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State of human rights and democracy in Europe
State of democracy in Europe*

Report
Political Affairs Committee
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Summary

The Parliamentary Assembly of the Council of Europe should not only acknowledge the Organisation's major achievements in the fields of human rights, rule of law and democracy, but also highlight new tasks and challenges confronting it in the 21st Century.

While expressing satisfaction at the unquestionable achievements and progress in the implementation of democratic standards in the European continent over recent years, the Assembly expresses its concern over the increasing number of deficits of democracy which may be observed in all Council of Europe member states.

The dysfunctioning of some political institutions, insufficient representativeness of many parliaments, too numerous concerns over implementation of basic principles of democracy such as separation of powers, political freedoms, transparency and accountability, result in the increasing feeling of political discontent and disaffection among citizens.

Democracy is an open, on-going process. The Rapporteur proposes to establish concrete criteria to evaluate the state of democracy and examines the application of standards of democracy in Council of Europe member states.

Moreover, concrete measures should be taken by the Council of Europe with a view to improving the situation. These include the establishment of a specific mechanism to monitor freedom of expression and of the media which would follow the situation in all Council of Europe member states.

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* See also the report of the Committee on Legal Affairs and Human Rights, including a draft recommendation (Doc. 11202). Both reports complement each other; the theme of "human rights" was dealt with by the Committee on Legal Affairs and Human Rights, whereas the theme of "democracy" was dealt with by the Political Affairs Committee.

A.   Draft resolution

1.   Membership of the Council of Europe, founded in 1949, is based on three pillars: the enjoyment by all persons within the jurisdiction of its member States of human rights and fundamental freedoms, the consolidation of the rule of law and the existence of a genuine pluralistic democracy, based on the spiritual and moral values which are the common European heritage. The Council of Europe's achievements in the field of human rights and in the establishment and consolidation of democracy are unparalleled.

2.   However, we must never allow ourselves to become complacent with respect to this "*acquis*", even though it has surpassed the Organisation's founding fathers' most optimistic dreams. The Parliamentary Assembly of the Council of Europe (hereinafter "the Assembly"), composed of parliamentarians from the Organisation's 46 member states, therefore feels duty bound, not only to acknowledge the Organisation's outstanding achievements, but also to highlight the new tasks and challenges confronting it in the 21st Century.

I.   The state of human rights in Europe

i.   The Council of Europe, Europe's human rights watchdog

3.   The Assembly recalls the Council of Europe's irreplaceable role as the leading human rights Organisation in Europe: had it not been set up in 1949, it would now need to be created.

4.   The Council of Europe now encompasses almost the entire continent and is the point of reference for and the guardian of human rights, democracy and respect for the rule of law in Europe. It possesses an array of effective control mechanisms, amongst which the European Convention on Human Rights ("ECHR"), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Social Charter and the Framework Convention for the Protection of National Minorities are at the forefront. These instruments possess independent review bodies, such as the European Court of Human Rights ("the Court"), unique in providing for the international judicial protection of human rights. This arsenal for human rights protection has been reinforced, notably by the creation of the European Commission against Racism and Intolerance (ECRI) and the institution of the Commissioner for Human Rights.

5.   In addition to its standard-setting and monitoring activities, the Council of Europe runs cooperation, assistance and awareness-raising programmes in the legal and human rights fields, which include legislative expertise, capacity building and training. This work, often carried out in partnership with the European Commission, the OSCE, the United Nations and its specialised agencies, as well as non-governmental partners, contributes effectively to the constant improvement and consolidation of legal norms and their implementation in member states, thus strengthening democratic stability in Europe. The role of the Council of Europe in stimulating and actively supporting the creation of independent national human rights structures in member states is an example of the Organisation's contribution to the consolidation of human rights institutions in Europe.

6.   One of the greatest achievements of the Council of Europe, and of its Parliamentary Assembly in particular, is the *de facto* abolition of the death penalty in peace time in all member states.

7.   The Assembly recalls that these successes have been achieved with very limited resources, the total budget of the Council of Europe – including that of the Assembly and the Court – of less than €200 million in 2007, amounting to less than 15% of the 2007 budget of the European Parliament alone.

ii.   Major human rights challenges

8.   While recognising that much progress has been achieved in member states, there remains a need to reduce the gap between standards on paper and the reality on the ground. The full implementation of existing human rights in everyday life is an unfinished task.

9.   The Assembly remains deeply concerned that human rights violations, including very serious ones, still take place in Europe.

10.   In several European countries, human rights defenders are harassed and face a worsening climate of repression. Unimpeded work of human rights defenders, in particular non-governmental organisations, lawyers as well as of journalists, is crucial for the protection and promotion of human rights in Europe.

11.   The rule of law is still not fully respected in several European countries. Judicial independence and the effectiveness of legal proceedings need consolidation and strengthening in many instances. Moreover, there continue to exist geographical areas ("black holes") where the Council of Europe's human rights mechanisms cannot be fully implemented. This concerns Belarus, a non-member country, and certain areas within member states whose authorities are not internationally recognised and/or which are not under their *de facto* control, such as Nagorno-Karabakh, Kosovo, the 'Moldovan Republic of Transnistria', South Ossetia and Abkhazia, as well as northern Cyprus.

12.   Even the most serious human rights violations, such as enforced disappearances, extrajudicial killings, secret detentions, torture and inhuman treatment, still occur in Europe, as indicated in the report of the Assembly's Committee on Legal Affairs and Human Rights (Doc. 11202).

13.   Impunity, even for these most serious human rights violations, has not been eradicated in Europe. Impunity needs to be rooted out by prompt, thorough and impartial investigations and prosecutions.

14.   Terrorism is one of the key challenges for Europe's open societies; it can and must be vanquished without violating the very principles of human rights, the rule of law and tolerance that terrorists are out to destroy.

15.   Trafficking in human beings, especially women and children, is the modern form of the old worldwide slave trade. It treats human beings as a commodity to be bought and sold. This phenomenon is widespread in Europe and constitutes a serious violation of human rights. The new Council of Europe Convention on Action against Trafficking in Human Beings, opened for signature in May 2005, is a major step in the fight against this scourge.

16.   Throughout Europe, there are persons in particularly vulnerable situations whose rights need further and enhanced protection.

16.1.   The treatment of persons deprived of their liberty deserves increased attention, be they detained in police cells, prisons, psychiatric hospitals, or other detention facilities such as "holding centres" for illegal immigrants. The eradication of all ill-treatment of persons detained, including the most serious documented incidences of torture, the existence of which has been established by the European Court of Human Rights in different regions of Europe and in particular in the North Caucasus, must continue to be given top priority.

16.2.   Too many refugees and internally displaced persons are unable to return to their homes in safety. Asylum seekers have difficulties entering Europe and, once in a member state, they are often faced with the *de facto* impossibility of having their application dealt with fairly because of administrative procedures of unacceptable complexity; this situation is aggravated by substantial differences of treatment from one country to another. In addition, migrants – especially those in an irregular situation – often suffer discriminatory treatment in obtaining access to their social and economic rights.

16.3.   The rights of children, the elderly and disabled persons also require better protection.

16.4.   Special efforts must be deployed to integrate socially excluded persons, including Roma and Travellers.

17.   Violence against women, including domestic violence, is still widespread and must be fought resolutely at all levels.

18.   Racism, xenophobia and intolerance have not been eradicated and discrimination based on racial, ethnic or religious origin remains widespread in European societies. The upsurge of anti-Semitism is of particular concern, as is the worrisome increase of islamophobia.

19.   Discrimination based on gender or sexual orientation is prevalent in a number of states. The denial or unacceptable restriction of rights, such as freedom of expression, association and assembly based on grounds of gender or sexual orientation, is intolerable.

20.   Similarly, in many member states, respect for the rights of persons belonging to national or other minorities, as well as the integration of minority groups into society, in particular Roma and Travellers, remain major challenges.

21.   Social and economic rights need to be fully respected, notably as regards access to education, housing, health care, employment, minimum income, social benefits and pensions. All member states should consider themselves bound to uphold these rights in accordance, *inter alia*, with the principles laid down in the revised European Social Charter.

22.   Sustainable development is another major European and global objective. Everyone should have a right to a healthy, viable and decent environment. This right is interdependent with and inseparable from the fundamental values of peace and the rule of law, respect for human dignity and human rights, equity between generations, social and spatial cohesion and economic development. It must be guaranteed if sustainable, solidarity-based development is to be achieved for present and future generations.

iii.   The necessity to strengthen the Organisation's human rights mechanisms

23.   In view of the above challenges, the Assembly considers that the Council of Europe's statutory mission remains equally – if not more – relevant as it was at its inception in 1949. The Organisation must be further strengthened as Europe's "moral conscience".

24.   In order to guarantee the long-term effectiveness of the ECHR, implementation of the reform process must be accelerated. The swift entry into force of Protocol No. 14 to the ECHR is necessary, but not sufficient. Human rights must first and foremost be enforced at the national level.

25.   In view of its limited resources, the Council of Europe, including its Parliamentary Assembly, should focus on its areas of excellence – human rights, democracy and the rule of law.

26.   The credibility of the Council of Europe as Europe's leading human rights Organisation depends on the capacity of the Committee of Ministers, the Organisation's decision-making body, to confront its responsibilities in the face of major human rights challenges. Decision-making by consensus may paralyse the Organisation's human rights *acquis.*

27.   Another major challenge for the Organisation's human rights protection system is the risk of unnecessary duplication of its activities by European Union bodies, which could lead to double standards and new dividing lines in Europe. Such duplication would also waste scarce budgetary resources at a time of general austerity. The European Union and its member states should make better use of existing Council of Europe instruments, with accession to the ECHR now being an urgent priority. Active consideration should also be given to EU/European Community accession to the revised European Social Charter of the Council of Europe. Complementarity and the search for added value should also govern relations between the Council of Europe and the newly-founded European Union Fundamental Rights Agency.

iv.   The way forward

28.   The Parliamentary Assembly recalls its previous Resolutions addressing specific human rights issues referred to in the present text and in the report of the Assembly's Committee on Legal Affairs and Human Rights (Doc. 11202).

29.   The Assembly is concerned by the gap between solemn declarations and commitments undertaken by member states – including at the Council of Europe's Warsaw Summit in May 2005 –

and the situation in practice, where human rights violations often remain without redress or remedy. This gap undermines the credibility of all our national leaders, our parliamentary bodies, of the Organisation, as well as that of the whole European continent and the universal values it upholds.

30.	The Assembly considers that it is now time to end hypocrisy and to turn words into deeds. The Assembly further considers that the most effective method of preventing human rights violations is by showing zero tolerance towards such violations.

31.	It therefore resolves first and foremost to mandate itself, with respect to its future work, with a higher degree of priority to human rights and the rule of law, inviting the Committee of Ministers to do likewise.

32.	It also calls upon all member states of the Council of Europe, and in particular their respective parliamentary bodies, to address all the issues raised in the reports and opinions underlying this resolution and in particular, to:

32.1.	ensure prompt and full implementation of the 2005 Warsaw Summit Declaration and Action Plan, notably measures ensuring the continued effectiveness of the ECHR and those aiming at protecting and promoting human rights and the rule of law through other Council of Europe institutions and mechanisms;

32.2.	take all appropriate measures in a resolute effort to eliminate all human rights violations, and in particular enforced disappearances, extrajudicial killings, secret detentions, torture and inhuman treatment, and to effectively investigate these crimes and prosecute perpetrators. In this respect, the Assembly recalls, again, that the right to life and the prohibition of torture and inhuman or degrading treatment or punishment are non-derogable rights under the ECHR;

32.3.	root out impunity of human rights violators by swiftly and firmly condemning such violations at the highest level, and by ensuring that the law enforcement bodies carry out effective, impartial and transparent investigations, and by parliaments holding the authorities accountable;

32.4.	effectively protect human rights defenders and their work, including the uninhibited access of individuals to the European Court of Human Rights;

32.5.	give full effect at the national level to the rights guaranteed by the ECHR and other international human rights instruments, thereby making human rights a reality for people everywhere in Europe;

32.6.	fully implement the judgments of the European Court of Human Rights within the legal order of all member states;

32.7.	fully respect human rights while fighting terrorism, as already requested by the Assembly on numerous occasions, as well as to sign and/or ratify at the earliest opportunity the Organisation's conventions and instruments pertaining to human rights, including those on combating terrorism;

32.8.	eliminate trafficking in human beings. In this respect, the Assembly calls on member states to sign and/or ratify the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) without delay so that it enters into force as soon as possible; in any event, to apply forthwith its most important provisions. The Assembly also calls on the European Union to sign and ratify this convention as soon as possible;

32.9.	better protect the rights of persons in particularly vulnerable situations, notably persons deprived of their liberty, refugees and internally displaced persons, asylum seekers and migrants, children, the elderly, disabled persons, socially excluded persons, including Roma and Travellers, and fully cooperate with relevant treaty-based and other bodies working in this field;

32.10.	effectively combat domestic violence, forced marriages and child marriages;

32.11. effectively combat all forms of discrimination based on racial, ethnic or religious origin, in particular the upsurge of anti-Semitism and islamophobia, and in this respect, sign and ratify Protocol No. 12 to the ECHR, providing for a general prohibition of discrimination, and fully implement ECRI's recommendations;

32.12. also effectively combat all forms of discrimination based on gender or sexual orientation, introduce anti-discrimination legislation, partnership rights and awareness-raising programmes where these are not already in place;

32.13. better protect the rights of persons belonging to national and other minorities and better ensure integration of minority groups in society, in particular Roma and Travellers;

32.14. sign and/or ratify the revised European Social Charter, as well as the Charter's collective complaints procedure, and fully uphold and apply social and economic rights, notably as regards access to education, housing, health care, employment, minimum income, social benefits and pensions, with a view to building a more human and inclusive Europe;

32.15. seek gradual and complete eradication of poverty;

32.16. take legislative measures in favour of joint sustainable management of resources, to protect the environment, to stimulate the use of renewable energy resources, to implement energy-saving programmes in industry, offices and housing, to stimulate public transport and sustainable water-management, and to put in place an agriculture policy in which food safety, animal welfare and the sustainable use of resources are central elements;

32.17. more generally, sign and/or ratify all of the Council of Europe's main legal instruments in the human rights field without reservations or restrictive interpretative declarations, and withdraw those which have been made;

32.18. enhance the role of the Council of Europe as an effective mechanism of pan-European cooperation in protecting and promoting human rights;

32.19. ensure that complementarity and the search for added value governs relations between the Council of Europe and other international organisations and bodies working in the human rights field, and in particular with the newly-founded EU Fundamental Rights Agency, in order to avoid duplications and waste of public money;

32.20. consider the swift accession of the EU to the ECHR as an urgent priority and, for those States which are also members of the EU, take the necessary measures to ensure such accession;

32.21. make better use of Council of Europe instruments and institutions, and ensure that the Organisation's resources are considerably increased on account of its important achievements in the human rights field.

II. The state of democracy in Europe

i. *The Council of Europe – Home of Democracy*

33. The Assembly recalls that the Council of Europe is the oldest, pan-European institution standing for democratic values and principles. Acceptance and realisation of the principles of democracy, the rule of law and human rights and fundamental freedoms are a necessary condition for membership in the Organisation.

34. Since its creation, during the last 58 years, the Council of Europe has established an important *acquis* in the field of democracy which constitutes a valid reference for the development of democracy. It includes nearly 200 conventions, treaties and charters, as well as recommendations of the Committee of Ministers, recommendations, resolutions and opinions of the Parliamentary Assembly, recommendations, resolutions and opinions of the Congress of Local and Regional Authorities of the Council of Europe, reports of other Council of Europe bodies, in particular, the

European Commission for Democracy through Law (the Venice Commission), the European Commission Against Racism and Intolerance (ECRI) and the Group of States against Corruption (GRECO) as well as various background reports and publications that support the activities of the Council of Europe and the out-put of inter-disciplinary projects.

35.   The Council of Europe's *acquis* in the field of democracy is aimed at assisting standard-setting and it seeks to do this through the elaboration of legal instruments, and at establishing particular institutional structures or practices. Apart from this legal basis, the development of democratic institutions and practices in member states is addressed through the activities of the Council of Europe's organs and bodies which provide guidelines for the identification of democratic priorities and concerns.

36.   The Council of Europe has played an essential role in supporting the democratic transformation processes of the mid-seventies and early nineties, which are still ongoing in some European countries and in consolidating democracy in its member states.

37.   From the pre-accession co-operation through to the formal accession and subsequent monitoring practices, the Council of Europe has effectively guided countries through the difficult process of democratisation by offering its expertise, legal assistance, co-operation programmes, by identifying deficiencies and proposing concrete remedies and solutions in compliance with democratic standards.

38.   Because democracy is an open, never-ending process in which the freedom of all citizens to affect their own lives should be increased, democracy is still a challenge for all Council of Europe member states. In many of them, citizens are not satisfied with the state of their democracy and try to overcome democratic deficits and improve the quality of their democracy.

39.   With a view to further developing and deepening the reflection on different critical issues in the field of today's democracy in all Council of Europe member states, the Forum for the Future of Democracy was established in 2005, following the Third Summit of the Council of Europe (Warsaw, May 2005).

ii.   Major challenges to democracy

40.   While expressing satisfaction at the unquestionable achievements and progress in the implementation of democratic standards in the European continent over recent years, the Assembly expresses its concern over the increasing number of deficits of democracy which may be observed in all Council of Europe member states.

41.   The Assembly notes, with great concern, the increasing feeling of political discontent and disaffection among citizens, which is well illustrated by a declining turnout at elections and a growing disappointment or indifference towards politics, especially among the young generation. As a result, people are losing confidence in democracy and the gap between political institutions and citizens is increasing.

42.   This phenomenon is interrelated with the dysfunctioning of some political institutions in many countries: political parties have partly lost their capacity to be a link between citizens and state; representativeness of parliaments is all too often questionable; basic principles of democracy such as separation of powers, political freedoms, transparency and accountability are widely perceived, and sometimes rightly so, as being insufficiently implemented or not implemented at all.

43.   In some "old democracies", the decline in interest towards the dominant parties and parliament is not an expression of a lack of political interest but of a critical assessment of the work of these institutions. In these cases, the traditional institutions of representative democracy should open themselves to more citizen participation in order to overcome their own shortcomings and to reintegrate those citizens who are concerned with their dysfunctioning.

44.   In such democracies, thought could usefully be given as to whether traditional systems of representative democracy need to take more account of the rapid changes in communications and access to information leading to the evolution of systems of direct democracy.

45.   The Assembly is highly concerned by reported cases of violations of basic standards of democracy in a number of Council of Europe member states. In particular, there have been worrying reports of restrictions of freedom of expression, attempts to limit freedom of association, of the absence of free and fair elections, of distortions concerning representative, participatory and inclusive democracy. Likewise, there is evidence of insufficient implementation of other basic democratic principles, including separation of powers, checks and balances and the rule of law.

46.   The Assembly is also seriously concerned by reported cases of lack of the effective separation of powers and adequate checks on the potential abuse of power.

47.   All countries of our continent – old and younger democracies – have to be more aware of the quality of their democracy. Otherwise, the political power loses the greatest achievement of a well-established and well-functioning democracy: its legitimacy.

48.   Freedom of expression and information as well as media pluralism and diversification are of crucial importance for genuine democracy. Recent murders of journalists, restrictions imposed on independent media and sanctions inflicted on journalists raise major concern. Examples of excessive media concentration are also of concern, as concentration is detrimental to pluralism and diversity. Manipulation of institutional advertising to put pressure on the media must be strongly condemned.

49.   The increasing role of the media, which in many cases tend functionally to replace political parties by setting the political agenda, monopolising political debate and creating and choosing political leaders, is a matter of concern. Media are too often primarily business-driven institutions and, by prioritising their business interests over the service to the citizens and their democracy, they inevitably contribute to the distortion of democracy.

50.   Worrying reports on restrictions on freedom of association, including bureaucratic obstacles and unjustified taxation have been reported. In some countries, certain professional or ethnic groups do not have the right to organise or form a political party. Yet freedom of association constitutes one of the most basic political rights and a fundamental condition for a well-functioning democracy.

51.   Representativity of parliaments is obviously a key element of a representative democracy. In this context, every kind of discrimination be it on gender, ethnic, religious or social grounds must be eliminated as regards to the right to vote and be elected.

52.   Citizenship is the crucial political and legal link between the state and the individual. The situation of mass statelessness in certain countries raises serious concern. Steps aimed at limiting statelessness and promoting acquisition of citizenship should therefore continue.

53.   Equal participation of women in decision-making process is a symptom of a well-functioning democracy. Unfortunately, parity in politics is far from being achieved. In certain parliaments, women make up as little as 4.4% of members, while the proportion of women in executive bodies at the middle and highest levels is sometimes even worse.

54.   In well-established democracies, thresholds higher than 3% during the parliamentary elections have no justification. In a democracy, it should be possible to express a maximum number of opinions. Excluding numerous groups of people from the right to be represented is detrimental to a democratic system.

55.   Holding free and fair elections is an essential element of a democracy. Much has been done in terms of establishing electoral standards and monitoring their observance. However, recent experiences of diverging assessments of elections in some European countries mean that there is a significant room for improvement in this field.

56.   Reported cases regarding the lack of independence of judiciary or parliaments must raise justified concern.

57.   Consideration could usefully be given by member states as to whether direct democracy (e.g. referenda and citizens initiatives) could play a more prominent role.

58.   The principles of subsidiarity and proportionality have to be implemented as they are necessary to achieve good governance, which is essential to strengthen democracy.

59.   The Assembly acknowledges the importance of local and regional democracy as the foundation and a guarantor of democracy and finds it regrettable that the principles of the European Charter of Local Self-Government are not always genuinely applied. The fact that the European Charter of Regional Self-Government has not yet been approved is also regrettable.

60.   The Assembly is deeply concerned by the existence of a number of geographical areas in Europe, including one country Belarus, and several regions in Council of Europe member states not under their de facto control, where democratic principles are not implemented.

iii.   The necessity of strengthening the Organisation's action in the field of democracy

61.   In view of the above-mentioned challenges, the Council of Europe has a major role to play in continuing to assist, encourage and orient its member states in eliminating shortcomings of democracy. The Assembly calls on all its Organisation's statutory organs and bodies to give due attention to the problems addressed in this Resolution and the explanatory memorandum.

62.   The Assembly believes that the Council of Europe's standard-setting function should be instrumental in facing deficits of democracy. Profound analysis and identification of problems and solutions should be followed by suggestions for action, recommendations for reforms and ideas for guidance. In particular, the identification of the challenges should be followed by the elaboration of legal instruments or policy guidelines.

63.   Monitoring procedures should be strengthened. At the same time, measures should be taken in order to ensure better compliance by member states with recommendations made in the framework of these procedures. National parliaments have an important role to play in this respect, and the co-operation between them and the Assembly should be stepped up.

64.   Projects and co-operation programmes, including those aimed at enhancing public awareness of the ECHR and rights and freedoms ensured by this convention should be established in areas of particular concern for democracy.

65.   The Venice Commission should be given adequate resources to be able to step-up its action in providing legal advice and assistance in democracy-building. Furthermore, it is encouraged to carry out a study which would develop the concept of classification of categories of democracy-building and would illustrate how it could be used as a basis for future assessments of the state of democracy in Europe and thereby enhance the ability of the Assembly to propose useful reforms.

66.   The Forum for the Future of Democracy constitutes an excellent tool for further development of reflection on democracy, assessment of the state of democracy, identification of democratic deficits and promotion of the principles of democracy and good practice. It should be given due importance and adequate resources for further action.

67.   The Assembly calls on the Congress of Local and Regional Authorities of the Council of Europe to pursue its activities in the field of local and regional democracy and to develop its reflection on the challenges to democracy in the areas of its competence.

68.   The Assembly resolves to closely assess the state of democracy in Europe, to improve its ability to propose the necessary reforms and to hold a debate on this matter on a regular basis.

iv.   The way forward

69.   Democracy is an ongoing process of political and procedural improvements.

70.   The Parliamentary Assembly recalls its previous resolutions addressing different aspects of democracy and its functioning in member states.

71.   It calls on all member states to give due attention to the issues raised above and to address them with a view to improving the situation. A number of shortcomings in the functioning of democracy, identified in this resolution, should be remedied without delay.

72.   In particular, in order to improve representativeness of parliaments, the categories of people excluded from voting and standing for election should be reviewed in every Council of Europe member state with a view to limiting their number. Moreover, genuine steps towards eradicating statelessness, decreasing the age limit to vote, granting the right to vote to lawfully residing non-citizens and the elimination of all kinds of discrimination, be it ethnic, religious, social or gender-based, should be closely examined and adequate and necessary measures should be taken.

73.   The member states should undertake adequate measures in order to strengthen national and international mechanisms for promoting the balanced participation of women and men in decision-making with a view to achieving a target of a critical mass of at least 40% of women in decision-taking political bodies, be they local, regional, parliamentary or governmental by 2020.

74.   In order to ensure maximum representativity of elected bodies, the granting of voting rights to nationals of Council of Europe member states lawfully residing in another member state and persons who lost their nationality involuntarily, at least at a local level, should be positively considered.

75.   The issue of different forms of distant voting (including electronic voting) should be given close attention with a view to clarifying all the implications and potential challenges.

76.   Participatory rights of all citizens should be increased. In particular, consideration should be given to introducing elements of direct democracy like the right to ask for a referendum or propose legislative initiative. They have to be carefully designed in order to make representative democracy more representative and to increase the integration and learning capacities of our countries and societies.

77.   Only strict adherence to the principles of good governance can prevent corruption from penetrating and deforming democratic institutions. The Council of Europe should insist on the need for a comprehensive legal framework and its enforcement, effective prosecution of law-breakers and a constant adaptation of institutions to better withstand economic crime.

78.   All disproportionate restrictions on the freedom of expression should be in accordance with the ECHR and the case-law of the Strasbourg Court and pluralism of the media should be ensured and measures taken to prevent and dismantle media concentrations. The Council of Europe should establish a specific mechanism to monitor freedom of expression and of the media, which would follow and examine the situation in all Council of Europe member states.

79.   At present few Council of Europe member states have laws regulating the question of lobbying. The Council of Europe should contribute to the debate on the need for such instruments at national and European levels, and, for its part, should elaborate guidelines on lobbying.

80.   Civic education and education for democratic citizenship are an important condition for democracy. The Council of Europe should step up the elaboration of specific projects and programmes at a pan-European level aimed at increasing civic awareness. This should be reinforced by the elaboration and implementation of national programmes in this area.

81.   Local and regional authorities should be endowed with all the powers, responsibilities and resources necessary to enable effective implementation of sectoral policies in full accordance with the principles of subsidiarity and good governance and for the benefit of Europe's citizens.

B.   Explanatory memorandum

<u>Contents</u>

I.   General introduction

1.   This report is a contribution to a broader discussion on the state of human rights and democracy in Europe and has been prepared within the context of a full day debate foreseen for April 2007. The debate, conceived as the first in a series of similar debates to be held on an annual basis, will provide an occasion for a "Summit" on the state of human rights and democracy bringing together the President of the Court of Human Rights, the Commissioner for Human Rights, President of the Venice Commission and other prominent figures from within and outside the Council of Europe.

2.   The debate will be based on three main reports. Two thematic reports, the first one will be on the state of human rights and the second on the state of democracy. They will be prepared by the Committee on Legal Affairs and Human Rights and the Political Affairs Committee respectively. The third report will deal with both subjects in a country-by-country approach, through the annual progress report of the Monitoring Committee.

3.   Other Assembly committees were invited to contribute to the three main reports, completing them in their respective fields of competence.

4.   These three main reports should give an overview of key trends and challenges in areas of human rights and democracy with a view to stimulating public debate on the main concerns and to promoting policy development and standard-setting, particularly in the context of Council of Europe action. The debate will provide an opportunity to take note of the present state of democracy in

Europe, the common trends and common difficulties democracy is confronted with. Moreover, it will allow for the evaluation of the quality of European democracies and define the ways in which they might be improved.

5.   Given that the Monitoring Committee is preparing a country-by-country report and seeking to avoid any duplication, I have decided to choose a normative approach. The normative basis of democracies would serve as criteria for the evaluation of the state of democracy in European countries, its main challenges and the reforms which might be appropriate. I will undoubtedly make a number of cross-references to the report of the Committee on Legal Affairs and Human Rights and other committees' contributions, since certain questions will be developed in their reports (eg parity democracy, freedom of expression, threat of terrorism).

II.   Specific introduction: how to evaluate democracy?

6.   As Rapporteur of the Political Affairs Committee, I have been confronted with the difficult task of choosing the methodology for this report. Nobody is interested in yet another academic textbook on democracy. On the other hand, there is a real need for practical support for a better understanding of the problems that democracy is facing in our time. There is a need to define how democracy can be strengthened. These practical needs and interests are the basis for my approach. My main purpose is to address them.

7.   The report will look at the problems of democracy through the eyes of the citizens. Citizens are the only source of legitimate political power. Democratic politics are all about their interests. Citizens are the central reference point. If they feel lost and politically alienated, the system of democratic governance is harmed, and the people's quality of life will also suffer.

8.   In order to be able to fulfil its promises, democracy has to be constituted and operate at every level of political power. Furthermore, it has to correspond to the different levels of the economy in order to balance the market forces in the common interest. If it is achieved, the paradox of our time - that never in our history have so many people been free and yet feel so disappointed in democracy - can be overcome.

9.   This requirement is not met everywhere today. At present, there is a power gap between economy and democracy. National democracies cannot balance global market forces any more. In this gap, many see the disempowerment of politics and democracy in favour of the economy and the explanation of why so many citizens are disappointed by the outcomes of democracy.

III.   The recent contribution of the Political Affairs Committee to the evaluation of democracy

10.   My task has been facilitated by the work already done by the Political Affairs Committee in the past. Indeed, this Committee has devoted a lot of time to different questions related to democracy. I refer in particular to the report on the Future of democracy,[1] as well as to the report on New concepts to evaluate the state of democratic development[2], presented respectively by Mr Wielowieyski and Mr Severin in 2005 and 2004. The latter constitute a good basis for present considerations.

11.   I should also like to mention the involvement of the Parliamentary Assembly (PACE), and this Committee in particular, in the Council of Europe Forum for the Future of Democracy. The establishment of this Forum in 2005 was a clear expression of the importance that the Political Affairs Committee attaches to the critical situation in which democracy finds itself today in all member states. Two meetings held in the framework of the Forum have already contributed, through reflections and proposals, to the Council of Europe's work in the field of democracy. The forthcoming meeting in Stockholm and Sigtuna, which will be devoted to human rights and democracy ("Power and Empowerement – The interdependence of Democracy and Human Rights"), will certainly provide an excellent opportunity to further elaborate reflection on the subject, and to use the results of our reflection in future deliberations.

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[1] See Doc 9951, Resolution 1353 (2003) and Recommendation 1629 (2003).
[2] See Doc 10279, Resolution 1407 (2004) and Recommendation 1680 (2004).

IV. The Council of Europe's contribution to democratic development, transformation and standard setting

12.   Since the United Kingdom's Bill of Rights of 1688[3] and the French Revolution's first Declaration of Human Rights of 1789, there have been different waves of democratic movements and democracy-building processes in Europe. The most crucial developments took place in 1848, in the years following the first World War, in the aftermath of the second World War, when the Council of Europe itself was established in order to help its members to pursue together democratic changes, in the mid-seventies with the democratisation of South-European countries and in the years following 1989 when half of the Europeans wanted and were able to join the free and democratic countries of the other half of the continent.

13.   The following graphic[4] shows the development of democracy in the world. Even though it presents global changes, it is also symptomatic of Europe which has made the greatest progress.
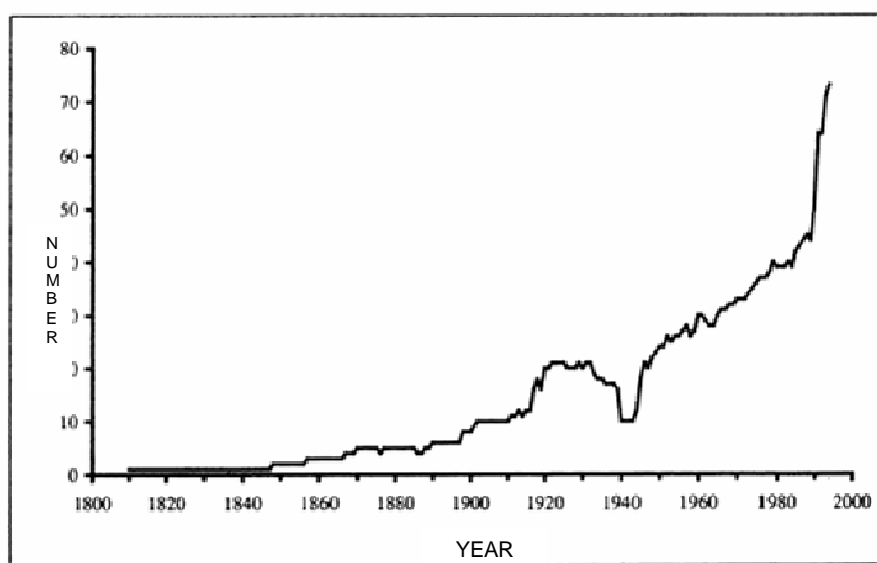
14.   Never before in Europe have so many countries been transformed in such a short space of time from autocratic to democratic political systems than since 1989. Before this date, not even a half of the European continent had the privilege of living in a democracy. Today, this can now be said for almost the whole continent.

15.   The Council of Europe has played an essential role in supporting these transformation processes which are still ongoing.

16.   From its formal accession and monitoring practices to its mentoring and dissemination of good practices, the Council of Europe sets democratic standards and recommends institutional solutions through which such standards might be achieved. Commitment to democracy has been an early and permanent focus of the Council of Europe's work. The Council of Europe has been a consistent advocate of the promotion of democracy. The conditions for membership have also been a significant factor in promoting democracy, especially in the states of Central and Eastern Europe and former Soviet countries, which aspire to integrate their political, social and economic futures more fully into Europe.

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[3] The Bill of Rights was set out to limit the role of the Government maintaining conditions that would allow private action for the common good to take root.
[4] Jaggers@Gurr (1995) in Dirk Berg-Schlosser Editor, Perspectives of Democracy, Frankfurt, 1999.

17.   The Council of Europe's *acquis* in the field of democratic institutions can be divided into two categories: the first has a legal status and directly shapes the functioning of democracy in member states; the second is of a more discursive nature and has an informal influence on democratic practices in member states.

18.   The most important sources of *acquis* in the field of democracy are Council of Europe conventions, treaties and charters, Committee of Ministers' recommendations, PACE recommendations, resolutions and opinions, recommendations, resolutions and opinions of the Congress of Local and Regional Authorities of the Council of Europe, reports of other Council of Europe bodies including the European Commission for Democracy through Law (the Venice Commission), the European Commission against Racism and Intolerance (ECRI), and the Group of States against Corruption (GRECO) as well as various background reports and publications that support activities of the Council of Europe and the output of inter-disciplinary projects.

19.   Democracy is enshrined in the Council's statute, which both commits member states to general democratic principles and establishes an operational structure based on institutions of democracy among member states. Its opening statements emphasise that democracy is based upon individual freedom, political liberty and the rule of law. These principles are constantly reaffirmed in the Council's *acquis* and form the basis of every instrument that follows.

20.   The European Convention on Human Rights, the core reference for European understanding of democratic standards, sets out a number of fundamental rights and freedoms: right to life, prohibition of torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial, no punishment without law, right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, right to marry, right to an effective remedy, prohibition of discrimination etc. It also establishes an international judicial enforcement structure, the European Court of Human Rights in Strasbourg, to rule on individual petitions. The rulings of the Court set precedents and provide authoritative interpretations of human rights standards in Council of Europe member states.

V.   Democratic *acquis* of the Council of Europe

21.   Among other conventions elaborated by the Council of Europe, one can distinguish those which establish the pre-conditions for democracy and articulate the core principles which are expected in modern democracies. They include conventions on human rights, social rights, freedom of speech as well as conventions and charters which uphold the rule of law, such as treaties addressing corruption, trans-border co-operation and privacy issues. The common feature of these principles is that they define democratic principles.

22.   Institutional treaties, on the other hand, are those which are aimed at establishing particular institutional structures or practices concerned with democracy. They include, for example, the European Charter of Local Self-Government. Institutional treaties are among the most significant for the *acquis*.

23.   While treaties provide the legal basis for defining the *acquis*, the development of democratic institutions is addressed by the activities, in particular, of the two organs of the Council of Europe: the PACE and the Committee of Ministers, as well as those of the Congress of Local and Regional Authorities of the Council of Europe. The deliberations of these bodies provide the basis for the identification of democratic priorities and concerns.

24.   This report is not a place to give an exhaustive list of Council of Europe *acquis* in the field of democracy over the last 57 years. I refer you to a comprehensive volume written in the framework of the integrated project Making Democratic Institutions work (2002-2004) entitled: Developing democracy in Europe – An analytical summary of the Council of Europe *acquis*.

25.   Although, legally, there is no set list of conventions to be ratified by a country upon its accession to the Council of Europe, the Parliamentary Assembly in its opinion on accession applications provides a list of minimum requirements for each candidate for membership. It also

establishes a number of commitments which a country undertakes to achieve with a view to accomplishing sustainable democratic progress.

26.   The European Commission against Racism and Intolerance (ECRI) is a monitoring mechanism specialising in questions related to racism and intolerance. ECRI's task is to combat racism, xenophobia, anti-Semitism and intolerance at the level of Europe.

27.   The Venice Commission, in particular, provides legal expertise and advice to member and non-member states especially in the constitutional field. This has proven to be particularly useful for so-called "new democracies". The possibility of using such legal expertise has guided them successfully through the difficult period of democratic transition.

28.   Once a country becomes a member of the Council of Europe, it can take advantage of a wide variety of projects and programmes which are at its disposal at both parliamentary and intergovernmental level. They are aimed at advancing the democratic progress on the ground.

29.   Last but not least, monitoring procedures at both parliamentary and governmental levels constitute a powerful tool and an important leverage on member states in terms of democratic development. The Monitoring Committee of the Parliamentary Assembly is an important tool in guiding and exercising pressure aimed at accomplishing commitments and pursuing democratic reforms. I refer the readers to its periodical country-by-country reports as well as progress reports.

VI.   Democracy as a basic human right

30.   The core of human rights is human dignity. A constitutive part of a dignified life is the right, possibility and opportunity to act on one's own life, in other words: to be free. In a democracy life should not be a destiny. Free citizens have the privilege of obeying laws which they themselves can influence.

31.   A person in a democratic system is a subject of their own will and not an object of others' decisions. Those who are concerned by a problem should be directly or indirectly involved in the decision-making process to seek a solution to it. Democracy establishes the polities needed to realise these values, principles and aims.

32.   This polity of democracy constitutes all the procedures, institutions and processes necessary to enable and guarantee freedom and the solution of inevitable conflicts of interests and needs without violence.

33.   Democracy is a necessary precondition for political power to be legitimate and accepted by citizens.

34.   It is also the way that politics may realise the "noble" duty of meeting the common interest of all people.

35.   Democracy is not only the way in which legitimate power has to be exercised. Its quality has also to be measured by its outcome, which should be in the general interest of all and does not exclude anyone.

VII.   The constituent dimensions of democracy

36.   In my view there are five constituent dimensions of democracy:

36.1.   Principles: citizens' rights, political equality of every human being, universal suffrage, transparency, rationality, efficiency, openness;

36.2.   Basic institutions: the constitution, parliament, government, judiciary, administration, political parties;

36.3.   Procedures: elections, votes, secret ballot, separation of powers, referenda, checks and balances, communication, deliberation, majority voting, decentralisation, alternative choices;

36.4.   Rights: political freedoms, minority rights;

36.5.   Democratic political culture: dialogue, fairness, respect, trust, equality in opportunities, the right to be different, inclusion.

37.   The above dimensions can be considered at the level of individual, political organisations and governmental institutions. The following table tries to show all possible combinations.

PRINCIPLES OF DEMOCRACY AND THEIR EXPRESSION AT THREE DIFFERENT LEVELS[5]

Levels / Principles	Micro-level Individual / Citizen	Medium-level Social groups / political organisations (parties, NGOs)	Macro-level System of governance, governmental institutions
1. Fundamental Human Rights	Individual rights, legal protection, freedom of speech	Freedom of association, protection of minorities	Limitation of State power, constitution based on rule of law, independent judiciary
2. Openness of the power structure	Access to political communication and political power / right to control power	Pluralism of associations / elites / independent media	Separation of power, limitation of terms of office, political competition, control of power
3. Political equality	Universal suffrage, more equal participatory rights	Equal opportunities to organisational recourses and to exercise influence	Equal opportunities in the electoral systems and decision making process
4. Transparency and rationality	Pluralism of sources of information, different opportunities for political education/competence, efficiency of individual participation	Pluralism in the media, controversial and critical public sphere, plurality of interests	Transparent decision-making procedures competence by differentiation of responsibilities. Efficiency and procedures based on dialogue
5. Political efficiency capacity to act and direct society	Political interest motivation to participate, readiness to take over responsibilities, critical capacities, readiness to accept decision	aggregation of interests, mobilisation of political support	Majority rules, capacity to make compromises, resources to implement decisions (Rights, money etc), trust in institutions and systems

38.   Well established and healthy democracies have tangible achievements:

38.1.   Legitimacy of power;

38.2.   Integration, unity in diversity;

38.3.   Justice (including social justice);

38.4.   Resolution of conflicts within society without violence;

38.5.   Guarantee of basic life opportunities for all beings;

38.6.   Confidence and trust in democratic institutions and procedures;

38.7.   Accountability;

38.8.   Limitations to state's power.

39.   Democracy is an on-going, never-ending process and evolving concept. The better it works, the more it reproduces its own conditions and improves the procedures and outcomes.

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[5] Extract taken from article Principles and criteria for qualification of democracy, Author Theo SHILLER, published in Dirk Berg-Schlosser Editor, Perspectives of Democracy, Frankfurt, 1999 (courtesy translation from German).

40.   Democratic progress depends on the quality of essential political, social and economic context factors like: certain social conditions make it easier for democracy to become well-established and flourish:

40.1.   An education system which enables all human beings to think, write, read and discuss in order to make autonomous, political judgements;

40.2.   A pluralistic and independent public sphere based on different media which provide all the information, analyses and comments citizens need to form their own political opinions and choices;

40.3.   An open civil society in which citizens may organise themselves according to their needs, interests and wishes in order to constitute the citizens' power which they could not develop alone;

40.4.   A healthy economic and ecological environment which enables citizens to live their lives without existential fears which would undermine civic potential to act democratically. In order not to be misunderstood, I would like to recall the thesis of the Indian Nobel Prize winner and scientist, Amyrta Sen, that a healthy economy is an outcome of democracy and not its precondition.

41.   All these elements of the constituent dimensions of democracy, together with its achievements and context factors, form a puzzle of more than a hundred pieces with thousands of links, interactions and relations. If all these relations are at an optimal balance, this puzzle may produce "good governance" in an optimally strong democracy.

42.   Today, most citizens in most - if not all - Council of Europe member states would say that this democracy puzzle is in disorder with many dysfunctional elements and unbalanced relations. These are the expressions of the shortcomings of the existing democracies many of the 800 000 000 citizens in Council of Europe member states face.

43.   This is why some of them today see democracy in crisis, or at least in a very fragile state. The causes of this crisis and fragility may be very different, but the consequences are similar and result in the erosion of the credit many of our citizens place in democracy.

VIII.   Illustrations of the fragility and problems of democracy today

44.   Although democracy should empower citizens and give them the feeling of being able to act in order to help themselves, many people today feel politically powerless and hopeless. Many of them are politically in despair. For example, a recent opinion poll in Germany revealed that 51% of respondents were not satisfied with the way democracy was functioning in Germany.[6] As was commented by Mr Michael Nauman, the former State Secretary for Culture: "This is totally new and it's alarming. But it's not a surprise. The rapid decline in the membership of the larger parties, the decreasing participation in elections, the electoral gains of neo-nazis and the erosion of enthusiasm for Europe are all expressions of a social tendency of political disaffection".[7]

45.   **Many citizens feel themselves far away from political actors, institutions and processes**. They are not able to recognise their own problems and expectations in the official political agendas.

46.   **Many citizens have lost their trust in their political representatives**. Too many think they are all the same; living in another world and only serving their own interests and not those of the citizens they should represent.

47.   This gap between political institutions and citizens is increasing. It will be more and more difficult to bridge it. Even to find a common language with which an understanding between the political worlds and citizens of the real world can be reached would seem impossible.

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[6] Infratest-Umfrage, November 2006 quoted by the member of German Parliament Hans-Peter Bartels in Die Zeit of 18 January 2007.
[7] Die Zeit, 14 December 2006.

48.   **Political parties**, which should be the most important links between representatives and their voters and where problems are analysed and transformed into policy proposals, have lost **their capacities** in the eyes of many citizens in many countries.

49.   **Many media are tending functionally to replace political parties**. They set the agenda for politics. The debates they organise seem to replace discussions in parliaments about which many citizens are not really informed. As a consequence they do not really know what their representatives are engaged for.

50.   Such transformations or regressions from parties to media, from parliaments to TV channels, distort democracy because these media are primarily business units which have to produce profits and their main purpose is not how best to serve the people, their common interests and democracy.

51.   This is also why the media debates focus primarily on personalities, conflicts between them, quick results and follow a speedy notion of time, which democratic procedures, by their very nature, are too slow to assume.

52.   Another expression of this mediatisation of politics is that many citizens see an election, especially presidential elections, as personality shows, where superficial impressions and effects are more important than issues. Discrediting rivals is more important than the debate on different ways in which the most important problems of society should be solved. Such shows disgust people rather than motivate them to participate in what they perceive as "dirty" politics.

53.   One consequence of the dominance of the global markets and the weakness of democracy is the impression of many voters that **elections do not offer real choices between genuinely different policy options anymore**. Either the main parties do not really offer different policies or experience leads many voters to the assumption that, after the elections, the main rivals have inevitably to work together and the differences stressed before the elections are mere rhetoric or personal or theatrical nuances.

54.   Many citizens today feel overloaded and overwhelmed by political problems, their complexity and multifarious dimensions. Many lack the ability and capacity to understand them. It seems to be too difficult for too many; they do not want to invest the time needed to discuss with others these issues in order to better understand them. Another factor is that they too often think that their personal concerns and priorities are ignored by political parties.

55.   Many problems democracy faces today are also due to the hegemony of economics, and a kind of economic mentality which thinks that an economic way of tackling problems is best for all kinds of other problems too. This "pensée unique" misses the difference between the economic and democratic way of tackling problems and fails to see the structural differences between politics and economics: in politics one needs more time, one needs to speak to many people, one needs to make compromises, one needs to accept others' interests and one needs to act without being guaranteed success.

IX.   The concrete deficits of democracy in European countries

56.   The issues and criticisms listed below illustrate major concerns which can be observed to different degrees in all Council of Europe member states. Of course, some of them may be exaggerated and too harsh but they often display shortcomings. One may also argue that some of these questions are a matter of common perception rather than reality. This, however, does not diminish the problem which really exists.

57.   **The following problems may be identified**:

57.1.   Political disinterest of too many citizens;

57.2.   The participation in elections is declining;

57.3.   People are afraid to say openly what they really think;

57.4.   People feel alone and lost;

57.5.   The Parliament is not able to act really autonomously from the Government and main businesses interests;

57.6.   There are no genuinely independent media;

57.7.   The public sphere is not open and pluralistic enough;

57.8.   There are too few other participatory opportunities;

57.9.   Parties are too poor and not independent enough financially;

57.10.   Business is dominating politics;

57.11.   There is a common perception that politicians lie to the people;

57.12.   People do not trust politicians and they perceive them as corrupt;

57.13.   Money is more helpful than political engagement in improving one's own life;

57.14.   Referenda depend on the readiness of the majority of parliament or government;

57.15.   Political discourse is too electorally driven and not orientated to problem solving.

58.   A very dark analogy to the thirties of the 20th century is drawn by the Dutch intellectual Ian Buruma: "As well as then the traditional elites are disappearing, racists are emerging and traditional politicians in our parliamentary democracies who became tired are neither inspiring nor attracting confidence."[8]

59.   In his book "Post-democracy" published in 2004, British Professor Colin Crounch, describes today's democracy as "formal democratic community with relatively few spaces of civil society activities and democratic opinion disputes with a lot of efficiency but only a few real debates and packed in a colourful entertainment business which leaves the consumers without any political consciousness. (…) The cult of personality instead of programme debates, marketing instead of politics, spin doctor effects instead of information, sound-bites instead of reports".[9]

60.   The analysis of the senior French journalist Jacques Julliard focuses more on the problems of representation as a source of today's crisis in democracy: "Just as the telephone and aeroplanes have considerably reduced the role of ambassadors as representatives of their countries, all the modern means of expression and communication must necessarily alter the representative role that originally fell to elected representatives. Despite this upheaval, the representative system continues to consider the voter as a passive citizen. Worse still, the institutions of representative democracy have now become not only ineffective tools but nothing less than machines for excluding people. The obvious and most spectacular symptom of this loss of confidence in the institutions of representative democracy is the fact that the average citizen is becoming increasingly detached from the concepts of right and left (...) The right-left divide is increasingly lumped together with a set of institutions with which the public no longer identifies. The representative system is considered a poor means of putting across the will of the people."[10]

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[8] Neue Zürcher Zeitung quoted in "Die Zeit" of 18 January 2007.

[9] Post-Democracy, Cambridge University Press, 2004.

[10] Jacques Julliard, "*Nous le peuple. Crise de la représentation*", *Le débat*, January-February 2007, Paris.

X. **State of democracy in Council of Europe member states**

61.   Although it is impossible to define with mathematical exactitude either an individual nation's state of democracy or progress towards democracy, we have to assess specific achievements and shortcomings as well as measures to be taken in order to improve democracy in Europe.

62.   The Council of Europe has established a number of core principles and standards, including institutions, procedures and rights which inspired me to classify four categories of democracy-building.

62.1.   **Standards of basic democracy**:

- individual freedoms (freedom of expression, freedom of assembly, freedom of association, political liberties);
- free and fair elections;
- real representation;
- rule of law (enforcement);
- separation of powers between the executive, the legislative and the judicial branches of power;
- effective parliamentary democracy.

62.2.   **Standards of "developed" democracy**:

- accountability of democratic institutions;
- real checks and balances between democratic institutions;
- separation of powers between the executive, the legislative and the judicial branches of power;
- decentralisation of power;
- experience in non-violent governmental change;
- parliamentary threshold no higher than 5%;
- non-discrimination;
- free and independent media;
- strong political parties;
- civil control over security forces.

62.3.   **Standards of a "stable" democracy**:

- transparency in the money involved in politics;
- established ethics in democratic institutions;
- responsiveness of the parliamentarians;
- legislative initiative of parliament;
- parliamentary threshold no higher than 3%;
- strong opposition rights in parliaments;
- equal opportunities to engage politically;
- equal representation of men and women;
- diversity of media at all levels of power;
- independent civil society;
- public financing of parties.

62.4.   **Standards of "strong" democracy**:

- citizens cannot only choose representatives but may decide directly on laws and constitutional changes;
- political rights of non-citizens;
- no ethnical-based representation;
- unity in diversity;
- support for a strong civil society involvement;
- freedom of information and of the media, media pluralism and diversity;
- neutrality of civil service.

XI.   Application of standards of democracy in Council of Europe member states.

63.   Standards of basic democracy should, in principle, be met in all Council of Europe member states. Upon accession, countries undertake a number of commitments aimed at eliminating any possible shortcomings and deficiencies in the functioning of democratic institutions. Then, in the framework of the monitoring procedure, respect for these commitments and deadlines for their accomplishment is verified. However, there are numerous examples of violations of basic standards of democracy. Contrary to wide-spread conviction these are not limited to "new" democracies.

64.   **Freedom of expression and information** and freedom of the media are of crucial importance for genuine democracy. Yet recent murders of journalists in Council of Europe member states raise justified concern. The deaths of Mrs Politkovskaïa and Mr Gerassimenko in Russia, Mr Gongadze in Ukraine, Mr Huseynov in Azerbaijan, to mention the most famous cases, constitute a clear attack on the liberty of the media.

65.   There have recently been worrying reports on restrictions of freedom of expression going as far as the closure of a TV station in Azerbaijan. Even if it has been reopened, the mere fact that such sanction was applied to the only critical TV station is of great concern.

66.   Similarly, legal sanctions against opinions which do not comply with "official" state position (for example, on the Armenian genocide or on "Turkishness"), should be considered in these terms.

67.   Moreover, broad and imprecise definitions of "terrorism" and "state interest" sometimes result in suppression of free expression and lead to sanctions against those who criticise the authorities and express independent opinions.

68.   This brings me to a more general problem of the controversial and very narrow line between freedom of expression and its limits due to religious beliefs and the sensitivity of others. Legislation in this respect adopted recently in Romania, clearly illustrates the problem. I am not going to dwell on this question but I refer all those interested to relevant reports prepared by the Committee on Culture, Science and Education.[11]

69.   Whereas freedom of expression is clearly a necessary condition of basic democracy, pluralism and diversification of media are certainly further requirements. Even in well established democracies freedom of expression may be distorted as a result of biased, partial media.

70.   It is essential that media enjoy genuine independence, that the state does not interfere in their work and that there is no conflict of interests between the political power and media. The recent confusion in Italy, due to the fact that the then Prime Minister Silvio Berlusconi was the owner of several TV stations at the same time as holding office, was a good example of democratic deficit.

71.   However, the problem is not always so apparent. In so-called "old democracies" the media market is well established and divided between different stakeholders. It may be extremely difficult for a newcomer to find room for their ideas which do not have the support of the established media. In any case, it would require large funding. Examples of excessive media concentration are also of concern.

72.   We cannot forget that media in the contemporary world are business driven. And as they have a tendency to substitute themselves for a political debate, we have TV discussions instead of parliamentary debates; sensations instead of serious issues, and personalities instead of political ideas and projects. Elections become TV shows. This phenomenon does not contribute to the improvement of democracy.

73.   I refer those particularly interested in the question of freedom of expression to the contribution to the Report on the State of Human Rights and Democracy prepared by the Committee on Culture, Science and Education.[12]

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[11] See Resolution 1589 (2003), Resolution 1510 (2006) and Resolution 1535 (2007).
[12] See Doc. 11218.

74.   Another basic individual freedom, namely **freedom of association** gives rise to concern in some countries. In certain Council of Europe member states (France, Italy, Spain, United Kingdom) this freedom is not granted to armed forces. In others (Bulgaria, Russia) representatives of minorities cannot organise political parties.

75.   In Greece, for example, the court refused to register an association called "Home of Macedonian Civilisation" on the conviction that it would dispute the Greek identity of Macedonia and undermine Greek's territorial identity, even if these aims were not included in the Association's programme. The European Court of Human Rights (ECHR) concluded that the refusal to register the Association was in violation of Article 11 of the ECHR.[13] Today, the association in question is still not registered. The ECRI notes that similar cases are currently before Greek courts concerning registration of associations with titles includes the adjective "Turkish".

76.   **Free and fair elections are a pre-condition for democracy**. Representative democracy is a core principle of a democratic system. And yet in some Council of Europe member states serious shortcoming have been noted during the electoral process (for example constitutional referendum of 27 November 2005 in Armenia[14], parliamentary elections in Azerbaijan of 6 November 2005[15].)

77.   **The question of thresholds** is closely linked to the representativity of democracy. I am aware of the sensitivity of and controversy surrounding this issue. However, it is my deep conviction that, in more advanced stages of democracy, all political views and interests should be represented in the parliament. The only justification for any kind of threshold is in consideration of the good functioning of a parliament which might otherwise be paralysed by a large number of groups. For this purpose a 3% threshold is certainly sufficient.

78.   I am, therefore, convinced that in a developed democracy a threshold should not be higher than 5%, and in a stable democracy it should be decreased to 3%. The 10% threshold in Turkey, 8% threshold in Georgia and the newly introduced 7% threshold in Russia, have a negative effect on democracy, depriving whole groups of citizens of their representation.

79.   In this context, I would like to refer to the recent ruling by the ECHR, on the allegation that a 10% threshold interfered with the free expression of the people's opinion on the choice of legislature. While noting that it would be desirable for the threshold to be lowered, the Court considered that it was important, in this area, to leave sufficient latitude to the national decision-makers, particularly, as there was currently a public debate in Turkey on the electoral system and the threshold in question. I am convinced that a 10% threshold does not contribute to the development of democracy. Even 5% in Germany, the Czech Republic or Lithuania is hardly justifiable. No minimum percentage is required in France and the UK. On the other hand, Italy provides a good example of progress in this respect, the electoral law adopted in 2005 reduced the threshold from 5 to 2%.

80.   The question of a threshold leads me to the question of **representativity of parliaments** in general and to the right of all citizens to be represented. In this context, I will also refer to the issue of equality and discrimination.

81.   Migrants make up a considerable part of our societies. Their efficient and quick integration is in the interest of all. Voting rights constitute an important element of integration. At the same time, depriving an important part of the population of their representation does not contribute to the development of democracy. On the contrary, it is my deep conviction that, in a democratic system, all interests should be represented. Some well established democracies like Germany and France have unfortunately not advanced much in this field, while the others like Ireland or Belgium have made important progress.

82.   In my view, voting rights at local and regional level should be granted in all Council of Europe member states to all Council of Europe nationals residing lawfully in other Council of Europe member states. In this context, the question of granting citizenship should also be reconsidered.

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[13] Case Sidiropoulos and Others v. Greece, No 57/1997/841/1047.
[14] See Resolution 1532 (2006).
[15] See Resolution 1480 (2006).

83.   The Committee on Migration and Population has, on several occasions, drawn attention to this important question. I particularly refer to the report on the Participation of immigrants and foreign residents in political life in Council of Europe member states.[16]

84.   I refer those particularly interested in these issues to the contribution of the Committee on Migration and Population to the Report on the State of Human Rights and Democracy.

85.   When speaking about the problem of disenfranchisement of certain parts of the population, one can mention the case of detainees in the UK who are deprived of their voting rights. The ECHR pronounced a judgment on this matter in 2005.[17]

86.   **Equality is another aspect of fair representation.** The gender imbalance is clearly visible when it comes to the composition of national parliaments. Although the overall representation of women in European Parliaments stands at approximately 18%, the differences between countries are staggering: from a low 4,4% in Turkey to a high of 45% in Sweden. As many as seven Council of Europe member states have less than 10% of women in their parliaments. I refer those interested to a contribution of the Committee on Equal Opportunities between Men and Women to the present debate on democracy.[18]

87.   Similarly, imbalances may be observed at other levels of power. An efficient remedy would require a different approach at the level of political parties which are the first determinant of successful political involvement. However, the example of Spain where, since 2004, the Government has been composed on the basis of parity, is a good example of an innovative approach.

88.   The Political Affairs Committee is currently working on a report on the Code of good practice for political parties. Among several proposals aimed at increased participation of women in politics, there is the question of the introduction of quotas which have proved successful in several countries in increasing women's participation.

89.   The Committee on Equal Opportunities for Women and Men has been dealing with the question of parity in politics, a question, which in my mind is crucial for democracy. I refer all those interested to the reports prepared by that committee as well as to its contribution to the report on the State of Human Rights and Democracy.[19]

90.   **All other forms of discrimination** – be it towards ethnic groups or vulnerable categories – **are equally detrimental to democracy**. In this context, I would like to point at the positive example of the Romanian Parliament where the party representing interests of Roma is present. In Poland, the German minority is allotted a quota of two seats. There is, however, no one universal model to follow and every country has to adapt the solution to its own specific situation.

91.   Obviously, discrimination may take different forms and does not necessarily limit itself to elections. In this context, I refer to reports on Council of Europe member states prepared on a regular basis by the ECRI.

92.   The conclusions of these reports are systematically taken into account by Assembly's committees concerned, in particular, the Monitoring Committee which formulates concrete measures to be taken. For example, Resolution 1513 addressed to Bosnia-Herzegovina listed constitutional reforms which should be undertaken with a view to eliminating discriminatory policies in force in this country.

93.   The voters should have a concrete say concerning the choice of the people who will represent them. It is of no benefit to democracy if they vote for a party list, like for example in Serbia, where party leaders take the decision relating to the nominal seats allocation, only afterwards.

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[16] See Recommendation 1500 (2001).
[17]   Case Hirst v. the U.K. n° 74025/01.
[18] See Doc. 11220.
[19] See Doc. 11220.

94.   When speaking of representative democracy, one cannot avoid **the question of political parties.** They constitute an essential aspect of the concept of representative democracy. Today's democratic systems rely on political parties as one of the main ways of channelling different views and securing a variety of interests in the political decision-making process.

95.   Their internal democracy, good functioning and efficiency have crucial importance for the good functioning of democracy. I have mentioned the report under preparation in the Political Affairs Committee which proposes the elaboration of a Code of good practice for political parties. This Code would complement national legislation regulating activities of the parties.

96.   The latter leaves, in several Council of Europe member states, considerable room for improvement. Questions like the financing of political parties, funding of electoral campaigns, external accountability and prevention of corruption have not been tackled in a satisfactory manner in all Council of Europe member states. The scandals regarding illegal financing of political parties in France should not take place in well established democracies. But just leaving everything to the political market and to renounce any regulation of financing parties, as is the case in Switzerland, may result in the absence of scandals but does not resolve the problem.

97.   The Guidelines and report on the financing of political parties[20] prepared by the Venice Commission illustrate the scope of the problem and I recommend all those interested to read them.

98.   **Independent civil society** constitutes another important element of a democratic system. Adequate conditions for their action should be established in every country, and they should be added to political dialogue. It is unacceptable that in certain countries, for example in Azerbaijan, NGOs are kept in silence. Also recent legislation in Russia leads, inevitably, to an increase in control of state over NGOs, which raises justified concern.

99.   Once a parliament is elected, it should enjoy real power, independent from the Government. It is worrying that, in some countries, including well-established democracies like France, legislative initiative comes from the Government and the National Assembly has no final say on its own agenda.

100.   **Separation of powers,** which is one of the crucial elements of democracy, is not observed in all Council of Europe member states and too often is a hostage of political stability like, for example, in Georgia. In particular, independence of the judiciary is a serious problem as reflected recently in several judgements of the European Court of Human Rights and in Assembly's texts.[21]

101.   **Decentralisation of power** is a criterion of the state of democracy. Unfortunately, in well-established democracies there is a clear tendency to abandon further decentralisation and no attempts or initiatives are taken in this respect, while in some of the "new democracies" decentralisation is scarcely nascent. We should not forget an old saying of German President Richard von Weitzeker, who said that a nation state is too small for big problems but too big for the small ones.

102.   The importance of local and regional democracy is beyond any doubt. Therefore, it is regrettable that the principles of the European Charter of Local Self-Government are not always applied.

103.   The possibility of a peaceful and non-violent change of government (understood as a change of political elites) is a crucial criterion of a well-functioning democracy. This has not taken place so far in Russia, Ukraine, Georgia and Azerbaijan, but has, with some difficulty, successfully in Albania.

104.   **The rights of the opposition** in and outside the Parliament constitute another symptom of "healthy democracy". However, in some Council of Europe member states opposition barely exists, as is the case in Azerbaijan and Armenia or fails to understand the role it can play in terms of democratic accountability of the majority. Merely boycotting parliamentary debates (eg Albania) will not further democracy, on the contrary.

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[20] See Doc CDL-INF (2001) 08.
[21] See Resolution 1397(2004). This question is developed in the report on the state of human rights prepared by the Legal Affairs Committee.

105.   In strong democracies, citizens should be able not only to elect their representatives but also directly shape laws and constitutions. In several Council of Europe member states, citizens enjoy the right of legislative initiative. In Italy, for instance, any group of 50 000 or more voters can propose a new legislative act. All those interested should refer to the report prepared by the Political Affairs Committee on this subject.[22]

106.   **Corruption** is an outstanding problem in many Council of Europe states, particularly those new democracies which have not introduced adequate legislation and policies in this respect. But that does not mean that the problem does not exist in well-established democracies. On the contrary, this results in the common perception of politicians as being corrupt, representing narrow interests, interlinked with business. I will not dwell on this question in this report but I refer my readers to the document prepared by GRECO as well as to the reports of the Economic Affairs Committee which are of some relevance[23].

107.   The above comments, may result in the impression that the state of democracy in Europe is very bad, and getting worse. This is not true, on the contrary, there are numerous examples in our member states of successful, efficient reforms which have resulted in concrete, measurable progress as far as the functioning of democratic institutions are concerned.

108.   Starting with successful transformations from authoritarian to democratic systems, the last 18 years have been marked by spectacular advancements in democracy in our continent. The Council of Europe has played a crucial role in this process, guiding and encouraging the democratic reforms. The expertise of the Venice Commission, its assistance in elaboration of crucial legislative instruments, including constitutional acts, cannot be overestimated.

109.   It should be stressed, that all countries which have undergone democratic transformation have made an enormous effort which should be highly commended. In some of these newly established democracies, social conditions had to be adapted to democratic institutions within a very short period of time, whereas in "old democracies" this process evolved over centuries. For instance, Russian citizens were not used to acting for themselves and were not prepared to be responsible for their own lives. At the same time, notions like "solidarity" had been misused and had to be redefined.

110. Their accession to the Council of Europe has been the result of their own sovereign will to join the democratic community. It has never been imposed on them.

111.   Once they became members of the Council of Europe, the Assembly's monitoring procedure has contributed to making-up the deficiencies of the functioning democracy.

112.   Obviously the highest expectations were generated by the spectacular reforms resulting from "colourful revolutions" as in Ukraine and Georgia. Only time will tell whether these expectations will be met. Although the confirmation of the democratisation process is still underway, it is clear, however, that considerable progress has been achieved and is unlikely to be reversed.

113.   But at the same time, there are numerous other examples of democratic reforms – which have often resulted from the Council of Europe's guidance and pressure. Albania is a good example of successful Assembly action. Following the recommendation, Albania has made great progress, in particular, adopting measures to establish and enforce a zero tolerance policy in the fight against corruption. It also increased the transparency of the Government's work.

114.   Armenia is another example of successfully accomplished constitutional reform following pressure from the Council of Europe and using the expertise of the Venice Commission.[24]

115.   Substantial progress has been noted in Moldova including the adoption of laws on the opposition, on the parliamentary control of security services and the civil society.

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[22] See Doc. 10498 Referendums: towards good practices in Europe.
[23] See for example Doc. 8652.
[24] Resolution 1532 (2007).

116. These are only the most recent examples; for a more complete review I refer the reader to the Progress Report of the Monitoring Committee which has been prepared for the purpose of the debate on the state of human rights and democracy in Europe.[25]

XI. "Black holes" of democracy on the continent

117. There are a number of geographical areas in Europe including one country and several areas where democratic principles are not at all or only partially implemented.

118. Belarus is obviously the most flagrant example of democratic failure. Although in the heart of Europe, this country fails to meet the conditions to become a member of the Council of Europe given the absence of pluralist democracy, lack of respect for the rule of law and repeated violations of human rights and fundamental freedoms committed by the authorities.[26]

119. Since its independence in 1994, and the election of Mr Lukashenko as President, the country has been led towards a totalitarian regime, through elections falling short of international standards, the presidential control over the entire state apparatus and the violation and obstruction of fundamental rights and freedoms. In the last presidential elections held on 19 March 2006, Mr Lukashenko won his third mandate. The very participation of Mr Lukashenko in the presidential contest raised the issue of compliance with the rule of law: in October 2004, the constitutional limit of two presidential mandates was removed by a national referendum which was, as stated by the Venice Commission, in contravention with Belarusian law.

120. Since then, the situation has not improved. The most recent local election, held in January 2007, showed no political will on the part of Belarusian authorities for any meaningful change. The recent visit of the President of the Parliamentary Assembly to Belarus opened a window of opportunity and provided Belarusian authorities with a concrete offer for a renewed dialogue, on condition that tangible steps are taken on their side. At this stage it is too early to assess the real impact of this development.

121. Even though all other European areas are formally part of Council of Europe member states, and as such are bound by Council of Europe principles and treaties, for various reasons it is impossible to effectively implement these principles in some of them. These reasons include: latent conflicts, occupation of a territory by another state, lack of control of the state over part of its own territory and emergency situations.

122. The following areas are concerned to varying degrees: Abkhazia, South Ossetia, Nagorno-Karabakh and Transnistria. In all of them, basic requirements of democratic systems are not met starting with the absence of fair and free elections.

123. Regrouping all these areas under one heading does not mean that problems encountered in each of them are of the same nature and gravity. They are all, however, occupied or secessionist areas where Council of Europe standards of democracy and the rule of law are practically non-existent[27].

124. On the other hand, there is the case of Kosovo. International administration and uncertainty concerning the future status of the province have resulted in a number of democratic deficits. The main problem concerns the legitimacy of PISG following the refusal of Kosovo Serbs to participate in their work. Furthermore, clientelism and endemic corruption with obvious consequences on good governance, lack of internal democracy and transparency within state institutions and the lack of accountability of those who have committed crimes give rise to concern. There is also concern over

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[25] See Doc. 11219.

[26] The Political Affairs Committee has presented several reports on the situation in Belarus, the most recent ones are: report on the Situation in Belarus on the eve of the presidential elections (Doc.10806) and Belarus in the aftermath of the presidential election of 19 March 2006 (Doc. 10890).

[27] The Committee on Honouring of Obligations and Commitments by Member States of the Council of Europe of the Parliamentary Assembly has followed the situation in these regions in the framework of the monitoring procedure, see Resolution 1477 (2006) and Resolution 1505 (2006).

accountability of international administration itself. That said, one has to acknowledge that the political stability so far has been preserved and much will depend on the outcome of the status negotiations.[28]

125.   The situation in Chechnya differs considerably from the above-mentioned cases. It is however, of great concern to democratic principles such as freedom of expression and association, and therefore requires close attention. Serious violations of the rule of law, elections which have not met Council of Europe standards, empty and fragile democratic institutions, organised crime, warlords and disappearances must raise justified concern. There are signs of improvement as the Parliamentary Assembly delegation was able to assess during a visit in November 2006. The Ad Hoc Sub-Committee for the organisation of the Round Table on the political situation in the Chechen Republic of the Political Affairs Committee is planning its next visit to the Russian Federation before the presidential elections, in order to assess the conditions, with a view to possibly organising the Round Table in Grozny.

XII.   There is no perfect democracy – improving democracy means reducing its imperfection

126.   Democracy is an achievement of human beings. Therefore there can be no perfect democracy. But democracy allows for or even encourages us to reduce its ongoing imperfection.

127.   Such democratic progress is usually the expression of collective learning. The better democracy functions, the more people may learn and, therefore, the better its functioning, the more it may be improved.

128.   Council of Europe member states have very long and very different histories. In some countries history may be helpful, in others it may rather be a handicap. Different historical conditions, experiences and cultures also find their expression in different ways and models to achieve the main purposes of democracy.

129.   We do not want to evaluate here all these different systems and their potentials. However, all of them aim at realising similar achievements. So we do not discuss the models of democracy, we discuss the achievements and outcomes and by doing so we evaluate shortcomings which may exist in the different models.

130.   However, one has to remember that democracy cannot be considered in abstraction from reality and concrete practice. There may be excellent rules which may not function properly or may not be adequately enforced.

XIII.   The biggest challenges for democracy today

131.   In the last twenty years of the 20th century global markets were established. The primacy of democratic politics over economy and markets was replaced by hegemony of market forces. The nation states lost their autonomy and their democracies became too weak to balance market forces.

132.   Democratic politics have lost power; democracy can no longer deliver what voters expect from it.

133.   For Professor Bronislaw Geremek, Polish historian and former Foreign Minister, the discrepancy between the expectations of democracy and its actual outcome is one of the major reasons why democracy is losing the support of many people. In the German weekly "Die Zeit" of 18 January 2007, he says: "Every government has to be judged on its ability to improve the life of the weakest and poorest. Deficit in this sense is the essential cause of the crisis of democracy. We will only be able to convince the people of the superiority of democracy in comparison to authoritarian or totalitarian regimes, if we are able to improve the conditions in all areas of life that are essential to the people. Social justice is an essential part of liberal democracy. It is not acceptable when populists,

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[28] The Political Affairs Committee has recently presented the following reports on the subject Doc. 11018 and Doc. 10572.

from both the left and right, misuse the issue of fair distribution of goods and wealth in their strategies to attack democracy."

134.   Portuguese Nobel prize-winner and writer José Saramago, who currently lives in Spain, said in an interview[29]: "A fundamental international debate on the subject of democracy ought to be organised. We would certainly reach the conclusion that we are not living in a democracy - that it is only a facade. Of course, one might retort that, as citizens we can, by voting, change a government or president, but that is as far as it goes. We can do nothing more because the real power today is economic and financial (...). We are living in a plutocracy."

135.   Moreover, the transfer of considerable powers to the European Union (EU), a supranational power centre lacking sufficient democratic legitimacy as well as democratic polity, has resulted in further alienation and disinterest of citizens. I would like to recall that approximately 50% of regulations set in EU member states are directly or indirectly influenced by Brussels.[30] The paradox of this polity is that national executives partially serve in Brussels as European legislators; this undermines national democracy and parliamentarism in a considerable way.

136.   Global challenges facing today's societies (for example: threat of terrorism, pollution, global warming), which illustrate the nation state's inability to solve key problems of our modern existence, must inevitably cause further indifference towards and disappointment in democracy. That is why we not only have to develop a European democratic polity but also core elements of a global democracy.

137.   In order to restore the confidence of citizens in democracy, we need to establish trans-national democratic polities. In order to develop citizens' trust in European politics we need to establish European democracy.

XIV.   Possible general reforms which would democratise democracy

138.   Democracy is not something which is inherited. Every generation has to learn it again and again. **Civic education and education for democratic citizenship therefore should be a priority** for every society which is committed to democracy.

139.   This education cannot just be left to the family or to schools – places which are already socially overloaded with all kind of tasks. On the contrary, every town and region should develop specific programmes and places for civic education. For instance, it would be good to offer houses open to the public where people can find the infrastructure and all the instruments they might need to act together in the field of politics. This approach would follow the idea of learning democracy by living democracy and acting democratically.

140.   Every society has to limit the number of those excluded from democratic citizenship. **The voting age might be lowered to 16** and those under age should be sufficiently educated so as to be ready to participate when they reach the age to vote.

141.   **Citizenship should not be limited to nationals**. Europeans from all other countries should be given the right to vote at both regional and national levels after living 5 years in another European state.

142.   Council of Europe member states who are not members of the EU could introduce the EU regulation which states that all EU citizens may vote in all Council of Europe states at local level. European Union member states could reciprocally enlarge their right to all Council of Europe nationals. For example, it undermines the democratic credibility of Switzerland, one of the oldest European democracies, where 22% of adults living in Switzerland are excluded from, the well

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[29] *Le Monde des Livres* of 24.11.2006.

[30] The concrete figure is a matter of controversy. In a recent article in a Welt am Sonntag of 13 January 2007, the former German President, Roman Herzog refers to a research by the Federal Justice Ministry stating that between 1998 and 2004 out of all new legal acts implemented in Germany, 84% "came from Brussels" and 16 % "from Berlin". On the other hand, our colleague, Denis MacShane showed evidence that, for Britain, only 10% of all legislative measures enacted each year were directly implementing EU legislation. Jacques Delors and Jean-Claude Juncker for their part often refer to the figure of 60%.

developed, Swiss democracy because they are not Swiss nationals, a status which is very difficult to obtain.[31]

143.   One of the most effective ways to democratise democracy and to decrease alienation of many citizens is to **enlarge participatory rights of all citizens**. People's sovereignty should not be limited to the election day. Elements of direct democracy could be integrated into representative democracy in order to make representative democracy more representative: 2 to 3% of citizens should have the right to propose any constitutional and legislative reforms (people's initiatives), 0,5 to 1,5% of citizens should have the right to bring any law decided by the parliament to the national referendum.[32]

144.   Direct democratic elements would be an important addition to a representative democracy; not undermining but strengthening it. It could change much of the political culture in such a way that citizens feel less alienated, more involved and the relationship between citizens and politicians might be improved. Direct democracy if well designed is able to make representative democracy more representative.

145.   It is also possible effectively to **democratise the representative part of democracy**: such reforms of the proportional electoral system would include the right of every voter to compose a list in a way that would integrate potentially candidates of all parties and is able to show preferences for specific candidates by giving two votes instead of only one. Such a reform would remarkably reduce the power of party bosses to choose and favour those members whose only aim is power. It would serve as an incentive to political parties to come closer to voters, show more respect for their concerns, hopes and criticisms.

146.   In many countries and regions, the public sphere does not offer the necessary conditions for democracy. In too many regions there is no **real media pluralism**. Therefore, Council of Europe member states should follow the example of Nordic countries where, in every major town or region, the state budget finances a second daily paper, even if the market alone could not sustain it, in order to contribute to better conditions for a stronger democracy.

147.   Too many citizens today feel unable, alone, to understand politics and to digest so much information. Therefore, **towns and larger villages might support cultural houses, citizen centres or reading associations** where people may come together to read and hold discussions. Coming together with others, especially those with differing opinions, helps everybody to understand; learn their place in society and what to do to improve it.

148.   By democratising existing democracy, many citizens will restore their expectations and capabilities of contributing to the establishment of a real European transnational democracy. As much as Europe needs more democracy, democracy also needs more Europe. Without a genuinely constituted European democratic polity, democracy would be too weak to balance transnational market forces in line with the needs of the people and nature. But this would be one of the conditions in order to enable democracy to deliver socially and ecologically what many European still expect from it.

149.   Citizens who are engaged, at any level, in strengthening democracy and to democratise it should be supported by society. They cannot finance this work out of their own salaries, but they are giving a lot to the future of our democracy which should be compensated by all of us.

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[31] Even in Switzerland there are exceptions: the three French speaking cantons of Geneva, Neuchâtel, Jura gave the right to vote to non-Swiss nationals on local and cantonal level.

[32] See Doc. 10498 (report by Mr Elo) and Guidelines adopted by the Venice Commission.

Reporting Committee: Political Affairs Committee.

Reference to Committee: Ref. No. 3283 of 6 October 2006.

Draft resolution unanimously adopted by the Committee on 12 March 2007.

Members of the Committee : Mr Abdülkadir **Ateş** (Chairman), Mr Konstantion Kosachev (Vice-Chairman), Mr Zsolt Németh (Vice-Chairman), Mr Giorgi Bokeria (Vice-Chairman), Mr Miloš **Aligrudić**, Mr Birgir Ármannsson, Mr Claudio Azzolini, Mr Andris Bērzinš, Mr Alexandër Biberaj, Ms Raisa **Bohatyryova**, Mr Luc **Van den Brande**, Ms Cornelia Cazacu, Mr Lorenzo Cesa, M. Mauro Chiaruzzi**,** Ms Elvira **Cortajarena**, Ms Anna **Čurdová**, Mr Noel Davern, Mr Dumitru Diacov, Mr Michel **Dreyfus-Schmidt**, Ms Josette **Durrieu**, Mr Mikko **Elo**, Mr Joan Albert Farré Santuré, Mr Pietro Fassino (alternate: Mr Pietro **Marcenaro**), Mr Per-Kristian Foss, Ms Doris Frommelt, Mr Jean-Charles **Gardetto**, Mr Charles Goerens, Mr Andreas **Gross**, Mr Jean-Pol Henry, Mr Serhiy **Holovaty**, Mr Joachim Hörster (alternate: Mr Eduard **Lintner**), Mr Tadeusz **Iwiński**, Mr Miloš **Jeftić**, Ms Darja Lavtižar-Bebler, Mr Göran **Lindblad**, Mr Younal Loutfi (alternate: Mrs Iliana **Iotova**), Mr Mikhail **Margelov**, Mr Tomasz **Markowski**, Mr Dick Marty, Mr Frano Matušić, Mr Murat Mercan, Mr Jean-Claude Mignon, Mr Marko **Mihkelson**, Ms Nadezhda Mikhailova, Mr Aydin Mirzazada, Mr João Bosco **Mota Amaral**, Ms Natalia Narochnitskaya, Mr Grygoriy Nemyrya, Mr Fritz Neugebauer, Mr Pieter **Omtzigt**, Mr Theodoros Pangalos, Ms Elsa Papadimitriou, Mr Christos Pourgourides, Mr Gordon Prentice, Mr Gabino **Puche**, Mr Lluís Maria **de Puig**, Mr Jeffrey Pullicino Orlando, Mr Andrea **Rigoni**, Lord **Russell-Johnston**, Mr Oliver Sambevski, Mr Ingo Schmitt, Ms Hanne Severinsen (alternate: Mr Per **Kaalund**), Mr Samad Seyidov (alternate: Mrs Gultakin **Hajiyeva**), Mr Leonid **Slutsky**, Mr Rainder **Steenblock**, Mr Zoltán **Szabó**, Baroness Taylor of Bolton (alternate: Mr Nigel **Evans**), Mr Mehmet **Tekelioğlu**, Mr Tigran Torosyan, Mr Mihai Tudose (alternate: Mrs Florentina **Toma**), Mr José Vera Jardim, Ms Biruté Vesaité, Mr Björn Von Sydow, Mr Varujan Vosganian, Mr Harm Evert **Waalken**s, Mr David **Wilshire**, Mr Wolgang Wodarg, Ms Gisela Wurm, Mr Boris **Zala**, Mr Krzysztof **Zaremba**, ZZ…..(alternate: Mrs Miroslava **Nemcova**) ZZ…..(alternate: Mr Yves **Pozzo di Borgo**).

Ex-officio: MM. Mátyás Eörsi, Tiny Kox.

N.B.: The names of the members who took part in the meeting are printed in **bold.**

Head of the Secretariat: Mr Perin.

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner, Mrs Pieter, Mr Alarcón.