



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

N°3, 2013

*PACE Session
24-28 June 2013*

IN THIS ISSUE:

Parliamentarians
defend civil society

ALDE Rapporteurs

ALDE Questions

ALDE Speakers

ALDE
members

- ALDE is proud to announce that on 2 July 2013 our member Mrs Ankie Broekers-Knol (VVD, Netherlands) was elected President of the Dutch Senate. We warmly congratulate her and wish her well in her new responsible position.
- On June 24 ALDE exchanged views with Mr Jean-Claude Mignon, President of PACE. Several months before the end of his mandate, the President briefed the Group on the challenges that the Assembly has to face in order to promote democracy, human rights and rule of law in Europe. ALDE members inquired the interlocutor about the progress in the main areas of Assembly's activities, including frozen conflicts resolution, support for democratic movements that become targets of state oppression and organisation of the Assembly's work.
- Following its long-standing commitment, ALDE also discussed the situation in the North Caucasus. The group heard a report by lawyers Mrs Sapiyat Magomedova (Dagestan), Mr Rustam Matsev (Kabardino-Balkaria) and Mr Batyr Akhilgov (Ingushetia, North Ossetia and Kabardino-Balkaria), as well as by Mr Denis Krivosheev, Amnesty International Researcher on Russia. Impunity and security threats in the North Caucasus remain the most difficult challenges for the Russian Federation. Lawyers working in the region and struggling against impunity, often fall under threat themselves.
- On 26 June 2013 ALDE invited Parliamentarians, Permanent Representatives, NGOs and the secretariat of the Council of Europe to discuss how the Assembly and national parliaments could contribute to the establishment of favourable legal, political and economic conditions for the effective functioning of civil society.

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. We were particularly pleased that Mr Emil Kirijas, Secretary General of the Liberal International, could join the meetings and took active part in the discussions. The Group is also thankful to the trainees Mr Jean-Baptiste Maillard (France), Ms Maria Wahlstead (IFLRY) and Ms Jelizaveta Puzanskaja (Lithuania).

ALDE endeavours to be the engine of the Assembly defending core European values

Visit our website: www.alde-pace.org

ALDE round table discussion
Parliamentarians defend civil society:
How to prevent inappropriate restrictions on NGO activities in Europe?



Mr Ritchie, Mr Muiznieks and Mrs Reps

Despite the Council of Europe's determination to set standards for guaranteeing the free functioning of civil society, the attempts to restrict freedom of association in some European countries put many prominent NGOs and our organisation's long-standing partners under threat.

NGOs face excessive formal requirements for registration, unjustified criminalisation of activities, restriction of access to funding (especially foreign funding), repression against their members and exclusion from consultations on legislation concerning their status, funding and scope of activities. The Venice Commission has critically addressed a number of

such cases, as did the Expert Council on NGO Law of the Conference of INGOs of the Council of Europe.

On 26 June 2013 ALDE invited Parliamentarians, Permanent Representatives, NGOs and the secretariat of the Council of Europe to discuss how the Assembly and national parliaments could contribute to the establishment of favourable legal, political and economic conditions for the effective functioning of civil society.

The round table discussion opened by Mrs **Anne Brasseur**, President of ALDE, featured Mrs **Mailis Reps**, ALDE Bureau member, Rapporteur on "Strengthening the protection and role of human rights defenders in Council of Europe member states", Mr **Nils Muiznieks**, Council of Europe Commissioner for Human Rights, Mr **Cyril Ritchie**, Chairman of the Expert Council on NGO law, INGO Conference, as well as NGO representatives: Mr **Anar Mammadli**, Election Monitoring and Democracy Studies Center from Azerbaijan, Mrs **Tatiana Kouzina**, Belarusian Institute for Strategic Studies and Mrs **Natalia Taubina**, Human Rights NGO "Public Verdict", Russia. Representatives of the Liberal International, Amnesty International, Human Rights Watch, and Coming Out (Russia) also took part in the discussion.

"It is of no surprise that the house of rule of law and democracy is worried about how strong our civil society is. And without any second thoughts we should fight very strongly for the rights of our third sector – that some of us even call the first sector. There have been many negative examples in our Council of Europe member states – or suspended member states – of cracking down on or slowing down our civil society. Of course, recent developments in Azerbaijan and Belarus, but also recent legislative changes in the Russian Federation, are making us more than concerned", Mrs Reps said in her opening remarks.

Mr Muiznieks also expressed his concerns as to the deteriorating situation of civil society in many Council of Europe member states: "I think that it is a little depressing, that we have to talk about how to prevent inappropriate restrictions, rather than discussing about how best to create an enabling environment for NGOs and human rights work. But I think it is the situation we are in".

Speaking about the way NGOs are accused of involvement in politics, Mr Ritchie reminded that such participation was part of the everyday work of any efficient NGO: "Is there something wrong in being engaged in political activity? How many politicians would therefore be in the wrong? It sounds almost that there was something illegal in engaging in political activity, and in my very firm view, that is what we are engaged in every day of the year, when we are changing the social climate, working for empowerment of women, or for access to justice! These are all political activities by definition, because they are aimed at improving the world."

Concluding the discussion, Mrs Reps said: "We are very proud in this house that the best practices are learned from each other. But it is very sad to notice that the worst practices spread even faster. What is sufficiently efficient against NGOs in some countries will be learned and practiced, and carried on further. We may feel frustrated, because we keep talking about the same things over and over again, and sometimes do not see the results. But if we do not talk about it and do not come to this kind of meetings and round tables, the bad practices are spreading even faster. Publically raising this problem is the only way to slow it down and hopefully one day to stop it."

As a first immediate result of the round table discussion, a motion for a resolution on "How to prevent inappropriate restrictions on NGO activities in Europe?" was tabled by Mrs Kerstin Lundgren, ALDE

Bureau member from Sweden. The signatories of the motion called on the Assembly to identify the major challenges which hinder the development of civil society organisations in Europe, to determine how to improve the existing standards for interaction between state authorities and NGOs in order to establish favourable legal, political and economic conditions for the functioning of civil society, and to elaborate guidelines on how the Assembly and national parliaments can reinforce the implementation of these standards.

The highlights of the discussion are available [on video](#)



[Back](#)

ALDE Reports



Kerstin LUNDGREN (Sweden)

Request for the opening of a monitoring procedure in respect of Hungary (Doc. 13229) - Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe - 25 June 2013

"Nobody contests that there were free and fair elections in 2010 or that the ruling coalition got a clear mandate for reform from the voters. However, a two-thirds majority does not mean that the winner takes it all to do what they want."



Jordi XUCLÀ I COSTA (Spain)

Evaluation of the partnership for democracy in respect of the Parliament of Morocco, (Doc. 13244) Rapporteur for opinion - Committee on Legal Affairs and Human Rights – 25 June 2013

"We are not talking about a country that is submitting its candidacy to become a member state of the Council of Europe. Rather, we are talking about a country that wishes to take on board and fully implement the standards and values of the Council of Europe in the areas of human rights, democracy and the rule of law."

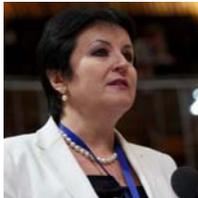


Mailis REPS (Estonia)

Corruption as a threat to the rule of law (Doc. 13228) - Committee on Legal Affairs and Human Rights – 26 June 2013

"If I can confirm that the rule of law is seriously threatened by corruption, it is because my research has shown that corruption affects each of the components of the rule of law."

[Back](#)



Ms GUȚU (*Republic of Moldova*) – What are the priorities of the Armenian chairmanship when it comes to finding solutions to frozen conflicts in the territory of the former Soviet Union, such as South Ossetia, Abkhazia, Transnistria and, of course, Nagorno-Karabakh?

Mr NALBANDIAN – The launch of the Eastern Partnership in May 2009 brought about a qualitatively new dimension to our relations with the European Union. Since the inception of the Eastern Partnership, we have registered good progress in all main areas of co-operation, notably the negotiations on the Association Agreement, including the Deep and Comprehensive Free Trade Area, the mobility of people and sectoral co-operation. Most importantly, it has become a very effective mechanism, streamlining the dynamic of our political dialogue with the European Union, as reflected in regular reciprocal high-level visits. From July 2010, Armenia has been engaged in negotiations on the Association Agreement, which are now in the concluding phase.



Facilitating mobility between our people has also been an important aspect of our co-operation. Within the Eastern Partnership, we have successfully negotiated and signed the Visa Facilitation and Readmission Agreements. We expect ratification of both agreements to be completed as soon as possible and to start the visa liberalisation process.

(The speaker continued in French)

Speaking as Foreign Minister of Armenia, and as far as Nagorno-Karabakh is concerned, a few days ago, on 18 June, a declaration was made public by the three co-chairs of the Minsk Group with an appeal to the presidents of the two countries, and we have already agreed fully with that declaration. The reaction of Azerbaijan shows that it is speaking at cross-purposes with the international community. We greatly appreciate the continued efforts of the Minsk Group and the G8 declaration in Enniskillen, and the efforts aimed at finding a peaceful resolution to the conflict.

Like the three co-chairs, we are convinced that what has been set out in the declaration, and the various other declarations that have seen the light of day over the last four years, could constitute a good basis for a just and lasting resolution to this conflict. As stated in the declaration of the three co-chairs, any attempt to give priority to one of the elements over the others would be an obstacle to finding a resolution. We agree with the co-chairs that people must be prepared for peace and not for war. Unfortunately, the authorities in Azerbaijan have been doing the opposite. We agree with the co-chairs that recourse to force will not be an appropriate way to find a solution to the conflict. Only a negotiated resolution can ensure peace and stability, opening up new opportunities for regional co-operation.

Unlike Azerbaijan, which has in all circumstances referred to only one principle of international law, Armenia has – in response to the appeals from President Putin, President Obama and President Hollande – expressed its attachment to all principles of international law, in particular the non-recourse to force or the threat of force, equality in the eyes of the law, territorial integrity and self-determination of peoples.

Despite many appeals by the international community to abstain from declarations of a provocative nature, Azerbaijan continues its bellicose declarations and its incitement of incidents along the border. It continues its policy of propaganda, xenophobia, intolerance and hatred by glorifying people who have in fact engaged in terrorist acts. Like Russia, France and the United States, we express our regret that, rather than trying to find a resolution to the conflict, there has been an attempt by Baku to draw unilateral advantage from the conflict. There has been no appropriate follow-up to the Sochi Summit or other summits.

We believe that that unilateral approach to conflict resolution is unacceptable. The Enniskillen Declaration on Nagorno-Karabakh, made public by the three co-chairs, could provide impetus in achieving progress in the peace negotiations if the authorities of Azerbaijan hear the message that has been transmitted to them.

The third question was on frozen conflicts. The heads of state and the Council of Europe underscored at their summit in Warsaw in 2005 that it is extremely important that member states work together on reconciliation and the search for resolutions to frozen conflicts in order to ensure democratic stability, unity and peace on our continent. All of this must be done within the framework of negotiations on an equal basis – agreed negotiations. The Council of Europe cannot organise such negotiations, but it can make positive contributions to confidence-building measures and promoting dialogue, without which no political solution to those frozen conflicts will be possible. I am very pleased that the Secretary General has included such measures in the proposed priorities that will be explained to the Committee of Ministers.

Monday 24 June 2013

**Progress report of the Bureau and the Standing Committee
Observation of the early parliamentary elections in Bulgaria (12 May 2013)**



Mr XUCLÀ (*Spain*)* - The Assembly often talks about three frozen conflicts, and efforts have also been made to bring the different parties together in another semi-frozen conflict. At the recent monitoring meeting in Tallinn, we had an open and frank debate in which we addressed those frozen conflicts in some depth. It would be very much welcomed if this part-session of the Assembly followed the example of the Monitoring Committee by discussing the situation in Nagorno-Karabakh. [Read more](#)

Free debate



Ms SCHUSTER (*Germany*)* – I also call on the Russian Government to comply with the standards laid down in the European Convention on Human Rights and ensure that the rights of civil society are fully taken on board [...]. Last year we noted the promulgation of the so-called NGO law, under which NGOs that receive funding from abroad have to register as foreign agents. As a result, searches and seizures have taken place. Golos, the first independent election monitoring organisation in Russia, was condemned for apparently receiving funding from a prize from the Helsinki Committee, even though Golos rejected the prize money. This points to one thing: that the NGO law is a further attack on civil society. [Read more](#)

Tuesday 25 June 2013

The situation in the Middle East (Doc. 13231)



Ms FIALA (*Switzerland*)* – Since 2010, the peace process between the Israelis and the Palestinians has unfortunately not made further headway. A reconciliation has not taken place, and at the same time, the overall position in the region has become worse. I do not need to go over all the details of what has occurred, but the civil war in Syria has triggered one of the most serious humanitarian crises we in Europe have witnessed over the years and thrown up a number of major challenges, such as dealing with the refugees in Turkey, Jordan and Lebanon. [Read more, voting results](#)

Request for the opening of a monitoring procedure in respect of Hungary (Doc. 13229)



Ms REPS (*Estonia*) – Many people have spoken in this debate about double standards. It would be a serious example of double standards if no action were taken when there were serious concerns. How can we defend other countries being subject to a monitoring procedure if we wilfully reject one for Hungary despite all the concerns that exist? Not opening one would seriously damage not only the monitoring procedure as a whole but, above all, the overall credibility of this organisation. Whatever our loyalties are today when we come to vote – maybe they are political, maybe domestic – they should remain with democracy, the rule of law and respect for human rights.

[Read more, voting results](#)

Evaluation of the partnership for democracy in respect of the Parliament of Morocco (Doc. 13244)



Mr HANCOCK (*United Kingdom*) – Any democracy that has a monarch – a king, in the case of Morocco – at its head, as mine does, has to work out a system in which there is representation of the three sides of the triangle that make up the country: the head of state, the parliament and the people. The move towards a constitutional monarchy is a path that Morocco has accepted, I believe. I think that the king is instrumental in wanting those developments. The Assembly must nurture that and work with the Moroccan Parliament to make sure that those things can come about.

[Read more, voting results](#)

Wednesday 26 June 2013

Corruption as a threat to the rule of law (Doc. 13228)



Ms GUȚU (*Republic of Moldova*)* – The rule of law is undermined if we do not apply the same rules to everyone. The proper functioning of the rule of law requires a firm commitment by the authorities to clamp down on corruption in all its different forms. Today, corruption is a real threat to democracy. We see how much that is the case in the more impoverished countries, such as countries of the former Soviet Union, where corruption has a detrimental effect on the well-being of the population, as well as on democratic institutions. [...]Colleagues, it is down to us to ensure that our parliaments are made aware of everything that is said and adopted here on this matter.

[Read more, voting results](#)

Challenge on procedural grounds of the still unratified credentials of the parliamentary delegation of Iceland (Doc. 13246)



Ms LUNDGREN (*Sweden*) – ALDE has a female leader and four out of six delegates from Sweden are female. We are therefore interested in gender representation. One of the three pillars of the Assembly is the rule of law, so we must follow our own rules. It is good that the credentials were challenged, but at the same time, I must say on behalf of ALDE that the report and the handling of the situation have been excellent. We fully support the report. We have heard from our Icelandic colleagues that they will sort it out by the next part-session.

[Read more, voting results](#)

Putting an end to coerced sterilisations and castrations (Doc. 13215)



Ms ACKETOFT (*Sweden*) – Speaking on behalf of my group, I would not normally concentrate on one country. However, I am Swedish and since Ms Maury Pasquier visited Sweden to collect material for her report, I will refer extensively to Sweden today. The Swedish eugenic sterilisation programme ran between 1934 and 1976, and the coerced sterilisation of transgender persons actually up until this coming Monday. That is not a pretty picture. It has been estimated that 63 000 people, mainly women, fell victim to that social engineering with the greater purpose of creating a sound, homogenous population.

[Read more, voting results](#)



Mr HANCOCK (*United Kingdom*) – The report talks about how people are excluded. Health is about inclusion, not exclusion, but the report eloquently demonstrates that in many countries, many categories of people – whether poor, elderly or simply in the wrong place – cannot partake of the services that are available. There is not an equal share of health facilities.

[Read more, voting results](#)

Thursday 27 June 2013

Debate under urgent procedure : Popular protest and challenges to freedom of assembly, media and speech (Doc. 13258)



Ms KHIDASHELI (*Georgia*) – I do not want to be seen as defending violence – no one in my group or indeed in this building would advocate that – but it is the duty and obligation of this Assembly to create clear rules for governments saying that violence and excessive use of force will not be tolerated by the democratic world. There should be simple rules. First, there should be no arbitrariness in decision making. Secondly, there should be a clear definition of the methods and means that the government may use during mass protests. We should remember at all times that the use of force leads to even more violence and problems from the crowds.

[Read more, voting results](#)

Current affairs debate : State interference with privacy on the Internet



Ms BRASSEUR (*Luxembourg*)* – . In our states, for security reasons, people are saying, “Everything can be monitored.” Some governments try to do that by linking up with private companies. We must find a way to face up to these challenges, which are undermining our society, but I am afraid that at the moment we do not have the instruments to do so. We have to guarantee protection of the right to a private life, which is one of our most precious values. We must oppose the threat to individual freedom.

[Read more](#)

Tackling discrimination on the grounds of sexual orientation and gender identity (Doc. 13223, Doc. 13223 Add.)



Ms TAKTAKISHVILI (*Georgia*) - The report does not question the religious convictions of anyone in the Chamber. It is about basic values that unite us. [...] We have seen positive developments in a number of member states over the past few years, but in others, there have been difficulties. In the Russian Federation, representatives of LGBT rights activists have been obliged to register as foreign agents under the foreign agent statutes. We had an excellent exchange of views with representatives of non-governmental organisations hosted by ALDE in this Chamber [...]. Of course, we demand that the Russian Federation revise that legislation, and ask the Venice

Commission, with its expertise, to consider the legislation, which goes against the standards that we are committed to observing. In Russia and Ukraine, draft legislation has been proposed that says that so-called homosexual propaganda should be prohibited. Those countries must follow the standards set by the European Union and the European Court of Human Rights.

[Read more, voting results](#)

Post-monitoring dialogue with “the former Yugoslav Republic of Macedonia” (Doc. 13227)



Mr XUCLÀ (*Spain*)* – I hope that we will not engage in interminable discussions about the name of the country because its name is not its problem. [...] Just last week, my colleague, the rapporteur on Macedonia, said that Macedonia’s accession to the European Union is under threat, and mentioned some specific reasons for why that is the case. The European Council, which meets today and tomorrow for the first time in a long time, is not referring to possible Macedonian membership at all. That gives us cause to reflect and indicates that there are some problems when it comes to freedom of expression and freedom of the press. [...] There are also some problems with the functioning of democracy.

One of the candidates in elections in the central district of Skopje – Mr Zernovski, a former colleague of ours – ended up going through three successive elections because of irregularities. There were false ballots and documents that had not been appropriately verified. [Read more, voting results](#)

Friday 28 June 2013

Draft Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Doc. 13220)



Mr XUCLÀ (*Spain*)* – It is clearly important that the instrument gets the backing of the Parliamentary Assembly. It will make the Court’s work easier by providing it with a platform for judicial dialogue, and will act as an interface between national courts and the Strasbourg Court, bringing them together. As was rightly pointed out, the opinions will not be binding, but they will nevertheless be influential on the workings of domestic courts, and so will facilitate the work of the Court, so the protocol is wholly positive. [Read more, voting results](#)

Keeping political and criminal responsibility separate (Doc. 13214)



Ms KHIDASHELI (*Georgia*) – The report clearly and correctly underlines the importance of the absolute prohibition of prosecution on the basis of political differences. That is a must, and there can be no reservations about it. That said, it is crucial that all politicians know that political party membership or being at a certain level of power gives no immunity. When crimes are committed, the perpetrators must be punished regardless of their political affiliations or former positions. The Assembly should be the guardian against the abuse of power and other illegalities. Earlier this week, we discussed the report by Ms Reps on corruption, and that is where the two reports tie in. It is important to set the right tone and have clear definitions of the terms involved. [Read more, voting results](#)

[Back](#)