



# News from the Alliance of Liberals and Democrats for Europe of the Parliamentary Assembly of the Council of Europe

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Azerbaijan

- Democracy in  
Hungary

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## Activities of ALDE-PACE on 21-25 January 2013

- Mr Serhiy Holovaty, vice-president of the ALDE Group, former Minister of Justice of Ukraine, former President of the Legal Affairs, Rules and Monitoring Committees of the Assembly, outstanding lawyer and committed liberal left the Parliamentary Assembly of the Council of Europe after 16 years of excellent service. Mr Holovaty will keep sharing his expertise and knowledge with Ukrainian students, contributing to the strengthening of our common European values of democracy, rule of law and human rights. The ALDE sincerely thanks Mr Holovaty for his work, friendship and reliability and wishes him success in all his future endeavours.
- Ahead of the PACE joint debate on the situation in Azerbaijan, the ALDE exchanged views Mr Rashid Hajili, head of the Baku-based Media Rights Institute, Mrs Natalia Nozadze, Amnesty International's researcher on Azerbaijan and Mr Giorgi Gogia, senior researcher on South Caucasus at the Human Rights Watch. Functioning of pluralist democracy, independence of justice and separation of powers, freedom of expression, assembly, association and conscience in Azerbaijan continue to raise concerns.
- Director, Secretary of the Venice Commission Mr Thomas Markert and President of the Parliamentary Forum for Democracy Dr. Matyas Eörsi briefed the Group on the legal framework of recent reforms and political situation in Hungary.
- Our long-standing liberal friend and former president of the Group Mr Manfred Vohrer presented the Conclusions of the last UN Conference on climate change COP 18 and discussed the efforts of liberals to promote energy transition.

We would like to take this opportunity to thank all those who took active part in plenary debates on behalf of the ALDE, presented reports, and attended group meetings and side-events. The Group is also thankful to the trainee of the ALDE Group, Ms Jelizaveta Puzanskaja (Lithuania).

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## ALDE on human rights situation in Azerbaijan, democracy in Hungary and energy transition

Ahead of the PACE joint debate on Azerbaijan, the ALDE discussed the situation of political prisoners, state of democracy and human rights in the country. The Group heard the reports of Mr Rashid Hajili, head of the Baku-based Media Rights Institute, Mrs Natalia Nozadze, Amnesty International's researcher on Azerbaijan and Mr Giorgi Gogia, senior researcher on South Caucasus at the Human Rights Watch.



Mr Hajili, Mrs Nozadze

Based on their first-hand information collected on the field through systematic monitoring and investigation, the human rights experts concluded on the recent deterioration of the situation of democracy and human rights in the country and gave full support to the reports on the “honouring of obligations and commitments by Azerbaijan” and on the “follow-up to the issue of political prisoners in Azerbaijan”. Violations of freedom of expression and freedom of assembly, politically motivated prosecution of opponents and lack of independence of the judiciary remain the main obstacles for Azerbaijan to comply with its deliberate commitments to the values of the Council of Europe.

“The reports on problematic issues in the member states should not be perceived as attacks. Rather, we should see them as a common effort to realise together what can be done to remedy to these – sometimes grave – shortcomings. And that is in the interest of the 800 million people that we represent, that is our duty as parliamentarians of Europe” – said Anne Brasseur, president of the ALDE.

Responding to continuous worrying signals as to the situation of democracy in Hungary, and awaiting for the report to be produced by the Monitoring committee of the Parliamentary Assembly, the ALDE put questions to the Director, Secretary of the Venice Commission Mr Thomas Markert and President of the Parliamentary Forum for Democracy Dr. Matyas Eörsi.



Mr Markert, Mrs Brasseur

Mr Markert introduced the legal opinions of the Venice Commission on Hungarian legislation and legal practice, as well as the efforts that the government is making to remedy to the shortcomings; whereas Dr Eörsi focused on the political dimension of the situation, suggesting that both government's strategy and the consequent reaction of the international community would affect other countries in the region with similar patterns of democratic development.

The ALDE also discussed a possible European approach to the drastic challenge of climate change with Mr Manfred Vohrer, former president of the liberal group in the PACE. Whereas general international consensus is necessary to act on the global issue of environmental change, liberals could more attentively look into the possibility of developing decentralised energy solutions and include environmental issues into their programmes and agendas on national, European and global level. It was recalled that at its last Congress in Dublin, the ALDE Party (former ELDR) adopted a [Theme Resolution on “Energy Transition: a liberal perspective”](#)



Mr Vohrer



**Ms Tina Acketoft (Sweden)**

**Georgia and Russia: the humanitarian situation in the conflict- and war-affected areas (Doc. 13083)** – Committee on Migration, Refugees and Displaced Persons - 23 January 2013

*"I believe that you all entered politics for the same reasons I did. We wanted to change the world for the better and now you have the chance today to actually do something, not just speak about it. You have your ultimate chance to make this Parliamentary Assembly make a difference for the IDPs."*



**Mr Bernard Marquet (Monaco)**

**Towards a Council of Europe convention to combat trafficking in organs, tissues and cells of human origin** - Committee on Social Affairs, Health and Sustainable Development – 23 January 2013

*"As initiators of the first international legally binding instrument entirely devoted to organ trafficking, we have a responsibility that cannot be denied. We have to ensure that the convention is as exhaustive and effective as possible. That means that we cannot satisfy ourselves just by putting sanctions on organ trafficking; we should also prevent it. We should protect its victims and co-operate as effectively as possible to combat trafficking."*

**Question to the Committee of Ministers, presented by Mr Gilbert Saboya Sunyé, Minister for Foreign Affairs of Andorra, Chairperson of the Committee of Ministers**



**Ms MEMECAN (Turkey)** – During our November visit to Andorra for the Standing Committee meeting, I was happy to discover

your country's embrace of diversity as a crucial component of prosperity and development. We can all benefit from your experience. During your term in office, do you have any plans to launch any initiatives at the Council of Europe for promoting diversity as a fundamental part of a more prosperous and democratic Europe?



**Mr SABOYA SUNYÉ** – I appreciate your kind words. We do not pretend to be setting an example. That would be presumptuous, and presumptuousness is not an Andorran character trait. I do not know whether we deserve such praise, therefore, but diversity is already a top priority. When we talk of education as a tool for promoting democracy, human rights and rule of law that is directly linked to diversity. The people of Andorra have very diverse origins. Half the population are not nationals and we have more than 100 nationalities among just 75,000 inhabitants. Diversity is part of our identity. We have a unique education system that gives our citizens the ability to choose between three free public education systems: Andorran, French and Spanish. We are convinced education is linked to diversity, therefore. Albania had already been focused on the topic of diversity, and we in part chose education in order to be in line with the efforts made by previous chairmanships. I also thank Armenia and Austria for their chairmanships; I thank them for their support for continuing those initiatives.

There are concrete proposals under the EU Irish chairmanship, too. We and the EU have co-sponsored a conference in Dublin, to be held in February, with intercultural cities as a theme. We are proud to co-sponsor that with the Irish presidency, which I salute.

**Question to Mr Mikheil Saakashvili, President of Georgia**



Ms FUSU (Moldova)\* - Thank you for your very comprehensive and focused speech. As a representative of Moldova, I can well understand the predicament of your country in your relations with Russia. Following the recent elections, the parliamentary majority has changed and your party is now in a minority. That being the case, and with the new situation of cohabitation, do you consider that your pro-Atlantic and pro-European stance still holds good in Georgia? What about future negotiations to become partners in the European Union?



Mr SAKASHVILI\* - Thank you for that question. As I said in my speech, everything that the new government has said publicly is premised on the idea that there can be no alternative for Georgia apart from NATO and the European Union. That at least is what it said in the early weeks after it took office. Now, its tone has changed completely. We hope that that is purely accidental, or that it will change again in the future. After all, we held a referendum in which almost 60% of Georgians voted in favour of joining NATO. The percentage of those in favour is much higher now – almost 80% - and the number of those against is very small, even insignificant. We consider that there is no major opposition group that might prevent that from happening.

Any government, or any political group that harbours hope of governing Georgia, if it wants genuinely to represent the interests of the population, must not disregard the fact that the entire population is in favour of NATO and Europe. Indeed, the Assembly, the European Parliament and all the important European political institutions can act tremendously to enhance and promote democracy in Georgia. All Georgians are aware of a strong feeling of sympathy, support and concern, and that is perhaps more important than public statements. Obviously, public statements have changed a lot, but there is more to it than that.

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**Question to Mr Thorbjørn Jagland, Secretary General of the Council of Europe**



Ms BRASSEUR (Luxembourg) – Secretary General, I would like to pick up on the question asked by Mr Herkel and return to what you said. You said that we should adapt or strengthen our working methods. We have so many different able and competent units within the Council of Europe. How do you see co-operation between all those different units being strengthened in order to ensure that their action is more coherent and our credibility is stronger?



Mr JAGLAND – You are right that we have many bodies. Many are defined as independent bodies, and they should be independent, but better co-ordination is needed, particularly in relation to monitoring bodies, in order to make better use of their findings. That is why I suggested that we set up a matrix showing clearly the state of democracy, human rights and the rule of law in each member country. On that basis, we would be able to discuss with member countries the necessary actions to take to find remedies for shortcomings. We will, of course, use not only the independent monitoring bodies but reports from the Human Rights Commissioner and the Parliamentary Assembly.

One very good example of how intergovernmental bodies and the Parliamentary Assembly should interact involves Kosovo. We based our action there on reports from the rapporteur for Kosovo, and I had good and direct interaction to try to find a way forward. The Parliamentary Assembly paved the way, and I picked up its work and used it in order to find a way to direct interaction with the right people in Kosovo, as I said in my speech and afterwards.

**Question to Mr Füle, European Commissioner for Enlargement and European Neighbourhood Policy**



Ms FUSU (*Moldova*) – My question is about the five countries that are members of the Council of Europe but also part of the eastern partnership: Ukraine, Georgia, Armenia, Azerbaijan and the Republic of Moldova. Do you think the partnership is an antechamber for integration into Europe? How can the principle of “more for more” be applied?



Mr FULE - The eastern partnership – there are six countries in it – is not an antechamber of the Union for those with membership aspirations. I made it clear in my statement, but let me make it even clearer, that in our new neighbourhood policy we refer to article 49, and we have taken down the brick walls between the eastern partnership and the eventual aspirations of our partners. It is not about lowering the bar and not about questioning the ultimate role of member states to make the decision on this issue. It is just to make the point that, if those countries have European aspirations, the best way for them to get ever closer to referring, eventually, to article 49 of the Lisbon Treaty is by working in the eastern partnership, getting closer to the European Union through association agreements and through the deep and comprehensive free trade agreement, and building on the values and principles that the eastern partnership is based on.

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**Monday 21 January 2013**

**Progress report of the Bureau of the Assembly and the Standing Committee**



Mrs BRASSEUR (*Luxembourg*) – I am concerned about the adversarial way in which some debates, such as on ethical and social issues, are being conducted in this Assembly, which is not worthy of an Assembly that champions tolerance, the rule of law and democracy. That has also been true of debates on the shortcomings of certain countries vis-à-vis Council of Europe standards. We should listen respectfully to each other's arguments and vote on the basis of conscience, but all too often people are guided by allegiance to their political or national family, rather than by the facts. The rule of law lies neither on the left, nor on the right nor on the centre, and neither does it have nationality, and we must all defend it irrespective of national, regional, ethnic or political considerations.

[Read more](#)

**Tuesday 22 January 2013**

**The situation in Kosovo and the role of the Council of Europe**



Mr HANCOCK (*United Kingdom*) – We must recognise some of the key issues in the report, such as paragraph 8 of the draft resolution, which relates to the ongoing problem of tackling widespread and systematic corruption. It is no good painting over that as if it did not exist. Anybody with any knowledge of corruption in Kosovo or of the effects of its spreading to other parts of Europe knows that it is of a magnitude that cannot and should not be seen as a reasonable improvement; that is simply not the case, and there is still an awful lot to be done.

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Ms FIALA (Switzerland) – The report gives particular attention to the new methodology of the EBRD, to assess the compliance of countries of operations, where that is mandated by the political aspects of the Bank. It is very positive that the EBRD collaborates more closely with the Council of Europe than it has in the past, as we learn from the memorandum of understanding. We realise that the debate is now more political, and that the focus is more on a political assessment of the work of the Bank than of its actual activities.

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### **Ensuring the viability of the Strasbourg Court: structural deficiencies in States Parties**



Ms MATEU PI (Andorra)\* – Unfortunately, for several months, the Court has been the subject of numerous criticisms in the media of certain member states. The criticisms are various, but they reflect the ill will of the States Parties concerned, which are not prepared to enforce the judgments that are handed down. That is the problem. Perhaps they do not want to accept criticism from a supranational body, but that is what commitments are all about. Respecting such commitments and the rule of law, and promoting and safeguarding human rights are the very heart of our Organisation, and the Court is our crowning glory. This matter should concern us all, because it is about our credibility and our *raison d'être* - the defence of our common values of respecting and safeguarding human rights.

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### **Post-monitoring dialogue with Bulgaria**



Ms LUNDGREN (Sweden) – With all the questions raised and all the concerns pointed out, the conclusion is that the post-monitoring process needs to be continued. However, a lot of amendments have been proposed. This is like trying to have the cake and keep it; it is like trying to open and close the window at the same time. We should be honest to ourselves and to our values. We should speak out clearly on the conclusion and vote for clarification. We should vote in favour of paragraph 20 and against all the amendments.

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### **Wednesday 23 January 2013**

#### **Georgia and Russia: the humanitarian situation in the conflict- and war-affected areas**



The Parliamentary Assembly often suggest practical measures to improve people's living standards, which is why we support the report and the draft recommendation. All members of the Alliance of Liberals and Democrats for Europe will of course support them, and I draw Members' attention to Amendment 4. I hope that you will consider all such measures as a first step, while we in the Assembly await a definitive debate on the consequences of the war between Georgia and the Russian Federation.

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## Free debate



Mr HANCOCK (United Kingdom) – I want to talk about how we organise the business of the Council of Europe. For a long time, I have felt that the d'Hondt method for selecting rapporteurs was slightly bizarre, because in many instances the best person never got to do the report. I have sat on committees in which the most qualified person to do the report has offered their services, but because it was not the right political group's turn they were denied the opportunity and the Council of Europe was denied their expertise.

[Read more](#)

**The honouring of obligations and commitments by Azerbaijan and the follow-up to the issue of political prisoners in Azerbaijan**

Ms BRASSEUR (Luxembourg)\* - During the preparation of the two reports we observed political tensions of rare magnitude within our Assembly and especially within the Legal Affairs Committee. Those who dared denouncing the refusal to grant an entry visa to our rapporteur were qualified as an “anti-Azerbaijani lobby” and were accused of manipulations, political blackmailing and of wanting to silence the democratic debate. Yet, it is quite the opposite that we wanted to achieve... I would like to remind that our goal here is to work together among equal parliamentarians in order to find solutions for bringing our countries in conformity with their commitments to the Council of Europe. That is in the interests of the 800 million people that this organisation

represents.

[Read more, voting results 1, 2](#)

**Towards a Council of Europe convention to combat trafficking in organs, tissues and cells of human origin**

Ms SCHUSTER (Germany)\* – Our aim should be to have as comprehensive and effective a convention as possible, so that we can clamp down resolutely on organ trafficking. As the rapporteur has rightly said, the convention should apply not only to the member states of the Council of Europe but have a geographical perimeter that is as wide as possible to include other states...I remind members of Dick Marty's report on the subject, and I also remind you of the figures. Based on United Nations estimates, 10 000 kidneys are illegally harvested every year, although the actual figures are probably far higher. In Europe alone, 40 000 people are awaiting a kidney transplant, so this topic should be addressed very seriously.

[Read more, voting results](#)

Thursday 24 January 2013

**Urgent debate: Migration and asylum: mounting tensions in the Eastern Mediterranean**



Ms FIALA (Switzerland)\* - Once you have seen the situation with your own eyes, you no longer feel innocent or naïve about it; your feelings are hardened, and you can no longer put up with popular opinions about it. If you look into the eyes of refugees from Syria, Palestine, Iraq or sub-Saharan Africa – they have no documents, and have paid up to \$1 000, only suddenly to find themselves in prison and in an appalling situation – you are greatly affected from a humanitarian point of view, especially in the current century. Since August 2012, Greece has strengthened its borders – those on rivers are also strongly supervised – and it is very difficult to cross them, but, as has already been said, Greece has a very long coast and

3 000 islands, so not all its borders can be kept under surveillance.

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**Urgent debate: Recent developments in Mali and Algeria and the threat to security and human rights in the Mediterranean region**



Ms SCHUSTER (Germany)\* - The humanitarian situation, which will clearly get worse. The UN expects 70 000 people to be forced to flee the country, and we should aim to prepare the neighbouring countries so that the right conditions are provided. In addition to UN Resolution 2085, we should give thought to the political foundations of the situation. The transitional government had the remit to put together a road map setting out the political process, but problems that have been around for so long cannot be resolved if the neighbouring states are not included in the process. Dialogue must be pursued, and measures such as joint development work should be taken.

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**The state of media freedom in Europe**



Mr KENNEDY (United Kingdom) – More seriously, the report brings into graphic relief the continuing violence that all too often exists in journalism. The year before last, the Council of Europe's excellent book, "Human rights and a changing media landscape", made the point that "Threats against one journalist can have the devastating effect of silencing many others." In a democracy, too much silence is much more ominous than too much noise: the press is there to generate both heat and light in that respect.

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**Friday 25 January 2013**

**Gender equality, reconciliation of personal and working life and shared responsibility**



Ms FUSU (Republic of Moldova)\* – Sharing responsibility within the family and putting aside traditional roles requires a change of mentality. In our consumer society, we often forget that a work-life balance is essential for economic growth and for well-being of the labour market and for a better use of human resources. For example, a wider share-out of responsibilities and knowledge reduces the risks for a company, and improved staff motivation and commitment increases productivity... We must think through our policies carefully. Dissemination of information and best practice will help to change mind-sets. A new social contract is needed for a fairer share-out of the burden between men and women.

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**Trafficking of migrant workers for forced labour**



Mr CHIKOVANI (Georgia) – The rapporteur talked about best practices and the tools that are already at hand. However, a number of countries that are represented in this room still do not use the available tools to the maximum possible extent, including the Council of Europe Convention on Action against Trafficking in Human Beings. When we go home, we should all call on our national governments to utilise that tool to its fullest extent. As is indicated in the report and as has been stated by experts in this field, there is a lack of trans-national co-operation on this issue. We must all realise that dealing with this problem is not only a national obligation, but our joint obligation. We have to put in place an international mechanism that enables all governments to interact to provide

the necessary tools. [Read more, voting results](#)