



12 September 2014

## **Conclusions of the Conference**

### **presented by the President of PACE and the President of the Storting**

*(Ms Anne Brasseur, President of the Parliamentary Assembly of the Council of Europe)*

Excellencies, dear colleagues,

During these two days, we have discussed three specific inter-related subjects, central to the work of national parliaments and interparliamentary institutions:

- fundamental constitutional rights and freedoms – participation, trust and public debate as conditions for democracy,
- democracy, sovereignty and security in Europe,
- majority and opposition – striking a balance in democracy.

It would be simply impossible, and unjust, for Mr Thommessen and for me to try to summarise all that has been discussed over the last two days. Instead, we have decided – each one of us in turn – to provide you with a “photograph” of what, in our view, are the topics which need emphasising. My remarks will focus issues relating to “the strengthening of democratic security in Europe,” while Mr Thommessen will concentrate on “the need to promote participation and inclusiveness.”

Permit me to remind you that, at the outset, it was the Parliamentary Assembly of the Council of Europe which was at the origin of the idea to draft the European Convention on Human Rights, the Council of Europe’s greatest achievement. Also, it was the founding fathers of the Assembly who committed themselves to the construction of a new Europe out of the ashes of hatred, a Europe based on the common values of democracy, human rights and the rule of law. These values stand above any national or cultural specificities. Today 65 years after the establishment of the Council of Europe, we must continue to focus on what unites us and not on what divides us.

#### **Strengthening democratic security**

We Europeans, living in prosperous, dynamic, democratic European states, believed that the atrocities of World War I and World War II would never be repeated. And yet, even after the initial euphoria of 1989 and 1990, our continent is once again faced with serious challenges as well as new fears and anxieties.

The recent tragic events in Ukraine remind us of the fragility of ‘democracy’ as perceived by the Council of Europe’s founding fathers. We have not yet been able to prevent major human rights violations which we had mistakenly considered to be confined to the annals of history of our ‘civilised’ continent. Other older and as yet unresolved conflicts still undermine the security architecture of Europe, be it in Cyprus, Transnistria, South-Ossetia, Abkhazia or Nagorno-Karabakh. Similarly, we cannot ignore violations of human rights which pose threats to peace, stability and security to our Mediterranean borders and beyond. We must strive to prevent, or at least limit, the human suffering caused by these conflicts.

I refer, in this context, to Resolution 1990 adopted last April in which the Parliamentary Assembly “strongly condemns the violation of Ukrainian sovereignty and territorial integrity by the Russian Federation, and considers that such a flagrant violation by a Council of Europe member State of its obligations and commitments requires a strong signal of disapproval.”

The Council of Europe, with its constitutional expert body, the Venice Commission, as well as the European Union, possess a substantial panoply of legal and other instruments to reinforce democratic institutions, human rights and the rule of law. This institutional architecture creates the framework to ensure freedom, security and prosperity.

We will be soon celebrating the 25<sup>th</sup> anniversary of the fall of the Iron Curtain, which marked the emergence of a Europe without dividing lines. A Europe without dividing lines means a Europe based on mutual respect and dialogue. Hopefully, the understanding that, across the whole European continent, we have strong common interests will prevent the building of a new Wall in the heart of Europe.

A further challenge we are facing is the need to redefine the relationship between fundamental freedoms and security. If we cannot downplay the need for reasonable security measures, these must not suppress freedom more than is required for the protection of the public interest. We condemn all forms of terrorism, which must be combatted effectively by means that fully respect human rights and the rule of law.

The participants of this conference have agreed that democratic security and stability must be built first and foremost upon the respect of fundamental human rights and freedoms, even when Europe faces a huge migratory flow.

Similarly, there can be no balance between majority and opposition if human rights of men and women, minorities and majorities, rich and poor, are not adequately guaranteed and respected.

Dear colleagues,

Against the backdrop of the commemoration of the Norwegian Constitution’s bicentenary, our discussions have reaffirmed the key functions that a constitution serves in a modern state:

The symbolic function: the constitution reflects the basic values on which the state, as indeed the society at large is based;

The political function: the constitution should provide guidelines for political bodies in their day-to-day decision-making in order to conduct debates and lead the state and society in a direction based on consensus or political compromises;

And last but not least, the legal function whereby the constitution has a binding effect on the legislative and executive authority. Fundamental rights are set forth, and acknowledged, by the Constitution; laws must respect their essential nature at all times.

What is unique in Europe is that constitutional protection of fundamental rights is further reinforced by their international protection by, in particular, the European Court of Human Rights. In this respect, we have a double responsibility to ensure that the European Convention of Human Rights remains the anchor point in this constitutional architecture.

Firstly, we have the responsibility to speak out on the dangers facing the European Court of Human Rights by the non-implementation of certain judgments of the Court and correct misinformation about its case law appearing in a number of media outlets.

Secondly, we, as parliamentarians, should work together to ensure accession of the European Union to the European Convention of Human Rights – a longstanding commitment – which would put into place a coherent system of human rights protection across our continent.

Europe needs strong parliaments to promote the common values established in our constitutions and legislation.

And we ourselves need to seriously rethink the way we are conducting politics: it should not be done for short-term electoral gain, but rather with a long-term political vision in the interest of future generations.

Finally, before giving the floor to Mr Thommessen, our host, I should like to quote a passage from the speech delivered yesterday evening by the Prime Minister of Norway, Ms Erna Solberg: "*Mistrust and lack of confidence within or between states will never be resolved by violence and aggression. They can only be addressed by respect for international law and human rights. This is a prerequisite for peaceful co-existence between peoples and states. It is crucial that all member States fully respect the United Nations Charter and the Statute of the Council of Europe.*"

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*(Mr Olemic Thommessen, President of the Storting)*

### **Promoting participation and inclusiveness**

It is the responsibility of national parliaments and parliamentarians themselves to keep an open mind to other points of views and support free public debate.

Our discussions – and indeed history – have shown that, however important formal constitutions based on democratic principles are, they provide no automatic guarantee of a full and vibrant democracy. The values and ideals that form the cornerstone of our constitutional traditions need to be strengthened on a daily basis by encouraging citizens' involvement and active participation.

Democracy is not only a political system whereby constitutional rights and freedoms are guaranteed by the supreme law – the Constitution; it is also a form of society which implies not only delegating and taking decisions, but also debating, participating in the conduct of public affairs and living together in dignity, respect, trust and solidarity.

Access to and transparency of decision-making as well as accountability of the decision makers are of key importance in this respect.

Transparency entails publication of public institutions' budgets and a policy of openness with respect to documents drafted by parliamentary committees of inquiry.

Accountability implies that elected representatives must be held accountable for their actions constantly and not only every four or five years when they seek the citizens' vote.

Democracy is an inclusive process in which all political actors should be able to participate. In this context, the role of the opposition – whether in parliament or outside – should be considered. The opposition in democracies guarantees transparent and responsible government in the public interest. More specifically, the opposition's role is to scrutinise the government's decisions and policies; to offer political alternatives by developing its own programmes and solutions; and to represent a credible alternative government.

However, the strength of the opposition primarily depends on the electoral system, and the quality of the opposition depends on parliamentary rules and working practice. Good opposition enhances political debate, it does not hinder it. Keeping the balance between majority and opposition and maintaining a fair parliamentary process implies that there should not be a dictatorship either of the majority or of the minority.

The current economic crisis and its severe social impact have led to millions of people – especially the youth – being jobless and lacking social safety-nets. This often results in a feeling of disenchantment, frustration and anger. It is only by reducing the gap between citizens and institutions that the former can regain trust in the latter.

Many of you have expressed deep concern with what you perceive as a crisis of confidence in traditional politics, and a lack of trust in the political system and its representatives. Some of you even highlighted a paradox: the more we increase openness and access to political processes, the deeper the mistrust and disengagement in traditional politics. Such disengagement is expressed, among others, through lower turnout at elections and lower numbers of party memberships. This situation only serves to underline the challenge we are facing, and must overcome, to create a genuine and rich environment of continuous and inclusive participation.

We need parliaments fully “connected” to the people they serve. In this regard, participants mentioned examples of innovative good practice which aim at promoting an increased participation of citizens and of civil society at large: by promoting the right of citizens to initiate legislation and to petition, and to be consulted through referenda, and by encouraging the consultation of NGOs, professional associations and other representative organisations.

The digital revolution of our age offers fresh opportunities but also raises new challenges in this respect. The internet offers a platform for political participation whereby the voice of the general public on a variety of societal matters can be heard. At the same time, it enables us, parliamentarians, to engage in dialogue with citizens on the activities of our parliaments and our committees. More and more parliaments are now present on the social media and this is surely a welcome development.

But, at the same time, we have to be cautious that social networking and the flood of information does not turn into a “cacophonous noise” rather than a civilised discussion. It can lead to a fragmented discussion conducted behind closed doors. The internet can even occasionally offer a platform to propagate hate speech or even incite hate crime.

As democratic politicians, we firmly condemn, and stand up against, hate speech, hate crime and all forms of extremism, whatever their grounds and origin.

And as presidents of parliament, we resolve to foster broad and open public debate including on the common values upon which we want to build our future societies.

Both President Brasseur and myself are therefore strong supporters of the initiative to establish a European Day for the Victims of Hate Crimes. We encourage all of you, in your respective parliaments, to support and promote this idea. We also encourage you to support and promote the Council of Europe No Hate Speech Movement and the Parliamentary Assembly’s No Hate Parliamentary Alliance.

Strengthening and empowering civil society should be one of our objectives for the future. Greater participation of civil society in international and national decision making will increase peoples’ trust.

At the same time, we need to safeguard the preconditions for representative democracy. Its institutions must interact with civil society but they cannot outsource accountability and responsibility for actual decision making.

Last but not least, we must not forget the young people. Youth represents our greatest potential. Youth parliaments or other innovative practices of involving young people in the decision making process can revitalise our democracies. Political parties should also more actively reach out to young people.

Our wish to strengthen democracy should take inspiration from the Athenian example and should place the focus, once again, on education for democratic citizenship or “education in public affairs” so that effective citizen participation is not an abstract right but a genuine practice put to test on a daily basis.

In conclusion, I am deeply grateful to all the participants who have attended the conference. I think we have had some very interesting interventions and discussions reflecting the many facets of the countries present. The diversity represented by our countries is an incredible asset. It is something we should embrace. But we must never lose sight of the values and principles that bind us, the values and principles to which we are all committed: democracy, respect for human rights, rule of law, and separation of powers of the state.

And we cannot accept the blatant violations of international law that we have seen in recent times in Ukraine.

Once again, I would like to express my heartfelt thanks to all of you. Thank you for your contributions during our sessions and for all the knowledge and insights you have shared with us. It has been a great pleasure to have you in Oslo and I hope you have enjoyed your time here. I wish you safe journeys back to your capitals and I hope to see you again in the future.

This European Conference of Presidents of Parliaments has now come to a close.

Thank you.