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CONCLUSIONS OF THE PRESIDENT OF THE PARLIAMENTARY ASSEMBLY

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

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

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

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

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

Theme 1: Future of the European Court of Human Rights – Role of national parliaments

The jewel in the crown of the Council of Europe is the European Court of Human Rights. From the outset, we all confirmed our unwavering support for this institution – and in no uncertain terms.

The discussions covered the role national parliaments must play in upholding the Convention system, and the vital role of the Strasbourg Court in this sphere. In this context, let us not forget that the Court's role is of course crucial, but remains subsidiary: it is primarily incumbent upon states' national authorities - the executive, the courts and the legislature - to prevent or remedy human rights violations at the national level.

Resolution 1726 (2010) of the Parliamentary Assembly emphasises the “*the key role parliaments can play in stemming the flood of applications submerging the Court by, for instance, carefully examining whether (draft) legislation is compatible with the Convention's requirements and in helping states to ensure prompt and full compliance with the Court's judgments.*” The Brighton Declaration, adopted on 20 April 2012, has at long last recognised and underlined the important role national parliaments and the Assembly play in this respect.

The question is: how can we, in our parliaments and in the Parliamentary Assembly, work together to prevent the Court from falling victim to deficient implementation of the Convention at national level?

Indeed, it seemed to us that the role of parliaments as guarantors of human rights has not been sufficiently exploited. Yet careful examination of the kind of work that we do shows that we bear a heavy responsibility on our shoulders. Parliaments must systematically examine in detail whether (draft) legislation is compatible with the European Convention, as interpreted by the Court. Likewise, legislative measures often need to be adopted speedily to ensure full compliance with the Strasbourg Court's judgments and some examples of good practices were mentioned during the debates. Especially in those states in which major structural problems have been identified, Presidents of parliaments have a responsibility to ensure sufficient parliamentary time and political support for such important work. Indeed, parliaments can hold the executive to account and influence the direction and priority of legislative initiatives, especially when it is necessary to introduce effective domestic remedies for structural violations.

This presupposes the existence of appropriate parliamentary structures to ensure rigorous and regular monitoring of compliance with international human rights obligations. They should, as suggested in Assembly Resolution 1823 (2011), take the form of dedicated human rights committees or appropriate analogous structures set up by our parliaments. Parliaments also need to possess an efficient legal service with specific competence in human rights matters.

The double mandate of parliamentarians – as members of the Assembly and of national parliaments – is potentially of fundamental importance to ensure that the standards of the Convention are guaranteed and effectively implemented domestically. As some speakers indicated in our discussions, parliaments can and should hold government to account for inappropriate or dilatory implementation of Strasbourg Court judgments, by organising, for example, debates or hearings or raising parliamentary questions. Training, in human rights matters, of parliamentarians and their staff, is – in this context – a very worthwhile investment.

We reiterated the need to ensure full and expeditious compliance at national level with the Court's judgments, which, in many instances, requires regular and rigorous oversight. The Assembly's Committee on Legal Affairs and Human Rights is currently in the process of holding hearings with representatives of the countries which are lagging behind in ensuring such compliance with their obligations. But this is not enough.

It is vital for national legislative bodies to give priority to this issue on their parliamentary agendas, so as to ensure systematic and effective monitoring, within all national parliaments, of the standards guaranteed by the Convention.

Theme 2: Is representative democracy in crisis? Challenges for national parliaments

Theme 2 was the subject of lively interest, which is hardly surprising as “representative democracy” is after all central to our activities.

We have all noticed a widening gulf between the public and elected institutions, as indicated by the low election turnouts observed throughout Europe. While most participants concluded that representative democracy, as such, is not in crisis, we all agree that it is one of the main victims of the global economic and financial crisis:

- support for traditional political parties has fallen, whereas populist and extremist movements are on the rise;
- austerity measures have been imposed by governments and through international negotiation mechanisms, with little parliamentary control, insufficient transparency and practically no citizens' participation;
- some citizens, whose protest movements have occasionally led to social unrest in many European cities, have therefore questioned the legitimacy of political institutions.

It has emerged from our discussions that the current situation should be regarded as an opportunity for bringing citizens closer to the institutions of representative democracy. Parliaments should not oppose changes in society, but adapt to societal and technological developments, while guaranteeing the stability of democracy by building a strong link between the institutions of representative democracy and citizens. Being themselves the incarnation of the outcome of voting, national parliaments can, firstly, improve "representativeness" by creating a closer link between the will of the people and the outcome of the vote, inter alia through:

- an electoral system which should better reflect the opinion of the people and the composition of the electorate and facilitate effective participation by minorities;
- the adoption of measures able to increase public confidence in the electoral process, providing for political pluralism, transparency of financing and greater internal democracy within political parties;
- the introduction of measures to promote the participation and balanced representation of women in politics, and increased participation by young people in the electoral process; youth assemblies are useful tools in this context;
- the reinforcement of parliaments' role in respect of initiating legislation and oversight of governments' action, including through parliamentary questions to the government, public hearings, etc; it is unacceptable for the representatives of the people to be systematically bypassed by governments on the pretext that matters are urgent;
- the establishment of better communication channels with the public, notably via the Internet, social networks, parliamentary television channels and/or civil society associations. Parliaments should move into social networks so as not to lose contact with the younger generations;
- the development of a new culture of civic and political responsibility through a strengthening of the *obligation to account for actions* and of *transparency* on the part of those who govern.

It also emerged from our discussions that now, more than ever, it is vital for citizens to have their say in the conduct of public affairs on a daily basis, and not just once every four or five years. Parliaments should not perceive the new deliberative models as in some way competing with representative democracy, so long as these continue to take part in debates. Thus parliaments could promote new ways for the people to express their views, beyond the traditional forms of mandate and delegation, inter alia through:

- the setting up of participatory and deliberative processes and structures such as: participatory budgeting processes; citizen-initiated referenda; national petitions; citizens' juries or conferences; voluntary-sector activity; activity of associations;
- citizenship education and political training;
- transnational networks formed by citizens to address specific issues, such as environmental, social or even constitutional ones.

Finally we noted that interparliamentary co-operation remains highly useful to strengthen the position of parliaments at national level, through exchanges of good practices. In this respect, the Council of Europe Parliamentary Assembly, for its part, offers a larger Europe-wide platform where representatives of national

parliaments may exchange good practices and submit for debate (through motions for resolutions) questions of interest to the citizens in their respective countries, in order to seek common responses. The World Forum for Democracy, born within our Assembly, which is to take place in a fortnight's time in Strasbourg, preceded by a Youth Assembly, is another example of a platform for exchanges.

In conclusion, can we not sum up our discussions by slightly paraphrasing the words of Winston Churchill? "Representative democracy is the worst form of government, with the exception of all the others."

Theme 3: Arab revolutions: challenges and opportunities

Discussions on theme 3 focused on the main challenges that the Arab countries in transition are facing and on the opportunities offered to them and us.

We have expressed our great concern about the situation in Syria and the unprecedented violence and the humanitarian emergency caused by the conflict. We have also expressed concern about the violent protests that have flared up across the Arab world in the last couple of weeks, triggered by the circulation of an Islamophobic film. This is a totally reprehensible film. However, nothing can justify the unprecedented violence it has triggered.

Nearly two years ago, what prompted men and women in the Arab world to go onto the streets was the quest for freedom, dignity and equality. They wanted to break free from corrupt dictatorships which oppressed their fundamental human rights and political freedoms. We should be self-critical: all too often, western countries supported dictatorships, sacrificing peoples' freedom for the sake of stability.

The Arab revolutions were prompted by the same universal values which are upheld by the Council of Europe and shared by its member states. Free and fair elections followed some of the revolutions, giving democratic legitimacy to the process of political transition. We must therefore engage in dialogue with the political forces which are the expression of these votes, on the basis of our common values and the rejection of violence.

A free and fair vote does not on its own guarantee the success of democratic transition. To ensure such success, the parliaments and governments elected must tackle significant challenges, including:

- the need to reach as broad as possible a consensus on constitutional reform and the guarantee that it reflects democratic values;
- promoting equality between women and men and the empowerment of women, both in the public and in the private sphere;
- ensuring respect for human rights, including against the risk of religious fundamentalism;
- protecting the rights of religious minorities and actively promoting intercultural dialogue, including in its religious dimension;
- addressing insecurity and fighting against impunity, through the rule of law;
- freedom of the media;
- fighting corruption;
- empowering civil society, enhancing its participation in political process;
- fighting terrorism.

We have identified the way forward.

National parliaments in Council of Europe member States stand ready to provide tangible support to parliaments in the Arab countries in transition in confronting the above challenges through inter-parliamentary co-operation tools.

Throughout the conference, we repeated that all religious faiths can live together in peace, respecting one another's beliefs, to build together a free and humane society.

It is vital to back up democratic transition with economic development and growth, which are preconditions for stability. In this area, the European Union and many European states have a fundamental part to play.

The Council of Europe, and notably its Assembly, can also support the transition process by offering:

- political support and a concrete framework for exchanging views and sharing experiences on the issue of democratic transition, including through the Partnership for Democracy with the Assembly;

- assistance in the field of constitutional, electoral and judicial reform;
- accession to Council of Europe instruments and partial agreements open to non-member states;
- intergovernmental and parliamentary assistance programmes.

In conclusion, I should like to quote a passage from the Assembly's latest report on co-operation between the Council of Europe and the emerging democracies in the Arab world: *"It is for the Arab states to make their own choices, but Europe must be ready to step up to the mark. If Europe now fails to show ambition and a clear, democratic and optimistic political vision for the future, it will bequeath to future generations an environment still driven by political, cultural and religious dissent which could become insurmountable and which sooner or later will present it with a major problem."*