

# THE STATE OF DEMOCRACY IN EUROPE AND THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

*Turkey will rapidly continue its endeavors towards transportation of the Caspian, Middle Eastern and Middle Asian energy resources to Europe and the world market. Moreover, Turkey will put forth its whole effort for the development of new projects through bilateral cooperation to increase prosperity and enhance the peace of the region.*

**Mevlüt Çavuşođlu\***



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**S**ixty-one years ago Europe was very different from Europe of today. But in one respect it is possible to draw a parallel.

Europe at the time was emerging from the biggest human disaster ever. People realized that over the preceding decade things had gone terribly wrong; so they were determined to create a new order which would make it impossible for human tragedies of this nature and this scale to be ever repeated again.

Europe of today is still struggling to emerge from an unprecedented financial and economic crisis, which has been an individual tragedy for millions of people. We are again at a crossroads: facing uncomfortable truths about the way our societies have been governed and looking for means to make our lives more secure, stable and prosperous.

Sixty-one years ago, the founding fathers of European integration created the Council of Europe, an organization with the aim of working exactly towards these objectives. Their brilliant idea was to unite friends and foes around a set of common values and principles, which are universal and apply to every human being on earth.

These values are democracy, human rights and the rule of law. They recognize the dignity of every human being – regardless of their race, ethnicity, gender or religion. They are at the heart of the European Convention on Human Rights; they are equally the basis of an impressive corpus of legal instruments, standards, monitoring mechanisms, good practices and means of international cooperation which are offered at the disposal of its member states and beyond European boundaries.

The Council of Europe has developed international cooperation through its statutory bodies: the Committee of Ministers of Foreign Affairs of member countries, and the Parliamentary Assembly, uniting parliamentarians from all national parliaments, but also through regular working contacts between other ministries, specialized bodies, partial agreements, experts, NGOs and the public at large.

Turkey is one of the founding members of the Council of Europe. When the organization was created in 1949, the Turkish Vice-President of the Assembly, Mr Kasım Gülek, said in a speech to the founding members: “Some day, all the countries and peoples of Europe will be represented in this Assembly.”

Today, after sixty years, this dream has come true, making our Parliamentary Assembly the only truly pan-European body. The Council of Europe unites practically all European countries, with one single exception, that of Belarus. All the diversity

of political ideas, cultures, languages and religions is represented in it. And the key of its success is precisely this unity in diversity. Our diversity gives us the wealth of ideas and good practices; whereas our unity, deriving from our shared values, gives the strength to overcome differences and tackle new challenges.

But behind the “dream”, there is a reality of hard, everyday work. The decision to bring on board the countries of Central and Eastern Europe after the fall of the Berlin Wall was one of the most courageous political decisions ever. Although very few people in Europe object to the idea of democracy, some of the countries that applied to join the Council of Europe had never experienced democracy in their past and very few of their people at the time knew precisely what it meant. It was not only a matter of reforming state institutions and changing legislation (a huge task in itself!), but first and foremost, of changing mentalities and creating a democratic culture.

What some countries had achieved in centuries, others wanted to catch up with in a matter of few years.

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The only way this would happen was through constant dialogue between “old” and “new” democracies, which entailed a process of sharing of experiences, creative thinking and innovative solutions, good will and political courage. This is not a one-way process, in which “old” democracies decant some of their knowledge to the “new” ones. The solutions that have worked for some are not necessarily applicable for others, because the entire context –the legacy of the past and the geo-political reality of the present– is different.

This is where the Parliamentary Assembly is making an invaluable contribution. All its members participate on an equal footing: in the Assembly chamber they sit according to alphabetical order, regardless of the size, the political orientation or any other “status” of the country they represent. Through frank and open –sometimes even tough!– dialogue and through personal friendships that are naturally created, the parliamentarians from different countries exchange their experiences, confront and learn from each other. All this precious experience is then imported back home, where Assembly members, as members also of their national parliaments, can share it amongst their peers, and also urge their governments for specific action.

One of the most efficient mechanisms that the Assembly has created in order to ensure full compliance with the undertakings made by all its member states, in a spirit of cooperation and non-discrimination, is the so-called monitoring mechanism. The Monitoring Committee of the Assembly is responsible for verifying the fulfillment of the obligations assumed by

the member states under the terms of the Council of Europe Statute, the European Convention on Human Rights and all other conventions to which they are parties, as well as the honoring of the commitments entered into by the authorities of member states upon their accession to our organization.

*“The greatest challenge for the Council of Europe is to make sure that the European Convention on Human Rights continues to play its vital role as an efficient mechanism for the protection of the values and principles we stand for.”*

Currently the Assembly is assisting ten countries under monitoring procedure (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Montenegro, Russian Federation, Serbia and Ukraine) and

four countries are engaged in the post-monitoring dialogue (Bulgaria, Monaco, the “former Yugoslav Republic of Macedonia” and Turkey) in the process of consolidating their democratic institutions with a view to ensuring full respect for human rights, democracy and the rule of law.

We have also been very active in developing parliamentary dialogue and diplomacy. This is particularly important in the field of conflict prevention and peaceful conflict solution. Over the last two years, the Assembly has been actively engaged in difficult issues such as the war between Georgia and Russia, the post-electoral crises in Albania, Armenia and the Republic of Moldova, as well as the functioning of democratic institutions in Bosnia and Herzegovina, in the context of the urgent need for constitutional changes in that country.

We never interfere with the internal politics of our member states; we examine together the way their democratic institutions function and try to find –in a spirit of mutual respect and dialogue– solutions that are in line with the high democratic standards that our organization upholds.

Whenever there is a systematic failure to comply with such basic principles, there might also be sanctions – such as challenging and not ratifying the credentials of a member delegation. As a last resort, the Assembly may address a recommendation to the Committee of Ministers requesting it to take appropriate action in

accordance with Articles 8 and 9 of the Statute of the Council of Europe. Over the years, experience has however taught us that dialogue in the long term is always more efficient than sanctions.

Here are a few examples of areas of concern for the Assembly with regard to member states engaged in monitoring, as they were noted in the latest Assembly Progress Report on its monitoring procedure.

The Assembly sends observers to all parliamentary and presidential elections in these countries. Although substantial progress has been made overall with regard to electoral reform, in some member states, serious shortcomings persist in the electoral process. The Assembly has been trying to help the authorities establish an electoral –and more generally a political– framework that allows the participation of a wide array of political forces on equal terms and, with no undue restrictions for any contestant.

Regrettably, such conditions are still not met in a number of countries where the Assembly has noted violations of basic freedoms, for example, freedom of assembly, freedom of expression, or free press.

As a result of imperfect electoral legislation and flawed electoral process, parliaments are monopolized by the limited number of political forces, and/or the opposition is too weak and/or fragmented and mainly exists and operates outside the parliamentary framework. Azerbaijan, Armenia, Georgia and the Russian Federation have been pointed out by the Assembly as examples of various aspects of the problem.

In a number of countries, the role of the parliament as a necessary counterweight to the executive power is not always well established. This weakness may be due to a variety of reasons, including shortcomings in the constitutional framework, as well as the lack of necessary structures, staff and legal expertise. The Assembly has noted lack of expertise and capacity of the parliament as particularly prevalent in Montenegro, the Republic of Moldova, and Bosnia and Herzegovina.

In some countries, constitutional reform is still needed to ensure a well-functioning system of checks and balances. This is particularly the case in Azerbaijan, Georgia and Ukraine.

The Assembly is also concerned that media freedom and pluralism are hampered by excessive ownership concentration, or oligarchic control of media outlets as in the Russian Federation, or Armenia. Freedom of expression is not fully respected, with journalists arrested on questionable grounds (Azerbaijan) and numerous per-

secutions or even physical threats to journalists (the Russian Federation, Turkey, Armenia and Azerbaijan), and assassinations (Russian Federation) still occur. In general, the intertwining of financial and political interest is of concern in a number of countries (Ukraine, Russian Federation).

These examples demonstrate that we have not been successful in every respect: not only in the member states under monitoring, but also with regard to the urgent needs of all our member states. Our societies are far from being perfect. In the era of globalization all our countries face the same challenges: the economic crises, environmental problems and, last but not least, the increasing intolerance and discrimination in our societies.

The foundation of our common European home must be built on an open society based on respect for diversity and not on exclusion, discrimination, fear and hatred. Migration must be seen as an opportunity rather than a threat. We must enhance inter-cultural and inter-religious dialogue. We must eradicate racism, xenophobia, anti-Semitism, Islamophobia and other phobia leading to discrimination and intolerance.

We should strive for the European ideal to allow everyone to live in dignity and security. In this regard terrorism –as one of the main threats against these values– should be condemned and withstand in full cooperation whilst respecting democracy, humans rights and rule of law.

Therefore, the greatest challenge for the Council of Europe is to make sure that the European Convention on Human Rights continues to play its vital role as an efficient mechanism for the protection of the values and principles we stand for. A major conference on the future of the European Court of Human Rights, which is currently crumbling under the weight of appeals that it has to deal with, took place in Interlaken earlier this year. It was encouraging that the participating Ministers committed themselves to strengthening the Strasbourg supervisory mechanism. But what is more important is that they also recognized that the primary responsibility for the protection of human rights should be shifted back to national legal systems and practices.

The future accession of the European Union to the European Convention on Human Rights will also be an important step in reinforcing the mechanisms of the Court.

The standards that the Council of Europe has developed over the years are so universal and advanced, that a number of states around the world are increasingly interested in sharing our experience. Five countries have observer status with the

Council of Europe: the Holy See, the United States, Canada, Japan and Mexico. The parliaments of Canada, Israel and Mexico enjoy observer status also with the Assembly.

The Assembly is now pursuing its strategy of bringing non-member states closer to the Council of Europe and to our standards, particularly through the adoption of a new special status, called “Partnership for Democracy”, for the Parliaments of neighboring non-member states. We have already received official requests for this status from the Parliaments of Morocco and Palestine.

In the last analysis, the Council of Europe is here to ensure the well-being and long-term social and political evolution and harmony of our member states – individually and together.

The member states should feel, and do feel, that they have a friend in the Council of Europe: a friend who comes to see them regularly; such as when the Rapporteurs from, say, the Assembly’s Monitoring Committee pay a visit for the purpose of their work. It is true that the visitors may sometimes come across as being a little too curious, a little too inquisitive when they ask uncomfortable questions, and wish to visit authorities and institutions to learn more. But our member states willingly accept such scrutiny, for they know that the Assembly’s Committees act on its behalf, inspired by the belief that the long-term development of our societies is ensured only if it builds on the highest standards of human rights, democracy and the rule of law.

To conclude, it is natural that each of the forty-seven member states in the Council of Europe should have their particular national interests. But at the same time we are all passengers in the same boat, a boat called Europe. We sail together towards a common, shared destiny. So we all have to follow certain common rules, trim the sails together, so that the boat can move forward. And move forward we must. If the sails do not catch the wind, the rudder cannot steer.

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