



## European Conference of Presidents of Parliament

Strasbourg, 22-23 May 2008 - Council of Europe

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### **Conclusions by Mr Lluís Maria de PUIG President of the Parliamentary Assembly of the Council of Europe**

Over the last two days we have been spoilt by the quality of presentations by our guest speakers and by the richness of contributions by participants. Our work has been facilitated greatly by the background paper on Parliaments and Civil Society prepared by Dr SZILI, Speaker of the Hungarian National Assembly, which many Parliaments contributed to.

The Conference has allowed speakers not only to “rub shoulders” in the corridors but to have rich bi-lateral exchanges with colleagues, friends and neighbours.

The two themes for the Conference, were “Parliaments and Civil Society” and “National Parliaments and the Council of Europe: Promoting the core values of democracy, human rights and the rule of law”

Were these good choices for the Conference?

With the benefit of hindsight, I believe we can conclude that the themes have lived up to their expectations in terms of topicality, relevance and interest for both national Parliaments and for the Parliamentary Assembly. As proof in my Conclusions I would like to put forward a number of recommendations that you, as Presidents of Parliaments, have put forward under these two themes.

#### Under the first theme “Parliaments and civil society”

If Parliaments are to lay claim to being “the voice of the people” they must have a strong relationship with civil society. This relationship means that civil society must be informed, consulted and given an opportunity to influence Parliaments in their work. Parliaments must “listen and learn” from this voice of the people and by so doing they will gain strength from civil society. This applies at national, but also at European level, including with the Parliamentary Assembly of the Council of Europe and the European Parliament.

The relationship should be seen as a partnership and not as competition, and there should be no “them and us” dividing lines. It is a continuous learning process without a final graduation.

Civil society is the great communicator of social needs in society and plays an important role in monitoring legislation and practice and commenting on legislative preparation. Parliaments and civil society, hand in hand, can find solutions to the complex challenges we face, which alone neither can make progress on.

Because civil society has its roots everywhere, it is a great multiplier for communication between Parliaments and the whole of society. Media can create an important bridge between society and Parliaments, but it can, if care is not taken, also be destructive particularly when it focuses too much on conflict rather than political processes.

Parliaments should not only listen to the voice of civil society, but sometimes Parliaments should also take responsibility and lead public opinion when dealing with human rights, rule of law and democracy issues. This has been seen in Europe with abolition of the death penalty, it can be seen in tackling racist and xenophobic tendencies in society.

Some specific conclusions and recommendations can be made:

- Each country needs a legislative and regulatory framework guaranteeing freedom of association and allowing civil society to flourish. The regulatory framework should not have excessive registration requirements, fees, taxes or fines or disproportionate sanctions of closure.
- Parliaments require a framework of principles and practice for contacts with civil society. A “kaleidoscope” of regulations, laws and constitutional provisions exist in member states as noted in Dr SZILI’s paper. Many good practices can be identified. Allowing public hearings, televising debates, accepting written opinions, organising round tables and committee conferences, opening up participation in committees, providing open days, allowing individual or community initiatives, referendums and petitions, are all example of good practice. Furthermore the idea of having specific Committees tasked with over viewing relations with civil society, merits further consideration.
- Greater transparency in the work of Parliaments should be the goal. Activities have to be made known, draft laws, documents and agendas have to be accessible. There should be no taboo subjects such as budgets or the security sector. In this respect the range of tools offered by e-Democracy provide new possibilities for transparency and communication (websites, discussion forums, blogs,etc.). E-Democracy is not without dangers and can lead to dehumanisation of consultation and overload and manipulation of information and views. E-Democracy will be the subject of the Forum for the future of Democracy of the Council of Europe in Madrid, 15-17 October 2008, and I will soon be sending out an invitation to national parliaments to be represented at the Forum.
- Creation of contact points for information, or information centres for NGOs and lobbyists merit consideration.
- Greater transparency is also required in the area of lobbying. Clear regulations on lobbying are required and attention also needs to be paid to conflicts of interest, with rules to clarify parliamentarians obligations in this matter.
- Contact with civil society should be all embracing reaching out to minority groups, disadvantaged groups and to the youth, including children and adolescents, who after all represent the future of Europe. The value of youth Parliaments and democracy workshops was highlighted in this context. Contacts should not be restricted to a few selected NGOs with whom Parliaments may feel comfortable and safe to work.
- NGOs are a tremendous resource for Parliaments in terms of views, expertise and innovation and they are allies in tackling the “democratic deficit” in Europe today. The Council of Europe Schools of Political Studies set up across Europe today provide a valuable resource for Parliaments. However, to carry out their work NGOs need resources and support which Parliaments are well placed to provide.

- NGOs, for their part, need to be professional and organised, including into groupings, in order to counteract what has sometimes been referred to as “philanthropic amateurism”.

To sum up, we have a wealth of conclusions and recommendations which can serve to strengthen the partnership between Parliaments and civil society, and there is scope for bringing together representatives of Parliaments and leaders of civil society in a joint meeting in the near future.

### Under the second theme “Promoting the core values of democracy, human rights and the rule of law”

The European Convention on Human Rights may be the jewel in the crown of the Council of Europe but there are many other precious stones in the treasure chest of the Council of Europe for promoting the values of democracy, human rights and the rule of law.

A very concrete question is how can Parliaments reinforce these key values contained in these different instruments and documents of the Council of Europe?

As a starting point, national Parliaments and the Council of Europe Parliamentary Assembly, need to work together on the basis of the principle of subsidiarity. It is a two-way process. Inter Parliamentary co-operation, such as facilitated through the debates of the Parliamentary Assembly on matters such as fulfilment of commitments of member states, are also essential in this respect.

From the discussions over the last two days and the papers submitted for the Conference a number of recommendations can be made.

- It is necessary that Parliaments actively promote the signature and ratification of core Council of Europe Conventions, and in particular those covered in the annual progress reports of the Parliamentary Assembly’s Monitoring Committee on Progress of the Assembly’s monitoring procedure.
- Governments should be asked to report back to the Parliament at least once during the legislature on implementation of the Council of Europe standards and any reservations or “escape clauses” applied in relation to Conventions.
- National Parliaments have a special obligation to oversee the execution of Judgments of the European Court of Human Rights and introduce legislative changes to bring legislation into line with these standards where necessary.
- Steps should be taken to ensure that legislation and draft legislation is made “Strasbourg proof”. This means that legislation should be screened to make sure it is compatible with the European Convention on Human Rights and also other instruments such as the European Social Charter. The Council of Europe could be encouraged, for example, through its Venice Commission, to provide guidelines to States on how to carry out such “Strasbourg proofing” and assist in training those involved in such exercises.

- National Parliaments should be encouraged to initiate debates and examine compliance with recommendations emanating from the Parliamentary Assembly and monitoring bodies within the Council of Europe, including on issues such as social rights, national minorities, racism and intolerance, prevention of torture, trafficking, violence against women, protection of children, corruption, money laundering, etc.
- Parliaments also have a responsibility to undertake national investigations into alleged human rights violations, whether such as secret detention centres or disappeared persons.
- Parliaments should also ensure that the regular reports of ombudspersons and human rights commissions are fully debated and acted upon by national Parliaments.
- Universality of human rights means that Parliaments should not confine themselves to examining only domestic human rights issues. They should also respond to international human rights issues, and ensure that a human rights culture is reflected in the daily work of Parliaments.
- Finally, Parliamentary diplomacy is increasingly an important tool for promoting democracy, rule of law and human rights in countries which need a helping hand.

These then are my conclusions with which I hope you, as Presidents of Parliaments, can associate yourself.

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I would like to add one further conclusion, taking up on my proposal at the beginning of the Conference to intensify the dialogue with the Maghreb countries of Algeria, Morocco and Tunisia and with the republics of central Asia, including Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Having heard no objections to the contrary, I would like us to agree to associate these Parliaments with the work of our future Conferences. It is my intention to explore the modalities with our colleague Mr Marios GAROYIAN, President of the Cypriot Parliament, who, as you know, invited us to hold our next conference in Nicosia in 2010.