

Summary

Theme 2 – National Parliaments and the Council of Europe: Together promoting democracy, human rights and the rule of law

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Ms Maja GOJKOVIĆ, President of the National Assembly, Serbia

Mr Ismail KAHRAMAN, Speaker of the Grand National Assembly, Turkey

Mr Pietro GRASSO, Senato della Repubblica, Italy

Ms Maria LOHELA, Speaker of the Eduskunta, Finland

M. Christophe STEINER, Président, Conseil National, Monaco

Mr Urban AHLIN, Speaker of the Riksdagen, Sweden

Mr Eduardo FERRO RODRIGUES, President of the Assembleia da República, Portugal

Ms Eleanor LAING, Deputy Speaker of the House of Commons, United Kingdom

Ms Valentina MATVIENKO, Speaker of the Council of the Federation, Russian Federation

Ms Valentina LESKAJ, Vice-President of the Kuvendi, Albania

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Mr Albert FRICK, Speaker of the Landtag des Fürstentums, Liechtenstein

Lord McFALL of Alcluith, Senior Deputy Speaker of the House of Lords, United Kingdom

Ms Christa MARKWALDER, Présidente of the Conseil national, Switzerland

Mr Trajko VELJANOSKI, President of the Assembly of the Republic of Macedonia, “The former Yugoslav Republic of Macedonia”

Mr Florin IORDACHE, Speaker of the Camera Deputatilor, Romania

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Mr Darko PAJOVIĆ, President of the Skupština, Montenegro

Theme 2 – National Parliaments and the Council of Europe: Together promoting democracy, human rights and the rule of law

The Chair

Two colleagues have done us the honour of agreeing to introduce the theme.

I first call Mr Eiki Nestor.

Mr Eiki NESTOR, President of the Riigikoogu, Estonia

As a proud member of this Assembly some 20 years ago, I am glad to be back in Strasbourg and to speak to you on a topic that is very close to my heart: democracy, human rights, the rule of law and the way in which the Council of Europe and national parliaments can work together to uphold and protect these values. All of us here represent the parliamentary dimension of the Council of Europe, but I want to take a step back and begin by thinking about why this Organisation was established in the first place.

In May 1949, following the long years of war and devastation, human suffering and horror, leaders of 10 western European States gathered in London to sign a document that would establish an institution that was set to bring to Europe reconciliation and, after that, integration. Article 1 of the Statute of the Council of Europe states that the aim of the Council of Europe is to “achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage.”

The days of war in western Europe are long gone. Much has changed over the past six decades, but the Council of Europe today stands for the very same values and principles. Its apparent resistance to change does not reflect its inability to adjust; rather, it points to the timelessness of its founding principles: the rule of law, democracy and human rights.

This Organisation, starting with 10 members States, now represents 47 States and about 820 million people. Its biggest enlargement took place in the 1990s, when the fall of the Soviet Union provided many eastern European States with a historic chance to decide their own future. One of those countries was my home country, Estonia. We knew we wanted to be Estonians but Europeans as well, and after regaining our independence joining the Council of Europe was one of our first goals.

Estonia is a strong and transparent democracy and has been a member State of the EU and of NATO since 2004. It is one of the most integrated countries in Europe. I cannot overestimate the role that the Council of Europe, along with other international institutions, played in helping us to get where we are today.

The collapse of a repressive regime does not in itself result in an open society. Building societies that function on the principles of the rule of law, democracy and tolerance is very hard work. It requires commitment and sacrifices both from the public and politicians, but it also needs a level of stability in the international system. The successes of Estonia – and all other European countries – would not have been possible without the visionary statesmen who understood the potential of Europe-wide institutions and conventions, and brought to Europe a sense of lawfulness and safety that was completely lacking in the aftermath of the Second World War.

One of the first big achievements of the Council of Europe was the adoption of the European Convention on Human Rights, which entered into force in 1953. Among other things, the Convention secures the right to life, the right to a fair hearing, freedom of thought, and freedom of expression. The Convention assured people that they were all valued and protected as individuals, but it was also proof that States could effectively work together on some fundamental issues.

Today, the European Court of Human Rights functions as the highest European court, and as such has both a practical and a symbolic value. It reminds us of our commitment to protecting human rights and personal freedoms, and through its judgments contributes to the creation of fairer and better societies.

The European Court of Human Rights, like any other international institution or organisation, is not perfect, but it is simply wrong to claim that it does almost nothing to improve human rights. I am deeply concerned about the statements made by some high-level politicians and judges of a member State, arguing that their country is not bound by the decisions of the Court and contemplating withdrawal from

the Convention altogether. Estonia has remained committed to the Convention even when faced with adverse Court rulings that have stirred heated debate in society.

I want to turn to an even more worrying case regarding a country that has, over the years, shown its disregard for the principles outlined in the Convention and the rulings of the Strasbourg Court. In December 2015, Russia adopted a law allowing it to overrule judgments of the European Court of Human Rights, suggesting it was done to protect the country's interests.

More than two years have passed since Russia illegally annexed Crimea and started fuelling the conflict in eastern Ukraine, in violation of international law, including the Statute of our Organisation. The situation on the ground reminds us daily of the need for a viable political solution that respects Ukraine's sovereignty and territorial integrity. Until the latter is achieved, the sanctions imposed by PACE on the Russians' participation must remain in place.

In politics, we often have to decide whether to be pragmatic or make decisions based on our values. I really like the idea of PACE as an idealistic organisation that is relentlessly fighting for the values we believe in. After all, there must be someone in Europe that puts the people and their rights ahead of everything else. No country can have special privileges here, even if they happen to be big and have a strong military.

Dear friends, let me add another dimension to the discussion on human rights and the rule of law. While these concepts have proved their durability, they are today found in completely new contexts. It is crucial to understand that human rights and the rule of law have to be upheld both offline and online.

It is almost impolite for an Estonian to give a speech and not mention the word "Internet", but I am talking about this today because the link between the Convention on Human Rights and the online world is very direct. We should think of the attempts by States to block and filter the Internet, and of the governments that are willing to intimidate Internet users and block access to legitimate online content. All too often, these actions are conducted under the pretext of national security or public order and without appropriate safeguards respecting the rule of law. Essentially, they are designed to silence dissenting voices and alternative viewpoints.

That is extremely troubling. We must intensify our work to promote and protect freedom online, including the free flow of information all over the world. The Internet has already influenced political, economic and social life in all parts of the world, and it holds considerable potential to increase the well-being of people even further. However, it is important to note that this cannot be achieved without full respect for human rights and personal freedoms.

Parliaments should hold governments accountable for safeguarding the protection of human rights, including the right to freedom of expression both online and offline. We believe that the Internet must be guaranteed to everyone and must be available without any restrictions.

Dear colleagues, I have mostly focused on the broader role of the Council of Europe, but as we are all here representing parliaments let me say a few words about the Council of Europe's Parliamentary Assembly. As Estonia is currently holding the presidency of the Council of Europe, I had the pleasure to greet about 100 members of the Assembly – MPs from your home countries – in Tallinn just four months ago. In my speech, I promised them that the Estonian Parliament is committed to ratify the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse during our presidency. As an update, let me tell you that the Bill was presented to the parliament this week and will be adopted before we hand over the chairmanship to Cyprus in November. It is a great example of how different conventions help to carry the agenda of the Council of Europe to national parliaments and provoke debates on important topics. When it comes to ratifying most of these conventions, I am proud to say that at the Estonian Parliament the question almost always asked is "Why haven't we ratified this already?" rather than, "Is this really necessary?"

Under the framework of the Council of Europe we have achieved tremendous successes in the sphere of human rights, the rule of law and democracy. But we need to continue to work towards a situation where certain fundamental freedoms are beyond question for all European nations. While these values are timeless and unchangeable at their core, upholding them effectively requires a good understanding of the way in which the new technologies are changing the way we live and communicate.

The Council of Europe, together with its parliamentary branch, has been and will continue to be at the forefront of generating workable solutions and holding dialogue with governments, international organisations and people around Europe. It is not enough to be grateful for the work it has done. As members of parliaments, let us commit ourselves to opening up, engaging in the exchange of ideas and trust-building both domestically and internationally further to strengthen this Organisation and protect the values it stands for.

Ms Maja GOJKOVIĆ, President of the National Assembly, Serbia

Given the themes we are debating at this conference and given the challenges facing us, it seems important that we engage in frank dialogue based on listening to one another's views and co-ordination so that we can tackle the crisis in accordance with parliamentary principles.

It is vital to reassert democratic values, human rights and the rule of law. More than ever before, the process of globalisation has brought peoples closer together, but we are also living in an era in which violence driven by fanaticism and hatred is threatening our citizens' fundamental rights. We need more democracy, more human rights and more rule of law if we want to eliminate the causes of public discontent. We need to use these values to build the future. I therefore welcome the proposal made by our colleagues from the Bulgarian Parliament during the Bulgarian chairmanship of the Committee of Ministers that a Summit of Council of Europe Heads of State and Government be held in order to reaffirm our principles and values at the highest level.

The Republic of Serbia is fully committed to building a modern society based on the Council of Europe's values. Human rights and the rule of law have been further strengthened through the process of integration into the EU and implementation of Chapters 23 and 24 which have recently been opened and through the *acquis* of the EU. This demonstrates that we are continuing along the path of strong institutions in the interest of our people.

The new parliament and the new government of the Republic of Serbia will give very close consideration to all standards which enable countries to become fully developed democracies.

The National Assembly defends all Council of Europe values in Serbia; we have promoted the values of democracy, human rights and the rule of law by strengthening all the dimensions of parliamentarianism, namely representation, legislation and scrutiny. Being elected by the people, the National Assembly seeks constantly to improve its standards of accountability towards voters, to publicise its activities and to improve the level of political culture. In so doing, we boost parliament's reputation and authority with the public and government. We also take care to raise public awareness about duties and rights at national and international level.

On the basis of these common values, our delegation to the Parliamentary Assembly has been very active and very quickly gained recognition for its work.

It is also important to agree arrangements to enable all members of our parliament to familiarise themselves with the Council of Europe's standards and structures, which are of great importance for the quality of our legislative work. That will also enable the Council of Europe's resolutions and guidelines on democracy, human rights and the rule of law to be incorporated in our domestic law. In this connection, I believe that Resolution 1640 adopted in 2008 will be very useful to us. It seems clear that an active role within the Parliamentary Assembly also encourages states to use other Council of Europe mechanisms that will enable them to achieve the highest level of democracy, human rights and the rule of law.

As members of parliament, we have a duty to enable our citizens to benefit more from these very complex mechanisms. The latter are that many instruments for supporting the measures implemented in our societies on a long-term basis. Co-operation between the Parliamentary Assembly and national parliaments is based on ongoing dialogue through the monitoring procedures. For instance, under the monitoring procedure, the Parliamentary Assembly called for Serbian law to include a provision that parliamentary mandates are held by members rather than by political parties.

Until now, the Parliamentary Assembly has made a major contribution to implementing democratic standards. However, it is important to underline that, like other Council of Europe mechanisms, it must

be used in a balanced and transparent manner if we wish to preserve our organisation's credibility and the effectiveness of its mechanisms.

If we want the organisation's key values to be implemented, we need effective co-operation between our parliaments and the Council of Europe regarding both the preparation of Parliamentary Assembly resolutions and also their application. Over the years, this co-operation has provided us with a robust base of standards which we have continued to build on. How does this work in practice? To illustrate the co-operation between national parliaments and the Parliamentary Assembly, I will just give one possibility as an example. When member states recognise that certain aspects of the rule of law or the protection of human rights require improvement, they are faced with various challenges in terms of implementing more demanding standards and they can draw on the solutions and principles provided by the Council of Europe. Those values and practices can accordingly be incorporated in domestic law. The Council of Europe proposes legislative solutions. These are that many good examples which gradually become part of a common core. That is why we need the Council of Europe as the guardian of fundamental principles and best practices.

In conclusion, I would say that in terms of improving our co-operation and with a view to promoting our common values still more effectively, it is necessary to support the Parliamentary Assembly's initiatives and campaigns, including the No Hate, No Fear campaign launched by the President, Mr Agramunt, the No Hate Alliance and the campaigns to stop violence against children. I should like to take the opportunity to invite you all to become involved in these campaigns and to urge you to invite your parliaments and citizens also to take part in them. In that way, we will make a practical contribution to promoting the rule of law and raising awareness of the importance of these values.

The Chair

That concludes the introductions. The first speaker on the list is Mr Ismail Kahraman.

Mr Ismail KAHRAMAN, Speaker of the Grand National Assembly, Turkey

I would like to extend my gratitude to all of you. We are talking about the most fundamental issues during this conference. I firmly believe that this will give hope to the entire world.

I would particularly like to thank President Agramunt and Secretary General Jagland for their support on 15 July and in the wake of the appalling attempt at a coup d'Etat. Those responsible for the coup have clearly demonstrated the unacceptability of their act. Whatever the circumstances, such an attempt to seize power cannot be condoned. The Council of Europe and its Parliamentary Assembly stood by us during these events and expressed their support. However I regret to say that many of our neighbours with whom we were on friendly terms claimed that the measures we took against the terrorist organisation were excessive and a number of insidious accusations were made against the measures we have taken. There were calls for moderation in fighting an undeniably terrorist organisation. But it is important that the situation be clearly understood. This type of act and their perpetrators must be openly condemned. It would have been very useful and in keeping with the spirit of the founding fathers of the Council of Europe to condemn their actions. These acts of betrayal were unprecedented but the response of the Turkish population was also unprecedented. This heinous coup was unequivocally condemned by the Turkish people. Women and men took to the streets and risked their lives to defend the nation.

That very same evening the Parliament held an extraordinary session while bombs were still raining down on us. And the very next day a joint declaration was signed by all parties, calling on all Turkish citizens to defend democracy. Our President, Recep Tayyip Erdogan, called for a major protest march in Istanbul, condemning any attempt to carry out a coup d'Etat and rejecting violence. 5 million people took part in the demonstration. There is an urgent need to conduct an investigation into the motives of the persons behind this grave act of treason. That is why our country had to declare a state of emergency and take precautionary measures. Once again allow me to underline the fact that the coup d'Etat was unprecedented, as was the terrorist threat to our country. This terrorist threat comes from an organisation that has a hidden agenda, which has infiltrated the judiciary, the security forces and other national institutions. You will understand that it is absolutely essential that we eradicate these terrorists. Precautionary measures against terrorism have been put in place to ensure that these individuals are brought before the courts. There should be no doubt about our determination to respect

our Constitution and the conventions to which we are party, including the European Human Rights Convention.

Some of the media from other countries have suggested that Turkey is violating human rights and the primacy of law and that it has failed to respect international agreements. But these are all lies.

Some insidious statements referred to a political Islam. In so doing they are misconstruing the situation and denigrating our citizens' response. In many European countries, there seems to be a new wave of intolerance. People took to the streets waving the Turkish flag and were arrested, which would be normally the mark of totalitarian countries rather than of democracies. But what really happened during the coup and afterwards? Democracy, human rights and the rule of law are considered to be fundamental principles, as is constantly reiterated in all public debates. All citizens, even children in schools, take part in such debates. Since 15 July Turkey is being closely observed but we are making progress in terms of democracy.

Some people preach that we should only drink water but behind closed doors they are drinking wine. They remind me of those who are trying to control what Turkey does. Everyone should keep their own house in order.

I am surprised at some of the issues that have been raised in the Parliamentary Assembly. Some have suggested that some of our rights should be suspended, in particular the voting rights of the Turkish delegation, and that Turkey should be placed on probation. That is unacceptable and would be harmful to the Turkish people, who are represented by those whom they elected.

Dear Friends, what we need to do is to co-operate and work together. If we want a world of tolerance we must make a concerted effort. If we work together to establish democracy, human rights and the rule of law, we must work more closely, open up communication channels which allow us to work together and to strengthen our institutions; that is essential for all of us.

(Mr Thommessen, Vice-Chair, took the Chair in place of Mr Agramunt.)

Mr Pietro GRASSO, Senato della Repubblica, Italy

Dear colleagues, this meeting — and especially this session — on the role of legislative assemblies and the Council of Europe is taking place at a very difficult time for our continent and for the international community. Undoubtedly, there are many reasons for concern but also, I believe, there is ground for hope. Migration and the flow of refugees, international terrorism, the economic crisis, rising inequalities, political tensions, a shrinking population, these are elements that are changing the face of Europe. As all this is happening, nationalists and populists are exploiting the anxiety of our citizens, with the aim to increase distrust and disaffection and thus undermine our common heritage of rights, democracy and the wealth deriving from diversity and mutual cultural contamination.

In view of all this, I am persuaded that we must stand together as one, for this is the only way to prevent the geopolitical marginalisation of our continent and the growth of powerlessness and dystopic scenarios. This is a path that goes through the Council of Europe, its Parliamentary Assembly, the Human Rights Convention, the Court, in a word, from a comprehensive system of rules and principles that originated here and that is one of mankind's greatest achievements.

As British Justice Lord Atkin memorably wrote in 1942, amid the clash of arms, the law is not silent. Our common laws are not silent, dear colleagues: the language they speak is one and the same, both in peace and at war. Notwithstanding my solidarity with countries that are faced with extraordinary situations, I believe that human rights may be suspended only in truly exceptional circumstances and that we all must ensure full and constant implementation of our common programmes, in security legislation and policies. I am thinking of policies against terrorism. We talked about this at the meeting of EU speakers last May in Luxembourg. The challenge we are facing is complex and unprecedented. We need military action in order to thwart the symmetrical capabilities of Daesh on the ground in the Middle East; financial action in order to target their economic resources; judiciary, intelligence and investigation in order to prevent new asymmetric terrorist attacks in Europe and the rest of the world; political action to promote agreements among the different powers so as to ensure protection and representation to the various ethnic, social and religious components in volatile areas, also through

appropriate support to economic and structural growth. Also, we should not fail to envisage social policies also in our own countries, in order to reduce inequality and prevent marginalisation and exclusion, factors which make us vulnerable to radicalization and lawlessness.

We should make political and technical cooperation among our countries more concrete and effective. We must strike a fair balance between security and freedom. This is no easy task, but it is here that we must find solutions through enhanced dialogue with the Council of Europe, the Court, national justices, our Governments and Parliament. We must make an effort to harmonize our legislative, judicial, investigative and other tools, that are necessary to strengthen our judicial and operational cooperation.

This is not just the exclusive precinct of Governments. Quite the reverse. We, Members and Speakers of Parliaments have a key role to play, for we oversee Government policies and make sure that their measures and policies comply with our founding values and human dignity. We must also refuse to give in to the temptation to respond to barbarous actions by enforcing emergency measures, trampling on rights, feeding mistrust and discriminating against others.

The Italian Parliament is currently seeking to strike a balance between the confidentiality required in the context of security policies and the power of Parliaments to check Government action and set policies, so as to ensure that citizens' interests are properly represented at all times. This task is being accomplished through Government's reporting to the Senate and its committees, often through the involvement of the Joint Intelligence Services Oversight Committee, which is regularly — and confidentially — informed on the actions of intelligence services.

I believe that an exchange of views on these aspects should be part of our common work. Thank you

Ms Maria LOHELA, Speaker of the Eduskunta, Finland

Life, it seems, is becoming increasingly complex every day. Simultaneously here in Europe we are enjoying unimaginable well-being and struggling with many trends that challenge our core values and basic democratic principles. Those values have been the foundation of prosperity on our continent. We worry about security. In the light of many unexpected tragic events and increased tensions it is important that we broaden our view on security. History has proven that there can be no sustainable security and stability without strong democratic institutions. In other words, there can be no political security and stability without democratic security. The preconditions for that are well functioning, democratic institutions and practices. Parliaments are naturally among, if not the most, important institutions.

Democratic institutions are strong only when they have the confidence and trust of the people – the voters – and this is where we parliamentarians, the political decision makers, need to look at ourselves in the mirror. I like to think of myself as a very average girl. I come from a very normal background – from a very normal family – and I am sure that most politicians do not regard themselves as other than an average Joe or an average Jane, but sometimes I wonder whether we really act like that. As the Speaker I listen to the political debate in the plenary hall. Listening does a person good, because at the time he or she is focusing 100% on what the other person is saying rather than formulating his or her response. I often ask myself, “What might the voters think? Do we make things sound too difficult, or too easy? Are we sounding honest? Do we talk about facts or just feelings? Do we hide behind someone else's back or someone else's decision or do we blame others for our problems?” In this respect I think we have some room for improvement.

We need to work in a way that inspires the trust of the people. We have to listen to their feedback and concerns and respond in a way that is understandable, honest and direct. Parliamentary procedures and elections need to be transparent and reliable. We need to hear those people we do not agree with. We need to appreciate the whole spectrum of the political field, but at the same time we need to show leadership and commitment and prove that we can make decisions and stick to them. The exercise of all public powers and activities must be based on the law and commonly agreed principles – the rule of law.

Respecting the role of the opposition and involving the opposition in democratic processes is vital. Democracy is by definition a multiparty society in which different views and ideologies are presented. The mechanism for the change of powers is elections. There are different electoral systems in use in

Europe and worldwide and it is up to a country itself to decide which system best serves its interests. We can share information about our own best practices but we cannot force our own model on anyone else. There have been many attempts to do so, and many of them have failed.

In a democracy power will inevitably change. After elections, part of the electorate and political parties will stand in opposition, and everything might be overturned again. In a democracy the opposition have an important role to play. In the best cases there is a system or established practices for dialogue and interplay between government and opposition. The opposition cannot be excluded from participation in parliamentary work or freed from all responsibility. It is important that the government respects the role and work of the opposition.

Next year Finland will celebrate 100 years of independence. We declared independence from Russia on 6 December 1917. In the past 100 years we have seen many struggles but we have also seen considerable successes. We face many shared issues in the European Union – economic hardships and youth unemployment and migration – but I still hope that Finland and the whole of Europe will somehow gain strength from the past. We should feel joy and pride at the good things we have accomplished and understand that we can do better in future.

Our job as politicians is not only about solving problems; it is about creating opportunities and hope and a positive atmosphere. One way of doing that is simply by listening to and respecting one another. That is the example that all parliaments should show to people when times are tough. I wish you all the very best in your important work.

M. Christophe STEINER, Président, Conseil National, Monaco

I am addressing you today not without a degree of emotion. Just under 20 years ago, when Prince Rainier III was on the throne, the Principality of Monaco applied to become a member of the Council of Europe. Six years later, on 5 October 2004, Monaco became the 46th member state of this forum for exchange and dialogue, which promotes peace and democracy. As I have witnessed since this morning, these exchanges are numerous and varied.

At the instigation of His Royal Highness, Prince Albert II, co-operation between the Principality and the Council of Europe has steadily increased. And with a view to defending the humanist values by which our sovereign lays great store, the Principality has continued to strengthen its ties with the Council of Europe and has ratified 38 conventions.

I would also underline our delegation's close involvement in the work of this Assembly, not only as members of its various committees and as observers at elections in other countries but also the remarkable work carried out under the leadership of Jean-Charles Allavena, head of the delegation, in collaboration with Mr Jordi Xuclà, who played a key role in the closing of the post-monitoring dialogue in respect of Monaco on 23 April 2015.

The dialogue, understanding and respect for others, which result from the plurality of this Assembly, are essential tools in promoting human rights, democracy and the rule of law. Indeed, it is only through dialogue, understanding and respect for others that we will succeed in preventing conflicts and re-establishing peace. From Athenian democracy to modern democracy, this regime, or rather this convention, which binds governments and citizens, has always overcome the tragedies of history. From the industrial revolution to the digital revolution, each major leap forward is a new challenge and we cannot take the valuable asset of the freedom guaranteed by democracy for granted.

Rousseau, like Montesquieu, was of the opinion that we cannot change attitudes by introducing laws. Democracy is a state of mind; its smooth functioning depends above all on attitudes. And I do not think that the fact of everyone watching everyone, as in the case of Bentham's panopticon, or the establishment of strict rules, can guarantee its smooth functioning and its promotion, if we do not try to understand and respect others. Such understanding begins in schools where only education provides the opportunity to pass on knowledge, values and the meaning of our common history. For it is through knowledge of the latter, which is the basis of our collective memory, that we realise that freedom can be lost without necessarily being wrested from us. I therefore welcome the fact that the National Council will, on 3 and 4 November, be hosting the meeting of the Sub-Committee on Education, Youth and Sport of the Parliamentary Assembly of the Council of Europe. Indeed it is customary that the member

states of the Council of Europe, in turn, host committee or sub-committee meetings throughout the year, at both governmental and parliamentary level, to carry out the many types of work done by this institution. I trust that this forthcoming meeting in the Principality will give our parliamentary colleagues the opportunity to hold rewarding discussions and to exchange views. I believe, and I am speaking in my own name, that in our era we can neither conceive of nor promote democracy without trying to understand the complexity of the world in which we live and without taking the time to consider issues carefully while refusing the dictate of instant action imposed by political communication and social networks and that, at some point, we need to re-introduce a degree of political philosophy.

A few minutes ago I heard someone refer to the "State of the Union" address and the founding fathers. I trust you will not hold it against me if I quote this sentence from the American Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness." However, in our societies, which are in a state of crisis, the two last-mentioned principles, liberty and the pursuit of happiness, are – at least in the case of liberty - greatly restricted, paradoxically with a view to preserving it; as evidence of this one need only observe the recent past; as for the pursuit of happiness, for the majority of our young people it is but a myth. That is where the real danger for parliaments and the Council of Europe lies – in loss of confidence in the future. This is the challenge to which they must rise. Re-establishing confidence in the future is the best way to maintain and foster democracy. As Hannah Arendt said, we can only pass down to future generations the things in which we believe.

Mr Urban AHLIN, Speaker of the Riksdagen, Sweden

We all know that respect for the rule of law and human rights is a fundamental part of a peaceful and democratic society. It is also essential for economic and social development and for a country's prosperity. It is important, therefore, to promote democracy around the world and at home. Democracy, human rights and the rule of law are fundamental values.

The Council of Europe was founded because of the need for a peaceful Europe built on those values. In the 1990s, countries lined up for membership of the Council of Europe. I remember well that it was an era of positive aspiration, with countries taking one democratic step after another to become integrated in democratic structures. Becoming a member of the European Council and Council of Europe was an extremely important step. Membership of the Council of Europe was seen as a quality marking of a country's democratic development.

Today I cannot see the same positive developments. On the contrary, in many member States there are shortcomings regarding fundamental values such as democracy and human rights. The main purpose of the Council of Europe is at risk if we cannot live up to our own standards. And we know what the standard is: all new member States sign up to the European Convention on Human Rights. The Council of Europe and its Parliamentary Assembly must be better at handling negative developments in human rights and democratic principles in our member States. We must reverse the negative trend.

Mr Eduardo FERRO RODRIGUES, President of the Assembleia da República, Portugal

The consolidation of democracy in Portugal was inherently linked first to the construction of Europe and subsequently to its consolidation. Portugal's accession to the Council of Europe forty years ago and its accession to the European communities thirty years ago and obviously the role of our Parliament were of major importance in promoting democracy, human rights and the rule of law after forty-eight years of dictatorship. This was a situation that was to be found not only in Portugal but in neighbouring countries in the South and East of Europe. The integration of our countries into an area of democratic states ruled by law and respect for human rights strengthened democracy and human rights in our countries. Policies of cohesion and economic convergence, the modernisation of nation states and generated more wealth, more human development and led to greater attachment to democracy. The dreams of social mobility pursued by several generations finally came true. We are, however, unfortunately now in a much more difficult situation at European level. Europe must once again become the driving force for the consolidation of democracies in Europe and in the world. The economic crisis of the past eight years and the crisis in the functioning of the Euro zone have put European democracies on the defensive. There is even talk of a decline in democracy.

Other regimes have taken advantage of the vacuum left by Western democracies and have gained influence by investing and providing financial support for the functioning of institutions and human rights without any pay-back. Terrorist movements have taken advantage of the failure of the “Arab springs” and of failures to establish new states to find funding and to recruit. At the same time, domestically, some parts of society in several European democracies have felt that they were being abandoned and forgotten. Many people no longer understand what they have to gain from opening up to the world, European integration and globalisation. We certainly need to strengthen inter-parliamentary co-operation, the links between the Council of Europe and the European Union, the relationship between the European Union and the European Economic Area, co-operation with North Africa, Russia and Turkey. It is essential for the security of the European Union.

We must pay greater attention to trade agreements in the Atlantic and Pacific areas. Free trade must be fair trade. In this context national parliaments have an irreplaceable monitoring and supervisory role to play, which has recently been reinforced by treaties. We can do more in terms of co-operation and development aid. It is essential for the reconstruction of states and for the consolidation of democratic institutions and of a culture which respects human rights. But above all we must all contribute in our national parliaments to putting employment, growth and convergence back at the centre of the European agenda.

The more close-knit the member states of the European Union and the Council of Europe are, the stronger the international arena will be. The sounder our democracies, the stronger democracy will be throughout the world, for a larger number of peoples will see us as a model to follow and we will have more resources to help them along the path to development, human rights and democracy.

Ms Eleanor LAING, Deputy Speaker of the House of Commons, United Kingdom

What a great way this is of marking the International Day of Democracy. This meeting is testament to the strength of our democratic systems across Europe.

Much depends on how one defines democracy. We in the UK have been having an interesting time, as I am sure you all know. Just 12 weeks ago today we performed an extensive exercise in democracy. Following a fiercely fought referendum campaign, which engaged the imagination of the vast majority of the population, 34 million people gave their answer to a straight question on whether or not to say in the European Union. The choice was to leave, and there is now a vigorous debate about the role our parliament will play in giving practical effect to the referendum result.

That is democracy. Political leaders do not always get the answer they want, but when the people have spoken the will of the people must be heard. So the UK is leaving the European Union, but I am delighted that it is, and will remain, an active and enthusiastic member of the Council of Europe. This gathering is an excellent forum for the exchange of ideas, and we all benefit greatly in learning from one another about how to promote and enhance the workings of our democracy.

The House of Commons has long recognised its duties to promote democracy, and we continue to do so in several ways that might interest you. Mr Speaker, John Bercow, established a Commission on Digital Democracy, which identified steps to be taken in parliament and policy recommendations for government, including the possible use of online voting. Our parliament has ambitions to be fully interactive and digital, responsive to the different ways in which people can nowadays more easily engage with the democratic process.

In 2015 the House of Commons established the Petitions Committee, which pioneered a new form of public engagement. Petitions, usually instigated by members of the public, that attract 100,000 signatures are generally debated in the House. The agenda of parliament is seen to respond to public concerns in a timely fashion. More than 21 million signatures to petitions have already been received. We have recently pioneered digital debates in our second debating chamber. We have used Twitter to enable the public to contribute to what is said and follow the debate afterwards. The aim is to give the public a say in what is being debated, to provide a useful resource to members of parliament, and better to inform the debate more widely and thereby raise its public profile. A number of charities and members of the public have told us that it is a very good way of opening up debates and enabling more people to have their voices heard.

You all know – some of you from bitter recent experience – how fragile democracy can be and how the freedom it protects can so easily be eroded and even destroyed. Sir Winston Churchill said at the inception of the Council of Europe that “jaw, jaw is better than war, war.” He was optimistic, was he not? But of course he was right, and we know that it will work only if we keep working at it. It is most fitting, therefore, that we celebrate International Day of Democracy by talking about it here before this most distinguished international gathering.

Ms Valentina MATVIENKO, Speaker of the Council of the Federation, Russian Federation

Europe is going through a dramatic period in its history. It has to make a fundamental choice between unity and division. Unfortunately, our everyday reality is once again influenced by the notion of spheres of influence and confrontation between blocs, and many Europeans are the victims of this confrontation, the hostages of geopolitics. Entire peoples are having to make artificial choices and are obliged to break off historical links with their neighbours.

The human rights rhetoric must be expressed in concrete terms. It is unacceptable that in one case here are accusations of human rights violations whereas in other similar situations, a blind eye is turned. Apparently the idea has taken hold that when some people suffer, human rights are being violated, but when millions suffer, it's a question of politics. And for political reasons, widespread sanctions are imposed on ordinary citizens. For example, right now, Russian citizens in Ukraine risk being deprived of the right to vote in the election of the Russian Parliament. European bodies are trying to punish the people of Crimea purely because they made use of a fundamental right – the right to self-determination, which are however enshrined in the texts of the United Nations Organisation. The Crimeans' rights to freedom of movement, to bank and telephone services are also being restricted. Radicals and extremists are trying to deprive thousands of people of their access to electricity and running water. Nevertheless the people of Crimea have simply regained entitlement to all their rights by returning to the mother country. For the first time ever the Tatar language has been recognised as a national language on an equal footing with Russian and Ukrainian. It is enshrined in the Crimean Constitution and the right to open a school where the language of Crimea can be learned has been granted. For the first time in history, a television channel has been authorised to broadcast also in the Tatar language.

After reunification, a decree was issued by the President of Russia on the rehabilitation of persons who were deported during the war. The people of are of many different nationalities; that is a fact. Independent European parliamentarians have been to Crimea and seen this for themselves. That is the truth and everything else, including what has been said in this room, is only political speculation. Unfortunately, Europe has adopted an unacceptable term: “non-citizen”. Monstrous crimes have been committed by radical nationalists and have not been investigated, and it has unfortunately become customary practice to ban the media, to censor books and films and to initiate proceedings legal against those who think differently, to prevent the freedom of churches, temples, and television studios. In the 21st century that is a barbaric policy. Nevertheless that is what is happening nowadays. The European institutions either turn a blind eye or say nothing about such problems. That is extremely dangerous. Indeed if we turn a blind eye to neo-Nazis and radicals wherever they come from, in the future we will not notice when they enter our homes.

More and more refugees are trying to get to other countries. Russia is trying to find an effective solution to the social problems of a large number of refugees. We therefore fully understand the European countries who are confronted with uncontrolled mass migration. People flee their country if there is external interference and an attempt to impose what is referred to as democracy but is used as a pretext for preventing traditional practices. Such external interference leads to bloodbaths, chaos and humanitarian disasters. The rule of law and free and sovereign elections must be absolute priorities. Outside interference, irrespective of where it takes place or of its nature – an attempted coup, interference in the sovereign policy of a country - is an interference with democracy and democratic institutions. We have seen the results in Libya, Iraq and in numerous other countries.

In order to solve the problem of mass migration, it is necessary to tackle it at the roots, to establish the conditions which allow refugees to return to their countries of origin. We must put an end to terrorism, rebuild houses, schools and hospitals and give men and women the opportunity to lead a peaceful and dignified life.

One European principle has always been to help those in need. However, European values are often diluted and a system of double standards, bordering on cynicism, is often applied. To give you a clear example, one decision that was a completely inhuman, unacceptable and immoral decision was to prevent the Russian national team from taking part in the Paralympic Games. How could anyone impose such a collective sanction on our entire team of women and men, on athletes who perhaps have limited physical capacities but unlimited determination, who are the hope, the model for millions of people? But politics did not even have compassion for them. And all this happened at a time when there is sensational news of widespread doping in American and other teams, with the blessing of the World Anti-Doping Agency. Is that acceptable?

The high Olympic ideals have on several occasions brought people together and prevented wars but now they have become the instrument of geopolitics. It is now, even more than ever, essential that concerted efforts be made to tackle problems and threats. To this end inter-parliamentary dialogue is absolutely essential.

Russia takes an active part in all of the Council of Europe's institutions. Let me give you an excellent example of the outcome of such co-operation: the work carried out in co-operation with the Congress of Local and Regional Authorities. In the Parliamentary Assembly, on the other hand, alas, the system of sanctions takes precedence. We believe that no national delegation should be discriminated against or deprived of its credentials. That is contrary to the very spirit of parliamentarianism and incompatible with the very status of parliamentarians and the mandate they receive solely from those who voted for them. We believe that it is absolutely essential that the Rules of Procedure of the Parliamentary Assembly be amended. If the majority in our national parliaments took the liberty of depriving a minority of its rights, all the members of parliament would accuse them of a serious violation of democracy.

This year we will be the 20th anniversary of our accession to the Council of Europe. It would be extremely appropriate if our co-operation were to improve. Over the last few years we have benefited from the Council of Europe's work; we have improved our legislation; we have ratified the main Council of Europe conventions; and the democratic system of Russia has established itself in a very short time. Our political system, our electoral system and our civil institutions are continuing to develop. This is a process which is being carried out in full compliance with European values and standards. We have chosen an approach which takes full account of the national and historical traditions of over 190 peoples living in Russia. As a result these peoples are united and it is this approach that must also unite Europe. Russia is in favour of a Europe without any dividing lines, from Lisbon to Vladivostok. We want security for everyone and not just for a few select groups. Our genuinely multicultural society is a model and this Council of Europe model must be disseminated.

We are the largest federation in the world and the one that comprises the largest number of religions and nationalities. We must open up the dialogue as widely as possible. Europe can no longer afford splits, divisions and confrontations. We have too many problems in common. I firmly believe that the contacts we make in connection with this conference, including bilateral contacts, are very useful. We have lots of problems in common so let us work together in solving them.

Ms Valentina LESKAJ, Vice-President of the Kuvendi, Albania

Our experience has shown that there can be no democratic standards of governance unless we show vision, courage and determination to reform our Houses. National parliaments have a lot to do in this respect, but I am sure we can do more by co-operating and sharing our common values as Assembly members of the Council of Europe.

Parliament is meant to be the guarantor of democratic standards, the rule of law and human rights protection. This requires not merely the passing of good laws but, above all, effective implementation. This has been a priority for the parliament of my country. I shall mention only a few of the key developments in the Albanian Parliament.

The approval of electoral and administrative reform was a milestone in the improvement of local services. The previous local elections proved the success of this reform. Most importantly, 20 months ago we set up an ad hoc parliamentary committee and high level expert group to prepare the pathway for a major reform of our justice system. I am pleased to report that last July, after a long political discussion, the 140 members of the Albanian parliament approved a package of constitutional reform. More recently we have passed vetting legislation, and we hope to stick to the planned timeframe – the

end of September. A better and more efficient justice system will deliver more tangible results in our fight against corruption, organised crime and other phenomena affecting our region and beyond. These reforms are consistent with the rule of law agenda and pan-European integration.

The Venice Commission played a crucial role in this process, not only in providing guiding principles and recommendations on how to uphold international standards but as an essential instrument in reaching consensus between political groups.

The Venice Commission was a key player in helping us to achieve these key milestone reforms. The overhaul of the justice system will enable us better to apply the human rights standards and democratic values embodied by the European Convention on Human Rights.

The Albanian Parliament has increased its oversight role and we are proud of our progress, which has been recognised by the European Union. Our parliament has enhanced its co-operation with independent institutions such as the Ombudsman, the Commissioner for Human Rights, the commissioner for anti-discrimination and civil society and other stakeholders and groups to ensure that the human rights agenda is kept at the top of our priorities. We will continue on this path and are happy to work with our partners – to work with PACE and through PACE – to strengthen the rule of law and human rights and better promote democratic values.

The meeting of the Monitoring Committee to be held in Tirana at the end of the month will be another sign of the close co-operation between the Council of Europe Parliamentary Assembly and member countries, and I am sure that further events will be held afterwards.

Mr David USUPASHVILI, President of the Parliament of Georgia

It is a privilege for me, as a representative of the Parliament of Georgia, to address this audience on democracy, human rights and the rule of law and on co-operation between our parliaments and the Council of Europe.

I represent a country that has been a democracy for just 25 years. We have achieved much in this period, including in democracy, the rule of law and human rights. I cannot name another institution that has contributed more than the Council of Europe to my country's achievements. It was essential that we had the opportunity to engage with a process that began in Europe some 50 years ago.

Georgia is engaged in many areas of co-operation and in this respect the Georgian Parliament is one of the frontrunners among Georgian institutions. The Georgian Parliament's adoption of the national human rights strategy was achieved in close co-operation with experts from the Council of Europe. Special mechanisms were established to check on how the rulings and decisions of the European Court of Human Rights are implemented. Without proper implementation mechanisms the Convention has no meaning.

We follow the best practice of other parliaments and try to implement it in our country. We try to make our parliament more open and accessible to citizens. I am glad to be able to report that at a gathering in Mexico of representatives of parliaments throughout the world Georgia was awarded the main prize as a champion of legislative openness. Such achievements would not be possible without the co-operation of the institutions of the Council of Europe.

We are determined to enhance relations, but at the same time we would be glad to see improvements on both sides. When we talk to each other in this Chamber about democracy, human rights and the rule of law we seem so similar, but when we return to our home countries the situation is very different. The Council of Europe therefore needs to be more flexible and principled in implementing the basic values on which this Organisation is built.

I shall give one example. Georgia was punished by the Council of Europe. For two years we could not host any event of the Parliamentary Assembly. Why? It was because Russian MPs decided not to observe the law in the occupied territories of Georgia. That happened before Ukraine – before one member State of the 47 decided unilaterally to redraw the borders of another. But that happened first in Georgia, and when our country tried to defend its independence and dignity it was punished. That

was done under the rules and procedures in place here, but I believe we should be more careful and look to the content of what we are doing.

International party politics is not supporting the co-operative approach of Georgia's delegation to the Parliamentary Assembly. We frequently see a partisan approach taken to our values. We young democracies need to see a more principled approach – for example, the Convention not being interpreted in several different ways: Social Democrats, Christian Democrats, Liberals, Greens and so on. There is one Convention and the human rights listed in it must be observed. I urge our counterparts, who have been instrumental in building democracy in Georgia, to be more principled, more precise and more non-partisan in observing our values and standards and to remain romantic because there are too many pragmatists in the world.

(Mr Agramunt, Chair, took the Chair in place of Mr Thommessen.)

Mr Pio GARCIA-ESCUADERO MARQUEZ, President of the Senat, Spain

I will present very briefly some ideas on co-operation between the national parliaments and the Council of Europe.

In all democratic countries, the parliament upholds the same values as the Council of Europe. Their co-operation is therefore not only necessary but it happens quite naturally. The most obvious forum where many of the elected representatives and Spanish senators meet is the Parliamentary Assembly of the Council of Europe, whose President is currently a Spanish senator, Mr Pedro Agramunt, something of which we Spanish are very proud. This is a positive factor, for it will foster co-operation and draw more attention to the recommendations of the Parliamentary Assembly in our country.

Once again I would like to underline the fundamental role of national parliaments in ensuring the effective defence of the rights of individuals as guaranteed by the European Human Rights Convention. This convention is the essential framework for promoting the three fundamental values of the Council of Europe and of all democratic states: democracy, human rights and the rule of law. Consequently, we must, in our legislative work, not only comply with the principles of the Rome Treaty but also, at all times, be very vigilant and comply with the European Human Rights Convention and the judgments and decisions of the Strasbourg Court. In this connection I would point out that in 2014 we held a major meeting at the Spanish Congress of Deputies on the role of national parliaments in applying the judgments of the Strasbourg Court.

Our parliamentary chambers can and must exercise not only major legal but also political scrutiny. In this connection I would like to stress the importance of the work done by our delegates to the PACE. There is no one in a better position than they to make the different national parliaments aware of the importance of continuing to be very rigorous in exercising our mandate, which is to enact laws but also to supervise the executive. We undertake to carry out our mandate rigorously and to ensure compliance with the judgments handed down by the Strasbourg Court and the standards set by the Convention.

Parliaments are also best placed to draw the public and the media's attention to the importance of complying with the convention and its case-law. Which is why meetings such as this one are so important, as they allow us to pool our experience and steadily increase our capacity to perform our duties. We must never lower our guard. We must uphold our fundamental values, which make us recognisable as Europeans throughout the world. It is more important than ever that we do not lower our guard at a time when we are confronted with pressing problems like that of the migration crisis that we have just discussed – and many others.

Finally, I would once more like to congratulate the Assembly on its work and repeat that we undertake to work together with the PACE to ensure that its recommendations are increasingly taken into account.

Mr Angelo FARRUGIA, Speaker of the House of Representatives, Malta

We are here because we all believe in promoting human rights, democracy and the rule of law – the *raison d'être* of this Parliamentary Assembly. The promotion of these concepts and ideas is a formidable challenge to us in national parliaments and to this Assembly.

Democracy, human rights and the rule of law now face great challenges that are not new but some of which are affecting our continent of Europe – migration, security, terrorism, instability, conflict and good governance. In the face of these challenges politicians must react and resist the temptation to heed nationalist tendencies and extremist ideologies of intolerance and even hate. We have to be more careful with policies that instead of building bridges are creating barriers and insularity and stand to wipe away important achievements in respect of diversity, inclusiveness, the movement of persons, the rights of individuals and minorities.

Over the decades this Assembly has done valuable work in promoting democracy, human rights and the rule of law and in establishing fact-finding missions to monitor member States that aim to align themselves with its membership requirements or to assist States that might be facing problems or challenges. I cannot fail to mention the important recent visits undertaken by the President of the Assembly, Mr Pedro Agramunt, to Ankara on 1 and 2 September and to Moscow on 6 and 7 September for talks with the authorities of those two important States in the light of developments taking place. Article 15 of the European Convention on Human Rights should not be involved other than in extreme circumstances, and even then with restraint and for no longer than necessary – and certainly not indefinitely. To ensure the rule of law, the three branches of State must regularly undertake checks and balances and the constitution must offer the opportunity of redress, particularly against the actions of the authorities themselves. That is necessary for the safeguarding of truly effective and independent institutions.

At the European level one cannot fail to comment on the excellent work of the European Court of Human Rights. Another aspect of a healthy democracy is a free and pluralistic press, together with the protection of journalists. The influence and power of the mass media are ever-increasing, so it is all the more important that this sector, including online media outlets such as political blogs, acts according to the principles of impartiality, objectivity and veracity.

The continuing improvement of democracy is the underpinning of good governance. National parliaments should not rest on their laurels and there is always much that remains to be done. As Speaker of the House of Representatives I have worked tirelessly to increase citizens' access to parliamentary work through the video streaming of parliamentary sittings and committees, our dedicated free-to-air TV channel and regular publications of our parliamentary work. Moreover, there is an ongoing review of parliamentary Standing Orders better to reflect current practices, including efficiency and the enhanced role of the opposition.

In the past few years we enacted the Whistleblower Act, the Financing of Political Parties Act, the removal of prescription on acts of political corruption and measures to minimise court delays to ensure timely justice and an enhanced role for the Commission for the Administration of Justice. I look forward to the setting up this year of the Office for the Commissioner for Standards in Public Life. Other than the plenary, parliamentary committees, such as the Public Accounts Committee, play an important role in holding authorities accountable for their actions. There is also the role of NGOs, interested parties, civil society and so on.

Parliament, which by definition represents the individual and society at large, has the pivotal, difficult role of seeking to strike a balance between interests. In the area of human rights, democracy and the rule of law, one can never look back and say that enough has been done.

Mr Jānis VUCANS, President of the Baltic Assembly

It is an honour for me to participate in the European Conference of Presidents of Parliament and to represent the Baltic Assembly, the parliamentary organisation for three Baltic countries – Estonia, Lithuania and Latvia.

I thank you, President Agramunt, for inviting our delegation to this important conference.

This is the right time and place to discuss the core values of Europe – democracy, human rights and the rule of law. Parliaments play a crucial role in safeguarding and supporting the core values of our societies. Democratically elected parliaments are the only voice of the people and their accountability to the people is the foundation of the democratic system. All of us here today are strongly aware of the

need for parliamentarians continuously to seek ways of strengthening the principles of democracy, human rights and the rule of law and to promote them in our European home.

Europe faces old and new challenges to security, democracy and the well-being of our nations that have led even the most developed countries to review their policies to cope with evolving issues. I am confident that these emerging issues will not discourage us from pursuing our aims but, rather, will create just the opposite: stronger co-operation, consolidation and unity.

Europe is confronted with one challenge after another so it is important that we do not forget about our long-term policies. The difficulty lies in the fact that all matters need to be addressed simultaneously. Nevertheless, this should not serve as an excuse to go back on promises and agreements on issues that must be dealt with.

Stability in Europe depends on improved co-operation with the EU's eastern neighbours. It is important that we support the EU eastern partnership countries to strengthen democracies being built under difficult circumstances.

A strong and lasting democracy cannot be achieved in a short time. Understanding can develop fast, but implementation takes a time. There is no doubt that in the long run a well-rooted democracy is best for the citizens of any country. Internal trust also improves social ambition and national well-being.

Helping eastern partnership countries strengthen democracy, human rights and the rule of law is the response of the Baltic Assembly to the old and new challenges that our societies face. Parliamentary co-operation between the Baltic Assembly and the GUAM Parliamentary Assembly, which represents Georgia, Ukraine, Azerbaijan and Moldova, aims to promote democratic development in respect of human rights and observance of the rule of law.

Apart from active co-operation with Azerbaijan, Georgia, Moldova and Ukraine, since 2007 the Nordic Council and the Baltic Assembly have been working with Belarusian NGOs, human rights organisations and human rights parties to promote democracy. We greatly appreciate the co-operation of the Parliamentary Assembly of the Council of Europe in providing assistance and support in bringing European values to our neighbouring country, Belarus.

The Baltic States regained their independence 25 years ago. We are grateful to our European allies, especially our Nordic friends, who helped us to restore independence, build our States and develop democracy, human rights and the rule of law. We will continue to strengthen those core values in our countries and through co-operation in the framework of the Baltic Assembly Estonia, Latvia and Lithuania will strive to promote them beyond our European borders.

Ms Ankie BROEKERS KNOL, President of the Eerstekamer, Netherlands

Europe – specifically, the Council of Europe – is in many ways a forerunner in promoting human rights, democracy and the rule of law. Those three elements form the foundation of our open societies, our wealth and our wealth system. They are the main reason so many people are risking their lives to move to our continent, but we should not take them for granted. Parliaments play a crucial role in safeguarding the rule of law, democracy and human rights. For that to work they must first fully internalise the concept of the rule of law.

What does that mean? In a general sense, it is the state in which power is regulated and limited by the law – a state in which citizens can trust that their government will treat them fairly and equally. Above all, it is a state in which everyone has access to an independent, impartial judge, and where the decisions of the independent judiciary are implemented and respected by the government.

These are all principles that we as parliamentarians must stand for, even, or especially, when it is easier to look the other way and allow legislation to pass that undermines them. In the past two years there has been a risk of this happening with a number of anti-terrorism laws. The horrific acts of terror in Europe spread fear among our societies. That fear has led to a louder call to infringe basic human rights such as the right to privacy, freedom of religion and non-discrimination. That neglects basic legal principle such as non-retroactive penalisation and *habeas corpus*.

I understand the need to control the situation. I understand the need for safety. At the same time, I must stress that it is in our common interests that we uphold the rule of law and human rights. If we fail to do so, we shall lose the very thing we are trying to protect. Instead of trying to enact new legislation we should explore the new opportunities that current legislation provides us, and when there is a legitimate reason to enact new legislation it is up to our national parliaments to ensure that it is in line with the basic principles of democracy, human rights and the rule of law.

It is also up to our parliaments to ensure that our governments implement the judgments of the European Court of Human Rights. It is up to our national parliaments to take the recommendations and criticisms of institutions such as GRECO seriously.

Human rights, democracy and the rule of law are the core values of the Council of Europe and we should work on them continuously.

Our interest in doing these things stretches beyond our own borders because, as the global strategy of the EU rightly states, living up to our values internally will also determine our external credibility and influence.

M. Jean-Claude GAUDIN, Vice-Président of the Sénat, France

Democracy, human rights and the rule of law are the shared values of the Council of Europe and its member states. Of course, our national parliaments also adhere to these values. They help to implement them domestically by enacting laws and they also help to disseminate them at international level, in particular through parliamentary diplomacy, by which the French Senate lays great store, under the impetus of its President, Mr Gérard Larcher. In this respect, the members of the Parliamentary Assembly of the Council of Europe have a special role to play as they have both a national and a European mandate. The Assembly chamber where we are right now is the place where parliamentarians from 47 countries with different cultures and practices meet. These cultures and practices may be different but the members learn to work together and help to promote our European values.

Dear colleagues, democracy, human rights and the rule of law are now being methodically attacked, sometimes under the cloak of religious discourse. France is a secular Republic and cannot condone certain problematic practices or provocations. In the dangerous context existing in France where murderous attacks have taken place, exceptional measures are required. The country has been living under a state of emergency for several months now. The aim is to protect not only the population, but also democracy, human rights and the rule of law, values which have been challenged by the terrorists. Striking the optimal balance between the rule of law and a state of emergency is difficult. And precisely because France is a democracy and a State governed by the rule of law, the state of emergency is subject to parliamentary scrutiny. The French Senate Law Committee has set up a committee to monitor the implementation of the state of emergency and each political group is represented on this committee. This monitoring committee is responsible for verifying that the measures taken by the executive remain proportionate and do not lead to any abuse. Democracy, human rights and the rule of law are important values that must be defended when the situation so requires.

Mr Albert FRICK, Speaker of the Landtag des Fürstentums, Liechtenstein

Let me start by thanking the Council of Europe, and in particular the Parliamentary Assembly, the conscience of the Council of Europe and the guardian of its values, for organising this conference and for the efforts and leadership in these challenging times in and for Europe.

For Liechtenstein and for our parliament over the past 38 years of our membership, the Council of Europe has been not only a symbol of international recognition but above all our continent's human rights organisation with which we share the same values: human rights, democracy and the rule of law.

The past 12 months have indeed seen a shift in Europe's security concerns. The recent devastating attacks in member States of the Council of Europe targeted European values. Europe has to stand together to fight terrorism on the basis of human rights and the rule of law. We wish to stress its resolute and unconditional condemnation of all forms of violent extremism and terrorism, as well as its profound sympathy for the victims of these acts.

We reaffirm our commitment to contribute to the fullest extent to countering violent extremism and terrorism, including through national, regional and international co-operation.

Insecure conditions, especially combined with economic uncertainty, provoke nationalism and xenophobia. Hate crime, anti-Semitism and Islamophobia are on the rise. Trust in the State and European institutions is in decline.

Another matter of great concern is the refugee crisis. We should all feel responsible for finding acceptable, long-term solutions and we should show solidarity.

We remain highly alarmed by the situation in the conflict zones of Europe. We condemn the high number of civilian casualties and call on all parties to the conflicts to respect international humanitarian law and do their utmost to achieve lasting peace.

We note with great concern that there are still territories that strictly refuse any control regarding respect for the core values of the Council of Europe. Democracies across the world feel increasingly vulnerable to a range of threats. Fear – especially the fear generated by violent attacks – destabilises societies. Freedom of expression is at risk on our continent. Journalists face threats in member States and anti-terrorism legislation is used to limit their rights.

As parliamentarians we play a crucial role. Power goes hand in hand with responsibility. It is in times of uncertainty especially that we must stand up for the core values of the Council of Europe: human rights, democracy and the rule of law. We must uphold Europe's greatest achievements: the European Convention on Human Rights and a strong European Court of Human Rights.

Lord McFALL of Alcluith, Senior Deputy Speaker of the House of Lords, United Kingdom

I am delighted to attend this conference and represent the Lord Speaker of the House of Lords, Lord Fowler, who is on duty in the House today.

The present European and global environment reminds us that our democratic structures are fragile and in need of nurturing, not least in the areas of democracy, human rights and the rule of law. The challenges are many, not least in terrorism and the refugee crisis. It is crucial that we co-ordinate our work to preserve fundamental rights in good times and in bad. It is imperative that national parliaments work together, and with third countries, to try to resolve the current crisis by pursuing common goals.

Today's gathering is symbolic, as we are pledged to learn from and share our experiences. Preserving human rights and the rule of law is the cornerstone of our democracy, as well as that of the conventions of the Council of Europe, which must be faithfully upheld. We are keen to understand the approach of others to these fundamental issues.

In our own parliament we are firm believers in robust and detailed scrutiny of legislation at all stages. In the House of Commons and the House of Lords there is extensive committee focus on democracy, human rights and the rule of law, and we have had a Joint Committee on Human Rights since 2000. Every Bill is scrutinised to determine its competence in respect of human rights.

We need to aim higher and enhance human rights. The House of Lords EU Home Affairs Sub-Committee recently produced a substantial report on tracing unaccompanied migrant children in the EU. It emphasised the need for the British and French governments to work together to improve the position. Incorporating human rights into committee work is a simple, effective way in which we can keep fundamental human rights to the fore.

The Conservative Party's 2015 manifesto pledged to replace the Human Rights Act with a Bill of Rights. As a result, the EU Justice Sub-Committee of the House of Lords conducted a seven month inquiry, subjecting that to intense scrutiny. In May its report was very clear in demanding that the government reconsider its proposals.

The government's response will be debated on the Floor of the House of Lords very shortly. This provides a check on government's actions and demonstrates that political parties, working together

across the political divide, are there to promote and uphold human rights. We might diverge in our opinions elsewhere, but we are unified in that respect. I suggest that the Assembly today is a signal to the wider world that we together are firm in our desire to preserve and enhance the precious elements of what is a decent, democratic society.

Ms Christa MARKWALDER, Présidente of the Conseil national, Switzerland

“National parliaments are the guarantors of human rights in Europe”: this quotation is taken from Resolution 1823 of the Parliamentary Assembly. You will probably say that is a truism, something obvious. What are members of parliament for if it is not to uphold the rights and freedoms of all citizens? Is this really how people see parliaments? In the resolution I quoted from, it is also quite rightly claimed that parliaments are often overlooked whereas they should be at the centre of operations and play key roles. We are in touch with the public and we draft and enact laws, supervise government and help to ensure that international treaties are ratified.

It is true that if you compare what is happening elsewhere in the world, the European system for the protection of human rights is certainly the best but it is not perfect. The system has been established gradually over centuries since Antiquity, and has obviously had its ups and downs. And it was on the ruins of Europe, at the end of the Second World War that an agreement on a set of rights and freedoms was established. The European Human Rights Convention was a turning point in the history of civilisation. For the past 66 years it has upheld and protected not only human rights but also fundamental freedoms and helps to strengthen codes of procedure. The Strasbourg Court is still the only institution of its kind in the world. Individuals in the 47 member states can lodge an application with the Court if they have the impression that their rights or freedoms are being violated by a domestic law or a decision taken by a domestic court.

It is undeniably difficult to understand some of the many judgments handed down by Court. Nevertheless, all these judgments constantly help to enhance human rights and fundamental freedoms in Europe. I am assuming that the judges at the Strasbourg Court are aware of their responsibilities and will apply the necessary moderation and not interfere in domestic laws unless the fundamental principles of human rights are at stake. This is moreover necessary if our societies and our citizens are to continue implementing the decisions of the Strasbourg Court.

It has recently been announced that the principle of subsidiarity is to be enshrined in the preamble to the Convention. I believe that this is a good idea because it will enhance the importance of this principle.

I have, deliberately, been talking in the present tense. I would repeat that our system is certainly the best system of human rights protection in the world. However, for some time now, in Europe too, there have been human rights violations and the role of the Convention as an essential tool for safeguarding human rights and fundamental freedoms is being challenged, even in Switzerland, which gives me considerable cause for concern.

Our continent is going through difficult times, times of upheaval when people are afraid, times of terrorism, migration, fear of social decline, and unemployment. These problems are in the headlines every day; politics are increasingly polarised and governments and parliaments face increasing challenges. It is not easy to strike a fair balance in the ways we reassure our citizens. It is normal and logical that they should be worried. But care must be taken as it is important not to undermine the major principles of the European Court, which for the past 66 years has protected individuals against arbitrary action by the state. In fact democracy and human rights are only really strong if there is genuine resolve to uphold them: I am quoting Barbara Prammer, President of the Austrian National Council, who, alas, passed away far too soon.

As parliamentarians, we are here to defend our fellow citizens whenever their rights and freedoms may be in danger. I trust that, in the future, European parliaments will continue to vigorously defend these rights and freedoms.

Mr Trajko VELJANOSKI, President of the Assembly of the Republic of Macedonia, "The former Yugoslav Republic of Macedonia"

Since its establishment on 5 May 1949, the Council of Europe has put in place a practice of protecting and developing fundamental rights and freedoms, enhancing democracy and establishing common legal standards. The Council of Europe is the organisation which is in the best position to deal effectively with human rights, democracy and the rule of law as it has at its disposition a whole series of norms and methodologies for co-operation in different fields. The organisation can easily mobilise key actors in Europe towards a common goal. Governments can be stirred into action by the Committee of Ministers, parliaments by the Parliamentary Assembly, local and regional authorities by the Congress and even non-governmental organisations by the International Conference of NGOs.

The Council of Europe is in particular the Organisation which helped to set the Euro-Atlantic and European integration of the Republic of Macedonia in motion in 1993 by granting it special guest status with the Assembly, followed in 1995 by the title of full member. When we undertook economic and social reforms, we experienced difficult times for we had to enact hundreds of laws. We received valuable assistance, for which we are very grateful, from the Parliamentary Assembly, the Venice Commission and other specialised bodies of the Council of Europe, in the context of numerous important projects concerning the development of parliamentarianism and democracy in our state. We can say that, symbolically, the door to the EU family was opened to us by the oldest European organisation, the one which represents 800 million Europeans.

In 2010, the Republic of Macedonia chaired the Committee of Ministers of the Council of Europe for the first time. It was the year of the sixtieth anniversary of the adoption of the European Human Rights Convention. The convention is, so to speak, the Jewel in the Crown of the Council of Europe. During the six months of our chairmanship we showed that we were prepared and able to contribute actively to the resolution of crises encountered by the Council of Europe.

We have made the largest contribution we could to promoting the Council's values and standards so as to increase their relevance on the international stage. As an assembly, we continue to make efforts to confirm our role as a key pillar of democracy within society. Our natural partner, the Parliamentary Assembly, is a fundamental element of our democratic development.

The delegations of the Assembly of the Democratic Republic of Macedonia to the Parliamentary Assembly of the Council of Europe have since 1995 - the date on which our country became a full member - taken an active part in committee meetings and plenary sessions. We are currently part of the post-monitoring dialogue procedure. Our reforms have genuinely benefited from our membership of the organisation. We take part in numerous Council of Europe forums. Our government representatives are also very active on the Council of Europe's specialised bodies. All this is proof of our commitment to a society based on the principles and values of the oldest of European organisations.

Dear Colleagues, I think you will agree with me when I say that civic freedoms, human rights and democracy are never fully implemented in any country because democracy is an on-going process. The Council of Europe is an institution which provides legal instruments that are extremely useful in seeking the solutions to modern problems. The Council of Europe's recommendations have always been used to support the democratic development of my country. We believe that the coming period will be particularly important for European integration. We are always confronted with problems but we are also determined to enhance our multi-cultural and multi-faith society. Key reforms still need to be carried out. We wish to improve our relations with our neighbours and to make a constructive contribution to solving bilateral issues that are still pending.

Today we are celebrating 25 years of independence and almost 21 years as members of the Council of Europe. We can conclude that we have achieved many things with particularly good results with regard to respect for fundamental rights and freedoms and with regard to the implementation of the main goals and norms of the organisation. I am proud to say that the Council of Europe's values are broadly accepted by the citizens of the Republic of Macedonia.

Mr Florin IORDACHE, Speaker of the Camera Deputatilor, Romania

It is really important to remember that in respecting the values of human rights and democracy, we are building more stable societies. This is a prerequisite for economic development. We should not have to choose between our values and our prosperity. On the contrary, we must protect our values so as to protect economic progress.

In this context I would like to remind you how my country has evolved. Twenty-six years ago Romania was living its first months of democracy after communism. It was then discovered with great sadness and indignation that there were human rights violations in our country. In 1993 we became an associate member of the Parliamentary Assembly of the Council of Europe. That was an important moment for the recent history and evolution of our country. Now, Romania is a member country of the European Union and one of the most stable and most mature democracies in our part of the world. I firmly believe that this positive development was made possible by the lessons that we have learned in the PACE. Our economic success is due to a large extent to European integration, to the establishment of new institutions and the fight against corruption.

I would like to continue by making a number of remarks on the institutional framework of our Parliament, which was put in place to protect human rights.

In the two chambers of the Romanian Parliament human rights committees ensure that legislation is in keeping with norms in this field. As you know, this is one of the most effective ways of incorporating the values of the European Human Rights Convention into national legislation.

The petitions committee is the other parliamentary organisation which is concerned by all forms of abuse on the part of the public authorities. In keeping with the recommendations of the PACE, we have also set up a committee on equal opportunities for women and men.

The Human Rights Institute is an independent institute, set up at the initiative of the President of the Chamber of Deputies.

With regard to gender equality and the protection of women against all forms of violence, Romania has recently signed and ratified the Istanbul convention. A major step in this respect was the seminar held by our Parliament together with the Network of Woman without Violence. Parliamentarians from the region, experts, representatives of government and NGOs took part in this event. The Romanian Prime Minister sent a strong message of support. A few months later the convention was signed and last year it was ratified.

Of course, a great deal still remains to be done but we are on the right path. The progress made by our country has been recognised at European level.

In the European Union, as you probably know, Romania is closely monitored by the European Commission in the context of the co-operation and verification mechanism. The President of the Commission announced the possibility of bringing the monitoring of our country to an end during his term of office. That is a major success which means that the institutions of our country have applied the highest standards in terms of respect for the rule of law and in the fight against corruption.

Mr Einar GUDFINNSSON, Speaker of the Althingi, Iceland

I thank the distinguished speakers, Mr Nestor and Ms Gojković, for their excellent presentations, and other colleagues who have taken the floor for their interventions.

Democracy, human rights and the rule of law are the basic pillars on which the Council of Europe lays its foundations. They are the three fundamental values that we should all hold dearest and be the guiding lights in our work as law makers.

Democracy, and the state of democracy, is a subject that has increasingly caught my mind in recent months. How can the will of the people be executed in the best manner possible, and how can we ensure democratic processes? Representative democracy is the model for most of our political systems,

although direct democracy has been practised, sometimes with unforeseen effects – the referendum in Britain on Brexit and on the EU's relationship with Ukraine in the Netherlands.

Many factors influence democratic results, irrespective of the models of direct or representative democracy. Voter turn-out is an important element with which we should all be concerned. A second factor is what might be called voter discontent. Referendum outcomes are sometimes not only a reply to the question posed but a sign of discontent with those who posed the question – the ruling government. The same applies in general elections when voters turn their backs against the so-called establishment.

It is worth noting that political participation has now followed a different path. Rather than seek political participation inside established political parties people seek other means, such as participation in other groups conveying their opinion through social media. This poses new challenges to political life that the political parties need to address and adhere to.

Promoting democracy and actively encouraging participation in elections is a demanding task that we all must take seriously. The established democracies can contribute in enhancing democracy in the newer democracies. The Nordic-Baltic group has been committed to that for years.

I praise the Council of Europe's efforts in election observation and the members of our parliaments who have participated. The observation of elections is necessary not only in the so-called newer democracies but in the established democracies, which need to be scrutinised. A Bill was presented to the Icelandic Parliament, the Althingi, to facilitate election observation in Iceland.

On human rights and the rule of law, I share the opinion on the huge importance of the European Convention on Human Rights. It was an inspiration for Iceland when a new chapter on human rights was introduced into our constitution in the 1990s. I urge member States of the Council of Europe to stick to their commitments under the Convention and underline strongly my opinion that the introduction of capital punishment, for example, can never be compatible with membership of the Council of Europe and our commitment to respect human rights.

The rulings of the European Court of Human Rights have had an impact on Iceland, most notably when clarifying the division between executive and judicial powers, thus strengthening the rule of law.

On optimising the interaction between PACE and national parliaments, in my national parliament we allocate a special plenary meeting on the work of the international delegations, including the PACE delegation. Discussions are based on the reports of the delegations, listing in an annexe the adopted resolutions of the Parliamentary Assembly. This venue for work on the interaction of the work of the international delegations is the only formal venue listed in the parliamentary calendar, enabling Iceland's members of PACE to bring urgent matters to the parliament's attention.

Mr Darko PAJOVIĆ, President of the Skupština, Montenegro

I thank the keynote speakers for their inspiring addresses. It is a great honour to have the opportunity to speak at this prestigious conference on interesting and important topics.

In modern European history, western civilisation is based on democracy, human rights and the rule of law. Montenegro is striving to confirm that it belongs to that civilisation through the process of European and Euro-Atlantic integration. Respect for the basic principles of the state of law and rule of law is the ticket necessary to join the circle of civilised States.

Not only the quality but the legitimacy of the whole legal system of a State today is highly dependent on the consistent application of the rule of law. We in Montenegro are aware that justice, social development, economic progress and the improvement of citizens' lives cannot be ensured without democracy and the rule of law. The rule of law is the best method to improve the security environment in the whole of the western Balkans.

In democratic political systems, parliaments have a key role in representing the views of the electorate and in the legislative process in controlling the executive on behalf of the people. The manner of and the extent to which parliaments manage to fulfil these important responsibilities provides the sensible environment for the health of any democracy, including our young democracies in the Balkans.

Ensuring that the region's parliaments function well is relevant to those countries' quest for membership of the European Union. The adoption of new norms in legislation depends greatly on the ability of the political elite to internalise and consistently apply the democratic rules of decision making. Therefore, democracy and the rule of law start with us – the elected representatives of the people. We are the ones who should set an example to others. The parliament of Montenegro has a key role in monitoring the course of accession negotiations with the EU and harmonising our legislation with the EU *acquis*.

We have been constantly improving the work of the parliament of Montenegro. We are aware of the fact that we should work on improving our supervisory, professional and administrative capacities. We know that there are many challenges and much work in front of us in strengthening the rule of law and establishing a functional democracy. We are thankful for the support that our European and Euro-Atlantic partners have constantly provided for the purpose of achieving this goal.

By establishing a government with electoral trust, Montenegro has shown democratic maturity in resolving political challenges around the table alone without mediators, which does not occur often in the unstable Balkan area. I remind you that only a decade ago we renewed our independence in a peaceful and democratic way in a referendum.

The parliament of Montenegro positively influenced the democratic order in its previous work, particularly when it came to transparency and the inclusion of civil society, which has been recorded in official documents of the European Union and civil society organisations. The parliament of Montenegro remains open to future co-operation, leading to faster achievement of Montenegro's strategic goals: full membership of the EU and NATO.

I thank the Council of Europe for providing accommodation and concrete assistance to all its members with the aim of protecting and strengthening the rule of law and democracy in these challenging times for Europe. We have the joint responsibility of strengthening the existing human rights protection systems in Europe and ensuring confidence in security.

The Chair

That concludes our debate on this theme. I thank the keynote speakers who introduced the theme and all speakers who participated in the debate.

Friday 16 September 2016

The sitting opened at 10.00 am, with Mr Pedro Agramunt, President of the Parliamentary Assembly of the Council of Europe, in the Chair

The Chair

At its meeting this morning the Secretaries General of Parliaments approved the activity report of the European Centre for Parliamentary Research and Documentation. This conference is invited to take note of it.