



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

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*PACE Session
30 September –
4 October 2013*

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▪ **Anne Brasseur – ALDE's candidate for the next PACE chairmanship!**

In compliance with the political groups' rotation agreement, ALDE has submitted the nomination of Mrs Anne Brasseur as candidate for the next Parliamentary Assembly Chairmanship in 2014-2015. This nomination received unreserved backing within the liberal family and was officially endorsed - among many others - by the outgoing president of the Assembly Mr Jean-Claude Mignon (France, EPP/CD), Mr Andreas Gross (Switzerland, head of the Socialist Group), Mr Pedro Agramunt (Spain, head of the EPP/CD), Mr Tiny Kox (the Netherlands, head of the UEL) as well as by chairs of PACE committees. ALDE's office in Strasbourg will be glad to provide you with further information.



- In an exchange of views with Mr Richard Clayton QC, UK representative to the **Venice Commission**, ALDE explored ways for the Parliamentary Assembly to create better synergies with the European Commission for Democracy through Law (Venice Commission). It was not the first time ALDE invited representatives of the Venice Commission to share their views on cooperation between national parliamentarians and the Council of Europe's chief advisory body on constitutional matters (see e.g. ALDE Newsletter N°1, 2013). Such cooperation is all the more crucial since the Assembly remains one of the main institutions to request legal opinions from the Venice Commission.

- On 30 September 2013, ALDE exchanged views with **Mr David Usupashvili**, Speaker of the Georgian Parliament and leader of the Republican Party of Georgia (ALDE Party member). The discussion focused on the political situation in Georgia ahead of the presidential election to be held on 27 October 2013, on the continuation of democratic reforms in the country and on the prospects for sustainable solutions for building relations between Georgia and the Russian Federation.



To ALDE's greatest regret, the October part-session was the last one for Mrs Marina Schuster, ALDE Vice-President and first Vice-Chair of the PACE Legal Affairs Committee. Marina Schuster joined ALDE in 2010 to become a strong voice in the Parliamentary Assembly defending the principles of human rights and rule of law. Together with five other German FDP colleagues, including the long-serving Auditor of the Group Mr Harald Leibrecht, Mrs Marina Schuster will be leaving the Assembly following the September parliamentary ballot in Germany. ALDE once again wishes to thank Marina Schuster for her work and for her commitment to the values we are defending in the Council of Europe.

We wish to thank all ALDE members who took active part in plenary debates on behalf of the Group, presented reports and attended group meetings. The Group is also thankful to Ms Sandra Ahtola, IFLRY trainee who joined our office for this session.

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Mr Margus HANSON (Estonia)

Combating discrimination against older persons on the labour market (Doc. 13308) – Report for opinion of the Committee on Social Affairs, Health and Sustainable Development – 4 October 2013



Jordi XUCLÀ I COSTA (Spain)

Strengthening the institution of Ombudsman in Europe (Doc. 13236) – Committee on Legal Affairs and Human Rights – 4 October 2013

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Question to Mr Sergey NARYSHKIN, Speaker of the State Duma of the Russian Federation



Ms
BRASSEUR
(Luxembourg)
)* – On behalf
of the ALDE
Group,

I thank you, Mr Speaker, for agreeing to address the Parliamentary Assembly – the very house of democracy. It is only through contact and dialogue that we will be able to make proper headway.

My question relates to NGOs and foreign agents, which you mentioned in your address. I have heard that President Putin has served notice that the law in that area may well be modified. Has the State Duma given any thought to changing that law? If so, in which direction will it be changed and how long will it take?



Mr NARYSHKIN* – Thank you for your interest and for paying attention to the way in which the legislation is being implemented. I remind you that the law was enacted to achieve transparency in the work of non-commercial organisations. The whole of society wants transparency in the bodies of municipal government, other governmental structures, business structures, commercial structures and non-commercial structures. That is the aim of the law.

We have been monitoring the application of the law. That is a good instrument for seeing whether there are flaws in a piece of legislation and ways in which it can be amended or improved. We are currently discussing this legislation. As you mentioned, President Putin has spoken about it and it has been discussed in the State Duma. We have talked about the fact that the notion of political activity has to be made clearer. That is a critical notion in the application of the law. I do not exclude the possibility that we will have to do something about it. It is possible that we will make amendments, but there needs to be agreement among members of parliament for that to happen.

Overall, the law has the support of our citizens. Opinion polls show that there is full support for the legislation. We must all remember the fundamental principle that the only source of power in a democratic State is the people. We, as legislators, simply serve the wishes of our people and represent them in the discussions that we have. [Back](#)

Question to Mr Edward NALBANDIAN, Minister for Foreign Affairs of Armenia, Chairperson of the Committee of Ministers



Ms MATEU PI (*Andorra*) – On behalf of the ALDE group, I thank you, Minister, for your precise report. We were informed that during the meeting of Deputies on 11 September the Committee of Ministers mentioned the possibility of organising a mission in Hungary to support the implementation of freedom of expression in the media of that country. Can you provide us with further details, and will the Committee of Ministers consider doing the same thing in other member States.

Mr NALBANDIAN – I thank the distinguished parliamentarian for that question. The issue you raise requires a substantive and detailed answer, so I will reply in written form.

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Question to Mr Serzh SARGSYAN, President of Armenia



Ms GUȚU (*Republic of Moldova*)* – What have been Armenia's expectations for the Eastern Partnership summit that will take place in Vilnius at the end of November since you became a member of the customs union of Russia, Belarus and Kazakhstan? Will Armenia wish to sign an association agreement with the European Union?



Mr SARGSYAN* – We will take part in the Vilnius summit and, in the run-up to it, our expectation is that changes will be made to the negotiating document. We stand fully ready to sign the association agreement, but there are two facets – the association agreement and the deep and comprehensive free trade area. Since our European colleagues have told us that the DCFTA contradicts the customs union treaties, we anticipate that we will sign only the association agreement. The association agreement and reforms to be taken under it are the nexus of our relationship with the European Union. The main document is the association agreement, and we want to make use of its provisions. We are benefiting from the talks with the European Union on reforming our country. We would like to be in Vilnius and would like to sign the association agreement.

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Question to the Secretary General of the Council of Europe

Mr BUGNON (*Switzerland*)* – Earlier, Secretary General, you talked about the role played by the Council of Europe in the field. On the very important role of election observation missions on the ground, is it true that for budgetary reasons the Council of Europe is considering cutting down on them? Do you not believe that more media coverage should be given to the role played by the Council of Europe through these missions in stabilising democracies?



Mr JAGLAND – I could not agree more. The media coverage that the Council of Europe gets today is much broader than in the past, but we have to base our assessment on strict standards and conventions and we cannot be in the headlines like many others – I am not bound by those kinds of formalities. This is our strength, but it is of course also a problem if we want to have big headlines in the media on a daily basis. However, if we look at the international and national press, we are now much more of a reference point than we were in the past.

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Mr XUCLÀ (*Spain*)* – President Nikolić, I welcome you on behalf of the Alliance of Liberals and Democrats for Europe. I encourage your country to adopt the convention on minority languages as soon as possible. What measures are you implementing to protect minority cultural rights, particularly in the field of education? To what extent does the Pristina government respect the linguistic and cultural rights of minorities?

Mr NIKOLIĆ* – The Framework Convention for the Protection of National Minorities has been incorporated into our constitution and laws, and those laws are being implemented. The members of national minorities may even write PhD theses in their own language. From the most basic level of the school system to the level of a PhD, people may use their own language. The use of one's own language and script is guaranteed.



We have had some problems regarding textbooks for the Bulgarian minority. Bulgarian State officials have reacted to that. The manuals have not yet arrived and I do not know why. However, we have had no other complaints in that regard.

People from 30 national minorities live in Serbia. That is nothing new to us. Those minorities have lived in the country for centuries and have established their own relations. The State only has to support them. In Serbia, the official language is Serbian. The minority languages are spoken in the areas where the minorities live. The official script of Serbia is Cyrillic. The scripts of the minorities are used in the places where they live.

We have no right to force our national minorities to express themselves as Serbs or anything else. We protect their difference. Positive discrimination is possible under the constitution. If a minority lags behind in respect of the protection of its heritage, language and script, the state has the right to give it more support than the others. We do apply that practice. The representatives of national minorities have taken over powerful competences in their regions.

Kosovo has two parts. In one part, the provisional Pristina administration is fully in control, but in four Serbian municipalities in the north of Kosovo the authority of the Pristina administration has never run. For centuries, Albanians have never lived in the latter area – it was always Serbian territory, and the only language used has been Serbian.

On the influence of Serbia, we have no influence on how the Albanian institutions conduct and organise the core system. We might send school textbooks to the Serbian villages, or help them to find teachers or to fund electricity and everything else that schools need, including premises, but the situation is confusing, because in some areas co-operation is possible and in others not.

The authorities in Pristina now adopt decisions without consulting Belgrade. We have tried to accommodate them in our legislation, but they did not foresee the specifics of the life of the Albanian and Serbian population in Kosovo and Metohija. That is where the Council of Europe can be of help: if you want to co-operate with the administration in Pristina, you will see a number of obligations that have yet to be respected, in order for it to be able to say that it respects the principles of the Council of Europe. That is not shameful – it was also the case for my country 10 years ago, when we realised that we were lagging behind in terms of democracy, human rights and the rule of law.

Monday 30 September 2013

**Progress report of the Bureau and the Standing Committee
Observation of the parliamentary elections in Albania (23 June 2013)**



Ms LUNDGREN (*Sweden*) – As we discussed in June, we must closely follow the developments in Hungary [...] Dear colleagues, we must make sure we are not the only ones who deal with human rights in the European context. If we are not able to take these issues on board and closely follow them, we will be challenged by the European Parliament. [...] On behalf of ALDE, I also welcome the Georgian Parliament's will to change its laws so it will be in compliance with our agreements. [Read more](#)

Free debate



Ms GUȚU (*Republic of Moldova*)* – There will be an Eastern Partnership summit in Vilnius at the end of November, at which Ukraine will sign its association agreement with the European Union. Georgia and Moldova will also signal such an accord. The decision of those three countries to follow the path of European integration is a sovereign decision based on national and international law. The commitment to become closer to the European Union because of its values is particularly laudable given that all three countries have communist, totalitarian pasts.

[Read more](#)

Tuesday 1 October 2013

**The activities of the Organisation for Economic Co-operation and Development (OECD)
in 2012-2013**



Mr KENNEDY (*United Kingdom*) – The British Government has indicated, through its Foreign and Commonwealth Office, its broad support for the report, with one exception. That exception is very pertinent to the ongoing and endless debate within liberalism in a European context, and indeed a global context. It is a debate that will never die, and indeed it should never die, because it goes to the very DNA of liberalism itself. It is about the correct balance between social liberalism, in which I place myself, and economic liberalism, which others are more inclined towards. [...] And if our liberal approach to these matters teaches us anything, it is that a political philosophy must be driven by a heart and also by a head. [Read more](#)

Children's right to physical integrity



Ms ACKETOFT (*Sweden*) – As the report states, many legislative and policy measures have been taken by our member States to improve the protection and well-being of children. However, still only 23 countries have a total ban on corporal punishment. In the majority of countries, it is still considered a domestic matter if parents use violence as a parenting tool, just as violence against women used to be. [...] As we have already heard from colleagues, children have human rights, and those rights go above the rights of parents. [Read more, voting results](#)

The progress of the Assembly's monitoring procedure (June 2012 – September 2013)



Ms REPS (*Estonia*) – I will concentrate my remarks on the aspect that will get some attention today as a result of the amendment and the vote: the future of monitoring. How much attention would we like the Parliamentary Assembly to pay to monitoring and what substance at the Council of Europe level would we like to have in future? There are voices – we heard one earlier today – that say that monitoring needs to be readdressed and looked at differently. The progress report's draft resolution offers us a further way, a way that liberals wholeheartedly support: involving the Committee of Ministers in a more substantive way. [Read more, voting results](#)

Wednesday 2 October 2013

National security and access to information



Mr XUCLÀ (*Spain*)* - The legislation on transparency of, and access to, information being adopted in different parliaments is very important for democracy. We must also distinguish between different sorts of information. There is public information relevant for taking decisions, but governments do not only hold a lot of information that should be made public. Some governments have information that breaches our privacy. In the name of security the state invades our privacy. We know now that millions of calls, messages and e-mails are known about to certain state organs on the pretext of security. If there is a cause for the liberal group it is the defence of privacy. That is our banner. [Read more, voting results](#)

The functioning of democratic institutions in Bosnia and Herzegovina



Mr XUCLÀ (*Spain*) – We cannot allow Bosnia and Herzegovina to become an island among the other countries that are candidates for membership of the European Union or that have already joined. We cannot stand by and let that happen. In addition, we need to be firm about our expectations. We need a dialogue that is firm and constructive, and the report before us sets out a number of objective criteria. The Bosnian Government still has to meet challenges on institutional functions, on the constitution and on electoral reform, which is also required. Such reform of institutions and of how political parties operate needs to be reviewed. [Read more, voting results](#)

The honouring of obligations and commitments by the Republic of Moldova



Mr STROE (*Romania*) – The report comes at a significant political juncture, so it must be read within a wider political context. As you are aware, the Republic of Moldova is contemplating initiating the association agreement with the European Union at the Eastern Partnership summit in Vilnius. Our report is therefore a logical input for the European Union's assessment of the country's reforms in Brussels, especially in light of the closer co-operation dialogue that has developed lately between the European Union and the Council of Europe and the growing use of our findings and conclusions by various European Union bodies. [Read more, voting results](#)

The situation in Syria: Debate under urgent procedure



Ms SCHUSTER (*Germany*)* – We welcome the fact that the UN Security Council has finally managed to reach a common position, culminating in the adoption of its resolution, with a view to destroying all chemical weapons, but we also know that every day the conflict claims further lives. As we are talking now, people are dying. This is why our overriding political goal must be for a ceasefire to be put into place. [...] Even though we welcome the resolution, one thing is missing: the notion of impunity. This should not be tolerated. We are talking about war crimes being committed – crimes against humanity. Regardless of who the perpetrators are, they should be brought before the International Criminal Court.

[...] We would like to take this opportunity to thank the neighbouring countries – Turkey, Jordan and Lebanon – for their willingness to take in refugees. However, we also need to be honest and accept that we should do more to take in refugees in our own countries. Let us not forget that during the winter months the situation will become worse. [Read more, voting results](#)

Missing persons from Europe’s conflicts: the long road to finding humanitarian answers



Ms ACKETOFT (*Sweden*) – The 1929 Geneva Convention states: “Whenever circumstances permit, each party to the conflict must, without delay, take all possible measures to search for, collect and evacuate the dead.” The law is therefore very clear, but the political will is not. Let us all accept that that is a genuine problem. I thank the International Committee of the Red Cross for all the work it is doing. [...] Until now, we have all been in agreement in discussions, so there should be no problem in resolving this humanitarian issue. As legislators, we are bound to listen to the families, to recognise them and to ensure that we cater

for their living conditions. As member States of the Council of Europe, we should feel obliged to follow international legislation and conventions and, of course, the recommendations of this report. [Read more, voting results](#)

European Union and Council of Europe human rights agendas: synergies not duplication! Debate under urgent procedure



Mr KENNEDY (*United Kingdom*) - The UK government is on record as having “seen no evidence of unhelpful overlap or duplication between the Council Commissioner and the EU Special Representative”, and it makes other similar statements, too. That is very good, but history teaches us that institutions can, and do, evolve, and in so doing they tend to develop their own distinct identities. In political institutions that usually takes the form of accruing ever more power. So while we do not want armed neutrality, perhaps a dose of cautious vigilance might be in order. That is the point of this debate and this report.

There is one way forward we would all welcome. The European Union now has a very potent identity. Indeed, it has a personality; it is a Nobel prize-winner. If it could take the next step and complete its accession to the European Convention on Human Rights, nobody would be happier than us. [Read more, voting results](#)

Food security – a permanent challenge for us all

[Read more, voting results](#)

Friday 4 October 2013

Combating discrimination against older persons on the labour market



Mr REIMANN (*Switzerland*)* – It is important that we look to national legislation to overcome the increasing difficulties for elderly people who continue to work in the labour market. We have to start with our state-run companies. People are being forced into early retirement, and younger people are being forced to work longer hours. We also have to look at the practices employed in our diplomatic and consular services. The report overlooks one issue – mobility. We need to consider mobility to and from the work place. If no public transport is available one becomes reliant on private cars, making it more difficult to remain in the labour market, and we need to tackle anything that constitutes a hurdle to that. [Read more, voting results](#)

Strengthening the institution of Ombudsman in Europe



Ms SCHUSTER (*Germany*)* – The report draws the attention of our parliaments and governments back home to whether they are doing everything they can to strengthen the institution of ombudsman. Jordi is right that there is not one single model of the institution of ombudsman everywhere in Europe. The various institutions have grown up differently, depending on each country's history and constitution. It is only normal that there is not one single version, and indeed he has not advocated any single version as the model that must be adopted. We must do everything we can to strengthen these institutions so that the criteria are fulfilled, but a single model cannot apply everywhere. [Read more, voting results](#)

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