM, Speaker of the Chamber of Deputies (Mexico)**

Although the social mobilisation we witnessed last year resulting from the economic crisis enabled the population to express their outrage, it did not lead to the dialogue that is essential for introducing further vital reforms. The reasons for their indignation are obvious, but no consensus was reached on ways of strengthening the democratic process.

Democracy needs disagreement and dialogue, but people should not allow themselves to be overwhelmed by monologues that lead only to disenchantment or collective frustration, which discredits the expression of the public will and results in a loss of legitimacy among institutions and politicians, especially MPs.

The causes may be noble but solutions can be implemented only in a process of consensus, through dialogue and deliberation. More opportunities are required for participation in debate. The renewal of democracy must result in stronger interaction between the government and citizens. There needs to be more active communication and more civic education to foster participatory citizenship, and the social stakeholders should be involved in policy, as this is necessary to legitimise the decision-making process and public action.

I wonder whether we have perhaps asked the wrong question. What is in crisis is not democracy, as there is no other system that could provide a better guarantee of individual, political and social rights and it will continue to be the best system of

ConfPrésPar21/09/2012Matin

governance. In fact, what is giving rise to this feeling of crisis and urgency is the inability to bring it home to the country what the absence of democracy would mean. Democracy is like the air we breathe, something we appreciate above all when it begins to run out.

Democracy must not be confined to a closed space but open up intelligent, in-depth and responsible debate.

**Mr Yiannakis OMIROU, Speaker of the House of Representatives (Cyprus)**

Dear Mr. President, Honourable Colleagues,

First of all I would like to express my joy for being here today among you all, at this important biannual Conference, which my own country Cyprus, hosted two years ago. I would also like to congratulate President Mignon, for a very well-organized Conference, here in Strasbourg.

Representative democracy is indeed one of the core values of today's Europe, as it constitutes the cornerstone of the democratic model which Europe cherishes. A concept which is very much aligned, among other, with the respect and promotion of human rights and fundamental freedoms, as well as with strict adherence to the rule of law, which should govern a democratic society. Principles, which this Pan-European Organization, with its 47 member states, has set to safeguard and promote for the benefit of the entire continent and its peoples and as a beacon for the world beyond.

Hence, I am particularly happy to be reminded also that this Assembly has been holding biannual debates since 2007, on the state of democracy in Europe, aiming at closely monitoring the developments in this area across all its member states.

Especially, since the first Rapporteur on this important subject, back in 2007, on behalf of the Committee on Legal Affairs and Human Rights of the PACE, was no other than the Cypriot member of the Assembly at the time, Mr. Christos Pourgourides.

Esteemed Colleagues,

An alarming and unfortunately growing phenomenon of our times, which is observed in many European countries, is the fading trust of our citizens in our democratic

ConfPrésPar21/09/2012Matin

institutions. Something which is clearly visible, if one carefully observes, among other, the low electoral turnouts, as well as the rise of parties of extremist belief. Added to that, is the ongoing economic and financial crisis, which has cast its shadow all over the globe, as it has led many governments to resort to tough austerity measures. Measures, which naturally enough created public unrest, having a strong negative impact on people's everyday life and their well-being. In this respect, I believe that the economic and financial crisis did lead to a rise in public discontent and consequently public distrust in representative democracy; posing therefore a huge challenge before us all. We must face this challenge adequately, without running the danger of undermining, at the same time the very democratic essence of institutions in our respective countries, amidst fervent efforts to combat the economic downfall. Meeting the challenge, requires a consistent effort to promote policies for growth and employment and not merely the adoption of austerity measures.

In addressing, therefore, effectively the theme under discussion, one must also clearly envisage that the crisis of representative democracy is characterized by a growing gap between people and democratic institutions. In parallel, I believe we should focus on attempting to face this crisis by grasping the momentum, no matter how hard this may seem and proceeding to take the necessary decisions in order to re – instate trust in our democratic institutions and in our people's hearts and minds. It is therefore imperative to further promote a solid democratic culture among our citizens. One of the best ways to do that is by bringing our people closer to the decision - making centers, so that they feel they are an actual part of the decisions taken and shaping their future. In this respect I am happy to say that the House of Representatives of the Republic of Cyprus is making a very serious attempt, both through electronic means, such as the House website and by organizing school visits and various other events at the House, which are open to the public. People thus get to know us better; talk with us and feel that we share their worries and aspirations. It seems simple but it is the very gist of participatory democracy. To bring people closer to us and have them participating, to the extent possible, in all aspects of a democratic society's decision making process.

***Mr Omirou, Vice-Chair, took the chair***

**Mr Trajko VELJANOSKI, Speaker of the Sobranie (“The former Yugoslav Republic of Macedonia”)**

Even though democracy is the best way of organising a society, it is nonetheless a dynamic process. It has its strengths and weaknesses, which create scope for dilemmas, confusion, conspiracy theories and anti-democratic forces.

The problem of a loss of confidence arises in a democracy because any other form of government does not allow any distrust to manifest itself. However, with all its defects democracy remains the best system in existence. For me, the proof of this is that more and more people, groups, political parties and states are subscribing to it. I would remind you of the definition provided by Abraham Lincoln: it is government of the people, by the people, for the people. In a parliamentary democracy, this means that national representatives must be in step with the population.

Many people do not criticise the principle of democracy but point to and criticise its weaknesses. They put the crisis of democracy down to the economic and social crisis.

We need a great deal of dedication to meet citizens’ expectations and defend their interests.

The last century was marked by a weakening of parliamentarianism, which essentially took place because of the strengthening of the executive and bureaucracy, not to forget the growing role of political parties.

Citizens’ social and economic interests must be central to all debates. Only in this way can we avoid unrealistic or populist solutions and mitigate the effects of the economic crisis.

The crisis of democracy assumes different forms: disappointment, abstentionism and various manifestations of dissatisfaction. All our efforts must be combined so that the public regain confidence in the system, because they will then have the feeling that taking their interests into consideration takes priority over partisan disputes.

**Mr Vincenç MATEU, President of the General Council (Andorra)**

The crisis of democracy does not appear to concern the actual principle of democracy – i.e. the sovereignty of the people – but only the way representation is organised. Essentially, there is a lack of confidence between citizens and their elected representatives. It is as though citizens no longer feel represented by their

MPs and believe the work done in our assemblies no longer has anything to do with them. There are clearly reasons for this phenomenon: the serious nature of the economic crisis, the fact that governments and parliaments are powerless to overcome it, the lack of vigilance by regulators at the very time it was needed, the corruption scandals, the conflicts of interests, the cases of illegal funding and the feeling of impunity.

The viability of the representative system is without doubt under threat. We must strengthen the system and not devalue it or replace it, because there is no reasonable alternative. We must confront this crisis by restoring the legitimacy of the institutions and the credibility of those who manage them. That legitimacy mainly depends on the way in which our citizens' needs are taken into account and the concrete measures that are taken to respond to them. What are those needs?

First of all, citizens are calling for their interests to be better defended and they want to be involved in decision-making and have more communication, with more information and less propaganda. They also want greater transparency from their elected representatives and call for them to be accountable – not only at the end of their term of office.

What can our fellow citizens be offered?

We can offer leadership: we must inspire, unite, organise and reinstate a contract of trust in order to work together, and with determination. We can offer results by improving our society with our decisions. We can offer transparency and ethical behaviour by increasing the powers of our parliamentary committees in order to improve their scrutiny of the state authorities. We can offer representativeness, by defending at all costs the interests of the population and avoiding the political class being perceived as an oligarchy of professionals who look after only their own interests.

I should like to mention a problem that threatens representative democracy: a modern form of populism called "audience democracy". This system presupposes a shift from democracy to "Caesarism", hence the need to reinforce the principles of representative democracy if a threat to political pluralism is to be avoided. Politics must no longer be perceived as part of the problem but as part of the solution, because it is in fact the only solution possible.

Democracy is never perfect and can always be improved. It is a path to be followed, a goal and an irreplaceable field of action for taking decisions on our life together and for settling our disputes.

Let us work together to reduce to a minimum the gap between parliaments and the public, because we have a duty to our citizens and because we are ourselves citizens at the service of other citizens.

**Mr Vannino CHITI, Deputy Speaker of the Senato della Repubblica (Italy)**

Yes, there is a danger of crisis in democracy. After defeating left and right-wing totalitarianism in the 20<sup>th</sup> century, it is threatened by fundamentalism, terrorism and populism, as well as globalisation, which has brought the real economy under the yoke of the financial world.

Religious beliefs must be respected everywhere, but every government, especially those that have emerged from the Arab Spring, should be asked to stand firm vis-à-vis certain actions. People naturally have the right to criticise a book or a film but that should not be a pretext for unleashing terror. In a democracy, it is the legal system more than any other that can guarantee freedom and human dignity. The Universal Declaration of Human Rights is the absolute benchmark, and every country must verify that the constitution is consistent with it and remedy any delay in the implementation of human rights. Democracy becomes weaker if it is not capable of achieving its objectives.

In order to address the new challenges, democracy needs ethical strength based on the dignity of every person and on everyone's conscious and responsible participation in public life. It must extend to workplaces and schools and to the citizens' ways of thinking and organising their lives. It cannot flourish if it is confined to the institutions and decision-making procedures. It will die if it does not succeed in combining equality, solidarity, sustainable development and intercultural and interfaith dialogue. It presupposes a form of lifelong education so that the citizens become supporters and interpreters of legality, tolerance, freedom and fraternity. That is why the abolition of the death penalty will be a real victory for democracy and our civilisation.

Democracy must not give way to technocracies, become remote from the public at large or turn into an arena for clashes of individualisms and egoisms, as that can only lead to fears and conflicts.

It is essential to reform the UN and make the Security Council a place where all continents can express their views by putting an end to the anti-democratic privilege in the form of the right of veto.

The new information technologies must be exploited to promote forms of more direct participation in public life.

Parliaments must give greater prominence to the regions, the local authorities and the institutions that are closest to the citizens.

Governments alone cannot succeed in doing what should be done by parliaments. Consideration should be given to extending democracy at the supranational level, and the President of Italy recently mentioned the stages to be envisaged: in 2014, a uniform election procedure should be established for the elections to the European

Parliament; the presidencies of the European Council and the European Commission should be merged and it should be left to the voters to choose the office holder.

These are the challenges we have to embrace to ensure that democracy and human rights have a real future.

**Ms Ene ERGMA, Speaker of the Riigikogu (Estonia)**

Democracy, especially for those who have suffered from totalitarian regimes that do not recognise human rights, is a sacred value. I do not care for the statement that democracy is going through a crisis, and we elected representatives should be very careful before using such a strong term. Our main task must be to restore confidence in the institutions. We have also lost confidence in the financial sector because of reprehensible methods employed by certain companies. A domino effect has led to a serious economic decline in Europe and throughout the western world.

However, we must not just put the blame on others. As MPs, we have also made mistakes and have not shown sufficient responsibility, and some have made populist promises. And this became the norm.

When we take decisions today, we are obliged to consider the future. We must remember that we in politics are responsible to future generations for our decisions.

The world has changed. We are living in an information society in which the irresponsible act of one individual can cause harm and even the deaths of innocent people. Let us open our eyes to the situation as it is. In order to get into contact with the younger generations, MPs must use the channels of communication with which young people are familiar.

In Estonia, the election turnout of young people went up when we introduced Internet voting, via PC or mobile phone. This is the world in which our young people feel at ease, but they are not the only ones who wish to express themselves in a modern way. In comparison with 2005, election turnout rose by 13% in 2009, for example, at the peak of the economic crisis. Citizens have retained their confidence in the parliament, which proves they believe in democracy. We must speak to people, but we also have to listen to them.

**Mr Ranko KRIVOKAPIĆ, Speaker of the Skupština (Montenegro)**

Parliaments are temples of democracy for every country, but parliamentary democracy is in crisis. We MPs are accused of being at the mercy of lobbies instead of being the powerful representatives of its citizens.

Democracies are having to deal with the financial crisis. We want fair societies. We need to go back to basics. In the last few years, it has been necessary to show considerable courage in the Balkans. The time for easy decisions is over. In this crisis period there is a need not only for decision-makers but also for visionaries. Strong leaders capable of explaining the crisis must be found. Some governments are trying to do this but parliaments are the right places to provide this explanation. We have been elected to build a positive future.

New forms of federalism must emerge, for Europe will otherwise get left behind. Parliaments sometimes focus more on protecting themselves rather than on taking decisions. By forgetting that they are at the source of democracy, they become weaker.

Europe is suffering from a lack of co-operation between parliaments. It is essential for parliaments to exercise their supervisory and investigative function, and we are presented with a unique opportunity.

The Council of Europe could provide a model of parliamentary supervision in the pan-European area. Let us pave the way for renewed confidence in parliamentary democracy.

### **Mr Ogtay ASADOV, Speaker of the Milli Mejlis (Azerbaijan)**

A large number of ideas have already been expressed by my colleagues on the subject of the crisis of democracy. Experts think that an important indicator of this crisis is low voter turnout, which is a phenomenon seen in many countries. However, the situation in Azerbaijan is different, with a 75% turnout recorded at the presidential election and 50% at the parliamentary elections. The relatively low turnout at the latter can be attributed to the fact that voters believe that the parties are not representative and to the drop in party membership. This is a trend that can be seen above all in countries where democracy is very old, whereas there is an opposite trend in Eastern Europe, where citizens are interested in politics.

It is of paramount importance to move towards better co-operation between national parliaments in order to carry out comparative analyses of problems and their solutions. Azerbaijan is one of the countries least exposed to the global economic crisis, but, as you can imagine, the conflict between Armenia and Azerbaijan, with a million refugees and 20% of the territory occupied, is a serious obstacle to democratic development. It is difficult to accept a policy of double standards in the same territory.

The Armenian and Azerbaijani delegations agreed not to mutually criticise one another, but my colleague from Armenia has broken that agreement. The decision taken in the Safarov case that he referred to was entirely in accordance with international and Azerbaijani law. Its importance should not be exaggerated and

tensions should not be exacerbated because a solution will be even harder to find and there is even reason to fear an escalation of the conflict. I am pleased that Armenians are interested in the websites of the Azerbaijani institutions, but they should take a look at their own websites, where they will read statements by the President of Armenia welcoming the massacres in Nagorno-Karabakh. I am sorry to have been forced to bring up this point; I did not expect that it would be necessary.

### **Baroness Frances D'SOUZA, Speaker of the House of Lords (United Kingdom)**

Much of great value has been said in the last 24 hours and two major issues seem to have emerged: diminishing trust in existing democratic procedures, including parliaments, and the absence of a genuine dialogue with the public. We of course have these problems in the UK and while it is somewhat difficult for me to speak about representative democracy as a member of an unelected House, I should nonetheless like to mention the efforts being made by the House of Lords to remedy these problems.

We are very alive to the challenges facing national parliaments in engaging with the public and have an outreach team with the objective of increasing the public's understanding of the House. This has resulted in a range of activities, such as seminars, meetings of the Youth Parliament in the House of Lords and a nationwide schools education programme. Members of the House are also interested in how the House connects with the public. A report in 2009 focused on this question and on the need for people to be able to identify more easily those peers with interests relevant to their own, and it argued for making parliamentary language less of a barrier to engagement. We have responded to some of the concerns expressed, for example we now have a Twitter channel, with around 12,000 followers, and we have a blog for members which is increasingly popular.

Working to make parliament more accessible is only one side of the challenge for national parliaments. We also face problems of appearing relevant to the public, at a time when politicians' credibility is low.

Part of the importance of this conference is that we are acknowledging that the problem exists, from north to south and from one continent to another. I think we agree that there are remedies: transparency, dialogue through the media and social networks, and reaching out to young people. And, above all, it is necessary to raise the standard of both political discourse and political behaviour.

I hope that we shall be able at our next meeting to report significant improvement in regaining public confidence in parliaments and other democratic institutions.

**Ms Ewa KOPACZ, Speaker of the Sejm (Poland)**

Representative democracy is one of the most significant achievements of our civilisation and, like any treasure, it must be carefully looked after. It is a vibrant experience that is felt differently by successive generations but in essence remains the same. It has to be cared for, otherwise it risks turning into populism, into tyranny hidden behind a democratic façade. In our part of Europe, we know how ugly and cruel that caricature can become. The principles of representative democracy must be reinterpreted in the context of the experience of new generations, by which I mean the information technologies and social dialogue via social networks. Are the times of the Athenian agora and direct democracy going to return? Only time will tell.

Today, we face new challenges in Europe. It is true that people are less and less interested in public affairs, especially the young. Electoral abstentionism is on the increase, the standing of politicians is declining and a large section of society does not identify with their elected representatives.

In my opinion, this is not a crisis of representative democracy but, rather, a new challenge. New methods and new practices for political life must be found. The democratic model has been a natural reality for generations, like the air we breathe. It is not the rules that are being criticised but what happens in practice, and it is in the area of social practice that we should look for the best solutions.

Let me take Poland as an example. For eighteen years now, the Youth Parliament has been meeting in the debating chamber of the Sejm. Its sittings have been devoted to promoting voluntary service at local community level. We were the forerunners, and this institution now exists in France, Portugal, the United Kingdom, Finland and the Czech Republic.

The most important thing is to create a kind of feedback system between our countries in order to share the best ideas and the best models, as well as problematic experiences, and this dialogue should be continued on a permanent basis. The heart of democracy is our national parliaments, and the future of democracy depends on us. Instead of trying to improve the principles of democracy, let us look for ways of improving the way it is implemented.

**Mr Riccardo MIGLIORI, President of the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE)**

At a time when confidence in governments and parliaments is declining, the work we are doing to restore it is crucial, but I reject the idea that representative democracy is in crisis. You only have to consult the Internet to realise that people are looking for genuine democracy all over the world. You only have to think of the crowds that gather to demonstrate, even in countries where demonstrations are put down, to understand that our contemporaries want dynamic governments and prosperous

nations. You only have to think of the Arab revolutions to understand that people are still prepared to give their lives for freedom.

As parliamentarians, we must continue to be the spokespersons of those we represent. We must call on governments always to place the citizens' interests first, and especially place them above the interests of bureaucracies. We must also support the young democracies throughout the world that are not yet fully consolidated. Here I am thinking in particular of Tunisia, where last year I was able to see people eager to vote for the first time.

This year, our Assembly welcomed representatives from Libya at its annual session, so we have proved that by opening our doors to dialogue our neighbours from the southern shores of the Mediterranean will come and visit us.

Our assemblies play a vital role. They make it possible to disseminate universal democratic values throughout the region. I am pleased to remind you that our two assemblies, just like the European Parliament and the NATO Parliamentary Assembly, have established close relations and undertaken an efficient division of labour. As a result of its Euro-Atlantic and Euro-Asian composition and its global security strategy, the OSCE is an invaluable forum for dealing with issues of multilateral and parliamentary diplomacy. However, we are all aware that we are strongest when we are united. Our joint election observation work is a form of parliamentary solidarity for stronger democracy. That is our common interest as it also enables peace, stability and security to be strengthened.

### **Mr Cemil ÇIÇEK, Speaker of the Grand National Assembly (Turkey)**

In the last few years, we have faced a global economic crisis and political uncertainty, which has led us to ask who is doing what wrong? In order to find the answer to this question, we must enable citizens to express their views because the economic crisis and unemployment are undermining their confidence in political institutions. In recent years we have seen mass demonstrations by people who are disappointed that their hopes have not come to fruition. In addition to these economic and social difficulties, we have also been faced with a rise in racism, xenophobia and hate speech against migrants. After the bitter experiences of the past, these and other worrying trends that we see in Europe today are causing unease among citizens.

The exercise of rights and freedoms should not be accompanied by irresponsibility. Democracy may not be in crisis but confidence in it, especially in representative democracy, has been eroded, and the situation needs to be redressed as soon as possible. We must try to find the reasons for the corrosion that is affecting democracy like rust corroding a piece of iron. I share the vast majority of opinions already expressed, but let us take a look at ourselves. Let us study the way our parliaments operate and renew our approach in an effort to bring about reform. We also need to

introduce mechanisms that will enable us to win back our citizens' trust. The political parties should represent their hopes and aspirations.

Parliamentarians must be able to work completely independently, so their immunity should not be perceived as a way of protecting individuals from the consequences of any crimes or misdemeanours that they might commit. Democracy needs to be renewed by making it more participatory.

### **Mr Milan ŠTĚCH, Speaker of the Senate (Czech Republic)**

I agree with the Secretary General of the Council of Europe, Mr Jagland, that the principle of parliamentary immunity must be preserved but must not extend our privileges excessively, and that in order to avoid any risk of corruption, there must be transparency of party funding and of the way lobbies operate.

Freedom, equality and human rights are the fundamental values of Western democratic societies. The younger generation think that this goes without saying, but this was not the case not so very long ago. Prior to 1990, in what used to be Czechoslovakia, my generation did not experience democracy, so the intellectual heritage of Václav Havel, who died last year, continues to live on in many of our countries.

It is not easy to answer the question of whether there is a crisis of representative democracy. I should like to say that there is not, but unfortunately I cannot give you a definitive answer. Democracy is the perfect form of political transparency, and representative democracy makes it possible to have the most effective decision-making process. Are the difficulties we see synonymous with a crisis? I think, rather, that representative democracy as such has lost some of its legitimacy in the context of decision-making procedures, quite simply because it allows economic interests to play an increasingly important role. The roots of the current crisis unquestionably include the financial sector, and it is the citizens who have to suffer the consequences. It is wrong to put the blame on European integration or the social role of the state. At the same time, human rights too often have to give way to economic interests despite the fact that their protection is one of the key values of democracy.

Another fundamental threat to our democracy has to do with the nature of the media. Technology enables them to create a reality that corresponds to their own ideas or those of their owners. The speed with which we deal with this matter will also determine how quickly the strength and legitimacy of representative democracy can be restored.

**Mr Mohammed CHEIKH BIADILLAH, Speaker of the House of Councillors (Morocco)**

The pressing demand for freedom, dignity, justice and democracy has swept away the totalitarian regimes in Libya, Tunisia, Egypt and Yemen. This demand is becoming the driving force for very far-reaching changes that are revolutionising this region that borders Europe. The Arab Spring has completely changed the political landscape in many states which have their own specific features, although new threats are emerging in the form of fundamentalism and terrorism.

I naturally endorse the remarks made by the Secretary General of the Council of Europe. From North to South, men and women still aspire to more freedom, dignity, democracy and proximity and want to be heard and be involved in the decision-making process at local, regional, national and even international level. Challenges like these must be embraced in partnership with the population, who are at the centre of this change. New mechanisms are necessary to broaden public participation, correct distortions of representative democracy, ensure that laws correspond more to the general will of the community, establish a new legitimacy and unblock certain channels of intermediation.

You are no doubt aware that the Sahel-Saharan strip, which extends from Niamey to the Atlantic, is currently occupied by a terrorist movement which poses a very serious threat both for the nascent democracies in North Africa and the Middle East and for the western democracies and international peace.

Allow me to say a few words about Morocco. The democratisation process initiated by His Majesty King Mohamed VI, culminated in July 2011 with the new constitution. That was before the Arab world underwent change amid interference and suffering. Throughout the last decade, far-reaching reforms have been carried out in Morocco: the Family Code, transparent and regular elections, the establishment of a regulatory authority, the setting up of the Institute for National Languages and major economic projects have enabled the international crisis to be weathered with great resilience. At the same time, an anti-poverty programme has been initiated. We have also begun our ecological transition with the introduction of a 9 billion dollar clean energy programme using solar and wind power.

The new constitution initiates a shift towards participatory democracy. For the first time, it makes provision for civil society organisations to express their views and establishes the principle of contributions by NGOs to the drafting, implementation and evaluation of public policies. New mechanisms are necessary and I think our European friends will assist us with co-operation and co-development projects.

**Mr Hansjörg WALTER, Speaker of the National Council (Switzerland)**

Collecting signatures is a firmly entrenched activity for Swiss citizens, who always have the last word. Neither MPs nor members of the government must ever forget that laws must be carefully drafted and that it is essential to listen to and consult people before doing so. The support of the political parties is not enough. It is also necessary to have the support of the associations, which finance direct democracy in the form of opinion polls and referendums. More than half of all decisions are taken via direct democracy. However, I am not saying that our citizens are happier than those in other countries. That is simply our system, which has proved itself for 164 years and will continue to do so.

It is important for people's rights to be upheld, especially freedom of the media and freedom of opinion. However, we cannot allow referendums to threaten human rights or the rights of peoples. Analysing proposals in the light of international law is a great challenge. The people are entitled to have their say and therefore also bear co-responsibility. I am proud that they have clearly come out in favour of debt reduction.

As far as party and campaign funding is concerned, we ensure that it is transparent and does not come exclusively from the corporate sector.

Each country has its own history and its own democracy, and the important thing is for parliaments to strengthen the democratic rights of peoples. We are the link between the government and the citizens.

**Mr Petru FILIP, Deputy Speaker of the Senate (Romania)**

One of the biggest threats facing our democracies is the dictatorship of the financial markets, with the risk that they will replace the wishes of the citizens. Among the challenges we have to meet are the deterioration of the image of the political class, the distrust of its representatives, the ever lower election turnouts, the non-renewal of the political class, plus the challenges brought about by the economic crisis. The austerity plans implemented by governments have reduced the confidence they had, while at the same time citizens are showing a growing leaning towards extremist political platforms that put forward a populist approach and take no account of economic requirements and constraints.

This crisis has highlighted the gap separating citizens from their political leaders that emerges as soon as the election process is over. It has to be acknowledged that people do not feel that these leaders look after their interests. Since the beginning of the crisis, many of our fellow citizens, especially young people, have voiced their outrage, using social networks to express their dissatisfaction. Many of them cannot understand why private debt has been turned into public debt with the rescue of the banking system. They have not received an acceptable reply to the question of why governments have acted to rescue the global banking system while the very same

governments say they are powerless when it comes to creating jobs or at least curbing the rise in unemployment. The lack of young people's participation in political life must be compensated for by involving their representatives more closely in decision-making in our societies. In this context, the Council of Europe's initiative to set up a youth assembly is to be welcomed.

Alongside government efforts to protect savings and maintain the stability of the financial markets there must be measures to boost employment.

Given the crisis of traditional representative democracy, attempts are being made to promote various forms of participatory democracy. However, can this alternative alone combat civic apathy, restore citizens' confidence in democratic institutions and give political action a higher profile? It is really difficult to answer this question. There is no miracle recipe for revitalising democracy. At all events, it is our duty as parliamentarians to put in place a social pact that takes account first and foremost of the interests of those we represent.

**Mr José ROSAS AISPURU TORRES, Deputy Speaker of the Senate (Mexico)**

The perception of representative democracy as a political system in crisis is evident. However, to question ourselves whether representative democracy is in crisis these days makes us wonder if indeed this form of democracy has not already been in crisis before and whether the situation we are living today is just an aggravation and generalization worldwide of partial and recurrent crises that the representative democracy has lived under different circumstances over the last hundred years.

In my view, there are two particular factors that help explain the depth, extent and characteristics of the so-called crisis of representative democracy we see today. I refer, in the first place, to what the German sociologist Robert Michels called *The Iron Law of Oligarchy*, stating that political parties, even claiming democratic positions, end up consolidating closed oligarchies and specialized bureaucracies that are far from their constituents. However, unlike Michels, I think that is not necessarily the fate of representative democracy and that much can be done to change it.

Second, the discredit of political activity and, to a large extent, the crisis of public trust against the parliamentary and legislative activities are elements of analysis that cannot go unnoticed. The crisis, in effect, is multifaceted and severely disrupts the legitimacy of democratic institutions. They are perceived as entities increasingly distant from the everyday concerns of citizens. Parliaments have a key role. Not only

ConfPrésPar21/09/2012Matin

do we have the tools to improve democratic governance, but we also have as popular mandate to broaden citizen participation in public decisions.

Nearly two decades after starting the transition to democracy in our country, procedural democracy works in an exemplary manner. The last election confirmed it.

We work on the adoption of a far-reaching political reform to introduce formulas of direct democracy in our elections, which will allow us to return the power to constituents. That does not mean, in any way, denying the value and the key importance of representative democracy. It means, if anything, to strengthen it, since the institutional design of a modern political system accepts elements of represen

A first aspect worth commenting on this political reform has to do with extending the rights of citizens in the decision-making process. As from the next federal election in our country, citizens will be able to run for elected office without having to belong to any political party, they will also be able promote bills and participate in referendums called by the President, Congress or even by the citizens themselves, in order to influence the creation or reform of national laws.

Secondly, we established the mechanism of preferential initiative whereby the President at the opening of each regular legislative period, now has the opportunity to present two initiatives that will be discussed and voted on by both Houses of Congress in a term not to exceed 30 calendar days. Neither the Executive may freeze Legislative decrees –once the so-called pocket veto has been eliminated– nor can Congress freeze the President's initiatives.

This political reform, in fact, had a mandate to begin to bridge the gap between citizens and politicians. That is the challenge and the ideal to which we aspire, as modern democracy is nothing but the set of procedures that are in charge of making feasible the fundamental principle of popular sovereignty –neither more nor less than the rule of the people by the people. Only then can we approach the longing that every democracy pursues incessantly: that popular sovereignty becomes a ultimate source of all standards and all representation.

For your attention, thank you very much.

**Mr Jean-Pierre BEL, Speaker of the Senate (France)**

The crisis of representative democracy is at the heart of the debates we hold in our assemblies and the subject of a large number of academic studies.

People frequently stress the drop in voter turnout, the rise in populist movements and the disconnect between the citizens and their representatives. More recently, the emphasis has been on the weakness of politicians vis-à-vis the power of the markets, with the conclusion that democratic scrutiny no longer reaches the actual centres of power.

Our meeting can provide an opportunity to take a bit of a step back and think about these findings. I do not claim that these concerns are without foundation, but it is necessary to put them into perspective and qualify certain statements that are made.

The challenge to representative democracy is nothing new; it has always abounded at a time of economic crisis – just remember the 1930s. The criticism of parliamentary democracy and the calls to replace it by the “real country” concept (as opposed to the “legal country” concept – an old theme of the extreme right) have been around for more than a century. Historically speaking, these calls to replace representative democracy by a different system are on the retreat. Representative democracy has never been championed as much as it is today. Its position in the world has never been as important as it is now, and even authoritarian regimes are trying to provide themselves to varying degrees with its external features.

In this context, it is crucial for counterbalances to be put in place and for citizens to have broader freedoms, especially public freedoms, that oblige their representatives to reflect changes in public opinion. This makes elected representation democratic, with representatives who are permanently subjected to criticism and can be punished by the electorate at the next election. Elected representation is accountable to the citizens and that is what makes it legitimate.

I do not think that participatory democracy and representative democracy should be viewed as competing systems because they complement one another. I do not claim that no improvements need to be made to the way our representative democracies work, far from it. However, placing the sole emphasis on a subject that could quickly become ambiguous, such as the crisis of representation, is not necessarily the best approach. Rather, the best way forward is for us to ask ourselves how to increase the accountability of elected representatives to the people they represent, which is the only way of making representative democracy legitimate. The drop in voter turnout is relatively small in France and varies from one election to another. Turnout is still high when it is for clearly identified functions, whereas voter abstention is higher when people are less clear about the powers and responsibilities that are involved. The overlapping of responsibilities and the complexity of decision-making processes are an obstacle to the smooth functioning of representative democracy.

There will never be complete transparency but if citizens are to exercise this right to criticise, then there must as much transparency and high-quality information as possible.

The balance of powers is never fully guaranteed and therefore this must be a matter of constant attention.

In conclusion, I should like to put into perspective the issue of the weakness or, indeed, impotence of politics in the context of liberal globalisation. I believe it is wrong to view this situation as inevitable. If tax havens and off-shore finance continue to flourish in spite of all the damage caused, then that is because too many states put up with it. This a difficult battle to fight, and making improvements to and strengthening our representative democracies are only one aspect of it.

### **The Chair**

That brings us to the end of the list of speakers, but as we still have a little time I am prepared to give the floor to anyone who wishes to speak.

No one has asked to speak, so that concludes the debate on the second theme. Your contributions have provided input for our discussions and offered courses of action and good practices that we shall no doubt be able to apply.

The next sitting will be at 3 pm this afternoon.

*(The sitting rose at 12.35 pm).*



European Conference of  
**Presidents of Parliament**  
Strasbourg, 20-21 September 2012

Conférence européenne des  
**Présidents de Parlement**  
Strasbourg, 20-21 septembre 2012



# Proceedings

# Actes

**Strasbourg**  
**20 – 21 September 2012**  
**20 – 21 septembre 2012**

***3<sup>rd</sup> working session - Friday 21 September afternoon***  
***3<sup>ème</sup> séance de travail – vendredi 21 septembre après-midi***

ConfPréPar21/09/2012AM

**Friday 21 September 2012**

The sitting was opened at 3.05 pm by **Mr Yiannakis Omirou**, Vice-Chair of the Conference.

### **Theme 3: Arab revolutions: challenges and opportunities**

#### **The Chair**

We now come to the third and last theme: Arab revolutions: challenges and opportunities.

I would point out that we must conclude our discussions by 5 pm at the latest.

As for the previous themes, a number of colleagues have done us the honour of preparing presentations, namely Mr Mustapha Ben Jaafar, President of the National Constituent Assembly of the Republic of Tunisia, Ms Sabine de Bethune, Speaker of the Belgian Senate, and Mr Cemil Çiçek, Speaker of the Grand National Assembly of Turkey.

Unfortunately, Ms de Bethune has informed us that she has an unavoidable commitment in Belgium linked to the discussions about the reform of the state. She cannot therefore be with us today, much to her regret.

#### **Mr Mustapha Ben JAAFAR, President of the National Constituent Assembly (Tunisia)**

I should like to begin by highlighting the role of the Council of Europe and its various bodies, in particular the Venice Commission, which has provided Tunisia with expertise to support the process of democratic transition.

For decades, the Arab region almost stood alone in the world, especially following the fall of the Berlin Wall and the breakup of the Eastern bloc. It stood alone in terms of the developments seen in other parts of the world towards openness and democracy.

Since their independence, Arab countries had only experienced dictatorial regimes headed by single leaders or the military. The persistence of these regimes made some people ask whether Arabs were condemned to be ruled by dictatorships. This idea was imposed by Arab governments on their peoples, who accepted it for decades out of ignorance, inertia or despair. Unfortunately, the regimes were tolerated to some extent by the West, or even supported, in spite of their authoritarian nature and the seriousness of their breaches of human rights.

ConfPréPar21/09/2012AM

However, history marches on and the most dynamic forces within Arab societies were not extinguished; they were waiting for the historic moment of change. That came on 17 December 2010 through the desperate act of a young Tunisian, Mohamed Bouazizi. By setting himself on fire, he triggered a revolution which went beyond Tunisia's borders and spread throughout the region.

The first lesson to be drawn from the Arab revolutions was the definitive break with the image of Arab peoples being genetically incapable of democracy.

The second lesson, which is even more important, is the fact that these revolutions in Egypt, Tunisia and Yemen and the Moroccan Spring were peaceful on the whole; this proved not only that Islam and democracy are indeed compatible but also that violent coups d'état are not inevitable. The revolutions confirmed the strong presence of a responsible civil society, in spite of all the pressure it had been under. That should encourage Western countries not to support other dictatorships in future.

All these positive points should not, however, make us forget the dangers facing our revolutions. The first challenge is backsliding. It should not be forgotten that in some countries dictatorships persisted even after revolutions because mentalities and political practices did not change and counterrevolutionary forces gained control of the main decision-making posts. Let us not forget either that the repression of the past affected not only the political class but also society as a whole, which was subconsciously subjected to the tradition of the single way, the lack of criticism and rejection of other people.

The second danger is the lack of organised political forces which can establish a counterweight in the political landscape to prevent the accumulation of power and the establishment of a one-party state. Again on a political level, even though Tunisia has opted for a secular form of government, the issue has not been settled in other countries. The economic difficulties which the Arab revolutions have inherited – joblessness, poverty, unequal development of regions and weak infrastructure – have only further complicated the situation in the countries. The impatience of disadvantaged groups and societies is another challenge for the new governments set up.

All these challenges raise questions about the future prospects of the countries of the Arab Spring, against a backdrop of global economic and financial crisis and serious political threats, especially in the Middle East.

It does, however, seem possible to draw up an overall roadmap comprising the following elements.

The first is to promote domestic and foreign investment to revive the economy, which is a key to social stability. In this context, we count on our friends and partners in European Union member countries to invest in Tunisia, taking account of all the facilities offered in this respect, including a skilled workforce and a climate of stability and security which is improving day by day.

The second point is to establish a culture of dialogue between government and the various components of civil society. Our society has inherited a number of non-democratic practices which have to be got rid of decisively.

ConfPréPar21/09/2012AM

The third point is that civil society has to have the necessary conditions to be able to fulfil its role. The issue of the transitional judiciary is vital, but it is a complex process in our countries. If the culprits escaped justice, that would be an additional threat to the future of the country.

The fourth point is the need to recover the assets hidden away abroad, and we reiterate the hope that friendly countries will help Tunisia to recover these assets and so help bring about economic recovery and social stability. In this connection, I would like to commend Ms Anne Brasseur on the initiative she took to speed up the process.

As to the fifth element of the roadmap, Tunisia has made significant progress in successfully negotiating the process of transition, which involves drafting a consensus-based constitution for all Tunisians and not just a single party or group, strengthening the secular nature of government, promoting the republican system, the values of democracy and equality and the rules of peaceful and democratic changes of government. We have committed ourselves to consolidating a whole range of freedoms, in particular freedom of expression, which must be enshrined in the constitution. So that the constitution is given real effect, it is planned to establish a constitutional court, which will ensure respect for the human rights enshrined in the constitution.

The National Constituent Assembly is strongly committed to the success of the process of democratic transition and will spare no effort to complete the drafting of the constitution at the earliest opportunity, in other words, by December, so that parliamentary and presidential elections can be held before summer 2013 and state institutions can be set up.

The current situation in Arab countries is very delicate, as demonstrated by the very violent protests triggered by the circulation of scenes from an amateur film sully the image of the Prophet Mohammed. In spite of this worrying situation, we remain optimistic and retain our sincere desire for consensus. We count on our people to put partisan interests aside in the national interest. We also count on our friends to support us during this period. We would like to see a peaceful solution to the Syrian crisis.

I would also make an appeal to free the Palestinian parliamentarians held in Israeli prisons. We hope that freedom, democracy and human rights do not remain mere slogans but are consolidated as universal values in which we believe and which we defend without discrimination.

### **Mr Cemil ÇIÇEK, Speaker of the Grand National Assembly (Turkey)**

An irreversible process of transformation began with the Arab Spring and will mark the course of history. If we ignore these demands for change, there is a risk of some countries ending up in the same situation as in Syria. We have to accept that there is no single model which can be applied everywhere. Account has to be taken of the demands expressed by the peoples concerned.

ConfPréPar21/09/2012AM

The democratic transformation in Tunisia has been more stable and more peaceful than elsewhere in the region. In Libya, some state institutions had to be established from zero. It is vital for Libyans to unite and work in solidarity so as to succeed in bringing about democratic transformation. The recent terrorist attacks against diplomats in the country have highlighted the serious shortcomings in law enforcement. Terrorism is a crime against humanity. It is only through international co-operation that we can combat terrorism, as we have been saying for years.

While the transformation process is fragile in certain countries, we hope that it will be possible to overcome the difficulties encountered through dialogue and consensus. The situation in Egypt is critical. We need a strong and stable Egypt. We hope that the international community will be able to help it tackle the economic crisis. Turkey has offered the countries in the region full support with the transformation process and has responded to the calls of their peoples. The responses must always be peaceful. However, Turkey cannot remain indifferent to certain regimes which are directing their weapons against their own people. In our neighbouring country of Syria, the disproportionate use of force has claimed 30 000 victims, including women, children and young people. Tens of thousands of Syrians have fled from their country to Turkey. We are doing our best to accommodate the influx of refugees. We will continue to do so, but with winter approaching, we may not have the necessary resources and may perhaps therefore need your support. The situation in Syria is having a negative impact on the region and it is necessary to speed up the process of finding a solution. At the same time, Syrian society should not be divided along ethnic or religious lines. We are deeply worried, as that could create new tension in the region. Ethnic clashes and civil war are a real threat if a solution is not found quickly.

Turkey cannot accept the establishment of de facto administrations by ethnic or religious groups. We should not allow terrorist groups to hijack the struggle of the Syrian people. I am thinking here of the PKK. The international community should react. However, it is watching the situation unfold with indifference. If that continues, I am afraid that the Arab Spring will turn into an Arab winter.

The Council of Europe and the Parliamentary Assembly can make an important contribution for the countries in the region. They can provide substantial assistance with the drafting of a new constitution, the introduction of political and judicial reforms and improving women's position in society. ECRI, GRECO and the Venice Commission have already taken worthwhile initiatives here.

Events of the past week have shown how difficult the process is and will be. The provocations have shown that criteria such as freedom of expression and freedom of belief have to be reviewed so that the right balance can be struck. Collective reactions should never involve any violence. Other tensions also have a negative impact on freedoms. Modern information technology and social media mean that hate speech can spread very easily. People's beliefs should be respected and Islamophobia prohibited. A distinction has to be made between hate speech and free speech. The European Court of Human Rights should reconsider all these issues.

**The Chair**

ConfPréPar21/09/2012AM

We now come to the list of speakers.

**Mr Bogdan BORUSEWICZ, President of the Senate (Poland)**

What is going on in North Africa is important for Europe and the world at large. A new political situation is taking shape there and new models are developing.

During my lifetime, I have witnessed several struggles for freedom: firstly, in South America and Spain in the 1970s and then in Poland and the other countries of central and eastern Europe. Now we are witnessing a third wave of such struggles, which shows very clearly that all peoples of the world want freedom and are entitled to it. We in democratic countries can only support these aspirations. All nations must have access to the rights we enjoy in Europe.

23 years have passed since the first free elections in our country. A long time has been needed for democracy to take root. In the Arab world, the situation varies from state to state. Each country is unique. People want change and some have taken to the streets to demand it. Some regimes have resisted the demands, others have accepted them. In Syria, the demonstrators started off peacefully, they did not take up arms immediately. What is happening today is a result of the way they and their demands were treated.

All Arab states are looking towards Tunisia, Mr President of the Constituent Assembly.

Poland will participate in the changes and provide assistance where it can. The Parliamentary Assemblies of the Council of Europe and the OSCE are best placed for establishing contacts and offering the countries in the region active assistance, as they are specialised in the issues of human rights and democracy. They cannot be suspected of pursuing national interests.

I would like to thank Turkey for its efforts and its assistance for the refugees from Syria. The situation poses a real problem for it, in both humanitarian and also political terms. Turkey's conduct has been admirable and I wish sincerely to thank the Speaker of its National Assembly.

**Mr Miguel Angel MARTINEZ, Vice-President of the European Parliament**

The European Parliament and other European institutions responded rapidly in welcoming the revolutionary movements of the Arab Spring and immediately taking up contact with their leaders. We wanted to hear what their demands were, and sought to respond through various forms of assistance with electoral processes, the establishment of democratic institutions and staff training; however, we have also provided funding for reconstruction efforts and for assisting refugees, for instance those arriving in Tunisia from Libya. An interparliamentary conference was held recently in Cyprus. In accordance with the Lisbon Treaty, its purpose was to follow up progress with the common foreign and security policy. With our colleague, Mr Omirou, who is here today, in the chair, Ms Ashton took the floor and, in a venue

ConfPréPar21/09/2012AM

less than 100 km from the Syrian coast, we heard a detailed update on the situation in Syria and the countries affected by the Arab Spring. We have proposed a number of measures and steps to move forward and achieve the best possible outcomes, in particular in terms of co-ordination and consistency between the policies of the EU and the member states.

It is clear that we all made mistakes in the past, especially by supporting certain regimes before the Arab Spring. We sometimes took a short-term approach, which was at variance with the values we claim to defend in Europe. The worst thing to do would be not to help the countries of the Arab Spring and continue to support regimes that are essentially dictatorships. We should not repeat what we did, for instance, with Ben Ali and Gaddafi. We must no longer agree to do business with countries which do not respect human rights.

I would like to make two points in conclusion.

We cannot tell people that democracy means holding elections and having majority rule and then ignore the will of the people if we do not like the winners. We must respect democracy wherever it emerges.

Moreover, we have to reiterate, as has already been said in the European Parliament, that fanaticism, extremism and terrorism are not exclusive to Islam. Fanaticism, extremism and terrorism can be found in other religions as well. There are plenty of examples, ranging from Spain to Ireland and going back to the 15th century. It would be very wrong to claim that democracy is incompatible with Islam. On the contrary, it is vital for our futures that people from different faiths represent democratic alternatives.

### **Mr Nigel EVANS, Deputy Speaker of the House of Commons (United Kingdom)**

The move to democracy takes place at different speeds. In our countries, people have their say through free elections, whereas in other countries, where that was not the case, people tried to have their say through riots, demonstrations and, sadly, violence and civil wars. We follow the principles and philosophy of the Council of Europe, although some do so better than others, it has to be said. In the Middle East, reform has been slow and poverty is high, and tyranny rather than democracy has been the order of the day. As has been pointed out, 30 000 people have already died in the clashes in Syria so far and 4 000 a day are arriving in Turkey as refugees. Clearly that is not acceptable and the killings have to stop.

We, too, have challenges to face because of the Arab Spring. The process is still going on and we have a duty to assist these new democracies in all the ways that we can, using the bodies and procedures available to us. Some of the funds we have must also be used to help the countries to overcome poverty. If poverty is reduced, some of the reasons for people taking to the streets will disappear. Trade between EU countries and Middle Eastern countries should be freed up. We should use institutions like the Inter-Parliamentary Union, the Council of Europe and the Westminster Foundation for Democracy in order to have proper dialogue. At the same time, there should be absolutely no place for Islamophobia in our countries.

ConfPréPar21/09/2012AM

Trying to stabilise the region is not an easy task, but I believe that our parliaments must bring pressure on our governments to ensure that they do not support the Assad regime at a time when even the Arab League have disowned him. No member of the Council of Europe should give any assistance whatsoever to the Assad regime. It is our duty to see to that.

The Arab Spring has lit a flame which will not be extinguished by tyrants. We have a moral duty to help and the ability to do so. We did not create the Arab Spring but we can make sure that it continues.

**Mr Ivan MELNIKOV, First Deputy Speaker of the State Duma (Russian Federation)**

To understand the nature of the events called “the Arab Spring”, we have to think about the model of globalisation. That model is based on the concept of the unipolar world, with sovereignty giving way to human rights and national powers being transferred to supranational bodies. The European Union has become a laboratory for this model. But even Europe with its developed institutions is not always able to cope with challenges of this kind. We can therefore imagine how incredibly difficult it is for other peoples. One thing is clear, the world and even Europe are too diverse to fit into a single model. However, some people still refuse to accept this. Western values are often used as the criteria for assessing the action of the Arab states. A whole series of countries have claimed the right to decide where democracy is real and the conclusions are sometimes tantamount to verdicts.

A new practice has emerged in the form of “humanitarian interventions”.

All our countries have their internal political problems. Even so, the international community does not have the right to impose the solution which it finds most appropriate on other peoples. Account has to be taken of their social and economic rights. We are in favour of assisting the countries concerned, but we advocate non-violent, evolutionary change. We have seen enough terrible examples of change brought about by force in Serbia, Iraq, Afghanistan and Libya. There, intervention by force was used in the name of democracy.

It is possible to take a different approach in the case of Syria. The conflict that has been dragging on since March 2011 has already claimed over 17 000 lives according to the UN. One cannot ignore the fact that the Syrian regime enjoys considerable public support; otherwise it would have long been toppled. As representatives of national parliaments, we should be guided by the interests of our voters. In Russia, the majority of people polled believed that the attitude of certain countries was a provocation designed to strengthen their influence in the region and only 3% of respondents were in favour of military intervention. Even though the figures may vary from country to country, I am sure that the supporters of military intervention are in the minority.

It is often said that Russia supports the Bashar el-Assad regime to further its military and economic interests. What Russia is actually upholding is international law, without which the world would be guided by the “might is right” principle. We cannot

ConfPréPar21/09/2012AM

put out the fire by pouring petrol on it. Instead, constructive solutions must be found through dialogue in a peaceful framework. Many political leaders and media outlets say that it is time for Russia to change its position. The United States, sometimes with the support of some countries in Europe, is going it alone. Have they achieved what they promised? The time has come for a consensus that rules out military operations. It could be based on the following.

Firstly, the supply of arms to the conflict zone must be stopped; weapons are continuing to be delivered, which means that some people are profiting from the situation.

Secondly, there must be an end to the violence. That would be possible if all the participants in the discussions did what they could to arrange negotiations between the Syrian government and the rebels.

Thirdly, it is necessary to guarantee security for all the parties involved in resolving the conflict. The national forces committed to democracy and opposed to extremism must be given an opportunity to take part in a dialogue with a view to transforming the country's political and socio-economic systems.

This scenario would have a dual effect: it would stop the bloodshed and secure change.

### **Mr Per WESTERBERG, Speaker of the Riksdagen (Sweden)**

We are currently witnessing the early stages of a long process of political and economic transition in the Middle East and North Africa, which is of considerable importance to Europe. New challenges are emerging and affecting the region's old unresolved conflicts. The level of complexity is increasing. There are real opportunities for genuine democratic reforms and increased economic prosperity. At the same time, there is a risk of growing instability and conflicts based on ethnic and religious divisions. Developments in the region have shown clearly that legitimacy must be won by means of elections. The real test will come when voters are able to vote out those previously elected democratically.

A precondition if we are to end up on the right side of history is that we accept the victory of Islamist parties in free and fair elections, and that we engage in dialogue and seek a common set of basic values with all those who do not condone violence.

Sweden welcomes the fact that the EU has proved itself capable of mobilising resources and redirecting co-operation when developments so required. It is important to ensure that the various types of support really contribute to continued democratic development.

Sweden belongs to the group of EU member states that want to promote work for greater market access for countries in the region.

Women and young people are important target groups. We therefore support projects run by young activists. Democratic development must be supported by

ConfPréPar21/09/2012AM

economic reforms that favour the growth of the private sector. At the same time, strong state institutions that can counteract all forms of corruption are important.

Everyone in society must contribute to economic development. Discrimination does not foster economic growth. Women's lack of education is a strong reason for underdevelopment in the Arab world.

Starting this spring, the Swedish parliament launched with its own means a project in the Republic of Moldova aimed at strengthening the country's democratic institutions. We believe that this kind of project might also be valuable for states in the MENA region.

Through the Parliamentary Assembly of the Union for the Mediterranean, the Swedish parliament has established a platform for exchanging experiences and best practice regarding parliamentary democracy. Groups of politically engaged people, including young leaders and journalists, have been invited to Sweden to learn more about our political model.

**Mr Michael KITT, Deputy Speaker of the Dail Eireann (Ireland)**

Obviously, we all want free and fair elections and democratic institutions. We must also defend social rights, including the rights of children, and in Ireland we are holding a referendum on the subject in November.

Developing countries often ask us questions about media freedom. It must be safeguarded.

For elections to be free, an end has to be put to all forms of violence, as has been stressed by several speakers here today.

I commend what the Council of Europe has been doing. I know that it has sought to share some countries' experience of political transition with those who are interested. I hope it will continue to do so. Many member states have been involved in bilateral activities with the countries concerned and I hope that all these experiences can be shared with other countries.

With regard to development aid, an area in which I have worked for many years, some countries are already doing a lot, but all countries could do better. I would hope that we can move towards the UN target and that we will continue to work for the developing world.

***[Mr Jean-Claude Mignon took the Chair]***

**Mr Azzam ALAHMAD (Palestinian National Council)**

ConfPréPar21/09/2012AM

Thank you, Mr President, for allowing me to speak on behalf of Mr Salim Al-Za'noon, President of the Palestinian National Council, who is unable to be with us due to ill health.

The Palestinian people welcomed the mass movements in many Arab countries seeking change, democracy and justice and citizens' basic rights.

Successes have been achieved in some of the Arab countries, but there have also been attempts to hijack these movements away from the aspirations of the people. Some countries have experienced a deadly civil war of the kind occurring today in Syria.

We support the non-violent mass movements that would accomplish the goals originally set by the Arab people.

The Arab Spring had an impact on the Palestinian situation, which urgently needs its own spring to put an end to the occupation being suffered by our people, which is as bad as if not worse than dictatorship. Unfortunately, some people have used the Arab Spring to freeze the peace process. International resolutions on the need for a two-state solution enabling the Palestinians to live in peace and security have been sidelined.

We would like to remind you of the resolution adopted by the Parliamentary Assembly of the Council of Europe in support of Palestine's full membership of the United Nations. We did not accomplish this goal due to strong American opposition. However, we are now counting on your support for our application to the General Assembly for observer status. That would be an important step which would revive a just and lasting peace process. It would prevent the spring from becoming a dark, troubled autumn or, worse, a summer of despair. Finally, I reiterate what Mr Ben Jaafar said about the need to release all Palestinian parliamentarians held in Israeli prisons.

**Mr Bertel HAARDER, First Deputy Speaker of the Folketinget (Denmark)**

This debate is extremely important, not only for the Arab region but also for the Council of Europe and its Parliamentary Assembly.

I should like to underline, like several other speakers, that democracy is not only majority rule; democracy is also the protection of minorities whether ethnic, religious or national. The freedoms of these minorities are sometimes reduced. From that point of view, I commend the work done by the European Court of Human Rights and the OSCE.

**Mr Fred de GRAFF, President of the Senate (Netherlands)**

In my short contribution, I wish to underline the importance of gender equality in the MENA region. I will take the example of Egypt. Everyone who followed the events which took place last year on Tahrir Square must have noted that many of the

ConfPréPar21/09/2012AM

demonstrators were women. They showed huge courage in struggling for change in society and the regime. They succeeded up to a point, but gender equality is still far away.

I hope that after this conference, the Council of Europe will continue to pay attention to the rights of all women in the region. In conclusion, I would applaud the initiative taken in Morocco, where gender equality has been recognised in the constitutional reform. I hope that the example will be followed.

**Mr Noël A KINSELLA, Speaker of the Senate (Canada)**

It seems to me that the Arab Spring has much in common with the Occupy movement that was particularly impressive last spring. The commonality is that social media were a major technological tool for messaging. Parliaments are going to have to come to grips with this new reality of instant communication. These movements are closely tied up with young people and their mobility: on average, all young people today will have to work in at least three different places in the course of their lives. In the global society of the future, mobility will be the order of the day. The frustration expressed by those who occupied Wall Street or the streets of Montreal or, indeed, those of Libya and Syria, has a lot of commonality, even though each movement has its own specific features. Part of the commonality is a lack of empowerment and not being part of decision-making. There are also the straitjackets of our economic systems and the barriers to cultural exchange.

Young people do not know how to take control of their own destinies, as they have not received the necessary training. Frustration sometimes therefore breeds violence.

**Mr Mustapha Ben JAAFAR (Tunisia)**

Those who have been promoting democracy for years and have drawn up the rules of the game and universal values of respect for human rights, freedoms and gender equality must not disappoint us as we seek to draw inspiration from their model. For instance, they should not cause us to question the validity of the system for which we struggled – which brings me back to Theme 2 of the conference, where the value of representative democracy was questioned.

When you promote democracy, you have to accept the outcomes. Sometimes elections do not produce the results we would like, but we need to give societies the opportunity and freedom to move at their own pace.

What matters most is to advance the ideals we believe in through culture and universal dialogue. Dialogue between peoples makes it possible to move in the right direction.

I would make one last point to our democrat friends who stood by us during all those difficult years: never support dictators, always remain on the side of the people, you will not be disappointed.

## **The President**

We have now come to the end of the third debate. The number and quality of the statements have shown the importance you attach to this theme, like the other two.

I now give the floor to my friend, Claude Bartolone, President of the French National Assembly. He was unable to be with us earlier on because of other commitments, but he would like to comment on several issues.

### **Mr Claude BARTOLONE, President of the National Assembly (France)**

As the Parliamentary Assembly of the Council of Europe is an emanation of national parliaments, it is logical and desirable for us to have direct contacts to strengthen our ties with the parliaments in each and every state. Expanding this co-operation can only benefit all the parties concerned, especially since the case-law of the European Court of Human Rights can have a direct influence on the development of domestic legislation, as was recently the case in France with the reform of the system of police custody.

We can no longer today speak of national issues on the one hand and European issues on the other as if they were disconnected from one another. That is certainly the case when it comes to EU law, but it is equally true when it comes to applying the European Convention on Human Rights. With 47 national parliaments, including those, for example, from Russia, Turkey and Norway, the Parliamentary Assembly of the Council of Europe is a unique forum for the exercise of parliamentary diplomacy and exchanges between national elected representatives who find in it a wonderful opportunity to be able to meet in a very informal and free way.

Allow me to add that I am delighted, as a Frenchman, to see the Parliamentary Assembly of the Council of Europe presided over by one of my compatriots for the first time in almost a quarter of a century.

My presence here is also a great opportunity for me to underline my deep commitment to the founding values of the Council of Europe: human rights, democracy and the rule of law. This Europe of values is crucial at a moment in time and in the history of our continent where we are seeing a temptation in some quarters to give up respect for others, tolerance or even democracy and to replace them with exclusion, intolerance, authoritarianism and sometimes even racism. Europe is not only a single market or a free trade area; originally, Europe came about as a result of the desire of Europe's peoples to live together in peace, united in a sense of having a common destiny.

In that respect, the example of Franco German co-operation gives grounds for hoping that one day the so-called frozen conflicts which, unfortunately, continue to divide certain members of the Council of Europe will be a thing of the past. Having been founded after the Second World War, in the wake of the sentiment "Never again", the Council of Europe has managed to maintain its relevance, and will

ConfPréPar21/09/2012AM

continue to maintain its significance in the Europe of tomorrow on condition that it manages to adapt to new challenges.

The European Court of Human Rights, which is quite rightly called the jewel in the crown of the organisation, has ensured that the original Convention has evolved and adapted to the realities of the 21st century, sometimes providing a rude awakening for long established democracies such as France and the United Kingdom which thought that they had absolutely nothing to learn when it came to respect for human rights. The Court is now labouring under an avalanche of applications. It is often said that it is a victim of its own success. While that is true, it has to be said that, of 47 member states, around 10 account for almost 80% of the applications lodged with the Court. It is clear that the Court alone cannot make good the shortcomings in terms of rule of law and judicial systems in certain states. It is up to the states in question, with the assistance of the European Union and the Council of Europe, to do what is necessary to overcome the shortcomings.

But let us not be pessimistic: who would have thought in 1988 that Europe would be what it is today? This Europe of values is enshrined in large numbers of conventions and monitoring bodies. I am thinking, in particular, here of the Committee for the Prevention of Torture (CPT), which plays a unique role in monitoring places where people are deprived of their liberty with a view to ensuring that the standards established by the Council of Europe, the European Prison Rules, are complied with. The CPT has also played a very positive role in improving detention conditions in a number of member states, including France, where we know that the situation in prisons is not satisfactory, primarily as a result of overcrowding.

The Venice Commission, whose expertise is universally acknowledged and whose members outnumber the members of the Council of Europe, also plays an important part in promoting the rule of law.

For its part, the Parliamentary Assembly of the Council of Europe has embarked upon a major study of the crisis in representative democracy on the basis of a number of reports, including one by Mr Andreas Gross. His ideas on how we can restore politics to its rightful place in relation to market forces, in particular, are of great interest, especially when he examines the possibility of introducing real means of interaction between citizens and the authorities.

I take note and welcome the desire of the Secretary General of the Council of Europe, Mr Jagland, and the President of the Parliamentary Assembly, Mr Jean-Claude Mignon, to bring the Council of Europe and the European Union closer together. The accession of the European Union to the European Convention on Human Rights, which is provided for under the Lisbon Treaty, would be a very important step towards forging closer ties between the two. Apart from the ratification of the legal instruments required for such accession, national parliaments can provide further impetus on this important issue since the aim is to ensure maximum consistency in terms of human rights protection systems throughout Europe.

The Parliamentary Assembly of the Council of Europe has taken the initiative of introducing a new procedure to involve parliaments from neighbouring countries in its work, in the form of partner for democracy status. This is a status which has been

ConfPréPar21/09/2012AM

granted to the Palestinian National Council and the Moroccan Parliament with a view to providing support for developments on the southern shore of the Mediterranean. I believe that is a very positive initiative.

Lastly, I should like to welcome the holding shortly in Strasbourg of the World Forum for Democracy under the auspices of the Council of Europe and with the full support of the Alsatian local and regional authorities, thereby further reinforcing Strasbourg's role as the European capital of democracy.

You can count on my support, together with the support of the delegation of the French parliament to the PACE, to accord the Assembly its rightful place in Europe in the 21st century, which I believe will be the Europe not only of economic and social progress but also a Europe which embodies respect for the rule of law and fundamental freedoms.

Colleagues, speakers of parliaments, I think that the statement before mine by the President of the Tunisian Assembly illustrates the point that there are a number of countries which are rediscovering democracy and are watching closely what we do. We do not have the right to disappoint them.

## **The President**

That brings us to the end of this Conference of Presidents of Parliament.

I should therefore like to present the conclusions of our debates.

## **Conclusions**

The Presidents of the Parliaments of the 47 Council of Europe member states and of numerous partner, observer and neighbouring countries, and the Presidents of Interparliamentary Assemblies met in Strasbourg on 20 and 21 September 2012 for the European Conference of Presidents of Parliament.

During these two days, we have discussed together three major topical subjects:

- the future of the European Court of Human Rights;
- the state of health of representative democracy;
- challenges and opportunities of the Arab Revolutions.

We have also considered how national parliaments can meet the challenges thrown up by these questions at the current time.

(...)

ConfPréPar21/09/2012AM

Before closing the sitting, I would announce that our next conference will be held in Oslo in 2014. The exact date and venue will, of course, be communicated to you in good time.

**Mr Dag Terje ANDERSEN, President of the Stortinget (Norway)**

First of all allow me to congratulate you on a most interesting and useful conference. The debates on our three main topics have been enlightening and intriguing. I also greatly appreciate this biennial opportunity to meet with colleagues from all over Europe.

It is my great pleasure to invite you, and your esteemed colleagues, to Oslo in September 2014, when the Storting will host the next European Conference of Presidents of Parliament. I am especially pleased that the Conference will take place in the year when we will celebrate the bicentennial of the Norwegian Constitution.

I am looking forward to welcoming you in Oslo in September 2014.

Thank you.

**The President**

Thank you, Mr Speaker, we will be there.

I would like once again to thank Mr Omirou for acting as Vice-Chair and the keynote speakers for introducing the three topics with very substantial statements. I have no doubt that our debates will lead to further discussion and work in national parliaments.

I would also like to express my profound gratitude to everyone involved in organising the conference, the authorities and the city of Strasbourg, the Secretary General of the Parliamentary Assembly, Mr Sawicki and the secretariat, as well as the interpreters for their remarkable work.

Long live the Council of Europe and long live democracy.

*(The Conference was declared closed at 5 pm)*