



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

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Dick Marty, Chairman of the Monitoring Committee, outstanding Rapporteur and member of the ALDE since 1998, presented his last report to the Parliamentary Assembly on the "Abuse of state secrecy and national security" during the October Session.

*Throughout his 13 years as a member of our Assembly, Dick Marty has become the model parliamentarian of the Council of Europe, a beacon who upholds to the fullest the qualities of rigour, moral integrity, lucidity and courage. His reports, whether on the secret prisons of the CIA, or on human rights violations in the North Caucasus, or else on organ trafficking in Kosovo, have made their mark far beyond the Strasbourg hemicycle.*

*Dick Marty has taken to heart Horace's call "sapere aude," have the courage to use your own intelligence. It is why throughout his entire professional and political career he has maintained his independence, remaining faithful to his own capabilities for understanding and analysis. A genuine liberal, Dick Marty would despair of any party leader requiring members of his party to follow instructions without due examination.*

*Dick Marty is Swiss. Who does not know the founding myth of Switzerland? It is William Tell, who in Schiller's play embodies the indignation against tyranny.*

*Dick Marty places justice, the defence of the individual and his fundamental freedoms clearly above the "Raison d'Etat" often invoked to mask the arbitrariness of the authorities. Raison d'Etat is of a purely ephemeral nature, changing from one country to another, from one era to another, from one government to another, and in some countries it changes from one day to another on the mere basis of the ruler's mood, all while human rights remain inalienable.*

*Dick Marty has devoted his whole career in the Parliamentary Assembly to fighting human rights abuses, often irritating the most powerful governments and politicians. As he humbly said during his last address to the Assembly "My reports do not resolve the problems, but they detect them". I must admit that detecting a problem, is already a part of its solution.*

*Dick Marty has constantly reminded us that human rights are our supreme value and their protection is our primary mission in the Assembly. As the authors of the Declaration of the Rights of Man and Citizen put it long before us: "the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments".*

*The Parliamentary Assembly will miss this exceptional parliamentarian and the ALDE Group will miss an extraordinary member. But I know that we will always keep Dick Marty as a true liberal friend.*

Anne Brasseur

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We would like to take this opportunity to thank those who actively took part in plenary debates on behalf of the ALDE, presented reports and attended group meetings. The Group is particularly thankful to Freedom House for its valuable contribution to the work of the Assembly and the ALDE. The Group is grateful to Robert Plummer (Political Advisor, ELDR), Samuel Fisk (IFLRY) and Dmitri Macmillen (ALDE's trainee) for their interest and active participation.

**ALDE endeavours to be the engine of the Assembly defending core European values  
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Mikhail Kasyanov, chair of the People's Democratic Union (PDU), former Prime Minister of Russia and one of the leaders of the People's Freedom Party (PARNAS), attended a meeting of the ALDE to provide his assessment of the pre-electoral situation in Russia prior to December's parliamentary elections.

Mikhail Kasyanov referred to a recent poll, showing only 29% of Russian citizens believing the upcoming elections to be free and fair, in contrast to 77% four years ago, as a sign of there being "no choice" with parties such as his own not allowed to be registered. He had not been surprised by Vladimir Putin's recent announcement to stand for a third presidential term, saying it cemented the existing "unchangeability of power" and would only encourage greater lawlessness and corruption within the country, leaving the economy more fragile to external factors such as the price of oil.

The participants of the discussion also exchanged views on the upcoming election observation mission for the Duma elections. The Group agreed that in order to provide a comprehensive assessment of the elections, a long-term understanding of the electoral situation was necessary. Mikhail Kasyanov and ALDE regretted the difficulty of the negotiations for the deployment of a long-term observation mission by the ODIHR.

Earlier that day, ALDE's President Anne Brasseur raised the issue in the Assembly's debates. The ALDE also reiterated that the refusal to grant official status to new parties undermined political pluralism in Russia.

Mikhail Kasyanov urged the Council to use all instruments at its disposal to ensure Russia fulfills its obligations, and in doing so end "Russia's mocking of the Council of Europe."

### Enhance cooperation between liberals in PACE and EP



At its opening meeting on 3 October, the ALDE exchanged views on the impact of the Lisbon Treaty upon inter-institutional cooperation between the European Union and the Council of Europe. Andrew Duff, Member of the ALDE in the European Parliament for the East of England region and Committee on Constitutional Affairs of the European Parliament, addressed the Group.

Mr. Duff said the accession of the EU to the European Convention of Human Rights will reinforce human rights standards on the continent and establish a coordinated approach towards them. The process will also open the possibility for enhanced cooperation between the political groups of the European Parliament and the Parliamentary Assembly.

Andrew Duff expected three or four ALDE MEPs to take part in the sittings in Strasbourg. "The political groups have the potential to become the bridge between our two organizations", said Kerstin Lundgren.

Concluding the discussion, Anne Brasseur, President of ALDE, underlined that "avoiding duplication of initiatives would be one of the items on the cooperation agenda".

## Round Table Discussion – Defending Human Rights in Belarus



Uladzimir Labkovich, Tatsiana Reviaka, Anne Brasseur, Andres Herkel, Thomas Hammarberg

On 4 October 2011, the ALDE Group of the Parliamentary Assembly, with the support of Freedom House, hosted a round table discussion on the human rights situation in Belarus. The event took place against a backdrop of escalating repression in the country continuing from last December's presidential elections, the recent release of several political prisoners and concern surrounding the arrest in August of the human rights defender Ales Bialiatski.

"We strongly condemn the arrest and detention of Ales Bialiatski" said Anne Brasseur, President of the ALDE and Chair of the round table discussion. "One may say that we cannot do much for Belarus. But that is not a reason to do nothing at all. We can speak up. We will make sure that we are heard. That the human rights defenders are heard."

Andres Herkel described the recent release of political prisoners as "significant" but stressed that "even one political prisoner in the country is too much and not acceptable" and stated that he was particularly concerned about the state of political and civil liberties after the presidential elections.

His remarks were mirrored by the Commissioner for Human Rights Thomas Hammarberg, who expressed admiration for the competency of non-governmental organisations in a country failing to meet the membership standards of the Council of Europe. Although he was "happy with the release" of political prisoners, the Commissioner insisted that it did not "change the pattern" of repression, highlighting the debarment of lawyers defending political opponents and civil activists and the consequent lack of legal access for defendants. The Commissioner also raised concerns about the manner in which the releases were conducted, sometimes involving guilty pleas brought about by physical and psychological pressure and not amounting to full rehabilitation.

Uladzimir Labkovich, Vice-Chairman of Viasna, and Tatsiana Reviaka, President of the Belarusian Human Rights House in Vilnius, were grateful for the attention and stance of the ALDE Group and the Parliamentary Assembly concerning Belarus, but urged those present to remain mindful of the challenges still facing human rights defenders in the country. The release of political prisoners was "not a sign of goodwill or understanding of human rights," Labkovich warned. He reaffirmed the need to release all political prisoners and "as a minimum, a political rehabilitation" so as to restore them to public life. The two also spoke of the difficulties faced by lawyers defending political opponents and civil activists, at risk of being stripped of their licences and denied of "an existence". Both mentioned the lack of progress in regards to the abolition of the death penalty and persecution of political opponents, and highlighted the recent introduction in the Belarusian parliament of measures further restricting freedom of assembly and allowing for the indefinite suspension of a lawyer's registration. Tatsiana Reviaka requested that the ALDE's and PACE's "position remain unchangeable" until all political prisoners are freed and genuine signs of change appear in a country where "human rights are systematically and totally violated."



**Mr Dick Marty (Switzerland)**

**Progress report of the Bureau of the Assembly and the Standing Committee ([Doc. 12732 Part I + Addendum and Part II](#)) – 3 October 2011**

*“It is more than ever, that our Assembly has to fulfill its true mission. We often hear say that the Assembly has no real decisional power... But I think that the most important power that we have is that of moral authority.”*

**Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations ([Doc. 12714](#)) - Committee on Legal Affairs and Human Rights – 6 October 2011**



**Ms Kerstin Lundgren (Sweden)**

**Observation of the parliamentary elections in Turkey (12 June 2011) ([Doc. 12701](#)) - Ad hoc Committee of the Bureau - 3 October**

**The impact of the Lisbon Treaty on the Council of Europe ([Doc. 12713](#)) - Political Affairs Committee – 5 October 2011**

*“For the Council of Europe, the challenge, in the new environment, is to enhance our competitive advantages as the benchmark for human rights, democracy and the rule of law, to improve standards in Europe.”*



**Mr Jordi Xuclà i Costa (Spain)**

**Prenatal sex selection - Social, Health and Family Affairs Committee (for opinion) ([Doc. 12727](#)) - 3 October 2011**

*“Some might say, in defence of prenatal sex selection, that it is a cultural practice. On the other hand, it is a practice contrary to the fundamental principles of the Council of Europe.”*



**Ms Marina Schuster (Germany)**

**National sovereignty and statehood in contemporary international law: the need for clarification ([Doc. 12689](#)) - Committee on Legal Affairs and Human Rights – 4 October 2011**

*“The right to protect oneself and the right to self-determination should not be abused and used as a pretext for violence.”*

**Question to the Committee of Ministers to the Parliamentary Assembly, presented by Mr Kostyantyn Gryshchenko, Minister for Foreign Affairs of Ukraine, Chairman of the Committee of Ministers**



Mr MARTY (Switzerland) asked what Mr Gryshchenko planned to do to combat corruption in the judiciary, which was a virus that undermined democracy.

Mr GRYSHCENKO – Thank you for that question.



Corruption is a major threat to democratic governance, because decisions that should be based on fairness and legality are distorted because of vested interests and undue influence. That is a major reason for the introduction of change in Ukrainian legislation to preserve, promote and strengthen the

independence of judges. On the other hand, the core of judges should not be left with the impression that they are immune from being held responsible for fair adjudication.

There are only a few examples of a judge being investigated and found guilty of a blatant abuse of their position. In such cases, a clearly and solidly argued decision by the court found them guilty of corruption. In one of the most recent cases, the court decided that a judge by the name of Zvarych should be condemned for a number of years. It is not so much about criminal punishment but the preventive measures that are needed to achieve the right balance in society and restore respect for judges in the country. Today, Singapore is regarded as one of the most corruption-free states in the world, but in the late 1950s, it was regarded as one of the most corrupt countries in the British Empire.

It takes time to travel that road, and we understand that, but we must try to combine prevention, motivation and responsibility, which should be multi-faceted so that corruption is neither possible nor productive. Best practice, whether European or otherwise, has been carefully studied, and we have made changes to the legislation relating to the functioning of the legal and justice systems. Judicial reform is an important part of our effort to reform in Ukraine. [Back](#)

**Question to Mr Mahmoud Abbas, Chairman of the Executive Committee of the Palestine Liberation Organization, President of the Palestinian National Authority**



Ms BRASSEUR (Luxembourg) welcomed the President to this house of democracy. She had two questions, the first was what practical steps could the Council of Europe take to be able to assist him?

The second question was whether he was optimistic about the future of the people of Palestine and the people of Israel?



Mr ABBAS answered the second question first and said that he was always optimistic about the future ability of the Palestinian people and the Israeli people to live alongside each other, with all the peoples of the Arab region. As for the first question, there were six members of the Council of Europe who were also

members of the UN Security Council. He would like the Council to ask those countries to agree to vote with them. This was a very important request because then they would be able to overcome any obstacles at the UN Security Council. They already received aid and assistance from all European countries and he was thankful for that. What he needed now was political assistance in the Security Council. He required those six countries to recognise Palestine. [Back](#)

**Monday 3 October 2011**

***Progress report***



Mrs BRASSEUR (*Luxembourg*) First, the refusal of the Russian authorities to allow political parties to take part in elections was a barrier to political pluralism. [...] Secondly, there were worrying developments in Azerbaijan. In particular, her colleague Christoph Strasser had been refused a visa. This was a matter of great concern and the rapporteur should investigate it. [...] Thirdly, she thanked Dick Marty for his report. After 13 years as a member of the Assembly, Mr Marty had decided not to stand for re-election, having made a remarkable contribution to the Chamber and been an exemplary parliamentarian. He was a model of rigour, integrity and courage. [Read more](#)

**Prenatal sex selection (Doc. 12715)**



Ms ACKETOFT (*Sweden*) Remember that I appreciate the report, but had the rapporteur stuck to her explanatory memorandum as well as the recommendation to countries to collect data, promote research and introduce guidelines for medical staff, I would have been able to recommend that you all vote for the report. However, because of paragraph 8.7, I cannot do that. That is where the rapporteur states that we should call on states to legislate against pre-selection. Unfortunately, I cannot recommend that my Liberal colleagues vote for this because of that paragraph. [...] The only way to combat pre-natal sex discrimination, which is what we are talking about here, is not to legislate against women's right to make informed decisions on their bodies and their lives. One breach of women's rights cannot be remedied by another breach. The solution must

be to work on a broad basis against all oppression of women's rights and gender inequality, wherever we see it. [Read more, voting results](#)

**Tuesday 4 October 2011**

**Request for Partner for Democracy status with the Parliamentary Assembly submitted by the Palestinian National Council (Doc. 12711)**



Mr HANCOCK (*United Kingdom*) – On behalf of the Alliance of Liberals and Democrats for Europe, I am delighted to say that we unanimously support the proposal, but we also bear in mind the balance that must be drawn between our enthusiasm to welcome the co-operation between us and the Palestinian authorities and our pointing out to them the commitments that the report asks them to live up to. It cannot be one sided – while the warm hand of friendship goes out, that hand must be greeted with a firm commitment that you will deliver on the promises that you have made to this Assembly. [Read more, voting results](#)

**Co-operation between the Council of Europe and the emerging democracies in the Arab world (Doc. 12699 + Addendum)**



Mr BADRÉ (*France*) said that the tremendous hope of renewal brought by the Arab Spring could not hide the bloody repression that continued to claim victims in countries such as Syria and Yemen. The Council of Europe could offer wise advice in setting up the necessary institutions. The status of Partner for Democracy was an important tool for parliamentary co-operation, which made it possible to begin dialogue with non-member states. It was serendipitous that the Assembly had that morning granted the status to the Palestinian National Council, as it had done to Morocco in June. In future, Tunisia and even Libya might one day be granted the same status, so long as they had made commitments to honour democratic principles. [Read more, voting results](#)

**National sovereignty and statehood in contemporary international law: the need for clarification (Doc. 12689)**

Mr HOLOVATY (*Ukraine*) – Ever since human rights and the rule of law were recognised as legal principles and as European values, the notion of state sovereignty has undergone modification. It is right to state that there is no longer room for absolute state sovereignty. The concept that national sovereignty and its exercise by state authorities is limited by international obligations on human rights is a relatively new one, and I fully support it. It is an excellent concept: countries that have signed up to international human rights instruments, which lay down specific human rights standards, can no longer claim that what their governments do their citizens is a matter of internal affairs. That certainly applies to all Council of Europe member states, all of which subscribe to the European Convention on Human Rights. [Read more, voting results](#)

**Wednesday 5 October 2011****The activities of the Organisation for Economic Co-operation and Development (OECD) in 2010-2011 (Doc. 12683)**

Mr KENNEDY (*United Kingdom*) If there is a real responsibility for the Council of Europe, given the difficulties that we all face in our respective economies and among our respective electorates, it is that we must have a broader and bolder outlook and not retreat into protectionism which, indeed, at its most dangerous, may lead to xenophobia. All too often, that has been the lesson of history. [Read more](#)

**Combating “child abuse images” through committed, transversal and internationally co-ordinated action (Doc. 12720); Violent and extreme pornography (Doc. 12719)**

Mr HANCOCK (*United Kingdom*) – I urge our colleagues in the United Nations, as I urged my colleagues in the Social, Health and Family Affairs Committee, to include a recommendation that unless such sites are taken down, Internet access should be blocked. Perhaps that goes too far for some, but unless we take such action police forces across the world will be fighting a losing battle. [Read more, voting results 1, 2](#)

**The impact of the Lisbon Treaty on the Council of Europe (Doc. 12713)**

Mr MARQUET (*Monaco*) said that it was true that democracy could not survive without social stability but social rights could not be assured without democratic rights. The principles of democracy, human rights and the rule of law supported by the Council of Europe were also fundamental to the process of European integration. At the same time the European Union had considerably reinforced the security of the continent through economic and political integration of member states. [Read more, voting results](#)

The functioning of democratic institutions in Armenia (Doc. 12710)



Mrs LUNDGREN (*Sweden*) – I underline that the lack of a result from inquiries into what happened to those who were killed and wounded is not acceptable. Impunity is not acceptable. All stakeholders must make room for pluralism and ensure that responsibility is taken to avoid new setbacks. [...] We hope that the people of Armenia will see the difference in the upcoming elections. In the election campaign, on election day and in the aftermath of those elections, we hope that we will find that democracy, as well as the trust of the people, has been strengthened. [Read more, voting results](#)

**Thursday 6 October 2011**

**Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations (Doc. 12714)**



Ms BECK (*Germany*) said that the last few years had demonstrated the need for more transparency in the operation of the secret services; greater freedom of information for the people affected; and an effective means of scrutiny by the courts to protect the rights of individuals. Scaremongers should not be allowed to endanger freedom because this would mean the terrorist had achieved their aim. [Read more, voting results](#)

**Current affairs debate: How can Council of Europe member states come to the aid of countries touched by humanitarian catastrophes such as those in East Africa?**



Mrs LUNDGREN (*Sweden*) – The situation in eastern Africa and in the Horn of Africa is a disaster. [...] For the Horn of Africa, this situation comes on top of civil war, a dysfunctional state and the lack of any justice system – and now there is this drought. In the long term, there is a need for multilateral co-operation. We should not all rush in with our agencies and ask them to do what we want to do; we should co-operate and make things happen in the areas of security, ownership of natural resources, education, health care, which is so important, and good governance. When we do that, we find that we can fight corruption and other things. [...] I have already talked about learning lessons, but in that regard we must address climate change, because the drought in eastern Africa

could occur in other areas if we do not resolve questions of adaptation or manage to adopt a good climate agreement. [Read more](#)

**Debate under urgent procedure: The political situation in the Balkans (Doc. 12747)**



Mrs BECK (*Germany*) said that the countries in question remained incomplete states. Serbia still reeled from the loss of Kosovo, which had felt like an amputation. [...] It was easy to forget that Bosnia and Herzegovina was a country containing several multi-ethnic groups. During the conflict, people had been forced to identify themselves with a particular ethnic group, which they might not otherwise have done. It was increasingly clear that the country was not viable since it had failed to develop a constitution that enabled it to be governed. That would also prevent it from becoming a member of the European Union. There were also major difficulties in Macedonia, and the potential for conflict to move to the north. [Read more, voting results](#)



Mr MARTY (*Switzerland*) said that the liberal group hailed the approach that the rapporteur had taken in report. The fight against terrorism was not a war. Terrorists were not combatants but criminals. Those two ideas were of vital importance. Terrorism was serious, unacceptable and inexcusable. The so-called war against terrorism had carried an implication that law and justice were not adequate instruments to fight it. Secret prisons, torture and extraordinary rendition were criminal activities under international law. They went against the American constitution and against the constitutions of European states. [Read more, voting results](#)

**Friday 7 October 2011**

**The amendment of various provisions of the Rules of Procedure of the Parliamentary Assembly – implementation of [Resolution 1822](#) (2011) on the reform of the Parliamentary Assembly ([Doc. 12716](#)) The terms of reference of Parliamentary Assembly committees – implementation of [Resolution 1822](#) (2011) on the reform of the Parliamentary Assembly ([Doc. 12717](#))**



Mrs NAGHDALYAN (*Armenia*) welcomed the proposals contained in the report, particularly those relating to free debates and those limiting each member of the Assembly to membership of only two committees. These proposals were aimed at filling the gaps and freeing the bottlenecks that had hindered the activities of the Assembly. [...]The Assembly ought to introduce exemptions allowing small delegations to participate in committee activities. There were questions, too, about what happened once a committee report had been adopted by the Assembly. It was desirable that the rapporteur should take responsibility for progress for a year after the adoption of a report but mechanisms needed to be in place

to ensure that progress continued to be monitored once that year had passed. [Read more, voting results 1, 2](#)

**The protection of privacy and personal data on the Internet and online media ([Doc. 12695](#))**



Mrs LUNDGREN (*Sweden*) – I thank the rapporteurs for bringing this important subject to the Assembly. This is the Assembly that safeguards freedoms and the rule of law: people's right to freedom and rules that offer protection. This is not an easy subject, because the Internet has in recent years revolutionised our lives. Freedoms have been given to people: the freedom to access knowledge, to interact, to overcome barriers imposed by states and to come together with people throughout the world. Therefore, an open and free Internet is important for our societies and to the world in general. Freedom of speech and movement was a factor in the Arab Spring. States tried to shut the Internet down, but it was opened by people in other countries, for example, in Sweden. It is important to safeguard the

free Internet. [Read more, voting results](#)

**Undocumented migrant children in an irregular situation: a real cause for concern ([Doc. 12718](#))**



Mrs LUNDGREN (*Sweden*) – There is another hidden country that is almost as big as Sweden, because some 8 million people are living on our continent without documents among whom there are many children. We have a convention on children's rights, and it is important that we live up to that convention in our own countries. When we discuss children, their rights cannot only exist on paper, and those rights are linked to their parents. There are rights to health and rights to education, but if those rights are misused by their parents, then those rights become worthless. Such situations create fear for children, because it places them in a

position of responsibility. Work needs to be done on the right to education. I really like the paragraphs stating that no child should be deprived of his or her migration status, because that is what this is all about: no child should be deprived of their rights. [Read more, voting results](#)