



# LUND UNIVERSITY

The respect for freedom of expression and freedom of association essential to the involvement of civil society" (issue paper) and "Report on Sub-theme 3", in Council of Europe report Power and empowerment – The interdependency of democracy and human rights.

Lahti Edmark, Helene

2008

[Link to publication](#)

*Citation for published version (APA):*

Lahti Edmark, H. (2008). *The respect for freedom of expression and freedom of association essential to the involvement of civil society" (issue paper) and "Report on Sub-theme 3", in Council of Europe report Power and empowerment – The interdependency of democracy and human rights.* (Forum for the Future of Democracy). Council of Europe.

*Total number of authors:*

1

## General rights

Unless other specific re-use rights are stated the following general rights apply:

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Read more about Creative commons licenses: <https://creativecommons.org/licenses/>

## Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

LUND UNIVERSITY

PO Box 117  
221 00 Lund  
+46 46-222 00 00

**Power and empowerment –  
The interdependence of democracy  
and human rights**

**Forum for the Future of Democracy  
2007 Session**

Stockholm/Sigtuna  
13-15 June 2007

Directorate General of Democracy and Political Affairs  
Council of Europe

*The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.*

All requests concerning the reproduction or translation of all or part of the document should be addressed to the Public Information and Publications Division, Directorate of Communication (F-67075 Strasbourg Cedex or [publishing@coe.int](mailto:publishing@coe.int)). All other correspondence concerning this publication should be addressed to the Directorate General of Democracy and Political Affairs.

## CONTENTS

<b>Preface</b> .....	9	
<b>Programme</b> .....	11	
<b>Conclusions by the general rapporteurs</b> .....	21	
<b>Observations by the general rapporteurs</b> .....	31	
Andreas Gross		
<i>Member of the Swiss Parliament</i>		
<i>Rapporteur of the Political Affairs Committee of the Parliamentary</i>		
<i>Assembly of the Council of Europe on the state of democracy in Europe ....</i>		31
Keith Whitmore		
<i>President of the Institutional Committee of the Congress of Local</i>		
<i>and Regional Authorities of the Council of Europe</i>		
<i>Manchester Metropolitan City Council, United Kingdom</i> .....		35
Daniel Tarschys		
<i>Chairman of the Political Science Department at the University of</i>		
<i>Stockholm, Sweden</i>		
<i>Former Secretary General of the Council of Europe</i> .....		38
<b>Opening addresses</b> .....	45	
Per Westerberg		
<i>Speaker of the Riksdag</i> .....		45
Vuk Jeremić		
<i>Minister for Foreign Affairs, Serbia</i>		
<i>Chairman-in-Office of the Committee of Ministers</i>		
<i>of the Council of Europe</i> .....		47

René van der Linden <i>President of the Parliamentary Assembly of the Council of Europe</i> .....	54
Nyamko Sabuni <i>Swedish Minister for Integration and Gender Equality</i> .....	58
Terry Davis <i>Secretary General of the Council of Europe</i> .....	60
Anders Knappe <i>President of the Swedish Association of Local Authorities and Regions</i> .....	64
Halvdan Skard <i>President of the Congress of Local and Regional Authorities of the Council of Europe</i> .....	67
<b>Keynote speeches and statements</b> .....	71
Follow-up to the Forum for the Future of Democracy 2006 in Moscow Svetlana Orlova <i>Deputy Speaker of the Council of Federation, Federal Assembly of the Russian Federation</i> <i>Head of the Russian Delegation to the Congress</i> .....	71
Statement by a representative of the European Commission Danièle Smadja, <i>on behalf of Benita Ferrero-Waldner,</i> <i>Commissioner in charge of External Relations</i> .....	76
Power and empowerment – The interdependence of democracy and human rights Thomas Hammarberg <i>Commissioner for Human Rights, Council of Europe</i> .....	81

Empowerment – The role and responsibility of parliamentarians: the perspective of the Parliamentary Assembly of the Council of Europe Andreas Gross <i>General rapporteur</i> <i>Member of the Swiss Parliament</i> <i>Rapporteur of the Political Affairs Committee of the</i> <i>Parliamentary Assembly of the Council of Europe on</i> <i>the state of democracy in Europe</i> .....	86
<b>Parallel panel sessions</b> .....	91
<i>Empowerment – The role and responsibilities</i> <i>of parliamentarians</i> .....	91
Summary report on Panel Session 1: The role of the opposition and changing from being in government to being in opposition .....	91
Summary report on Panel Session 2: The responsibilities of the opposition for establishing dialogue and initiating political decision making .....	94
<b>Sub-theme panels</b> .....	99
<i>Sub-theme 1</i> <i>Representative democracy for a new era</i> .....	99
Issues paper “The challenges of representative democracy” Sven Bring <i>Senior Adviser on Democracy and Self-governance</i> <i>Swedish Association of Local and Regional Authorities</i> .....	99
Report on Sub-theme 1 Brith Fäldt <i>Member of the Congress, Sweden</i> .....	105

*Sub-theme 2*

*Empowerment of the individual – Non-discrimination..... 113*

Issues paper

“Empowerment through participation and non-discrimination”

Jan Andersson

*Ministry of Integration and Gender Equality, Sweden ..... 113*

Ana Isabel Leiva Díez

*State Secretary of Territorial Co-operation, Ministry of*

*Public Administrations, Spain ..... 117*

How the state creates exclusion: rights and participation in  
immigration politics

Marco Giugni

*University of Geneva, Switzerland..... 122*

Report on Sub-theme 2

Laura Morales

*University of Murcia, Spain ..... 129*

*Sub-theme 3*

*The involvement of civil society – The respect for  
freedom of expression and freedom of association ..... 140*

Issues paper

“The respect for freedom of expression and freedom of  
association essential to the involvement of civil society”

Helene Lahti Edmark

*School of Social Work, University of Lund, Sweden ..... 140*

Workshop on Sub-theme 3

Jean-Marie Heydt

*Vice-President of the Conference of International Non-*

*Governmental Organisations of the Council of Europe..... 143*

Power and empowerment – the interdependence of human rights

Bringing a youth perspective

Basak Demir

*Youth Advisory Council of the Council of Europe ..... 145*

Christer Hallerby <i>State Secretary, Ministry of Integration and Gender Equality, Sweden</i> .....	151
Report on Sub-theme 3 Helene Lahti Edmark <i>School of Social Work, University of Lund, Sweden</i> .....	155
Sub-theme 4 <i>Fostering democracy, human rights and social networks – Ways forward</i> .....	164
Issues paper “Experience with national human rights action plans, indicators and national human rights institutions” <i>The United Nations Office of the High Commissioner for Human Rights</i> .....	164
Translating human rights standards into improved enjoyment: UNDP development co-operation initiatives and challenges Maria Luisa Silva <i>UNDP, Skopje, “the former Yugoslav Republic of Macedonia”</i> .....	174
The Swedish national action plans for human rights Marcus Brixskiöld <i>Director, Ministry of Integration and Gender Equality, Sweden</i> .....	180
Issues paper “Revolution or reinforcement? The scope for e-democracy in Europe” Lawrence Pratchett <i>De Montfort University, Leicester, United Kingdom</i> .....	183
E-democracy – The new way forward? Ann Macintosh <i>Research Co-ordinator DEMO-Net, Napier University, United Kingdom</i> .....	187



Report on Sub-theme 4

Hans-Otto Sano

*Research Director, Danish Institute for Human Rights* ..... 191

**Closing session** ..... 197

Jean-Marie Heydt

*Vice-President of the Conference of International Non-Governmental Organisations of the Council of Europe*..... 197

Vidar Helgesen

*Secretary General of International IDEA*..... 202

Ana Isabel Leiva Díez

*State Secretary of Territorial Co-operation, Ministry of Public Administrations, Spain* ..... 205

## **PREFACE**

The Forum for the Future of Democracy is an inclusive process under the auspices of the Council of Europe, associating all the main stakeholders of a genuine democratic society (parliaments, governments, local and regional authorities and civil society, as well as the media and academia). It is aimed at promoting democracy at all levels across the continent and furthering pan-European reflection on its multifarious aspects. The Committee of Ministers of the Council of Europe, the Parliamentary Assembly, the Congress of Local and Regional Authorities, the Conference of International Non-Governmental Organisations and the European Commission for Democracy through Law (Venice Commission) play a leading role in this ongoing process. The Forum is open to active participation by the European Union, the OSCE, International IDEA and other international partners.

The third session of the Forum was held in Stockholm and Sigtuna (Sweden), from 13 to 15 June 2007, under the general title “Power and empowerment – the interdependence of democracy and human rights”. The 400 participants addressed issues such as the role and responsibilities of the opposition, representative democracy at the local and regional level, empowerment of the individual and non-discrimination, respect for freedom of expression and association for civil society, and fostering democracy, human rights and social networks.

The session placed emphasis on new forms of dialogue and innovative methods, with a decentralised structure encouraging dialogue, discussions and debate and enabling participants to share their own knowledge and experiences.

The conclusions by the general rapporteurs are being considered by the key stakeholders at the Council of Europe with a view to

transforming the Forum's output into concrete action. As a result of its inclusiveness, shared ownership and horizontal perspective, the Forum is a unique, and now established, feature of the Council of Europe's work.

## PROGRAMME

### Wednesday 13 June 2007 – Day 1

1.30 p.m. **Opening of the Forum for the Future of Democracy 2007 in Stockholm/Sigtuna**

*Welcome by:* **Mr Per Westerberg**, Speaker of the Riksdag

*Opening speeches:*

**Mr Vuk Jeremić**, Minister for Foreign Affairs, Serbia, Chairman-in-Office of the Committee of Ministers

**Mr René van der Linden**, President of the Parliamentary Assembly of the Council of Europe (PACE)

**Ms Nyamko Sabuni**, Swedish Minister for Integration and Gender Equality

**Mr Terry Davis**, Secretary General of the Council of Europe

**Mr Anders Knappe**, President of the Swedish Association of Local Authorities and Regions

**Mr Halvdan Skard**, President of the Congress of Local and Regional Authorities of the Council of Europe

*Follow-up to the Forum for the Future of Democracy 2006 in Moscow:* **Ms Svetlana Orlova**, Deputy Speaker of the Council of Federation, Federal Assembly of the Russian Federation, Head of the Russian delegation to the Congress

*Statement by a representative of the European Commission:*  
**Ms Danièle Smadja** on behalf of Commissioner Ferrero-Waldner

Keynote speech on the theme *Power and empowerment – The interdependence of democracy and human rights*:  
**Mr Thomas Hammarberg**, Commissioner for Human Rights, Council of Europe

*Empowerment – The role and responsibility of parliamentarians: the perspective of PACE:*  
**Mr Andreas Gross**, member of the Swiss Parliament, Rapporteur of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe on the state of democracy in Europe

4 p.m. **Parallel panel sessions on the theme Empowerment – The role and responsibilities of parliamentarians**

*Panel session I: The role of the opposition and changing from being in government to being in opposition*

Moderator: **Ms Elisabeth Hedborg**

Panellists:

**Mr Rudolf Bindig**, former member of the German Bundestag, former Vice-President of the Parliamentary Assembly of the Council of Europe

**Ms Ene Ergma**, President of the Estonian Parliament

**Mr Leif Lewin**, University of Uppsala, Sweden

**Mr David Wilshire**, member of the House of Commons, United Kingdom, member of the Parliamentary Assembly of the Council of Europe (EDG)

*Panel session 2:* The responsibilities of the opposition for establishing dialogue and initiating political decision making

Moderator: **Ms Britt-Marie Mattsson**

Panellists:

**Mr Luc van den Brande**, Belgium, member of the Parliamentary Assembly of the Council of Europe (EPP/CD)

**Ms Lydia Err**, MP, Luxembourg, member of the Parliamentary Assembly of the Council of Europe (SOC) and member of the Venice Commission

**Mr Tadeusz Iwiński**, Poland, member of the Parliamentary Assembly of the Council of Europe (SOC)

**Mr Tomas Ries**, Director of the Swedish Institute of International Affairs, Stockholm

6 p.m.     **End of parallel panel sessions**

*Invitation to Sigtuna:* **Mr Anders Johansson**, Mayor, Sigtuna

7 p.m.     Departure by boat to Sigtuna

Dinner hosted by the Ministry of Integration and Gender Equality

10 p.m.     Arrival in Sigtuna

*A short welcome to Sigtuna*

## **Thursday 14 June 2007 – Day 2**

9.30 a.m.     **Four parallel sub-theme panels with breakout sessions**

The four sessions will take place at different venues in Sigtuna

*Sub-theme 1* – Representative democracy for a new era

Venue: Sigtunahöjden

Arranged by the Swedish Association of Local Authorities and Regions

This sub-theme focuses on the local and regional representative institutions and the dilemmas in combining democracy and efficiency. Using the “World Café” method, only the theme is set in advance – it is the participants themselves who determine the agenda and the outcome.

Moderators:

**Ms Lärke Johns**, Sweden

**Mr Calle Karnerud**, Sweden

Rapporteur: **Ms Brith Fäldt**, member of the Congress, Sweden

Keynote speaker: **Mr Erik Amnå**, professor, University of Örebro, Sweden

*Sub-theme 2: – Empowerment of the individual – Non-discrimination*

Venue: Sigtunastiftelsen

Moderator: **Ms Alice Bah Kuhnke**, Sweden

Rapporteur: **Ms Laura Morales**, University of Murcia, Spain

Panellists:

**Ms Ana Isabel Leiva Díez**, State Secretary of Territorial Co-operation, Ministry of Public Administrations, Spain

**Mr Marco Giugni**, University of Geneva, Switzerland

**Mr Anders Westholm**, associate professor, Uppsala University, Sweden

- Breakout session 2.1: Gender equality and shared power – Equal representation and beyond

Arranged by the Swedish Women’s Lobby

Moderator/rapporteur: **Ms Eva Fager**, Chair of the Swedish Women's Lobby

Panellists:

**Ms Victoria Popescu**, Ambassador of Romania to Sweden, former member of the UN Commission on the Status of Women

**Ms Diane Bunyan**, Bristol, United Kingdom

**Ms Drude Dahlerup**, University of Stockholm, Sweden

**Ms Kirsti Kolthoff**, President of the European Women's Lobby

**Ms Karin Nordmeyer**, Director of ZONTA International

- Breakout session 2.2: Democratic inclusiveness – Empowering the individual by abandoning discrimination

Moderator/rapporteur: **Ms Reinhild Otte**, Head of Intercultural Affairs, Standing Conference of Ministers of Education and Cultural Affairs of the Federal Republic of Germany, Chairperson of the Council of Europe Ad hoc Advisory Group on Education for Democratic Citizenship and Human Rights

Panellists:

**Mr György Frunda**, Romania, member of the Parliamentary Assembly of the Council of Europe (EPP/CD)

**Ms Tatjana Papic**, Centre for Human Rights, Belgrade, Serbia

**Ms Laura Morales**, University of Murcia, Spain



- Breakout session 2.3: Listening to the silent voices

Moderator/rapporteur: **Mr James Gomez**, International IDEA, Stockholm, Sweden

Panellists:

**Mr Giovanni Allegratti**, Centro de Estudos Sociais, University of Coimbra, Portugal

**Mr Michael Rafael**, Campaign Manager, All Different – All Equal, Council of Europe

**Ms Laura Finne-Elonen**, President, European Centre of the International Council of Women

*Sub-theme 3* – The involvement of civil society – The respect for freedom of expression and freedom of association

Venue: Hotel Kristina

Moderator: **Mr Jean-Marie Heydt**, Vice-President of the Conference of International Non-Governmental Organisations of the Council of Europe

Rapporteur: **Ms Helene Lahti Edmark**, School of Social Work, University of Lund, Sweden

Panellists:

**Ms Nina Belyaeva**, Russian Federation, NGO Coalition “We, the citizens!”

**Mr Aleksandër Biberaj**, Albania, member of the Parliamentary Assembly of the Council of Europe (EPP/CD)

**Ms Basak Demir**, Youth Advisory Council of the Council of Europe

**Mr Christer Hallerby**, State Secretary, Ministry of Integration and Gender Equality, Sweden

- Breakout session 3.1: How to encourage civil society engagement

Rapporteur/chair Table 1: **Ms Helene Lahti Edmark**

Chair Table 2: **Ms Gaja Bartuseviciute**, Vice-President of the European Youth Forum

- Breakout session 3.2: How to bridge gaps between citizens and decision makers

Rapporteur/chair Table 1: **Mr Igor Kohut**, Director of the School of Political Studies, Kiev, Ukraine

Chair Table 2: **Ms Nina Belyaeva**

*Sub-theme 4* – Fostering democracy, human rights and social networks – Ways forward

Venue: Stora Brännbo

Moderator: **Mr Ibrahim Wani**, Head, Research and Right to Development Branch, UN Office of the High Commissioner for Human Rights

Rapporteur: **Mr Hans-Otto Sano**, Director, Research Department, Danish Institute for Human Rights

Panellists:

**Mr Thomas Hammarberg**, Commissioner for Human Rights, Council of Europe

**Ms Maria Luisa Silva**, UNDP, Skopje, “the former Yugoslav Republic of Macedonia”

**Ms Ann Macintosh**, Research Co-ordinator DEMO-Net, Napier University, United Kingdom

**Mr Marcus Brixskiöld**, Director, Ministry of Integration and Gender Equality, Sweden

- Breakout session 4.1: Systematic work for human rights – National action plans, and other methods

Moderator: **Ms Sonja Biserko**, Helsinki Committee, Belgrade, Serbia

Rapporteur: **Mr Dimitris Christopoulos**, associate professor, Department of Political Science and History, Panteion University of Athens, Greece

Panellists:

**Mr Jonas Čekuolis**, Lithuania, member of the Parliamentary Assembly of the Council of Europe (ALDE)

**Mr Thomas Hammarberg**

**Ms Louise Nylin**, Human Rights Policy Specialist, UNDP, Bratislava Regional Centre

**Mr Ibrahim Wani**

**Ms Tanja Raspopovic**, Legal Adviser, Protector of Human Rights and Freedoms, Montenegro

- Breakout session 4.2: E-democracy – Key role in facilitating and strengthening democratic processes?

Moderator: **Mr Thomas Buchsbaum**, Ministry for Foreign Affairs, Austria, Chairman of the Council of Europe's Ad hoc Committee on e-democracy (CAHDE)

Rapporteur: **Ms Evika Karamagioli**, GOV2U, Athens, Greece

Panellists:

**Mr John Götze**, Copenhagen, Denmark

**Ms Miranda Brugi**, IT General Manager, City of Siena, Italy, and Chair of the eRights Working Group, Eurocities Knowledge Society Forum

**Ms Ann Macintosh**

**Mr Víctor García Segador**, Director General of Citizen Participation, Madrid City Council, Spain

**Mr Christoforos Korakas**, Project Co-ordinator, access2democracy, Greece

1 to 3 p.m. Lunch

3 to 5.30 p.m. Continuation of breakout sessions (see above)

8 p.m. Dinner at Steninge Palace

### **Friday 15 June 2007 – Day 3**

9.30 a.m. **Plenary session at Arlanda Conference and Business Centre; results from Day 1 parallel panel sessions and two sub-theme discussions from Day 2**  
Presentation by sub-theme rapporteurs

11.30 a.m. Continuation of plenary session

Speakers include:

**Mr Jean-Marie Heydt**, Vice-President of the Conference of International Non-Governmental Organisations of the Council of Europe

**Mr Vidar Helgesen**, Secretary General of International IDEA

12 noon **Summary of results and conclusions of the Council of Europe Forum for the Future of Democracy 2007**

Observations by the general rapporteurs

**Mr Andreas Gross**, Member of the Swiss Parliament, Rapporteur of the Political Affairs Committee of the

Parliamentary Assembly of the Council of Europe on  
the state of democracy in Europe

**Mr Keith Whitmore**, President of the Institutional  
Committee of the Congress of Local and Regional  
Authorities of the Council of Europe, Manchester  
Metropolitan City Council, United Kingdom

**Mr Daniel Tarschys**, Chairman of the Political Science  
Department at the University of Stockholm, Sweden,  
former Secretary General of the Council of Europe

Presentation of the Forum conclusions  
by **Daniel Tarschys**

1 p.m. Closing of the meeting and invitation to the Forum  
2008 in Madrid by **Ms Ana Isabel Leiva Díez**, State  
Secretary of Territorial Co-operation, Ministry of  
Public Administrations, Spain

## **CONCLUSIONS BY THE GENERAL RAPPORTEURS<sup>1</sup>**

1. The Forum for the Future of Democracy is an inclusive process under the auspices of the Council of Europe, associating all main stakeholders of a genuine democratic society (parliaments, governments, local and regional authorities, civil society, media and academia), aimed at the promotion of democracy at all levels across the continent and furthering pan-European reflection on its multifarious aspects. The Parliamentary Assembly of the Council of Europe, the Committee of Ministers, the Congress, the INGO Conference and the European Commission for Democracy through Law (Venice Commission) play a leading role in this ongoing process. It is open to the active participation of the European Union, the OSCE and other international partners. Following the decision on its establishment by the 3rd Summit of Heads of State and Government of the Council of Europe in Warsaw in May 2005, the Forum, with its annual sessions, is steadily becoming a permanent feature of the European political landscape.

2. Since the previous session in Moscow, in October 2006, which was devoted to the role of political parties in the building of democracy, the Parliamentary Assembly of the Council of Europe has adopted a resolution containing key elements for a code of good practices for political parties and calling on the Venice Commission to elaborate such a code. Civic participation, which was the theme of the launch meeting of the Forum in Warsaw in November 2005, has, for its part, been central to the current concerns of the INGO Conference of the Council of Europe.

3. The third session of the Forum, held in Stockholm and Sigtuna (Sweden) from 13 to 15 June 2007 under the general title “Power and

---

1. Mr Andreas Gross, Mr Keith Whitmore and Mr Daniel Tarschys.

empowerment – The interdependence of democracy and human rights”, addressed issues such as the role and responsibilities of the opposition, representative democracy at the local and regional level, empowerment of the individual and non-discrimination, respect for freedom of expression and association for civil society, and fostering democracy, human rights and social networks. This session has laid emphasis on new forms of dialogue and innovative methods.

4. The process will be carried forward at the next sessions of the Forum. It is essential that all stakeholders involved in this process combine their efforts to define the most efficient ways of transforming the output of the Forum’s sessions into concrete action.

5. The interdependence between democracy and human rights is enshrined in the Statute of the Council of Europe, to which 47 European states have subscribed. This interdependence is underscored in the European Convention on Human Rights (ECHR), which is, today, a constitutional cornerstone of European public order.

6. Democracy is not only about casting a ballot every few years. Without an open debate and freedom for people to meet and organise, the formal requirement of free and fair elections would be meaningless. Human rights, such as freedom of expression and association, are not only conditions of a democratic system of governance based on the rule of law, but are also best protected within such a system. Civil and political rights interrelate with economic, social and cultural rights. They are part of the same whole; they are indivisible. Democracy is the best form of government for all human rights.

### ***The role and responsibilities of the opposition***

7. The Forum emphasised that there could be no strong democracy without a strong opposition. The strength of opposition is an essential element for measuring the quality of democracy. Every country has a government; only democracies have an opposition.

8. Establishing a fair legal framework and material conditions enabling the opposition parties in parliament to have the means to fulfil their functions is a prerequisite for the proper functioning of parliamentary democracy. Among the means of securing the existence

of an effective and responsible opposition in parliament is the possibility for opposition parties to chair key committees with control functions, such as finance committees, as well as to set up investigative bodies, to initiate draft legislation, to contribute to the drafting of the order of business of parliament and to call the ruling majority to order.

9. The critical evaluation of government action is one of the essential tasks of the opposition and contributes to the quality of the political debate, thereby improving the capacity of the government and the majority to manage public affairs in the public interest as a whole.

10. Both the majority and the opposition have every interest to keep in mind that no one belongs to the majority or to the opposition for ever and that a majority will sooner or later be part of the opposition and vice versa. Hence, it is in the interest of the majority not to take decisions before the opposition has had the opportunity to scrutinise proposals and put forward alternatives. Conversely, the opposition should not perceive its role as a mere mechanism of obstruction and should contribute substantially to the decision-making process.

11. The lack of a strong opposition in parliament may lead to a form of extra-parliamentary opposition in which protests may be expressed in violent forms on the streets, thus diminishing the quality and relevance of the parliamentary debate and affecting the decision-making process as a whole. One means of avoiding situations in which opposition is essentially extra-parliamentary is to lower the thresholds for parliamentary representation. In a developed democracy, thresholds should be low, in order for the rights of all citizens and all political views and interests to be represented in parliament.

12. Opposition is not simply a question of party politics. In a healthy democracy, opposition cuts across party lines to embrace issues on which members of both the majority and the opposition have the courage to challenge their party's main positions.



### ***Systematic and structured work on human rights and democracy***

13. Respect for human rights cannot be dissociated from democracy and good governance. The Forum welcomed the initiative of the Parliamentary Assembly to hold the first annual debate on the state of human rights and democracy in Europe, at its 2007 April part-session, and expected that the resolution and recommendation adopted on this occasion would be acted upon at both national and European levels.

14. Public authorities should seek ways to secure the systematic implementation and monitoring of human rights and democracy at the different territorial levels, in a structured and comprehensive approach.

15. National human rights action plans can be a tool for identifying problems and weak areas on a regular basis in order to address these in a constructive manner (possibly by means of indicators of performance), as well as identifying strengths and good practices which can be celebrated and disseminated. As such, they are a powerful instrument for mainstreaming a human rights perspective into governance, including the gender perspective and the empowerment of groups in vulnerable situations. Different actors, such as NGOs and national human rights institutions, should be involved in all such processes at an early stage and on a regular basis. The Council of Europe should contribute to these efforts by preparing a baseline study on the added value of national human rights action plans and the possible use of human rights indicators.

16. Council of Europe member states might usefully consider developing links between their own national human rights action plans and the Parliamentary Assembly's annual evaluation of the state of human rights and democracy, including mechanisms for feeding the results and findings back into the national processes. The Forum encourages national parliaments to hold regular debates on the findings of the Assembly's assessments and identify appropriate remedial action.

17. Decentralisation processes and the transfer of competences from central governments are making local and regional authorities

increasingly important actors for the defence of human rights. They place greater responsibilities on them to respect human rights in the exercise of their functions, in particular by responding to the people's needs in terms of housing, education, health, environment, etc. Therefore, it is important to mainstream a human rights perspective into governance at the local and regional levels. In addition, local and regional authorities are urged to engage in action plans for human rights and to consider elaborating indicators for their implementation.

18. Independent national human rights institutions, including ombudspersons and national human rights commissions, are crucial partners in the development and implementation of national action plans. Their action could be amplified through the establishment of similar institutions at local and regional levels, bringing them closer to the people. The Council of Europe, and particularly the Congress and the Commissioner for Human Rights, could further engage in promoting the creation of offices of local and regional ombudspersons and enhancing networking efforts and exchanges of experience between them.

19. The Forum pays tribute to the efforts of the Council of Europe and its Commissioner for Human Rights in promoting the establishment of national human rights institutions in member states as non-judicial means for the effective protection of human rights. It encourages the Council of Europe to further promote similar institutions with specific mandates, for example, for the protection of children or other groups in vulnerable situations.

20. The Forum calls on national policy makers to enhance their democracy strategies. This would mark the beginning of a more systematic effort to structure national initiatives aimed at promoting democratic development and thereby ensure a more coherent and concerted approach. In this context, the proposal of the Parliamentary Assembly to draw up guidelines on the elimination of democratic deficits in the functioning of democratic institutions could offer a useful reference tool. The development of indicators for the quality of democracy should also be considered in this context. The Venice Commission is encouraged to pursue this matter.

21. People have the right to manage their own affairs at the local level. The European Charter of Local Self-Government lays down the fundamental principles governing the framework within which this right can be exercised. The Congress is encouraging elected representatives at the local and regional levels to make a difference in enhancing human rights and democracy in their respective territorial communities.

22. The Council of Europe's proposed new strategy for innovation and good governance at local level is promising. It aims to place the individual at the heart of democratic institutions and processes and to incite local authorities constantly to improve their governance in accordance with 12 principles. The strategy should, *inter alia*, promote a more effective dialogue and consultation between civil society and elected representatives at all levels. In each member state an action plan for good governance at the local level should be drawn up. A quality label of good governance certifying respect of standards will recognise the efforts made by local authorities. The Forum, which involves all partners, could offer a useful platform for examining the progress achieved in the implementation of the strategy.

23. The sovereignty of the people should not be limited to election day. Elements of direct democracy should therefore be integrated into the democratic process. At the same time, participation should not be limited to nationals as excluding a large number of people from democratic citizenship is highly detrimental to the representative character of democracy and thus to the democratic process as a whole.

24. The increasing difficulty that individual states have in finding solutions to the global challenges facing today's societies inevitably results in disappointment and further indifference towards democracy at local, regional and national levels. This can be countered by the development of transnational democratic processes which transcend the "nation state" and which would draw their legitimacy from the existing levels of power (local, regional and national). The Forum could serve as a platform for further reflection on that subject.

25. Education for democratic citizenship and human rights is an essential element for empowering the individual and for combating discrimination. All stakeholders of the Forum should actively participate in concerted action to promote education for democratic citizenship and human rights. The Council of Europe should intensify its efforts in elaborating instruments and tools to this effect, building on its earlier efforts in this field.

26. It is vital to promote a culture of democracy and human rights among children and young people, as attitudes and behaviour are shaped at an early stage and can be decisive in determining their future involvement in public affairs. The Forum calls on all stakeholders to implement the European Charter on the Participation of Young People in Local and Regional Life, which offers an excellent basis for such action.

27. Information and communication technologies can be a powerful tool for the promotion and protection of human rights and democracy. They have the potential to create more transparent and responsive government and to facilitate participatory democracy. Human rights should be respected in a digital as well as in a non-digital environment and should not be subject to restrictions other than those provided for in the European Convention on Human Rights and the case law of the European Court of Human Rights simply because communication is carried in digital form. E-governance policies, embedded in an appropriate regulatory framework, should enhance democracy and respect human rights with a view to empowering all individuals, in particular those in vulnerable situations.

28. At the same time, it must be acknowledged that increased participation will not be brought about simply as a consequence of progress in information and communication technologies. The growing feeling of political discontent and disaffection among people must be addressed, if such technologies are to facilitate the empowerment and participation of individuals.

29. The Forum welcomed the proposal that the next session in Madrid, in 2008, should examine the issue of e-governance and e-democracy and further noted in this connection the ongoing work of the

Council of Europe, including that of the Parliamentary Assembly, on e-democracy and e-voting.

### ***Empowering the individual through non-discrimination***

30. Equality between citizens is a fundamental principle of any genuine democracy. In reality, however, in Europe today not everyone appears to be given the same opportunities to get their causes heard and to have their interests represented in decision-making processes. Visible and invisible barriers of different kinds appear to make it difficult for persons in vulnerable situations – in particular on grounds of ethnic origin, religion, social condition, disability, gender, sexual orientation or age – to plead their own case and to participate in public affairs on equal terms.

31. Efforts to facilitate and encourage participation by all persons in society must be based on a human rights perspective. People who are socially, economically, culturally or otherwise marginalised are usually less able to claim and exercise their civil and political rights. Realisation of all human rights is therefore crucial to people's chances of assuming control of their own lives – to empowerment and effective participation in democratic processes. Therefore, concrete measures to overcome discrimination and to promote effective access to human rights by all should be central to human rights policies and action plans.

32. The Council of Europe has developed legal instruments, monitoring mechanisms and awareness-raising initiatives designed to underscore the central objective of combating discrimination. These include such instruments as Protocol No. 12 to the ECHR, the Convention on the Participation of Foreigners in Public Life at Local Level, the European Commission against Racism and Intolerance, the campaigns All Different – All Equal and Dosta! (for the rights of Roma communities), as well as the forthcoming white paper on intercultural dialogue. Member states should make optimal use of these tools to consolidate their own action to eradicate all forms of discrimination.

33. The Forum invited the Council of Europe to pursue its ongoing efforts to combat all forms of discrimination by continuing its All Different – All Equal campaign on a longer-term basis and by targeting it towards different groups of persons in vulnerable situations. It invited all stakeholders of the Forum process to contribute to this.

***Representative democracy and civil society at local, regional and national levels***

34. Participatory democracy complements representative democracy in involving the people in decision-making processes. New forms of political engagement are not an alternative to elected representation but can contribute to empowerment and enhanced support to the democratic process as a whole. Authorities should respect and support the role of a broad and free civil society; they should engage in dialogue based on transparency.

35. The Forum calls on the INGO Conference of the Council of Europe to follow up actively the proposals made at previous Forum sessions to elaborate a code of good practice for civic participation. The code should be addressed to public authorities and civil society in all Council of Europe member states and should cover questions such as equal opportunities to set up NGOs, mechanisms for NGO participation in decision-making processes and other forms of citizens' involvement.

36. The Forum expects that the recommendation on the legal status of non-governmental organisations, to be adopted soon by the Committee of Ministers of the Council of Europe, will offer an effective framework for the smooth and equal development of the activities of the civil society sector in all Council of Europe member states. The INGO Conference could play a significant role in promoting and assessing the implementation of the recommendation in member states.

37. The Forum stressed the crucial importance of the work of human rights defenders in protecting and promoting human rights at the grass-roots level and in engaging in human rights advocacy, sometimes at serious risk to their physical integrity and lives, as

acknowledged by the 3rd Summit, the Parliamentary Assembly, the Commissioner for Human Rights, the Congress and other actors. The Forum urged all competent national and international authorities to engage all necessary action to ensure that human rights defenders can perform their mission in full security and independence.

38. The Forum expressed its appreciation to the Swedish authorities for the excellent organisation and innovative methods of the 2007 session and its gratitude for their hospitality. The Forum welcomed the invitation by the Spanish authorities to hold the 2008 session of the Forum in Madrid.

## OBSERVATIONS BY THE GENERAL RAPPORTEURS

### **Andreas Gross**

*Member of the Swiss Parliament*

*Rapporteur of the Political Affairs Committee  
of the Parliamentary Assembly of the Council of Europe  
on the state of democracy in Europe*

1. The most important point I have to make about this session of the Forum is that we did not just talk about democracy, we tried to practise it. One cannot swim without going into the water. We tried to get as many people as possible involved in the process. That is what democracy is all about.
2. What we probably failed to do sufficiently in Warsaw and Moscow was perhaps done to excess yesterday morning in the World Café: the organisers nearly organised too much, at the risk of damaging individual creativity. People need time and space to build up a community with others, which gives them the feeling of belonging. People need to “live” democracy. This is a classical risk which states run when they want to do well for their societies.
3. I wish to thank the Swedish organisers for having chosen Sigtuna as a venue. This is not only because of the beauty of this old town but also because of what the municipal authorities of Sigtuna have done since the last municipal elections in 2002. They have tried to increase participation in the elections by organising 10 deliberative referenda which offered the people of the town an additional voice. They have achieved their goal by increasing participation in the municipal elections by 7.4%. They have proved that direct democracy can support indirect democracy, or, in other words, as was said on Wednesday afternoon: “Direct democracy makes representative democracy more representative.”



4. I would like to encourage the Sigtuna municipal authorities, and all government bodies at all levels, to pursue this process. Do we only allow the people to express themselves on the questions put to them or do we allow them to formulate the questions they, themselves, would like to put to all their fellow citizens? They will not fail to see that many citizens appreciate such empowerment and are eager to participate, to discuss and make up their own minds.

5. By allowing citizens to express themselves, by inviting them to think about and discuss their own ideas and concerns, they enable people to build the community and sense of belonging together which we seek as a condition to build and strengthen democracy. This is my answer to the question that was discussed on Wednesday afternoon, in the second panel session, about how many people in our world live in conditions which some claim make democracy impossible. My answer is: the conditions for democracy can only be created by democracy itself. That is, in my view, the meaning of saying that democracy can only lead to more and better democracy, and is not just a dream.

6. A similar insight was expressed yesterday morning by a Russian speaker when he tried – rightly – to overcome a wrongly perceived opposition between effectiveness and democracy. He said: “Democracy is effectiveness; effectiveness is only possible through democracy.”

7. The positive experiences which were gathered yesterday in the World Café gave a good image of how much citizens are able to create when they take matters into their own hands. When they unite their efforts, when they take up issues which really concern their fellow citizens, when they touch their hearts (as someone said), when they act in an original and creative way, then they are not only able to attract attention from the media, but can also gain the respect and support from the responsible authorities. Thus, much damage can be avoided, many new projects can be realised, and – perhaps most important – many people can find the hope, the self-confidence, as well as the knowledge, to go on to act politically, to take care of their fellow citizens and of the environment. There is nothing more motivating than a successful political experience. When you experience the democratic power you can wield if you unite yourself with

like-minded people, you belong to those who are empowered and know how to use this power for the sake of the community.

8. It was good to listen to some of the participants who have other visions of democracy and do not share the same perception of the democratic potential of individual citizens. In order to enhance our deliberations and to stimulate more reflection, I would like to specify the following:

- We should not oppose citizens towards institutions. If you reform institutions in such a way that citizens have the right to participate in the institutions' deliberations, you change institutions for the better and you reduce the possible alienation of citizens towards institutions.
- You will never find citizens who are active 24 hours a day. This would be not only inhuman but also beyond human capacity. The quality of a citizen does not depend on how much time he spends in, and for, politics. Quality is much more than that: it is a matter of whether he or she is just a bourgeois who needs politics to defend private interests, or whether he or she tries to seek the general interest, the common good and whether he or she is ready to give priority to the common interest and to the common cause, which, in the end, will also serve private interests best.
- Participation in decision-making processes between elections is much more than just an experiment by strong democracies. First, strong democracies are only strong if and when they enable people to decide on issues and do not leave them solely to their representatives. Second, citizens become most frustrated if they gain the impression that the government is playing with them, is using them as the object of an experiment. Citizens feel that they are being taken seriously when empowerment really means empowerment, when the constitution gives them the power to cancel the delegation of power to parliament, as well as the right to choose the issues upon which they want to have the final say.
- I was struck by some problematic opposition I heard yesterday: individualism, for instance, is not something which endangers representation. At the same time, individualism should not be confused

with egoism. Individualists know that, in modern societies, not all decisions can be taken by all those concerned each and every time. You need representation to reduce the complexity of decision-making processes. Individualists only ask for the right exceptionally to break up the representation and take the decision back to the people as a whole when a strong minority thinks it should be done that way.

– The idea of a strong democracy does not imply that good citizens should be perceived as people who are ready to become “good losers”. The idea of democracy is that nobody should consider himself or herself a loser, since everybody gets a share of the power, as well as the attention they require. The core idea of direct democracy is to guarantee to each and every one that nobody will feel overlooked or forgotten. The sense of giving everybody the right to express him or herself, as well as the guarantee of being listened to and respected, is precisely to avoid anyone feeling that they are a loser, which would only inevitably entice him or her to use other means of expression than democratic ones.

9. I would conclude by saying that it is a sign of the quality of this Forum that it revealed where we disagree and where we need to reflect and discuss further. This Forum would not have been a success had the debate ended here in Sigtuna. The Parliamentary Assembly, in general, and the organisers of the next Forums in Spain, Ukraine and Armenia may provide other opportunities to strengthen our common notion of a strong democracy. In so doing, we recognise once again that we can only strengthen democracy by practising it. Democracy is the path to take if we want to improve it. Every democracy is unfinished. The meaning of our work is to reduce its “unfinishedness”, being fully aware that it will never be perfect.

**Keith Whitmore**

*President of the Institutional Committee of the Congress of Local and Regional Authorities of the Council of Europe  
Manchester Metropolitan City Council, United Kingdom*

“Man is born free, yet he is always in chains.” This famous phrase by Jean-Jacques Rousseau encapsulates both the source of inalienable human rights, first and foremost the right to freedom bestowed on the individual by the mere fact of his or her birth, and the need for action to remove the chains which prevent us from enjoying our rights, to lower restrictions to the level absolutely necessary in a democratic society to keep its social fabric intact, and to make them stable and cohesive.

However, the concept of human rights has never been set in stone. It has been constantly evolving and expanding in scope. Today, we are talking about access to social rights, rights to housing, health, education and a healthy environment, minority rights, migrants’ rights and children’s rights. As never before, we are going deeper and deeper in our understanding of the needs and expectations of our citizens, in our understanding of the problems which we are facing – trafficking in human beings, domestic violence, racial attitudes, drug abuse, urban safety, street children and lack of gender equality to name but a few.

Local and regional authorities are at the forefront of dealing with these problems, being the first to be affected by their consequences and the first to treat the victims of human rights abuses and take preventive measures. That is even more the case as decentralisation processes and the devolution of power towards territorial communities, coupled with the transfer of competences from central governments, are increasingly making local and regional authorities the first line of defence of human rights. Municipalities and regions, when democratically governed, are natural partners of member states’ authorities to strengthen human rights, engaging jointly in action plans for human rights, and elaborating indicators to monitor their implementation.

The Council of Europe Congress has a clear mission to bring a local and regional dimension to human rights protection and the development

of democracy by mounting action at the grass-roots level, which is the very foundation of the democratic edifice of our societies. It is at this level where people first become familiar with democratic processes, participate in them and understand their worth. It is also at this level where apathy towards democratic processes, disenchantment with democratic institutions, mistrust in politicians and indifference to policies begin.

We cannot achieve genuine participatory democracy, permeating all levels of society and inclusive of all citizens and societal groups, without empowering territorial communities, engaging people in the decision making and giving them the feeling of belonging to a society which decides for itself, regardless of the political elite, where every individual is in a position to influence his or her own future. The suspense of the latest presidential election in France, with high voter turnout, a close race between the candidates and a high level of personal engagement by citizens offers resounding proof of this.

Local and regional authorities are best placed to take action within their communities, at the level closest to the citizen, be it by mobilising community leaders to ease ethnic tensions, by setting up shelters for battered women, by organising local police to take action against human trafficking or preventing urban riots, by engaging young people in public life, by implementing the revised and user-friendly European Charter on the Participation of Young People in Local and Regional Life, and improving the situation in disadvantaged neighbourhoods.

The Congress, which today represents more than 200 000 territorial communities in Europe, is the only body tasked with monitoring the development of local and regional democracy in our 47 member states, not least by ensuring the implementation of the European Charter of Local Self-Government, the cornerstone treaty that we see as our contribution to the human rights protection system.

Over the past year, the Congress has been actively involved in various European projects, among which are the Network of Cities for Local Integration Policies (CLIP), Cities for Children, Cities for Peace, Cities for Human Rights, and the Berlin Process for disadvantaged

urban neighbourhoods. We have also joined in Council of Europe campaigns to fight trafficking in human beings and domestic violence against women. The declaration against trafficking is available on-line for signature by cities and regions, and poster campaigns to stop domestic violence against women are being carried out in numerous European municipalities. We are launching the City Diplomacy project aimed at engaging municipalities in dialogue and joint action for peace and stability. Here, the Congress can provide a unique forum for exchange of ideas and a platform for co-operation and joint activities across and beyond Europe, especially on the southern rim of the Mediterranean.

Some other examples include our work on the revision of the European Urban Charter and the creation of the offices of regional ombudspersons and their networks to serve as mediators between individuals and regional and national authorities.

However, real prospects for improvement lie in addressing the root causes of the problems. To give a few examples: much domestic violence or human trafficking happens because of a dire economic situation, either within a family or within a country. Much public apathy towards democratic processes may be due to disenchantment with our democratic institutions and loss of trust in politicians. Much interethnic tension and many urban riots take place because of what is perceived as discrimination, or at least lack of attention, with regard to certain ethnic or minority groups.

One of the answers lies in greater inclusion and participation of all groups of society. This starts at grass-roots level. Furthermore, the local economy takes on an increasing importance in creating jobs and improving the economic situation. Local police are perceived as more friendly in the eyes of communities. Empowerment of women is better achieved at local level. All these issues, the questions of human rights and citizens' participation, have been discussed at this Forum for the Future of Democracy, in which I am delighted that local authorities have taken a very active part.

**Daniel Tarschys**

*Chairman of the Political Science Department*

*at the University of Stockholm, Sweden*

*Former Secretary General of the Council of Europe*

This has been a movable feast.

In three days, we have been to four Swedish cities, starting out in Stockholm, passing at sea close by the ancient merchant and Viking city of Birka, and then landing in the old royal town of Sigtuna. And now we are finally at another political hub where many people arrive every day to deal with national affairs and plane loads take off every morning to deal with European affairs. For Swedes, this is the capital of multilevel governance.

So what did we cover, discover and rediscover in these three days?

Democracy and human rights connect in many different ways. Let me dwell on eight different linkages between our two cardinal concepts.

1. First of all, there is the common value-base. Democracy and the respect for human rights are both based on a firm faith in human dignity, equality and individual integrity.

The Council of Europe slogan “All different – all equal” sums up this idea in a nutshell: of course we are all different in many ways, not least physical, but when it comes to our civic status, our role as citizens, then it is absolutely crucial to recognise and respect the equal value of each and every human being.

Equality before the law and equality in front of the ballot box – that is the rock-hard basis of any democratic society, and the rock-hard basis on which we build our respect for human rights.

2. Second, there are several human rights that are crucial for the functioning of democratic institutions and processes. I refer in particular to:

- equal suffrage in secret and recurrent elections;
- the right of expression and the right of information;

- the right of assembly; and
- the freedom of action for organisations and political parties.

These are indispensable prerequisites for the flourishing of democracy. And it is not enough that such rights and freedoms are recognised and protected by law; there must also be economic and practical conditions for their exercise.

There must be a level playing field for the various political forces competing for the favour of citizens.

This requires us to have appropriate electoral rules and adequate forms of minority protection offering opportunities for dissenting opinions to be expressed.

3. Linked to this – and that is my third point – is the need for free and fair media. The printed press remains very important, but television and radio have become even more decisive, and the expansion of cyberspace presents many new channels for political communication, as discussed yesterday in the breakout session on e-democracy.

This is a contentious area because there are many threats to freedom of expression. We may all accept some measure of parental control when it comes to children, but when some governments start exercising parental control over their citizens on a large scale by banning certain words from the Internet, they are certainly on a slippery slope. And another serious threat is the growth of monopolies or near-monopolies in the field of mass communication.

4. What else is crucial to defend human rights? Several breakout sessions have dealt with the importance of a vibrant civil society.

The European democratic model is built on accountable representative and executive bodies at various levels of government, but such bodies cannot survive in a vacuum. They must be embedded in a thick network of voluntary groupings based on common ideas and common interests.

For democracy – and this point has been made by many speakers – cannot be reduced to the casting of votes in general elections. It draws on the involvement of the many autonomous associations, and the



expression of many different opinions. And these activities are very much linked to the continuing combat against discrimination, with independent organisations acting as pressure groups and vocal advocates for human rights.

5. A further requisite for democracy is the institutionalised guardians of human rights. We have ombudspersons and commissioners at various levels, and we have the police, the prosecutors and the courts.

Judiciary institutions in general are indispensable to make sure that solemn pledges are honoured and that legally recognised rights are really respected. Democracies fail, and fail badly, if they cannot attain compliance with legally enacted rules.

In discussing this theme – number five on my list – there are good reasons to recall the pre-eminent role of the Council of Europe. The European Convention on Human Rights was one of its first instruments, adopted over fifty years ago, but for a long time was a toothless tiger.

But now there is some bite. Through the case law of the Court, through a whole raft of supplementary conventions and additional protocols, through many special measures to reinforce the role of the judiciary, and through the adoption of these standards by the European Union, we are approaching a common legal space in Europe where human rights are, if not fully respected, at least much better respected than they were. And these advances depend entirely on the firm nexus between the rule of law, democracy and respect for human rights.

6. Another key area for the Council of Europe, and another field in which to look for linkages between democracy and human rights, is that of local and regional government. The Congress and its predecessors have long dealt with this connection in several different ways.

First, by calling for common European standards which are now embodied in the European Charter of Local Self-Government. Second, in monitoring compliance with these rules and helping member states develop their local democracy. And third, by sharing experience and providing inspiration for procedural and policy learning, as in yesterday's discussions on the first theme and several others.

How can human rights be protected and promoted at the local level? That is quite a challenge. When you tell your local councillors that they are far from meeting the standards, they will show you their empty purses. The day-to-day struggle for human rights requires compassion, commitment, ingenuity – but also public funding.

7. At the opening session, we discussed the role of opposition parties in the promotion of human rights. This will be my seventh point.

Why are good working conditions for the opposition such a precious ingredient in democratic political systems? And why are they particularly important for the defence of human rights?

There are several reasons. The opposition is there not only to suggest alternative policies but also to keep governments on their toes, compelling them to explain and justify their steps. By dissuasion and exposure, the opposition can contain the abuse and arrogance of power.

Governments are always fallible. What is so good about democratic governance is its capacity for self-correction. In designing procedures for our political bodies, we must craft mechanisms both for vigorous action and for mature reflection.

Because democratic politics should be neither too slow nor too quick. If there are too many obstacles to policy making, if there are a lot of “veto players” blocking the political process, then we may become paralysed in front of serious challenges, and inefficiency will undermine the legitimacy of democratic governance.

But then there is the opposite danger. If politicians can act with lightning speed to satisfy their nervous electorates, then we also risk serious setbacks for human rights. That is why many constitutions contain safeguards to prevent the panicky restrictions of our fundamental freedoms.

And let us admit, quite often one human right is up against another. We may claim that human rights are indivisible, but that does not mean they are always compatible.

Not to be blown up by terrorists is certainly a human right. But so is speaking on the phone without big brother listening in.

So where do we draw the line? When can one right be restricted in order to protect another? This can only be decided through a good democratic process, carefully crafted to allow for both afterthought and foresight.

8. And now for my final point. An important connection between democracy and human rights lies in the capacity of democratic discussions to generate social empathy.

The performance of democratic systems can be assessed in different ways:

- some emphasise the element of efficiency and delivery of public policy;
- others stress the representative dimension and the degree of consensus between politicians and voters;
- a third quality indicator is the rate of civic participation.

These are all valid facets of good governance, but let me make a particular plea for the concept of deliberative democracy. A few issues back, the *Economist* referred to the Council of Europe as “a continent-wide talking-shop” with particular responsibilities for human rights. The Council should take pride in that label, because talking-shops are immensely valuable for the pursuit of good policies, and transnational talking-shops even more so.

Talk in democratic bodies is often dismissed as tedious, endless chatter with no impact. Empty verbiage. But this is underestimating the power of deliberation. Talk is at the heart of the democratic process and performs several different functions.

Many things happen when politicians are compelled to present the reasons for their proposals and decisions. First of all to themselves – they discover some of their inconsistencies. And then to their audiences. Public reasoning on politics opens doors to many closed chambers.

When rulers are held accountable for their actions and their inaction, for what they have done and for what they have failed to do, for sins of commission and omission, they have to explain themselves. They

have to present their reasons. They have to engage in dialogue. This is why democracy is often referred to as governance by discussion.

The open confrontation of arguments and counter-arguments is immensely important for successful collective action. It is not only a strategy of reaching reasonable decisions, but also as a road to social and political understanding, cohesion and mutual respect.

Politics is lifelong learning. In entering public life, we all arrive with very narrow perspectives and a very limited stock of experience. All this expands through politics. Meeting voters and meeting politicians from other places and other walks of life will add to our understanding of society, perhaps even to our wisdom.

Will this also reinforce respect for human rights? Yes, no doubt. Politics is very much about empathy, about learning to understand the concerns and aspirations of others. Politics is listening and responding. Politics is vindication and advocacy. It is ceaseless communication.

Deliberative democracy remains vital for the defence of human rights. At this Forum, we have engaged in meta-deliberation in that we have explored the ways in which democratic procedures and the struggle against discrimination can be given a new impetus. I hope you will all return with some fresh ideas and that we can continue these discussions in the Council of Europe and elsewhere.



## OPENING ADDRESSES

**Per Westerberg**

*Speaker of the Riksdag*

Excellencies,  
Distinguished participants,

It is a great honour for the Swedish Parliament to host the 3rd Council of Europe Forum for the Future of Democracy. And it is a true pleasure for me to welcome you all to the Swedish Parliament. Sweden has taken over the important task of chairing this Forum after last year's Forum in Russia. Next year's Forum will be held in Spain.

You will travel back through Swedish parliamentary history as you move later this afternoon from the Plenary Hall to the former First and Second Chambers. In 1971 Sweden changed from a two-chamber system to a unicameral system. Tonight you will move from our capital to the historical city of Sigtuna.

Sweden is known as one of the world's oldest democracies. What is referred to as the First Swedish Riksdag meeting dates as far back as 1435. Many years later, in 1766, Sweden took an important step towards fully-fledged democracy as freedom of the press came into force. When our constitution was written in 1809, nearly 200 years ago, the fundamentals of our parliamentary democracy were completed. The pillars of the parliament – deciding the state budget, making laws and exercising scrutiny of the government – were finalised. In Sweden, the creation of the ombudsperson system has proved to be one of our most successful inventions for safeguarding the rights of the citizens, an invention that has been extensively exported. For newly established democracies, the development of parliaments'

capacity to scrutinise governments is of the highest importance for safeguarding the democracy.

Not only new and emerging democracies need to fight for the values of democracy. Every nation needs to work constantly in protecting and promoting the values of democracy and human rights. In the Swedish Parliament we work on a daily basis to promote gender equality, multicultural dialogue and pluralism. We strive to find actions against intolerance and various forms of discrimination. Major formal decisions are taken here in the chamber. But also small steps are important to strengthen the fundamental rights of every individual.

The initiative of the Council of Europe to hold a series of conferences on democracy, gathering representatives from parliaments, governments, local and regional bodies and non-governmental organisations is worth every support.

It is only through open and frank exchanges of views that we reach out to new and emerging democracies. It is only through broad and public debates that we reach out to the citizens of our countries.

I am confident that this Forum will form a major contribution to further strengthening our joint democratic endeavour.

International co-operation, dialogue and exchange of experiences are crucial to guide us through future action at national and local levels. We need a lively debate to reach way outside this plenary hall.

Today's debate in Stockholm should be tomorrow's discussions in our respective countries. Each and every one of us can contribute in our different capacities.

Excellencies,  
Distinguished participants,

It is a great honour for me to declare the Council of Europe Forum for the Future of Democracy 2007 open.

Once again welcome to Stockholm and the Swedish Parliament.

**Vuk Jeremić**

*Minister for Foreign Affairs, Serbia  
Chairman-in-Office of the Committee of Ministers  
of the Council of Europe*

Mr Chairman,  
Fellow ministers,  
Your Excellencies,  
Ladies and gentlemen,  
Dear friends,

I am honoured to address you in my capacity as the Chairperson of the Committee of Ministers of the Council of Europe.

The theme of this session of the Forum for Democracy is the interdependence of democracy and human rights. The aim, as I understand it, is to “strengthen democracy, political freedoms and citizens’ participation through the exchange of ideas, information and examples of best practices”.

Therefore, I feel that it is particularly appropriate that we find ourselves in the Kingdom of Sweden. According to the *Economist* magazine’s democracy index, Sweden stands at the top of the democracy rankings. Democracy has truly been at home in this country, from the instauration of the Age of Freedom in the early 1700s right up to the present day.

I can only hope that this meeting will be a source of inspiration for continued debate, not only here in Sweden but throughout the 47 member states of the Council of Europe and even beyond. So allow me to wish you much success for fruitful deliberations during this Forum.

Our hosts – the Government of Sweden, the Swedish Parliament and the Swedish Association of Local Authorities and Regions – have provided marvellous settings in which we can journey together to strengthen dialogue and participation for the future of democracy.

Before proceeding, let me say that during the four years of our membership of the Council of Europe, the institutions and values on which the Council was founded – and from which it continues to draw



strength – have significantly contributed to the democratic consolidation of the social, political and constitutional fabric of the Republic of Serbia.

That is why my country remains fully committed to making significant progress on building a Europe without divisions, without borders – on building a Europe where not only states and politicians, but also citizens, the true stakeholders of our vision, join together to deepen the values we all share. Only in this way can we form a European-wide community for a common democratic future.

The European Convention on Human Rights and the European Social Charter are two of the most important instruments at our disposal to fully put into practice our vision of the grand idea of Europe, namely that democracy is interdependent with individual liberty, the rule of law, and human and minority rights.

These invaluable documents enumerate the civic, political, social and economic rights and obligations of both citizens and their states, taking care to portray these rights and obligations as indivisible, as part of the same whole – and promoting them as the way to a more advanced, a more tolerant, humane and inclusive Europe.

I believe that an inclusive Europe is a Europe that helps empower local communities and individuals by establishing a level playing field for all. It is a Europe in which the equality of opportunity of all citizens is a reality, a Europe in which marginalised and vulnerable groups of all types have been empowered, a Europe in which the often invisible barriers to the full participation of everyone in the political, social and economic life of our democratic societies is assured in practice.

Often we hear about the democratic deficit that disaffected citizens across the continent feel and have come to resent. One potential solution is e-democracy, a topic of both this year's and next year's Forum. As you know, the Committee of Ministers has already proposed recommendations on two aspects of e-democracy, namely e-voting and e-governance.

E-democracy could fundamentally redefine the practice of democracy as beneficially as the ideas of Montesquieu redefined democratic

theory in the 18th century. The prudent use of modern information technologies could end up enriching and invigorating the democratic marketplace of ideas, making it a more open and transparent, a more accessible, and a more inclusive space than ever before. But we must devote great care to remaining in control of this great potential for progressive cohesion, otherwise the dangers that the abuse of these technologies could bring could quite simply overwhelm us.

I will not enumerate all the initiatives undertaken by the Council of Europe to advance the ideas and practices of democracy. I am sure that the President of the Parliamentary Assembly, Mr van der Linden, and the President of the Congress of Local and Regional Authorities, Mr Skard, will provide you with an overview of the Organisation's numerous works at the parliamentary and local government level.

On the intergovernmental side, I have already mentioned our work on e-democracy. The Committee of Ministers also vigorously defends freedom of expression and association, fighting for the elimination of discrimination and promoting parity. We continue to actively support the role of NGOs in the democratic process. In fact, later this year the Committee of Ministers will adopt a recommendation on the legal status of NGOs in Europe in order to provide guidance to member states on this issue.

As you know, the Committee of Ministers attaches greatest importance to discussions conducted at sessions of the Forum for the Future of Democracy. Some have led to specific actions by the Council of Europe and its institutions. I recall that an initiative was taken to elaborate a code of good practices for political parties at the Forum's Moscow session, which also included discussions on issues such as political parties' financing and electoral campaign funding.

In this respect I would like to highlight that the Council of Europe's Group of States against Corruption – or GRECO for short – is presently carrying out a monitoring exercise of its member states on the funding of political parties, taking as its starting point the Committee of Ministers' recommendation on that subject adopted in 2003. GRECO's findings will provide a rich source for further discussion on this subject.

My fellow Europeans, each one of us, in his or her own way, strives to put into practice our belief in the interdependence of democracy, individual liberty, the rule of law, and human and minority rights.

I personally believe that it is in that spirit that the May 2005 Warsaw Summit of Heads of State and Government, its declaration, and the adopted action plan, should be examined, together with the work of the Committee of Ministers and the various chairmanships. In fact, one of the concrete results achieved at Warsaw was the establishment of this very Forum.

Allow me then to share with you my conviction that what makes a country democratic is not the mere holding of elections. Democracy is not a value-neutral, mechanical process, but something higher. 21st-century democracy is about living together in a community of shared values, not living side by side as strangers merely sharing a passport, a flag and an anthem.

A democracy of substance is the grand idea of Europe. Democracy is not “the last best hope on earth,” as Abraham Lincoln defined it. In my opinion, it is something more, much more. Democracy is about openness, pluralism and prosperity. Democracy is the only regime in which human beings have a chance to justly live a purposeful, noble life. And democracy is – as Thomas Hammarberg, the Council of Europe’s Commissioner for Human Rights, put it in an issues paper prepared for this session of the Forum – the best form of government for the protection of human rights.

Forming a community for a common democratic future based on shared values is our task.

This means that we understand that the future is not a gift to be received, but an achievement to be made.

It means that we respect our common European heritage – but it also means that we encourage diversity as a source of strength and a force for progressive cohesion.

It means building a democratic Europe free of division and strife, a Europe where reconciliation is a force for good, not an exercise in political correctness. Because even while it looks forward, European

democracy cannot flourish without a full and open account of the past. That is why I say as Foreign Minister of the Republic of Serbia that my country is strongly committed to full and immediate co-operation with the ICTY. All inductees must be located, arrested, and extradited.

Let me say a few more words in my capacity as Serbia's Foreign Minister.

In my remarks so far, I have referred to the grand idea of Europe, to the notion that the values we espouse as Europeans give us the chance to build a democracy of substance – to build a form of government in which human beings have a chance to justly live a purposeful, noble life. This achievement to come, this force for progressive cohesion, this community of shared values – it is within our grasp. Do not let talk of democratic deficits or bureaucratic proceduralism discourage you, for those who say such things offer no alternative, and say it cannot be done.

But how can we know unless we try?

Try we must, on an issue of paramount significance for the future of Europe's security architecture. The way we handle this issue will say much about our willingness to act according to the values we say are our own.

That issue is the future status of Kosovo and Metohija.

What does this have to do with the grand idea of Europe?

It is complicated. For as long as anyone can remember, Kosovo and Metohija has been multilingual, multi-ethnic, and multiconfessional. And for as long as anyone has been paying attention, one group has dominated the others. Right now, our province's Albanians dominate the Serbs. A few years ago, the Serbs dominated the Albanians. A few years before that, again, the Albanians dominated the Serbs. And so on and so forth – all the way back. It is as if a social wall of separation, of prejudice, between the communities was erected many centuries ago, held together with a glue whose magic ingredient was oppression. And it is our job to tear down the wall – the final wall in Europe.

That is why this has everything to do with the grand idea of Europe.

Look at the arguments both sides are making. One side says: “International law is on our side, and by the way, it is the cradle of our civilisation: the province is our Jerusalem.” The other side says: “We are in the majority, and recent history, in which you were the villains, teaches us that we cannot live together.” The first side replies: “The villain who persecuted you is dead, and do not forget that we overthrew his regime. Now, more than ever before, we’re willing to live in peace, together, under a common sovereign roof, but we’re willing to fundamentally respect your right to govern your own internal affairs.”

And on a personal level, I must say to you that the failure, so far, to come together and agree on a common future is a great disappointment.

Yet I feel that a window of opportunity was recently opened in Belgrade – for Serbia has formed a new majority government. This government’s central strategic priority is the achievement of a European future of not only Serbia, but of all the Western Balkans.

And Serbia believes that the opportunity to grasp once and for all the common destiny that we have always shared is due in large part to the EU membership perspective that is within the region’s reach. Without this credible and clear perspective, the external incentives to reform and co-operate disappear. The Western Balkans could return to division and strife – and hatred, and war, and terrible misery. Stability would not take root, and prosperity would remain illusive.

I want to emphasise Serbia’s determination to find a mutually acceptable, compromise solution to the question of the future status of Kosovo and Metohija – precisely because we believe so passionately in the grand idea of Europe, in the tradition of European integration, and in the European practice of reconciliation – because we care deeply about the future of our country, of our people and our neighbours, and of our region.

But I equally want to make clear that no imposed solution is sustainable, because it will become the seed of the next conflict. Additionally,

an imposed solution will establish the precedent that great powers can impose their will on the internationally recognised borders of other countries.

I say to you that no solution is sustainable unless it is acceptable to all genuine stakeholders. Otherwise, a crucial piece in the security architecture of the region will be missing, and it will be irreplaceable.

Yet somehow I have sensed a lack of imagination.

I have to be frank: Europe cannot move forward on this issue without imagination, because where there is no imagination, there is no vision. Europe is the product of a vision, and of political steps achieved with patience and through consensus – informed by that very same vision. Europe goes forward boldly, but patiently.

But when it comes to Kosovo and Metohija, the right combination of boldness and deliberation just has not been made yet. What is needed, it seems to me, is a little more patience.

We have to find a compromise solution. We simply must get it right. It is the only way to a sustainable future for Kosovo and Metohija, for the rest of Serbia, for the Western Balkans – and in a way that I hope I have laid out for you this afternoon, for all of Europe. This solution cannot be independence.

My fellow Europeans, the time is now. Let us put our minds, our hearts, and our souls at work.

Patience, boldness, deliberation. These are the virtues we need to call up and make use of.

That is how we will find a solution that will anchor the Western Balkans firmly into the European mainstream – once and for all.

By working together, we can ensure that conflict and war in Europe never happen again.

Let us try to live up to the grand idea of Europe, the idea that only together can we make Europe truly whole, permanently free and always at peace.

**René van der Linden**

*President of the Parliamentary Assembly of the Council of Europe*

Ladies and gentlemen,

I believe it was the Roman poet Claudian who first said: “Change or die.”

Democracy may be a basic human right, but it is not a state of nature: like all other human rights, it needs constant promotion and protection. And as a social construct, it must constantly evolve in response to unremitting social change.

The Forum for the Future of Democracy was established as an open and flexible platform for discussing democratic evolution. The idea originated in the Assembly’s preparations for the Warsaw Summit, shortly after I became President of the Assembly. This will be my last Forum as President, and I must say how pleased I am to see the way in which our idea has developed and grown.

The Forum has now been hosted by three very different Council of Europe member states, each one bringing its own priorities and perspectives to the exercise. This is a wonderful illustration of our Organisation’s greatest strength: uniting different countries around our common European values of democracy, human rights and the rule of law, whilst respecting the particularities of each.

Democratic Europe is a far bigger place than it was twenty years ago, and far more diverse as a result. From the fall of the Berlin Wall, democracy has spread across almost all of Europe – soon, I hope, to be joined by a Belarus finally committed to democratic reform.

For the first time in our continent’s history, we have a democratic pan-European organisation – the Council of Europe – that has been both the foundation and driving force of this process. Some people seem to expect that only the most perfect democracies should be members of the Council of Europe; but if that were the case, we would have nothing to do.

Both old and new member states have problems: sometimes very serious ones, as Mr Marty’s second report on secret detentions is showing. What is important, however, is that they all demonstrate a

real commitment to our common values and a willingness to address any problems that do arise, in co-operation with the Council of Europe.

All our member states are equal and each is subject to obligations and commitments that were freely accepted on accession: we do not impose our views or values.

By neglecting this important consideration, however, the European Union's approach to European non-member states risks creating new dividing lines in Europe.

This April, the Assembly took a strong political initiative by holding, for the first time, an annual debate on the state of democracy and human rights in Europe. We brought together all the key players of the Council of Europe, along with important outside partners, to present a snapshot of the situation across the continent. In doing so, we underlined the central role of the Assembly, not only within the Council of Europe, but as a parliamentary body addressing these issues at the European level.

Aside from the inherent value of our report – an essential reference for governments, national parliaments, civil society, academia and the media – our debate introduced significant procedural innovations. One of the most important was the participation of the heads of Amnesty International and Human Rights Watch, along with the UN High Commissioner for Human Rights. This was the first time ever that representatives of civil society had addressed a plenary session of the Assembly.

We also established an Internet profile, including an online “videoblog” in which I answered questions on various issues.

Our annual report is an example of how parliamentary bodies can take advantage of social and technological changes to reinvigorate themselves.

The Assembly is protective of its genuinely parliamentary character and proud of its achievements as such. Nevertheless, I am convinced that no parliament or parliamentarian can rest on their laurels; we must stay on our toes as we confront the challenges of the future. We



must always be ready to experiment, so as to ensure our relevance and effectiveness.

The Assembly has also renewed its focus on core business, with reports and debates that are fewer in number but higher in profile, and greater co-operation with outside partners, including, as I mentioned, our partners in civil society.

We have also responded to the fact that inter-cultural and inter-religious dialogue has taken on far greater urgency in recent years.

I have invited numerous religious leaders, including Mr İhsanoğlu, Secretary General of the Organisation of the Islamic Conference, and Ecumenical Patriarch Bartholomew of Constantinople, to address the Assembly and have made meetings with religious leaders a key element of all my official visits.

Later this month, the Assembly will hold a major debate on the issue, and in October, we will receive Patriarch Alexis II of Moscow and All-Russia and, I hope, Pope Benedict XVI.

In addition, I have suggested that churches and other confessional organisations be given an official status with the Council of Europe – an analogous proposal had been made in the draft EU Constitutional Treaty – and I believe that the Assembly will soon endorse this idea.

Civil society has also become a key player in modern democracies, as a vital and productive link between the people and the political process, complementing their democratically elected representatives. At every level, including in my own activities and visits, civil society makes a crucial contribution to the work of the Assembly, a process I very much encourage.

Obviously, basic political rights and freedoms – to free and fair elections and of assembly, association and expression – are essential to a genuinely independent, pluralistic and effective civil society. This is a point that I developed in my opening speech at the Moscow Forum, which considered in particular the role of political parties. In arguing today for innovation and change, I am not suggesting that the importance of political parties should be diminished. What I mean is that as

our societies become ever more diverse, the democratic process must become ever more sophisticated, dynamic, open and inclusive.

This brings me, ladies and gentlemen, to my final point.

Democracy is not worth the name if it is not first and foremost the business of the people and their elected representatives. The Assembly's parliamentary character gives us far greater credibility as the democratic pillar of the Council of Europe. In turn, this gives far greater credibility to the Council of Europe as the continent's guardian of democracy, human rights and the rule of law. Without the Assembly, the Council of Europe is bureaucrats and diplomats: all of whom play an indispensable role, but none of whom has a direct connection with the people – never mind a dependence on their votes.

I am therefore pleased that the Assembly has played and will continue to play a central role in this Forum for the Future of Democracy, and wish you every success in your work over the coming days.

**Nyamko Sabuni**

*Swedish Minister for Integration and Gender Equality*

Dear colleagues, ladies and gentlemen,

I was born in exile in Burundi because my parents' home country, Congo, was a dictatorship. When I grew up, politics seemed to be something dangerous and threatening. Those who did not agree with the ruling party in Congo were thrown into jail. My father was imprisoned because of his political activity. He later managed to come to Sweden as a political refugee. I was 12 at the time.

The topic of this conference is in my heart and in my life. And therefore I am concerned that we seize this opportunity. Not just to have yet another international meeting with good-hearted ideals and predictable conclusions. Not just another restatement of democracy and human rights being someone else's problem. Not yet another reducing democracy to its formal institutions.

We have the democratic institutions in Sweden and many other countries. Parliaments. Parties. Universal suffrage. We have the constitutional rights. But my concern is that the institutions and letters do not create participation.

Democracy is not only a challenge to countries without the institutions, or the newly established ones. It is no less a challenge to the old ones. Our institutions were created before the take-off of globalisation, before the fall of the Berlin Wall, before the clash of civilisations, before the introduction of the Internet.

I am proud to say that universal suffrage was introduced in Sweden in 1921. But I am sure history must continue to build and develop on this fundamental achievement. The work has only just begun.

How do we create meaningful participation in the decision-making process? Today, many people are not satisfied just to vote once in a while. Many people are distrustful neither of politicians nor of institutions.

Is that acceptable? Is democracy in Western societies just for export?

In Sweden there is an increasing number of people who feel they do not belong. They feel they are not being listened to. They feel they do not have the tools or the ability to participate. They do not feel safe and secure enough in their basic needs, their human rights, to engage in matters beyond their immediate concerns.

For the poorest, the deprivation of food hinders democratic participation. For some in the richest countries, the deprivation of meaning and trust shuts them out from democratic participation.

I am certain that both human rights and democracy need to be translated into systematic programmes of renewal and action. Citizens need to see how we plan to work. They need to be able to spot where the real decisions are made. They need to feel that representatives are accountable for processes and promises.

Are we, as we speak and discuss during the coming days, relevant to people outside the established circles? Are the 12 year olds, the citizens of tomorrow, also in our minds, as well as legislation, voting systems and international declarations?

I would so much want us to contribute, if only a little, to girls and boys who today are in the situation I was in, being able to hope for a better future that also includes them.

We know the struggle for and development of democracy and human rights has a proud history. Does it have an equally exciting future?

I hope this conference will be a free, inclusive and searching dialogue. We have questions in search of answers. And we all have some answers to contribute.

That is why I am very happy, on behalf of the Swedish Government and the Ministry for Integration and Gender Equality, to welcome you all to the 2007 Forum for the Future of Democracy.

**Terry Davis**

*Secretary General of the Council of Europe*

Ladies and gentlemen,

At its 3rd Summit in 2005, the member states of the Council of Europe gave a clear mandate to our Organisation to defend, promote and extend democracy in Europe. The heads of state and government recognised the need to develop democracy, to engage all citizens without exception in democratic processes and to restore their trust in politicians and democratic institutions. To be of relevance in this day and age, the Council of Europe must be an instrument of action. To keep pace with events and developments, it must constantly adapt itself. To be effective, it must be a champion of democracy – and the Forum for the Future of Democracy is a very important and integral part of this policy.

The subject of this third session of the Forum for the Future of Democracy is the interdependence of democracy and human rights. In fact, these two values, which the Council of Europe was created to defend and extend, are not only interdependent, they are inseparable.

A quick look at the substantive rights protected by the European Convention on Human Rights confirms this statement. Articles 9, 10 and 11 guarantee the freedom of thought, the freedom of expression and the freedom of assembly and association. Clearly, these rights are not merely related to democracy – they define several of its vital aspects. Respect for other rights protected by the Convention also has a direct or indirect impact on the functioning of our democratic systems.

The first conclusion is therefore evident and straightforward. There is no democracy without human rights, and there are no human rights in the absence of democracy.

Democracy is a process, not an event. It is much more than intermittent elections. If democracy is the least imperfect form of governance, human rights provide the foundations for genuine involvement of citizens in civil and political matters which concern them individually and collectively. Besides civil and political rights, social and cultural

rights complete the picture of human rights as a foundation for democracy.

I am certain that no one here or in any of our member states would contest this manifest truth. By joining the Council of Europe, our member countries committed themselves to respect and protect these rights in line with the binding provisions of Council of Europe legal instruments.

Yet, we have problems. If governments accept the principle of unity and interdependence of democracy and human rights in general terms, they often have difficulties in recognising this vital link in practice. In other words, they will frequently claim – and sometimes believe – that blatant, serious and far-reaching violations of human rights and fundamental freedoms will not undermine their democratic credentials.

I want to be absolutely clear. With a few exceptions, human rights are not absolute, and the European Convention on Human Rights itself contains provisions on circumstances in which certain rights may be restricted, and – together with the jurisprudence of the European Court of Human Rights – the Convention also lays down the rules and procedures about how this must be done. Problems arise when governments – willingly or incidentally – ignore these rules and restrict these rights without due process, in an arbitrary and excessive manner. Very often this happens with the best of intentions, but this is beside the point. The European Convention on Human Rights is not a menu *à la carte*, and our governments do not have the right to pick and choose the bits and pieces they like or do not like. If violations persist and are not sanctioned, it is not only the human rights of individual citizens which are at stake, but also the functioning of democratic institutions – which brings me back to the subject of this session.

Let me give you a few specific examples.

You are certainly all familiar with the Council of Europe investigations into allegations about the so-called rendition flights and secret detentions in Europe. Only a few days ago, Senator Dick Marty and the Committee on Legal Affairs and Human Rights produced a follow-up report which, I hope, is being studied very carefully by the

governments of all our member states. To say the least, I believe that this report, added to the information revealed by other sources in the past twelve months, reinforces the case for taking action on my proposals on how such violations of human rights can be prevented in future.

Rendition flights and secret detentions are problematic from at least three aspects.

To start with, they represent a grave violation of the human rights of the individuals directly concerned. This in itself means that some action to remedy these violations and prevent future violations is not only a moral imperative but also a legal obligation under the European Convention on Human Rights.

My second concern is related to the impact of these abuses on the fight against terrorism, which is, of course, an absolute priority and responsibility for all our governments. But our governments are not only obliged to do something, they must be effective, and I think we have ample evidence that these unlawful practices have been counter-productive and probably helped to recruit more new terrorists than they have managed to stop.

Third, and this is of direct relevance to our discussion here – my own inquiry into rendition flights and secret detentions has shown that most, if not all, of our member states have failed to put in place effective legal and administrative safeguards against security services acting unlawfully. The absence of such safeguards has created a loophole allowing the executive power – which includes security services – to circumvent scrutiny by the parliament and the judiciary. Such a creeping transfer of powers not only threatens our individual human rights, but also undermines the functioning of our democratic institutions.

I have similar concerns about several national legislative and administrative measures adopted in our member states in the fight against terrorism. In some cases, these measures ignore, and sometimes they directly contravene the European Convention on Human Rights. I am the first to agree that the threat of terrorism is exceptional and may require exceptional measures, but this does not mean that governments

should have a free hand in deciding what they will do and how they will do it – without respect for fundamental rights and freedoms and the system of checks and balances between different branches of power. In my view, this respect is an essential precondition for any functioning democracy.

My second example of threats to democracy is the worrying trend of widespread, often officially sanctioned, discrimination against some minority groups in Europe. Among the most exposed are Roma, immigrants and the gay and lesbian community in several Council of Europe member states.

We are all aware of recent incidents in which the rights of gays and lesbians to exercise their freedom of assembly and association, guaranteed by Article 11 of the European Convention on Human Rights, have been violated or reluctantly tolerated in an atmosphere of hate and prejudice instigated and encouraged by public officials.

This again is not only a violation of the human rights of the individuals directly involved but also a threat to the normal functioning of democracy. Democracy, human rights and the rule of law cannot function in a society which tolerates or propagates bigotry, prejudice and hate.

As I said during the recent Parliamentary Assembly debate about the state of democracy and human rights in Europe, hate is a powerful motivator, and prejudice can be an effective tool to divert the public's attention from the real problems in society and to make significant electoral gains. Sooner or later, people see through the charade – however, elections do not take place every week, and in politics even a short-lived deception can cause long-lasting harm. In short, bigots not only hurt human rights, they also pervert our democratic systems.

My intervention has been neither abstract nor theoretical, and intentionally so. I believe that this Forum will only fulfil its important task if it looks at specific problems and offers specific solutions. I will conclude with one simple thought: democracies which violate human rights are not only threatening individuals, they are threatening themselves. It is democratic suicide.



**Anders Knape**

*President of the Swedish Association of Local Authorities and Regions*

If democracy is on the agenda, it most certainly must include the local and regional levels. Democracy is built from the bottom up. Political rights form part of the general fundamental rights laid down in international and national law. Human rights can and must be performed at the local and regional levels.

Today, human rights, political rights and socio-economic rights are defined with greater complexity than before, including rights of freedom, rights of non-discrimination and also acquired rights. In all, these are looked upon as fundamental rights of the citizen. The freedom to manage your own affairs at the local level was laid down in the so-called Versailles Charter by a number of mayors meeting in Versailles in 1949, and the first institutional representation for the local level, the Conference of the Council of Europe, was established in 1957 – fifty years ago. This freedom implies not only the right to self-government but also the right to choose the ways of handling your affairs.

In the European Union, the right to manage your own affairs was laid down in the important protocol of fundamental rights in 2000.

Democracy means free and secret elections, a pluralistic party system and a governance transparent to the citizens. The power to govern is given by the citizens in general elections. Representative democracy means that the authorities are accountable to the citizens. Directly elected parliaments have the ultimate power including that of appointing the executive government or prime minister. Elected persons at the local or regional level mean another sphere of governance – an infranational democratic structure. The core elements of this structure are laid down in the European Charter of Local Self-Government.

The Forum for the Future of Democracy in Europe makes an effort to empower citizens with stronger or additional ways to influence their own lives. Power is what every individual wants in order to deal with their own affairs and to influence decisions on the distribution

of scarce resources. Empowerment is what could be given to different individuals or groups – may they be vulnerable or strong.

Being empowered means that you are making better use of your resources to secure your rights. This is the interface between political, social and human rights. The political right to manage one's own affairs is, as I see it, one of the fundamental rights in today's society.

To strengthen human rights in Europe local and regional authorities could play a more important part within the member countries. The way forward being discussed during this Forum is to engage in action plans for human rights and to elaborate indicators to monitor their implementation. The local level, with its democratic structure, is an important partner. It is at the local level that democracy can be fostered and strengthened. Local and regional authorities can become a school for democracy, guaranteeing fundamental rights to the citizens.

As we all know, the mission of the Council of Europe is promoting democracy, human rights and the rule of law. Even after fifty years – and even after enlargement has made the number of member states as great as 47 – those fundamental challenges to promote the core values of European citizens are as important as ever. None of the partners in this fight for democracy and human rights should be neglected.

The Swedish Association of Local Authorities and Regions, of which I am President, is deeply concerned with the Forum for Democracy of the Council of Europe. We have had very good co-operation with the government and with the parliament during preparations for the Forum. I see this as a confirmation of the partnership between different spheres of governance in Sweden.

As a local representative, I would like to offer some ways forward for the Forum:

– The different spheres of governance should work together to the benefit of the citizens. Infranational structures are part of the overall democratic infrastructure of the country.

- Free, general and secret elections ensure democratic representation at the national level as well as the local and regional levels – this multilevel political structure should be better used and better recognised.
- Local and regional authorities are important partners in the work for better implementation of human rights in Europe. Human rights in many aspects are given and claimed at the local level.
- Local democracy adds both to the effectiveness and democracy of governance. There is no democracy without a strong local democracy.

And with that I pass the microphone to my colleague at the Norwegian Association of Local and Regional Authorities, Halvdan Skard, the President of the Congress of the Council of Europe.

**Halvdan Skard**

*President of the Congress of Local and Regional Authorities  
of the Council of Europe*

Mr Chairman,  
Excellencies,  
Ladies and gentlemen,

We all know of course the famous phrase coined by Winston Churchill that democracy is the worst form of government “except for all the others that have been tried”. With his typical blend of wit and cynicism, Churchill wanted to emphasise that the shortcomings of democratic governance far outweigh the abuses which you will find in other systems of government.

This phrase belongs to a different historic period, different historic circumstances. The establishment and political elite may have thought that they had a reason to keep the people at arm’s length during the era of geopolitics, wars, colonialism and, later, the cold war’s ideological confrontation, but we live in a different time. We have a historic opportunity, and we have realised the need to correct the shortcomings, to advance with human rights protection and to set the democratic development of our societies on the track that leads to inclusion and participation.

Today, we are talking about empowerment – of citizens, minority groups, civil society and, last but not least, territorial communities at grass-roots level, where democracy starts and thrives. Instead of having one or two actors imposing power from top to bottom, we must create networks of empowered actors (stakeholders) endowed with a checks and balances system of devolved power from the bottom up.

This was recognised at the Warsaw Summit of Council of Europe Heads of State and Government, who decided to set up this Forum for the Future of Democracy. The summit also attached particular importance to the development of local and regional democracy, which lies at the foundation of the democratic edifice of our societies, and to the role of the Council of Europe Congress in this process, which I represent today as its President and which, in turn, represents more than 200 000 territorial communities of Europe. The unprecedented

participation of local and regional authorities in this Forum is also a reflection of the added value brought by the local and regional dimension to the development of democracy.

As we embark on the ambitious project of building a Europe of participation, we must keep in mind the importance of engaging and empowering territorial communities and their authorities, through the transfer of competences and means, as equal partners of governments, parliaments and civil society.

As we emphasised in the Congress' written contribution to this Forum, local and regional authorities are at the forefront of dealing with the problems which we are facing today – trafficking in human beings, domestic violence, racial attitudes, drug abuse, urban safety, street children and lack of gender equality, to name but a few.

Local and regional authorities are often the first to be affected by their consequences, the first to treat the victims of human rights abuses and take preventive measures. This is even more so as progressive decentralisation and the devolution of power towards territorial communities, coupled with the transfer of competences from central governments, is increasingly making local and regional authorities the first line of defence of human rights. Municipalities and regions, when democratically governed, are natural partners of member states' authorities to strengthen human rights, engaging jointly in action plans for human rights, and elaborating indicators to monitor their implementation.

We must always remember that local and regional authorities are best placed to take action within their communities, at the level closest to the citizen, be it by mobilising community leaders to ease ethnic tensions, setting up shelters for battered women, organising local police to take action against human trafficking or preventing urban riots.

They are also best placed to engage young people in public life, by implementing the revised and user-friendly European Charter on the Participation of Young People in Local and Regional Life, by improving the situation in disadvantaged neighbourhoods, or by increasing the involvement of foreign residents, including young people, through

the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level.

Territorial communities also bring added value to the development of participatory democracy through the sharing of information, experience and best practices and setting up networks such as the Cities for Local Integration Policy (CLIP), Cities for Children, Cities for Human Rights, Cities for Peace, or the Berlin Process in favour of disadvantaged neighbourhoods – the networks in which the Council of Europe Congress is taking an active part.

Of course, we must go further in mobilising and engaging our communities. Our Congress has already joined in Council of Europe campaigns to fight trafficking in human beings and domestic violence against women, and we are currently launching a City Diplomacy project aimed at engaging municipalities in dialogue and joint action for peace and stability and human rights. If we are to succeed in our mission, all of us must put to good use the famous slogan: “No one is left behind.”

I would like to conclude by stressing once again that we cannot achieve genuine participatory democracy without empowering local and regional communities, engaging people in the decision making and giving them the feeling of belonging to a community which decides for itself, regardless of the political elite, and where every individual is in a position to influence his or her own future.

It was the philosopher Karl Popper who said: “Democracy is the word for something that does not exist.” He chose these words deliberately, of course, to stress the challenge facing us. Let us prove him wrong. Let us make a Europe of inclusion a reality where the *acquis* of the national and even supranational democratic development are combined with a vibrant and vigorous local democracy of sustainable communities. Let us make sure that democracy becomes the word for something that does exist.



## KEYNOTE SPEECHES AND STATEMENTS

### *Follow-up to the Forum for the Future of Democracy 2006 in Moscow*

**Svetlana Orlova**

*Deputy Speaker of the Council of Federation, Federal Assembly  
of the Russian Federation*

*Head of the Russian delegation to the Congress*

Ladies and gentlemen,

I am pleased to welcome you to Sweden on behalf of the Federal Assembly of the Russian Federation and all the Russian representatives at the Forum.

Russia firmly supported the decision taken at the 3rd Council of Europe Summit in Warsaw to hold regular Forums for the Future of Democracy, and to make them an instrument for ongoing exchanges of views on current issues relating to democratic development. With our multi-ethnic population and differing degrees of social and economic development across the regions, we in Russia are acutely aware of the importance of the issues discussed at the Forums for the work of authorities at every level.

During the Russian chairmanship of the Council of Europe's Committee of Ministers, last year Moscow hosted the 2nd Forum for the Future of Democracy, the main theme of which was the role of political parties in democracy building. The 300-plus participants eagerly discussed issues concerning the public accountability of political parties, their legitimacy, trust, co-operation with civil society, the development of intra-party democracy and its compatibility with democratic



requirements, party financing and the funding of electoral campaigns.

The final conclusions of the Forum formed the basis of Mikko Elo's report, in which he proposed drawing up a code of conduct for political parties. In the resolution adopted at the Assembly session in April following discussion of the report, support was expressed for the Forum initiative and suggestions made for the content of the new code. You may be interested to know that in Russia's Tomsk region, a code of practice for regional branches of political parties has already been adopted.

Another important issue discussed at the Forum, and mentioned in the conclusions, was that of free and fair elections at national, regional and local level. With the lack of common standards for conducting elections, and also the lack of monitoring, often leading to biased assessments, the proposal to draw up a European convention on standards for democratic elections was duly noted.

A draft convention has been prepared by Russia's Central Electoral Commission and the Association of Central and Eastern European Election Officials. We hope that the relevant Council of Europe bodies and other international organisations, first and foremost the Organization for Security and Co-operation in Europe (OSCE), will act on this recommendation from the Moscow Forum. I would also like to inform you about the setting-up, under the wing of the Interparliamentary Assembly of the Commonwealth of Independent States, which is headed by the Speaker of the Federation Council, Sergei Mironov, of an international institute to monitor the development of democracy, parliamentarianism and respect for electoral rights.

Considerable emphasis is being given in Russia to the further development of democracy at local and regional level, and to the observance of human rights. With 24 000 municipalities and 87 regions, Russia appreciates the importance of these issues more than most countries. In its work, therefore, the Russian Parliament gives a high priority to the protection of human rights and freedoms and to the creation and

strengthening of democratic institutions and seeks to incorporate the results of the Forum's work.

Three years ago, we passed a major piece of legislation based on the principle of subsidiarity concerning the division of powers at national, regional and local level. We are moving away from the existing, over-centralised system, assigning new powers to regional and local authorities and providing them with the necessary resources. At the same time, financial provision for the exercise of these new powers has been made in the federal budget.

Our aim is to promote sustainable development of the regions, to bring government as close as possible to citizens and to involve them more widely in the task of building civil society. Regardless of where they live, it is important to create a level playing field for the all-round development of the individual – for people judge government by the conditions in which they live and work.

In order to address these issues, we have had to adopt new laws and amend dozens of existing ones. Water and forestry codes have been adopted, together with a law on municipal services. The regional authorities have been assigned numerous powers concerning the administration of federal property, mineral resource management, the use of water and forestry resources, the monitoring of quality standards in health care, the licensing of medical activities, etc. The transfer of power to local government is also continuing, notably in matters relating to the prevention of terrorism and extremism, the development of small businesses and the protection of cultural heritage.

All the issues on the Forum agenda are receiving constant attention from authorities across Russia. The Council for Facilitating the Development of Civil Society Institutions and Human Rights, set up under President Putin, has been operating for several years now. It is made up of representatives of numerous NGOs, human rights organisations, non-profit organisations and charities and its tasks include preparing proposals for the Russian President to safeguard and protect human and civil rights and freedoms, assessing the situation in this regard, carrying out expert evaluations of draft laws and promoting

co-operation and co-ordination between governmental and non-governmental institutions.

A great deal of work is being done on the issues under discussion by the Russian Federation Ministry of Regional Development, whose head, Vladimir Yakovlev, delivered a report on local and regional democracy in Russia to the Congress of Local and Regional Authorities of the Council of Europe.

Russia needs robust regional and local government with the authority, and ability, to exercise its powers in the field of economic and social development. It is important, therefore, that there should be a gradual move towards enhancing the authority and role of regional legislatures in national political life.

A Council of Legislators has been set up within the Federation Council which includes heads of legislative bodies from every subject of the Russian Federation. The twice-yearly meetings of the Council, attended by the president and members of the federal government, provide an opportunity for regions to discuss their concerns in a serious manner, to prepare consolidated proposals on key issues relating to social development and to find ways of implementing them.

The Federation Council's annual report "On the state of legislation in the Russian Federation" assesses the outcome of developments in the political sphere and maps out the way ahead.

Improvements are being made to the procedure governing the formation of the Federation Council, the upper house of the Russian Parliament, which represents the interests of the regions. The Speaker of the Federation Council, Sergei Mironov, has tabled a draft law before the State Duma, which has already expressed support for it, whereby only citizens who have been resident in the relevant Federation subject for ten years may become senators. Regions will begin to play a more active role in national political life, and will work more closely with the federal authorities.

In my view, representatives of the local and regional authorities that make up the Council of Europe's Congress have an important part to play in the work of this Forum. I am confident that the Congress' wealth of experience will improve our chances of success and that

the discussions, which will take place in an atmosphere of constructive dialogue, will help resolve even the most sensitive issues. The Russian delegation vigorously supports the Congress' work in implementing the European Charter of Local Self-Government and in preparing the draft European charter of regional self-government. A major factor in improving the effectiveness of the Congress' work will be the new Congress Charter, which was adopted recently.

One major milestone in this process was last November's Moscow session of the Congress, which took place with the active involvement and support of the President of the Congress, Halvan Skard, and senior officials from the Russian Federation who, in a webcast with a number of Russian regions, discussed pressing issues relating to regional development and local self-government.

Our co-operation allows us, by making the most of what the Congress has to offer and heeding its recommendations, to work more effectively to improve our legislative framework, bring it more closely into line with European standards and prepare and implement numerous initiatives. This is particularly true when it comes to strengthening the democratic principles governing the organisation of regional and local self-government, ensuring sustainable spatial development and careful use of water resources, including drinking water, fostering social cohesion and improving people's quality of life.

We have gathered here today to do everything we can to improve the living conditions of our fellow citizens, in particular children, young people, women and the elderly.

The issues to be discussed at this Forum are of long-term, strategic importance. When it comes to resolving them, a major role falls to legislative authorities at federal, regional and local level. I am pleased to note that, through our discussions about ways of developing democracy and protecting human and civil rights, we will be able to produce effective new legislative instruments, with due regard for the specific features of the individual countries of greater Europe.

I wish to thank the organisers of the 3rd Forum for creating a congenial environment for our work. I am confident that it will prove fruitful.

## ***Statement by a representative of the European Commission***

**Danièle Smadja**

*On behalf of Commissioner Benita Ferrero-Waldner*

Excellencies,  
Distinguished participants,  
Ladies and gentlemen,

I am delighted to be here to represent the European Commission at the 3rd Forum for the Future of Democracy. Mrs Ferrero-Waldner, the European Commissioner for External Relations and European Neighbourhood Policy, takes a keen interest in all aspects of developing and consolidating democracy. She has welcomed the creation of the Forum for the Future of Democracy but she is not able to be with us today. She has therefore asked me to convey to our hosts and the Council of Europe her congratulations for the choice of the theme for this Forum. She hopes that the conclusions reached at the end of the Forum will be translated in a concrete way by the Council of Europe.

Until Friday we are encouraged to look in some detail at various aspects of the concepts of “power” and “empowerment” in the context of the interdependence of democracy and human rights.

We share the view in the EU that democracy and human rights are inextricably linked. Democracy and human rights are indeed two sides of the same coin. This inseparable link has been reconfirmed in our recent legislation establishing a new financing instrument better known as the European Instrument for Democracy and Human Rights. It explicitly recalls that “the fundamental freedoms of expression and association are preconditions for political pluralism and democratic process, whereas democratic control and separation of powers are essential to sustain an independent judiciary and the rule of law which in turn are required for effective protection of human rights”. Our response strategy for 2007-10 developed under this new instrument is therefore supporting a holistic and integrated approach to democracy

building and the protection and promotion of human rights in countries outside the EU.

Also very much in tune with the themes of this year's Forum, the EU is giving high priority to civil society and its organisations when it comes to supporting democracy building. In our external assistance we are laying great emphasis on assisting civil society to develop greater cohesion in working on human rights, political pluralism and democratic political participation and representation, in contributing to the peaceful conciliation of group interests, and in developing equal participation of men and women in social, economic and political life. Our objective is to assist civil society in third countries to open up and to become an effective force for dialogue and positive change, through co-operation among local civil society organisations and local stakeholders.

Much of our assistance under the new European Instrument for Democracy and Human Rights will be channelled to countries where there is a relatively open civil society striving to become a more sustainable force for positive change and reform. All human rights concerns – political, civil, economic, social and cultural – may be considered. But we do not want to impose any agendas on our civil society partners in third countries; it is for them to decide what is most urgent and important for the country and the development of its civil society. Therefore, we will focus on supporting the co-operation among civil society organisations aimed at pursuing their common agendas and democratic reform as well as the civil society dialogue aimed at building consensus in deeply divided societies. We will support the enhancement of political representation and participation, including the empowerment of women and other under-represented groups. Assistance will also go to civil society initiatives aimed at developing its responsiveness and accountability in its dialogue with “political society”. These are some examples of our new response strategy which comes to mind in relation to the theme of this year's Forum.

At the same time we are prepared to look at very difficult situations where civil society lacks fundamental freedoms such as the freedom of expression, the freedom of association and the freedom of peaceful

assembly. Our financial assistance will focus on countries with particularly poor track records in reform processes and human rights protection.

Civil society is also at the centre of another external assistance financing programme known as “Non-state actors and local authorities in development”. Under the overarching objective of poverty reduction in the context of sustainable development, the programme focuses on promoting an inclusive and empowered society in the EU’s partner countries with a view to facilitating the involvement of non-state actors and local authorities in the policy-making process. In particular, our assistance will strive to be instrumental for increasing interaction between state and non-state actors in different contexts, and for strengthening citizens’ capacity to take action, defend their rights and to take part in the political debate at local, national and international level.

At this point in my presentation I would like to underline the successful co-operation between the European Commission and the Council of Europe, working hand in hand in the framework of joint projects most of which are intimately related to the themes of the Forum for the Future of Democracy. One example in this context: the joint assistance we are providing to a network of 15 “schools” of political studies, which have the ambitious goal of helping educate a new generation of young European leaders to become fully informed about the functioning of vibrant democracies.

I am convinced that the recently signed “memorandum of understanding” is bringing a new momentum to our relations and good prospects for our co-operation in particular in the field of democracy and human rights.

In saying this I have not only in mind what we can do together in countries outside the EU which are Council of Europe members, but also the contribution of the Council of Europe in the 27 EU member states.

Within the EU we have experienced the emergence of a consensus “that it is no longer sustainable for elites to make decisions at EU level without a more explicit democratic consent of Europe’s people”.

The recent experience with the proposed Treaty establishing a Constitution for Europe has clarified the challenge: to empower the European citizens to voice their opinions on European affairs, to promote an active European citizenship and citizens' participation in the democratic process at EU level.

The European Commission has presented several initiatives in the last years which face up to this challenge of making agreeable “power” and “empowerment”. Of particular importance and interest to the Forum are the “Plan-D for Democracy, Dialogue and Debate”, and subsequent initiatives in the field of communication.

Common to these initiatives are three key objectives, which are considered interconnected. What we are looking at is a) empowering citizens, in particular by providing clear and relevant information adapted to a national, regional and local context; b) developing a European public sphere by reinforcing cross-border communication on European Union policy and by promoting structures that strengthen pan-European political debate and its media coverage; and c) reinforcing partnerships and co-ordination among key actors at all levels – EU institutions, member states, civil society organisations, media and networks. There is indeed a need for close, regular and structured co-operation, in particular with civil society, social partners and political parties.

We have also in mind the strengthening of co-operation with national parliaments. In 2006, the European Commission took the initiative to transmit all new proposals and consultation documents directly to the national parliaments, inviting them to react. This is helping to promote the anchoring of EU issues in national democratic traditions and political parties.

Consultation with civil society is a critical element in the establishment of a European public sphere and in empowering the European citizen. Since the White Paper on European Governance issued in 2001 by the European Commission we have stressed the importance of involving civil society organisations in our consultation processes; we have adopted minimum standards for consultation, and we have taken important steps in consulting interested parties and EU citizens



on a broad range of policy initiatives. The system will be further developed within the framework of the European Transparency Initiative, in particular by launching a standard website for Internet consultations and a reinforcement of the European Commission's consultation standards.

All these initiatives could benefit from contributions by the Council of Europe and the Forum for the Future of Democracy.

I am therefore looking forward with great interest to the discussions in the coming three days and to the possibilities of sharing with you the experiences of the EU in its efforts to bring its civil society and its citizens closer to EU institutions and mechanisms as well as to learn from other experiences.

I wish us a successful Forum.

## ***Power and empowerment – The interdependence of democracy and human rights***

**Thomas Hammarberg**

*Commissioner for Human Rights, Council of Europe*

The individual has a right to take part in elections. The 1948 Universal Declaration of Human Rights defined participation in the government of one's country as an individual right for everyone. It was specified that this right could be enjoyed "directly or through freely chosen representatives".

The International Covenant on Civil and Political Rights stipulates that every citizen shall have the right and opportunities "[t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors".

This right for the individual to take part in free, fair, universal and regular elections is the obvious bridge between the concepts of democracy and human rights. However, there are other obvious links.

I will argue that respect for all human rights is one of the necessary conditions for democracy to flourish. I will also suggest that democracy is the best form of government for the protection of human rights.

The essence of democracy is of course about "rule by the people", about who participates in the decision-making process and how. This is not only a question of certain institutions or procedures, there are key principles involved. I believe it is important to understand these principles and teach them in order to avoid the term "democracy" being diluted of its true meaning and turned into an empty slogan.

In a democratic society or association the decisions must be under the control of all its members and all of them should be considered as equal. Popular control and political equality are the two principles which build democracy.

This makes human rights norms – with their emphasis on governmental accountability and the rights of the individual – particularly relevant in the work for democratisation. Popular control would, in human

rights language, relate to the right to participation and the right to monitor those in power. Political equality relates to the principle of non-discrimination and genuine equality of opportunity to exercise one's rights.

Some human rights are directly linked to the election procedures themselves such as the right to vote and the right to stand as a candidate. However, the formal elections would be a sham without what constitutes an open debate: freedoms of expression, association and assembly.

These freedoms are necessary in order for people to be able to monitor, criticise and influence – to exert popular control. Repression of peaceful dissent, even of the smallest minority, is an affront and hurts democracy.

The respect for economic and social rights also has an impact on the efforts towards democracy. Political equality also requires people to be enabled to take part in public decision making – extreme poverty or lack of education are obvious obstacles, directly or indirectly.

In other words, there is an obvious interrelationship between democracy and human rights. Democracy will be stronger the more human rights are respected.

One area in which the human rights approach has added considerably to the democratic discourse relates to the limits of majority rule. A true democracy also entails protection of minorities and thereby a willingness to compromise to meet certain minority interests.

This is of course one of the classical democracy dilemmas. The truth is that many of the democracies in Europe still fail to listen to minorities to the extent required by human rights norms and monitoring bodies. Xenophobia is a problem that our democracies find difficult to handle, especially during election periods.

In this area the human rights standards give guidance and protection. In fact, the underlying idea is that the agreed international and European human rights norms, when ratified, should stand above national and local politics. Even the broadest majorities should not be able to adopt policies which violate the rights of certain individuals

in society. In that sense, human rights norms restrict the decision power of elected political assemblies.

The European Convention on Human Rights is already the law of the land in all Council of Europe member states and has a constitutional status in some of them, for instance in Austria and Bosnia and Herzegovina. This prevents or blocks decisions which have been defined in advance as unwanted. For instance, it is practically impossible today for any parliament in Europe to reintroduce the death penalty – we Europeans have decided to protect ourselves against such an unfortunate decision in case, for instance, a sudden change in public opinion demanded such a move.

This is a refined form of democracy. In a democratic order we have decided to abstain from the consequences of total majority rule in order to secure the constant protection of human rights.

We have learnt from experience how crucial the principle of the rule of law is in the defence of human rights. Separation of powers between the executive, legislative and judicial authorities is essential in order to avoid too much power being concentrated in a few hands. I have been concerned to see that some European governments interfere with the judiciary in politically sensitive cases instead of respecting and encouraging a fully independent court system.

There are other aspects of “checks and balances” embedded in the human rights idea: that non-governmental organisations also contribute in their advocacy role; that independent ombudspersons and other national human rights institutions should be welcomed; and that the media must be free to criticise.

So far I have talked about the contribution of human rights to the democracy process. What about the reverse influence? Is democracy necessary for human rights?

Yes, it is not possible to imagine a dictator as a human rights defender: he would be schizophrenic. It is not even true, as is sometimes argued, that non-democratic regimes can be more effective in protecting economic and social rights. Amartya Sen and others have shown that authoritarian societies often lack capacity to detect and properly react to social problems.

This does not mean that there are no human rights problems in countries which we classify as democracies. The situation of the Council of Europe is illustrative. Though it is a requirement for membership that the country is governed democratically, there are still problems relating to human rights in the member states.

Some of them have not managed to uphold human rights principles in the fight against terrorism. They co-operated with an administration in Washington that practised systematic torture, brought suspects to secret places of detention and established a system of indefinite detention without trial. These policies were introduced in secrecy and beyond democratic control.

This collapse of human rights standards took place in countries regarded as stable democracies. It took several years before the political and judicial systems began to undo these mistakes – fear mongering and political bullying had paralysed the normal corrective processes. It is absolutely important that lessons are learned about what went wrong after 9/11.

Even without such sad setbacks we know that human rights are never fully implemented. There are and will always be improvements to be made. One reason is that human rights enforcement relates to attitudes and that minimum requirements change with economic and social developments.

One consequence is that the definition of government obligations for the implementation of human rights standards has developed considerably during the past fifty to sixty years. There is now a heavier emphasis on the duty to ensure that the rights can be enjoyed by the individual – and by each individual. The horizon has moved forward.

The same, of course, goes for democracy. It is in its nature that democracy can never be absolute; in reality the discussion will have to be about degrees. This is no excuse for undemocratic tendencies, but an encouragement to further efforts, over and over again.

There will always be a need to work for the deepening of democratic procedures and attitudes. With every new generation it will be

necessary to ensure that even the basic democratic values are understood.

Human rights education should therefore be given the highest possible priority.

***Empowerment – The role and responsibility  
of parliamentarians: the perspective of the  
Parliamentary Assembly of the Council of Europe***

**Andreas Gross**

*General rapporteur*

*Member of the Swiss Parliament*

*Rapporteur of the Political Affairs Committee*

*of the Parliamentary Assembly of the Council of Europe*

*on the state of democracy in Europe*

The following is a brief outline of the Parliamentary Assembly report on the state of democracy in the 47 member states of the Council of Europe, for which I was the rapporteur, in 13 hypotheses.

1. I would like to start my first hypothesis with a question. Why do you think so many people have a negative connotation of the notion of power, but have a positive connotation of the notion of empowerment? Because power is experienced as the power of others, of a few others, whereas people understand empowerment as a personal, individual opportunity. By empowerment, many understand what the democrats during the French Revolution started to understand by the notion of freedom: freedom is not the right to choose between options, freedom is much more than the possibility to choose between Pepsi-Cola and Coca-Cola. Freedom is the right, the capacity and the opportunity to act together with others on common existential grounds; freedom should be the guarantee that life is neither a destiny nor a fatality. Therefore, in a democracy, we should not accept a negative notion of power; everybody should have enough power in order to be free, but nobody should have too much of it. That is the idea and the project of empowerment.
2. Democracy is a permanent, ongoing, never-ending process. Parliamentarians have a special responsibility, a unique opportunity and a particular obligation to keep this process going. But in which direction should this process be kept going? In order to be able to answer this question, one needs to know what democracy means and how empowerment is possible.

3. Of course democracy is a concrete utopian idea, a real project. But do not fall into the trap many Swiss people fall into when they confuse Utopia with illusions. Concrete Utopias are good ideas, which have to be achieved as best and to the greatest extent possible, while being aware that they may never be done in a perfect way. Utopia shows the way, the direction, and offers the motivation to go on and not to give up. The utopian idea of democracy is an equal distribution of power among everyone, so that freedom does not become a privilege of the privileged few, leading at the same time to the general feeling of powerlessness among the majority of human beings.

4. Democracy and empowerment mean that all those who are concerned by a decision may be part of the decision-making process. This also means not only nationals, because democracy is a human right and is not the privilege of nationals. If the decision concerns people on the other side of a national border, they should be integrated into the decision-making process as well. If democracy is a human right, children also have to have it; it is not a privilege of the elderly, who will be affected by a decision for a lesser length of time than the youngest.

5. It is interesting that democracy and legitimate political power seem to be at home in the nation state. This is interesting, because the former French Prime Minister, Leon Blum, stated sixty-six years ago that the nation state has ceased to be the best way in which to organise human-kind. The former Federal President of Germany said twenty-five years ago that the nation state is too big for the small concerns and too small for the really big issues. This means that democracy needs decentralisation as well as transnationalisation and one is not possible without the other. One needs to give much more power to the municipalities and the regions, where people can handle the local and regional issues best.

6. But one also needs to constitute democracy at the transnational level, and one must also empower the citizens above the nation state, where the most important economic powers and market forces express themselves. Democracy is only able to civilise the market forces and to make them respect the weak and those values which cannot be expressed in prices (think about the key value we all want to achieve



as well as possible, justice) when it is able to express its power on the same level as the market forces. And do not imagine one can do one thing without the other: if one confines a strong democracy to the local and regional level, people think the real questions are being answered without being able to have a say themselves and they pull out of local democracy. It would be impossible to think about building a transnational democracy if people already feel alienated at the local and regional level. One needs their good practices and experiences if one also really wants to have the courage and the self-confidence to go on building democracy at the transnational level.

7. Empowerment and democratisation also mean not limiting participatory democratic rights to election rights. Elections are not the only democratic way to participate. Empowerment means that one has the right to cancel temporarily the delegation of power delegated in the last election: it should give one the right to ask for a citizens' vote on a specific legislative matter or a proposal for constitutional or legislative changes. This is not aimed at putting into question the legitimacy of representatives or representation itself, but aims to make representation more representative. When citizens are able to express their ideas and expectations and evaluations more frequently between elections, parliamentarians learn and know more about the diverse reality and about their citizens.

8. It is very useful to see that, in those democracies where citizens have more participatory rights than mere elective rights, the members of parliament also acquire more power. Parties and party bosses lose the monopoly of power and they have to share it more and in a better way with others. Parliamentarians can have a better individual standing and are collectively stronger towards the government, because they can show that the citizens back them in their concerns.

9. In democracies in which citizens and parliamentarians participate more and in diverse forms in common decision-making processes:

- Everybody has to command less and has to convince more. Politics become softer because they are more communicative; power has to legitimise itself more often, in more diverse ways and a more convincing manner.

– Decentralisation of power and empowerment of the citizens enable an improved and more civilised integration of diverse societies; people feel less excluded and discriminated against, or overlooked and tend to identify more with the society as a whole because they feel they are recognised as an integral part of it.

– Politics and political power acquire a higher legitimacy, and in this way may increase their own power because they have constantly to address those who are the only source of legitimate power, the people.

10. If one makes people participate directly in the shaping of important decisions, everybody will learn more. Nobody will have the ambivalent privilege of having so much power that he or she does not have to learn any more.<sup>1</sup> The power will be more equally shared by all so that nobody can avoid having to learn.

11. Turning our societies into learning societies is one of the most important conditions for enabling them to face the challenges the ecological crisis is confronting us with. One will never be able to impose a way of life which respects ecology; people will have to learn it by reflection, discussion and decisions about it.

12. By increasing citizen participation we may overcome the biggest deficits of today's democracies, the weakness or crises of political power. In today's polity, democracy and politics do not allow societies to achieve the potential they have. This is what frustrates many citizens most: they are not allowed to achieve what they would be able to achieve; in politics they are limited in their right to express themselves. That is why they are so eager to get more power, to have a better share of power, to be empowered.

13. More and more skilful citizens will be able to achieve – including by studying the experiences of the European Convention on Human Rights, the European Court of Human Rights and the Parliamentary Assembly of the Council of Europe – more and more elements of a new global democracy. This will contribute essentially to a fairer distribution of life opportunities worldwide. This will reduce the most alarming structural violence of our time, namely the fact that

---

1. Karl W. Deutsch, *Power gives you the privilege not to have to learn*.

two thirds of all people worldwide still live in poverty. This is violence, and violence is always and everywhere an expression of great deficits of democracy.

## PARALLEL PANEL SESSIONS

### *Empowerment – The role and responsibilities of parliamentarians*

#### **Summary report on Panel Session 1: The role of the opposition and changing from being in government to being in opposition**

Four panelists participated in the discussion:

- Mr Rudolf Bindig, former member of the German Bundestag, former Vice-President of the Parliamentary Assembly of the Council of Europe;
- Ms Ene Ergma, President of the Estonian Parliament;
- Mr Leif Lewin, University of Uppsala, Sweden;
- Mr David Wilshire, member of the House of Commons, United Kingdom, member of the Parliamentary Assembly of the Council of Europe (EDG).

“The role of the opposition and changing from being in government to being in opposition” was the theme and subject of part of the contributions to the opening panel discussion.

According to two of the participating parliamentarians (Mr Bindig and Mr Wilshire) the opposition plays an important role and, they established, a country without an opposition is not a democracy. Furthermore, said Mr Bindig, the importance of the government for a country’s political functioning is often overestimated, while the opposition’s contributions and significance are often underestimated. Mr Bindig said that changes of government are important if we are to make use of the knowledge possessed by both sides and to ensure

a well-functioning democracy. Especially in the initial period after a change of government there are good opportunities for understanding between government and opposition, when they still have fresh experience of both roles.

Mr Wilshire said that the opposition has an important role, for example, in delaying certain parliamentary decisions when there is good reason to do so, and thus enabling matters to be more thoroughly examined.

However, Ms Ergma from the Estonian Parliament did not see as many advantages with a strong opposition. As a representative of a small country she considered it important to gather all available knowledge and to govern the country as well as possible on the basis of the prevailing conditions. As it is today, she considered that the opposition and the government all too rarely have a constructive dialogue. What is needed is less disagreement and more co-operation.

Political scientist Leif Lewin considered, on the other hand, that disagreements in the sense of clear differences in opinion between opposition and government are something positive. The advantage of a democracy of this kind, most easily achieved with elections conducted on the majority representation system, is that it is easier for citizens to demand accountability. When it is time to go to the vote after an electoral period, people know which party they want to reward or show their dissatisfaction with by voting for the party in government or for the opposition. With elections conducted on the majority representation system the parties have to work hard to explain their policies and the way in which they differ from the other parties. This makes it easier for the voters to take a position. Politics has to have a meaning. Another positive effect of having elections conducted on the majority representation system, according to Mr Lewin, is that the strong governments that can then be formed increase opportunities for delivering good results as regards employment, central government finances, enterprise, etc.

After these contributions for or against the above-mentioned models of democracy, the discussions drifted onto other issues, such as how

parliamentarians should deal with oppositions acting outside parliament, that is, various kinds of interest groups and non-governmental organisations or, expressed in another way, civil society.

Here, there were initially different opinions as to whether it was positive that certain of these organisations have such plentiful resources and are so good at making their voice heard at the expense of other groups in society. Those who had objections, for example Mr Wilshire, considered that this, in some way, was a threat to a system of representative democracy, in that groups that are small but have plenty of resources may gain a disproportionately large influence.

There was, however, some agreement among the panel on the description of reality that says that an increasing number of citizens are politically active, or at least interested, but that they do not believe in politics in the sense of party politics. And on the basis of these conditions, it is crucial for a functioning democracy to try to find ways to bring these actors together both within and outside parliament.

**Summary report on Panel Session 2:  
The responsibilities of the opposition for establishing dialogue  
and initiating political decision making**

Four panellists participated in the session: Mr Tomas Ries (Sweden), Director of the Swedish Institute of International Affairs, Mr Luc Van den Brande (Belgium), member of the Parliamentary Assembly of the Council of Europe (EPP/CD), Mr Tadeusz Iwiński (Poland), member of the Parliamentary Assembly of the Council of Europe (SOC), and Ms Lydia Err (Luxembourg), member of the Parliamentary Assembly of the Council of Europe (SOC) and the Venice Commission. The panel was chaired by the Swedish journalist Ms Britt-Marie Mattsson.

Mr Ries chose to approach the topic of the session from a slightly different perspective in asking: “What are the prospects of the opposition for establishing a dialogue? And what do we do in situations where the very preconditions of democracy do not exist?” He began his opening statement by claiming that the biggest political problem we face in the world today is the tension between different global social classes; some two thirds of the world’s population live in extreme poverty, where state conditions as we understand them hardly ever exist. The tensions between the poor societies and the richer ones, Mr Ries claimed, are the root cause of our deepest political problems, such as terrorism, organised crime, refugees and diseases. Thus, one of the more important security objectives is to ease those tensions – but how?

According to Mr Ries, the track record of the past fifty years shows that development aid alone is not enough, and developments during the past ten years have made it clear that one cannot introduce democracy by force. The lesson learned from places such as Afghanistan and Iraq is that what we can do is much more limited than we thought; many societies are simply not ready for democracy. He referred to the concept of “structural stability”, launched by Professor Johan Galtung in the 1970s, which emphasises physical security, economic development and social welfare as preconditions for the creation of a stable society, where liberalisation and democracy can be introduced. In Mr Ries’ view, today’s efforts at introducing

democracy where those preconditions do not exist are probably doomed to fail. As for the question of what actually can be done to promote good governance and democracy, Mr Ries had no answer but concluded that this must be at the heart of the new research agenda.

Mr Van den Brande emphasised that we have to raise some initial questions when dealing with the issue of opposition. First, what is the definition of an opposition? He pointed out that there are several different oppositions in the parliament and in society and that there is no unequivocal definition of the concept. Second, in what kind of system are the majority and the opposition working? In bipolar systems the winner takes all, but coalition-making is also a part of deepening democracy. In this context, Mr Van den Brande wanted to modify the old saying that the duty of the opposition is to oppose, in adding that the duty of the opposition is also to be responsible and to co-operate on essential issues for society, and that the duty of the majority is to respect the opposition and to engage it in the essential aims and challenges of society.

On the basis of this, Mr Van den Brande formulated a set of recommendations concerning political parties in opposition:

- recognising the role of the opposition as being beneficial to the democratic process;
- enhancing the dialogue between government and opposition parties and reinforcing the principle that the primary duty of the opposition is to hold the government accountable;
- fostering conditions that ensure that the role of the opposition is not merely confined to criticising those in power; and
- encouraging the opposition to establish a “shadow programme”.

The moderator countered his proposal for “a new partnership” between majority and opposition with reference to the fact that voters tend to punish parties that co-operate with the government rather than oppose it. Mr Van den Brande agreed that parties have a responsibility to be clear towards the electorate, but emphasised that it is nonetheless a



democratic responsibility to compromise and help create an efficient coalition.

Mr Iwiński, member of the opposition in Poland, spoke about the situation in Poland and neighbouring Ukraine with regard to the responsibility of the opposition to establish a dialogue and initiate political decision making. He directed a rather sharp critique against the current Polish Government, accusing it of insufficient dialogue and complaining about the absence of information for the opposition on issues of national interest. According to Mr Iwiński, the government's proposals are "prepared in a hurry and underworked", depriving the opposition of the possibility to take an active part in the democratic process.

Mr Iwiński also brought up the matter of electoral thresholds, submitting that unnecessarily high thresholds risk diminishing the role of the opposition. In more advanced democracies, all political views and interests should be represented in parliament. The only justification for electoral thresholds, in his view, is that the abundance of political parties should not paralyse the functioning of the parliamentary system.

Referring to the heavy party discipline in her own country, Ms Err advocated that the concept of opposition be widened to comprehend contradictions within as well as between parties. She made the point that while she has almost always belonged to the ruling majority, she has also been in opposition within her own party; in her capacity as a woman in a male-dominated party group, as well as on specific issues where she has gone against her own party.

As for the responsibilities for establishing dialogue and initiating political decision making, Ms Err argued that they have to be shared between the opposition and the ruling parties. Just as the panellists before her, she stressed the need for some measure of co-operation between the two sides and introduced the concept of "co-opetition", that is a combination of co-operation and competition, and the idea of an institutionalised ombudsperson system to make sure that it works.

Following the statements by the panellists, a discussion took place with, at times, some rather sharp exchanges. Several speakers agreed with the panellists on the need for effective and responsible opposition; the opposition has to “propose and not only oppose”. As one speaker from Georgia remarked, however, the preconditions for such constructive opposition do not yet exist in all democracies.

Some questions from the floor related to the change of positions in politics, that is, the transition from being in government to being in opposition and vice versa. One speaker pointed out that it is easy enough to be critical and progressive when you are in opposition, but that members of the opposition tend not to follow through on their promises once they assume power. Mr Van den Brande and Ms Err both confirmed this impression, referring to this problem as *amnesia politica* and talking about the difficulties politicians have in sticking to their positions once circumstances change. In her concluding remarks, Ms Err wanted to stress the importance of honest positions in politics, submitting that members of both the majority and the opposition must have the courage to stand by their ideals when going into or out of government and also to challenge their own party’s main positions.

Another recurring theme in the discussions was the need for moving from debate to dialogue in politics and the role of the media in this respect. Some speakers argued that politics is a world of debate, of black and white, which is also favoured by mass media because it is believed to trigger interest among people, but that we need to move towards the more difficult form of reasoned dialogue. Others objected that debate is not altogether a bad thing and that it is needed from time to time in order to clarify the positions of the parties.

Some remarks were also made with regard to Mr Ries’ pessimistic view of the preconditions for democracy in large parts of the world. We should not, one Danish researcher argued, deprive two thirds of the world’s population of the right to fight for democracy; even if they are not successful immediately in achieving it, the very process might help strengthen civil society.



## **SUB-THEME PANELS**

### ***Sub-theme 1***

#### ***Representative democracy for a new era***

##### **Issues paper**

##### **“The challenges of representative democracy”**

##### **Sven Bring**

*Senior Adviser on Democracy and Self-governance*

*Swedish Association of Local and Regional Authorities*

There is a constant need to develop and deepen democracy. It is important that institutions and procedures work without friction, and with a long-term perspective, but this in itself is not sufficient. To diagnose the state of health of democracy, it is also necessary to examine the political system thoroughly, focusing on the observation and promotion of human rights. A minimum requirement for a properly functioning democracy is that rights such as freedom of expression, freedom of organisation and freedom of opinion are guaranteed. Successful efforts to strengthen and protect human rights are dependent on genuine citizen involvement. Fundamental values must constantly be fought for by each new generation in turn. This is why local democracy is vital. It is at local level that democratic education takes place.

The Council of Europe can justifiably claim to have placed great emphasis on well-developed local and regional democracy. The European Charter of Local Self-Government, which was introduced as long ago as 1985, is a clear reflection of this, and another is the setting up of the Congress in 1994, the work of which has subsequently influenced that of the Council of Europe.

The Council's work on democracy has also faced a number of challenges, for two main reasons. One is that local and regional democracy is faced with the same general problems and difficulties as democracy at national level, in some cases with serious consequences. In principle, all the democracy-related problems described in the section below can be found in the real world in which the sub-national system of government operates. The other reason derives from a number of specific factors that make democratic development at local and regional level particularly difficult.

### **General problems**

The Council of Europe has increasingly come to focus on various indications of democratic deficits in its member states. Declining voter turnout and reduced political activity in general, particularly among young people, are perceived to be warning signals. It is generally feared that these developments are an expression of an irreversible generation shift, the long-term effect of which will be diminished legitimacy for the parliamentary system.

The democratic deficit is a problem in both old and new democracies. Participation in formal political institutions continues to decline, while the attention of politically active citizens is increasingly directed at issues that lie outside the control of the national state and are determined outside the traditional institutions for collective policies. In response to this change in the forms taken by political commitment, the legitimacy of the traditional institutions is called into question.

Aggregated statistics covering all Council of Europe member states show declining political party membership. In western Europe, the trend is general and long-term, while the situation is different in some of the young democracies. Assessments of the seriousness of this reduction in party involvement vary, but it is reasonable to assume that it is closely connected with the reduction in voter participation, and should therefore be seen as a further indication of the tendency for the legitimacy of the representative system to be weakened.

Added to this is the fact that for several decades, parties in the established democracies have been undergoing a process whereby they have changed from popular movements into campaign organisations.

This has been accompanied by centralisation, greater dependence on central government funding and professional use of the media.

There are also signs that citizens' political "repertoires" are in the process of changing and broadening and it is clear that these changes are of major significance for existing political institutions. The Council of Europe's efforts to develop democracy must therefore take account of, and respond to, the various new forms of political activity. If political participation previously consisted primarily of direct or indirect attempts to exert influence via representative democracy, we are now witnessing the emergence of a clear tendency to regard the traditional system as just one way, among many, of exerting influence.

Adding to this set of problems is another long-term tendency, a growing distrust of politics. A certain amount of scepticism is healthy in every democratic system, but declining faith in both politics and political institutions constitutes a threat, in that it increases the distance, and hence the alienation, between citizens and their elected representatives. The growing professionalism and lack of transparency of political systems probably exacerbate the same negative trend.

### **Problems specific to sub-national levels**

The European Charter of Local Self-Government has now been in existence for over twenty years, and has been ratified by 42 of the Council of Europe's member states. One of its two central themes is the principle of subsidiarity, while the other is the right of the local level to conduct examinations of national legislation and other centrally issued regulations when these are believed to encroach on local autonomy. However, in a review conducted in 1998, the Congress found that, in many countries, these principles had not been taken up in national legislation, and that, for example, the local level in many cases still lacked instruments with which to conduct legal examinations of national legislation in relation to breaches of the Charter.

The Council's reports on democracy in individual member states paint a complex and somewhat pessimistic picture. While few states are directly criticised for failing to promote local democracy, it is often pointed out that the Charter is only partially being complied with. To

a great extent, these criticisms relate to deficiencies in the application of the principle of subsidiarity. The Charter may therefore still be regarded as a starting point for the development of local democracy, and much remains to be done for it to be fully implemented. Not only is an ambivalent view of local self-government taken in many instances, but work is also hampered by the fact that the institutional structures of different states vary considerably, at both central and local levels.

Various types of multilevel governance are becoming increasingly common in Europe, partly based on a general shift towards decentralisation, but also because of greater co-operation between public-sector systems and external players. These trends are giving rise to a number of problems relating primarily to lack of clarity, as well as greater difficulties in ensuring accountability. The majority of citizens experience considerable difficulty in trying to determine where responsibility lies for different decisions.

The remedies of course are greater transparency and more clearly defined areas of responsibility for the different decision-making levels, but how this is to be achieved in practice is a question to which there is no simple answer. There is an enormous need, and huge scope, for innovation here.

Decentralisation also has implications for efficiency. Its obvious advantages are that political decisions are taken closer to those directly involved and can consequently be expected to meet their needs more effectively, and to be based on good knowledge of local conditions. Disadvantages arise when the small scale of operations leads to a lack of resources and skills.

The general problems for representative democracy that have resulted from the changed nature of political parties are accentuated at local and regional levels by the parties having roles and functions there that differ somewhat from those they have at national level. Local politics are often characterised by far greater pragmatism and consensus than are national politics. Parties as representatives of ideologies and interest groups thus become less interesting, less important, and local, practical issues come more to the fore. Greater professionalism and

centralised control on the one side and local pragmatism and an orientation towards practical issues on the other lead to vertical divisions and a decline in democratic practice within parties. At the same time, the proximity between citizens and their elected representatives has created conditions in which the focus is more on political personalities, tending to weaken the position of the parties even further.

### **The development of democracy at local and regional levels**

In principle, the Council of Europe has two alternative courses of action in its work on the development of democracy. The first involves gaining the support of all member states for a set of democratic principles and standards that can apply to Europe as a whole, and continuing to work to ensure that these are implemented. The basis for this is to be found in the European Charter of Local Self-government. The second course involves making use of the rich opportunities for learning and knowledge transfer between states, particularly about how democratic institutions and methods can be improved. This concerns such central issues as:

- how to meet young people's demands for, and expectations of, new forms of influence;
- how to create greater transparency and a clearer division of responsibilities with extended multilevel governance;
- how to deal with a situation in which party functions at different levels are becoming increasingly diverse, and vertical unity more and more difficult.

Two of the Council of Europe's central responsibilities are to create arenas for dialogue and exchange of experience and to guarantee the continuity of development processes. The number of member states has more than doubled in the past three decades. A large proportion of these countries are very young democracies. Their political cultures, their problems and solutions, and the design of their political institutions are markedly different. Work on reforming and developing democracy must therefore provide scope for adjustment to local conditions. As a result, there will be greater opportunities for knowledge



exchange and for constructive use of experience from local projects, provided that these really are disseminated and received.

Inherent in this, however, is a deeply rooted dilemma that is difficult to deal with. On the one hand, defence of the representative system, with its elected assemblies and its prominent position as the central arena for political debates and negotiations, is regarded as a matter of crucial and unavoidable importance. On the other, as confidence in elected assemblies declines, there is a wish to find new forms of political commitment and new channels for achieving influence and impact. Even if the aim is to defend representative democracy and its institutions, the result may be that confidence in precisely those institutions will be further undermined, if new forms of influence are successfully brought to bear.

Our analysis cannot therefore apply only to institutions and their regulatory frameworks. It is equally important to examine the informal rules that are actually followed in the political “game”, which sometimes support the international system and sometimes undermine it. The democratic process can no longer be seen as synonymous with activities in formal systems. Democracy is being “institutionalised” in new ways, and it is just as important to identify and understand these.

A holistic approach that includes both informal and formal aspects will increase our chances of being able to design changes and reforms that can actually germinate and take root in political reality. Reforms can only be implemented through changes in the behaviour of those who, in their daily operations, shape and practise politics. If they are to succeed, therefore, institutional reforms must be based on – and interact with – these players’ creative efforts, rather than on counter-acting or obstructing them. This means that the search for the “perfect” solution is unlikely to bear fruit: what is important instead is the effort to put democratic values into practice through a combination of different institutional forms that can be adapted to various cultural and political conditions.

## **Report on Sub-theme 1**

**Brith Fäldt**

*Member of the Congress, Sweden*

### **Introduction**

What are the problems facing representative democracy today? What are the keys to its success? This workshop tackled these questions using a brainstorming technique known as “World Café”. It brought together representatives of all the major sections of the political process – government, national parliaments, local and regional authorities, NGOs and the media, from a wide range of Council of Europe member states – to discuss and identify the real issues facing local democracy and suggest ways forward. It was a real exercise in participatory democracy, using dialogue and consultation, listening to widely differing viewpoints.

In addition to the outcomes of the content of the discussions, the results and experiences of both the working process and the method used in Workshop 1 are in themselves important elements of the message from the Forum for Democracy in Sigtuna.

However, it is not easy to draw conclusions of these aspects since they were not discussed in depth either before or after the Forum. This summary is therefore based on my own reflections and experiences from similar types of work.

The first reflection is that the processes need to be analysed on three meta-levels:

- the first level concerns the actual discussions and the results that the participants came up with during the workshop;
- the second level concerns what happened in the process during the day and the conclusions that you can draw from that;
- the third level concerns the conclusions that you can draw from using similar methods in the work to develop new forms of citizen participation and new consultative activities.

## **Discussions during the workshop**

During the workshop, each group formulated its main ideas and findings on sheets of paper which were then sorted by the workshop facilitators and posted around the room. They were then recorded and used as the basis for the following summary of the discussions which was drafted immediately after the workshop and presented by the rapporteur to the final session of the conference. The summary highlights the main points and cannot do justice to the rich quality of the exchanges and the wealth of first-hand experiences which were shared by the participants.

### *Engaging the citizen*

The main challenge facing representative democracy today is to find new ways to engage the citizen.

Ordinary people should be involved in decision making whenever possible, to bridge the gap between authorities and people. Broad public consultations for drawing up municipal agendas are a good example of engaging citizens, as they make agenda setting open for everybody, not just for the politicians.

Elements of direct democracy can also be used to engage, consult and motivate the citizen. Direct democracy can complement representative democracy and should not be seen as a threat to it. Referendums are a useful way to consult the public on specific issues. The initiative for such processes should ideally come from below.

Citizenship education is needed to help people to present their views and to participate in political consultations. Training opportunities should be created for citizens and politicians to learn democratic participative methods – respect, arguing, listening, being open-minded, understanding the other's viewpoint. A free and healthy media is an essential component of democratic dialogue. The media can present the views of citizens, inform them of issues and challenge the decision-making process.

### *Listening*

The essential aspect of engaging citizens is to listen to them, to find new ways to communicate with them, new ways to reach the silent majority. Dialogue is also necessary between different levels of government. Some of these methods can use new technologies – such as online consultations and questionnaires. Another method is the citizen’s jury: taking a random sample of the population for consultation on a given issue.

Organised political dialogue is an art. It should bring together different political groups, across different sectors of society, to build consensus and overcome problems. It should be inclusive and respectful, focusing on the needs and views of people. Public pressure, whether channelled through NGOs, youth initiatives or other citizen groups, can mobilise support for change.

### *Avoiding the “tyranny of the majority”*

Representative democracy is not without its limits. The rights and freedoms of minorities have to be protected by law. It is an indicator of the health of democracy that minorities feel free to associate and to express their views. It is the responsibility of politicians to listen to them and to respect them as essential partners in the construction of a pluralistic society.

### *Better politicians*

The quality and skills of politicians have never been so important. Politicians need to have good listening, communication and negotiation skills. They need robust communication plans and should regularly evaluate their communication policies. They also need to have the support of experts in these areas. Ways need to be found to involve more women and young people in politics.

### **The working method used in the workshop**

Workshop 1 had a large number (80) of registered participants. In the morning we began with 16 round tables with five participants at each table. The design of the workshop was a “World Café”, which requires active participation for a full day. By the last sitting in the afternoon,

the number of participants had fallen to five or six tables, totalling some 25-30 people.

It is interesting to reflect on why so many people dropped out. This can, of course, be attributed to lack of interest and nonchalance, but there are other factors to consider: was it the best choice of method? Were the participants adequately prepared for the workshop? What role did the composition of the group play and how available were the participants to engage in such an activity for a whole day?

As I mentioned above, the choice of method and the reasons for using this particular one had not, in my view, been sufficiently analysed and discussed. With regard to the information provided to the participants, they received a detailed presentation of the day's programme but this did not make clear that it was important that they attend for the whole day. It is possible that we would have had a very different result, both in terms of the number of registrations and the number of drop-outs, had that information been supplied in advance.

A large number of prominent politicians had registered, politicians with a number of other commitments which required their attention during the day. There was a great interest in the theme as such, but some had pre-booked meetings later in the day, others had important phone calls to make or other business to take care of. It is not easy to re-engage in such a group process after such interruptions since the process had moved on and it was difficult to catch up.

Another factor could be that the participants represented different political cultures and that the method was unfamiliar and too informal for some and might therefore have been experienced as strange or lacking in seriousness.

On the other hand, it became obvious that the method did make it possible for all participants to participate actively and to present their opinions on equal terms. It could therefore be said that "the silent voices" of the Forum were fully heard. The method does not allow anyone to sit quietly.

From these observations it can be seen that the workshop reflected a good image of society as a whole, and in particular the problems and

possibilities which make up the challenge of developing quality dialogue between elected persons, authorities and citizens.

An observation that came out of one of the groups was: “Organised political dialogue is an art.” This is very true and requires a lot from those who do the organising. It needs to be underlined; it is important that we learn this art if we are to create new forms of dialogue and engage our citizens to a greater extent.

### **Conclusions with regard to the working method for participatory processes**

The first conclusion is the importance of choosing the most suitable method, in view of the expected participants or target group.

You cannot take for granted that all citizens will be able to participate for a full day in any given activity. Therefore we need an arsenal of methods suitable for different target groups and with different lengths. Different groups require different methods. Many citizens could participate in a consultation activity, on an issue that concerns them, for one or two hours in the day or an evening, but few would be able to devote a whole day to such an activity.

Many of the workshop groups drew attention to the need to avoid giving citizens the sense that they are being “played with”. The form must never be more important than the content, and a meeting with participating citizens must always have a sound sense of authenticity.

A number of “soft factors” were identified as determining the outcome of the success stories which were presented in the groups. Among others, the need for politicians and authorities not only to hear what people say but also to listen to the messages presented. It is insulting when you are invited to present your opinions only to discover that nobody is interested in listening to them.

It is also necessary to examine the possibilities for more in-depth methods to enable participants to be involved to a greater extent in different issues. It can also be difficult for participants to make quick and reflected conclusions during an ongoing process. Follow-up and feedback are important.

The second conclusion is that the purpose and aim of a consultation activity must be set out very clearly before it takes place.

Participants in a citizens' consultation must have full information and knowledge of the conditions, in order to be able to decide whether it will be worthwhile for them to take part in the activity. They need to know what it might lead to and how their opinions will be handled. The participants also need to know at what stage in a decision process the consultation is taking place and what importance and effect their opinions might have on the final decision.

Those responsible for the consultation activity must be prepared for "unwanted opinions" and know how to manage them. There must be full transparency in this respect. In the words of one of the groups: "After the dialogue, elected representatives have to decide and do the dirty work. They are the ones who represent the common interest." We must never underestimate that. If we do not succeed in that respect we will be doing a disservice to democracy.

The third conclusion is the need to examine the role of politicians in such consultation activities.

New consultation activities will create new demands on politicians and require new skills. It is difficult to imagine that politicians would be able to be facilitators of a "World Café workshop", and I do not think that it is desirable that they should be. However, the participation of politicians in consultation activities is extremely important, and the question remains: what role should politicians play during a consultation activity in order to make the activity effective, while respecting the other participants and ensuring full and equal participation?

It is important that politicians have a good knowledge of the methods used and their potential. They also need to be aware of their own role when the activity is underway.

Two statements from the workshop discussions dwelt on the role of politicians: "Dialogue creates community and solves problems *outside* politics" (my italics) and "Dialogue between citizens: politicians step out." These comments reveal an undertone of scepticism towards politicians that deserves our attention. Perhaps it is a reaction to the

ever-present mechanisms of competition in party political life that creates a lasting scepticism of being manipulated, a fear of being corrected, persuaded or enrolled into a party, or a sense that people are going to be trapped by hidden political agendas. There is also a risk that politicians will end up as scapegoats and carry the blame for the political establishment in general, and be held responsible for all political decisions taken in the past.

If we want to create the best conditions for a creative dialogue, it is important that both politicians and other participants have the capacity to create a constructive working climate.

The fourth conclusion is the importance of using neutral experts as facilitators in consultative activities.

Politicians who are determined to carry through structured consultative activities with their citizens need both knowledge and training and need to have confidence in the methods used. They need to know the preconditions and the potential of the different methods. To manage this, they need the help of neutral experts. These experts must have integrity and the capacity to be mediators between the participants, to catch nuances in the dialogue and to manage conflicts and follow up issues when they arise. They need to have a good aptitude for timing, to be able to intervene at the right moment, to cope with the quantity of material produced, evaluate it and to pass on the results to the “customers” and give feedback to the participants.

The fifth conclusion is the need for political analysis of the results from the consultation activity.

Since the messages from the consultation activity are essentially political messages, the analysis of the results must be done at a political level – not by independent experts. The final result should take the form of a political document that should lead to a final political decision.

The sixth conclusion is to analyse on the two other meta-levels how successful consultative activities can be organised.

Process work of this kind is never linear and one meeting is never the same as the next, even if the theme, method and design are the same.



If you choose to organise consultative activities, you should bear in mind that these are dynamic processes which require constant analysis, evaluation and fine-tuning in order to develop.

It is necessary to evaluate what happened during the process and draw lessons from it. If the first consultative activity is a disaster, it does not follow that the second will be the same. The constant evaluation of the methods used will enable the development of new methods, with the purpose of enhancing citizen participation and improving quality in new inventive consultation activities.

Today's citizens show a greater interest for single political questions and, to a large extent, they mistrust politicians and political parties. They might be called "stand-by citizens", as they are only prepared to engage and participate in issues that are in their interest, if the time and conditions are right.

If modern representative democracy is to have a chance of engaging these citizens, it is of utmost importance to find new forms of consultation activities. Politicians at all levels need well-equipped tool kits for this purpose. They require intuition, knowledge of "glocal" political trends, a sense of timing and an understanding of the types of question that are appropriate for such activities. They require knowledge of methods that are useful and expertise as facilitators to carry them through.

It is crucial that the outcome of the Forum in Sigtuna will include proposals for further examination in order to develop knowledge and methods in this field. The reflections and conclusions of the workshop in Sigtuna provided some rich experiences, but these need to be analysed in more depth.

We need to be thorough and to know exactly what we are doing before we start to conduct such consultation activities on a wider scale. There is a risk that the citizens will get tired and will desert such meetings if they are not done well; the meetings must be genuine and authentic; equality, justice, respect and balance are essential. Finally, the result must be handled in an appropriate and professional manner.

## ***Sub-theme 2***

### ***Empowerment of the individual – Non-discrimination***

#### **Issues paper**

#### **“Empowerment through participation and Non-discrimination”**

#### **Jan Andersson**

*Ministry of Integration and Gender Equality, Sweden*

The member states of the Council of Europe are today formally characterised by political equality. As in other liberal democracies, they are based on the fundamental democratic principle of universal and equal franchise. Paradoxically, however, there are a number of studies indicating a significant gap between the promise of political equality, on the one hand, and real inequalities in terms of levels of participation and influence in present-day European politics, on the other. According to the picture that emerges from these studies, not everyone appears to be given the same opportunities to get their causes heard and to have their interests represented in decision-making processes. Visible and invisible barriers of different kinds appear to make it difficult in a number of ways for members of ethnic minorities as well as other groups to plead their own case and to participate in European public life on equal terms.

A low level of participation in the democratic process is a worrying sign and it affects the functioning of democracy at all levels. It may be the result of various legal, economic, sociological, cultural or other types of obstacle. The cumulative effect of these barriers can effectively deprive the groups or categories concerned of any real possibility of becoming integrated into public life. Even when these obstacles are surmountable, their very presence can have a demotivating effect on the people concerned and generate feelings of apathy or rejection. The problem of lack of involvement is thus liable to intensify if these obstacles are not removed.

A vast body of research has identified a number of correlations between, on the one hand, differences in various types of resources and abilities – such as access to work and education, confidence and

knowledge – and, on the other, differences in levels of participation and influence between, for example, persons born in European countries and those with an overseas background. It is in accordance with these and other forms of political and social structures that criteria for belonging and citizenship have taken form and the political world has been divided into inside and outside, insiders and outsiders. In short, many individuals in Europe today feel that existing political parties and traditional politics are not for them. Some even feel that they are prevented from taking part in public life and in the decision-making process as a result of discrimination. We must also bear in mind that the typical groups experiencing under-representation are partly overlapping. So there is still a need for active measures that enable citizens to take part in the political process on more equal terms. Enhancing the participation of under-represented groups between elections and strengthening them in their capacity as elected representatives are examples of important objectives in this area. But do we really have adequate knowledge as to what discriminating practices exist in the political processes of today, and what can be done to abolish them?

In the case of certain groups – such as children, young people, people with disabilities and the elderly – there is certainly a need for practical measures to further improve their chances of exercising due political influence. But how can the political level pay better attention to these under-represented voices, and how will best practices be shared on how to reach them more effectively? The balanced participation of women and men in political and public decision making is also at the heart of the functioning of pluralist democracy. When discussing the representativity of the democratic system, it is important not to focus on directly elected assemblies alone. This can be illustrated with the observation that at local government level, the proportion of women declines the higher up they move in the political hierarchy. Guidelines have been drafted to help member states to promote and increase participation of women in decision making. It is vital that the initiatives taken along these guidelines are followed up in order to continually verify the appropriateness of channels of influence established by central and local government, and to extend existing knowledge about the preconditions for and functioning of representative

democracy. It is also important to turn observations and findings made in various areas to good account. But how do we ultimately ensure that equal representation means equal power? What role could the Council of Europe play in this regard?

While there is doubtless a link between participation and representation, it would be a mistake to assume that just because a particular group is under-represented in the decision-making process, that group has little contact with public life. One often finds that groups which are under-represented in the decision-making organs of local government are no less active than other groups. Under-representation does not necessarily stem from lack of interest or commitment, therefore, but has to do with the functioning of the electoral machinery, including the rules and procedures adopted by political parties and groups for selecting candidates.

“Direct participation” refers to involvement of citizens in the decision-making process, alongside or instead of their elected representatives, whether in the instigation of regulatory measures, discussion of proposed action or the taking of decisions at local level. In other words, above and beyond the right to elect their local representatives in community bodies, it means empowering citizens, albeit to varying degrees depending on the case, to help find solutions to their community’s problems and giving them a direct say in the important decisions which the community must take.

There are obviously many reasons prompting citizens to participate. They either concentrate on the instrumental, expressive or deliberative aspect of participation, or else simply regard it as a civic duty. For the public bodies it provides the requisite legitimacy, as well as the where-withal for effective decision making. Lastly, it helps ensure active support from the citizens in attaining specific objectives. The challenge is to create systems of democracy in which citizens have the option of participating but which are still legitimate and efficient even if the latter decide not to take this opportunity. The crucial points are openness on the part of the institutions and awareness on the part of the citizens that they can influence a decision if they feel the need to do so.

Efforts to facilitate and encourage participation among all groups of citizens must be informed by a rights perspective. Over the years, the international community has become increasingly convinced that human rights are indivisible. This means that economic, social and cultural rights are as important as civil and political rights, and that the various rights interact and are mutually supportive. People who are socially, economically or culturally marginalised are usually less able to claim their civil and political rights. Realisation of human rights is therefore crucial to people's chances of assuming control of their own lives – to empowerment. Democracy is best served when human rights are protected and strengthened.

At the same time, broad citizen participation in an efficient democratic system is essential to the task of protecting and promoting human rights. Political participation offers people a means of exercising influence and bringing about change, whether in their own situation or in the situation of others. People who participate and become politically active are also better placed to react should a fundamental right be called into question, threatened or violated. Moreover, democratic discourse is the best environment in which to weigh all the various – sometimes conflicting – human rights against one another.

So, democracy needs to be freed from the doctrines of ethnic and cultural homogeneity that have long served as the cement holding it together, and from other discriminatory and exclusionary doctrines and practices. The European democratic community should be founded on premises that both in theory and practice include people, on equal terms, irrespective of their origins and affiliations. Bringing to light and combating structural and other obstacles that prevent different individuals from taking part in the political process – and thus exercising power and influence – should therefore be a matter of high priority in future work in the democracy field. Democratic systems develop in accordance with a living process. Solutions that are deemed appropriate at one point in time must be constantly checked and if necessary challenged in the light of social changes and the citizens' needs and expectations.

**Ana Isabel Leiva Díez**

*State Secretary of Territorial Co-operation  
Ministry of Public Administrations, Spain*

One of the areas in which the Spanish Government has focused its political action has been that of citizens' equality and the strengthening of its legal statute, to avoid all situations of discrimination.

For us, this action should be developed in all spheres, both in the area of political rights and in civil and social rights.

I am going to explain three important examples of this policy to you:

- first of all, equality of people in matrimonial and family issues;
- second, the Organic Law for the effective equality of men and women;
- third, the Personal Autonomy and Dependence Law for people in a situation of dependence.

1. The policy of the Spanish Government in terms of equality of people in matrimonial and family issues aims to respect the options of each individual in relation to marriage and setting up a family, regardless of their sexual orientation. This is an area in which we start from the conviction that each citizen should freely decide, according to his/her wishes and personal preferences, with whom he/she wishes to legally live and form a family.

For this reason, by means of the reform to the Civil Code, the subjective area of the marriage contract has been extended to couples of the same sex, with full rights with respect to heterosexual couples. It is about respecting and guaranteeing something that forms part of the intimate freedom of each individual, which affected thousands of citizens in Spain who saw how their emotional options had discriminatory consequences.

There has certainly been a lack of understanding towards this measure by part of the conservative sectors, but my government and the parliamentary majority which supports it were extremely clear that the important thing was to respect personal freedom so that cultural

parameters are not imposed on anyone here: each individual freely decides with whom he/she wishes to marry and form a family, without the state interfering in this personal option, or anybody imposing their moral or religious convictions on other citizens.

Furthermore, we have seen how, in the end, this reform has been used by people of the most diverse political tendencies or social classes, and that the vast majority of Spanish society, now mainly in favour of this reform, is accepting it as quite natural.

2. Second, in the field of policies on gender, I would like to highlight Organic Law 3/2007 on the effective equality of men and women. It is a truly transversal law, aimed at encouraging effective equality of all individuals, regardless of their gender, in all spheres.

It establishes a strong guarantee of the principle of equality and protection against discrimination, aimed at ensuring equal treatment and opportunities in access to employment, training and professional promotion and working conditions; punishing sexual harassment in all of its forms and any discriminatory practice.

It also regulates the law and public policies on equality, forcing the government, in the issues which fall within the competence of the state, to regularly approve a strategic equal opportunities plan, which will include measures to achieve the objective of equality between men and women and eliminate discrimination on grounds of sex, and the government is obliged to prepare a regular report on all its actions in relation to the principle of equality between men and women. Similarly, among other measures, it anticipates that the public authorities will attempt to deal with the principle of the balanced presence of men and women in the appointment and designation of the positions of responsibility which correspond to them. It is even anticipated that in order to move towards an equal distribution of time between men and women, local corporations may establish municipal plans for the organisation of the city's time, with the possibility of technical assistance from the state for this purpose.

The law anticipates a whole series of areas in which to develop administrative action for equality between men and women, particularly in the education system, but also in artistic creation and production,

health, information, sports, rural development, urban policies, territorial planning and housing, co-operation for development, public contracts and subsidies.

The law gives special importance to equality in the media, at work and in the business world, in public employment and access to goods and services and their supply. I would particularly like to point out the obligation that trading companies attempt to include a number of women on their board of directors in order to reach a balanced presence of men and women within a period of eight years.

An important aspect of the equality law refers to political rights. It is anticipated that candidatures presented as representatives in Congress (lower chamber of the Spanish Parliament), municipal elections in municipalities of more than 3 000 inhabitants and members of representative bodies of the islands when they exceed 5 000 inhabitants, representatives of the European Parliament and members of the legislative assemblies of the Autonomous Communities should have a balanced composition of men and women, so that each of the sexes represents at least 40% of the entire list of candidates, and except when the number of positions to be covered is less than five, the proportion of men and women should be as close as possible to a numerical balance.

In order to ensure that the balanced access of men and women to elected positions is effective, the law anticipates that the minimum proportion of 40% is also maintained in each section of five positions on the aforementioned electoral lists.

The application of these provisions enabled more than 22 000 women throughout the country to be elected in the local elections held throughout Spain on 27 May, to renew all elective posts in the municipalities.

3. Finally, I am going to briefly introduce the advances involved in Law 39/2006, on promoting Personal Autonomy and Care for people in a situation of dependency. With this, we enter into the sphere of social rights and the overcoming of conditions which prevent equality of individuals in this case, physical or psychiatric conditions.



It is an extremely important law, as it is estimated that 9% of the Spanish population has some kind of disability or limitation which has caused or may cause him/her dependency in activities of daily life or support requirements for personal autonomy in equality of opportunities.

With this law, a fourth mainstay of the welfare state is formed – the National System for Dependency – and a new universal and subjective right is established which ensures attention and care for people in a situation of dependency.

This system is made up of a public use network in which public and private accredited centres and services will be integrated.

All the public administrations will co-operate in its development. The Territorial Council of the National System for Dependency will be a co-operation instrument for the organisation of the system, consisting of the General State Administration and the Autonomous Communities; and the Consultative Committee of the National System for Dependency will make the institutionalised participation of the union organisations and the state autonomous and local public administrations effective.

The state and autonomous administrations will finance the system and the beneficiaries will participate in the funding in accordance with their income and patrimony.

As of 2007, the right to be evaluated to assess the degree and level of dependence and the corresponding assistance will be universalised. Recognition of this right will be issued by the Autonomous Communities and will be valid throughout the state.

Beneficiaries will be able to receive services (prevention of situations of dependence, tele-assistance, home help, day and night centres, residential places), or economic benefits, in the absence of public supply (to contract the service, for care in the family environment – although the latter is only for exceptional cases – and for personalised care).

In conclusion, the Spanish Government has considered it necessary to establish amongst its priorities the strengthening of the rights of citizens and equality in their implementation, eliminating the obstacles

which prevent them from becoming effective. With this action, we are doing no more than fulfilling the express mandate established in Article 9, Section 2, of our constitution, which states: “It is the responsibility of the public authorities to promote conditions ensuring that freedom and equality of individuals and of the groups to which they belong are real and effective, to remove the obstacles preventing or hindering their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life.”

However, these complex demands may only be satisfied with a determined action policy and a courageous commitment to citizens, and this is what we are trying to do.

## **How the state creates exclusion: rights and participation in immigration politics**

**Marco Giugni**

*University of Geneva, Switzerland*

The historical process of state formation in Europe has followed different paths, following the geopolitical situation and the availability of different kinds of resources at a given time. American sociologist and historian Charles Tilly, for example, has shown in an influential book that different combinations of coercion (power, political resources) and capital (money, economic resources) have created three distinct paths and types of state, which he called coercion-intensive, capital-intensive, and capitalised coercion (*Coercion, capital, and European states*, Blackwell, 1990).

At the same time, this process of state formation has had, so to speak, two main side effects. On one hand, it has contributed to the democratisation of society and the state itself, most notably by progressively integrating larger shares of the population into the political system and process (be it through a top-down or a bottom-up mechanism, perhaps both of them at the same time, that is, through negotiation between the power holders and the subject population). The bulk of the scholarly literature has stressed this kind of effect (see, for example, Michael Mann's *The sources of social power*, Cambridge University Press, 1986 and 1993, Volumes 1 and 2, respectively). Yet another, quite opposed, effect has occurred in this process: social exclusion. By the very same mechanisms through which the process of state formation has led to democratisation, it also excluded certain groups from the political and social spheres. Including some means excluding others.

Since the process of state formation has followed different paths, this pattern of integration and exclusion varies across countries. In other words, European states today display different degrees of integration and exclusion. While, of course, in liberal democracies all citizens are, or at least should be, equally integrated and have the same rights, this is not necessarily true for certain social groups. In a recent study conducted with a number of colleagues (see Koopmans et al., *Contested citizenship*, University of Minnesota Press, 2005), we have tried to

show how European states differ in the rights they grant to an increasingly important group: immigrants and ethnic minorities. Furthermore, we have tried to show that such differences in rights lead to differences in the political participation of migrants, hence creating a double layer of exclusion: through the lack of rights and through a low participation in the political life of the receiving society. It is in this sense that I speak of how the state creates exclusion.

The core idea in this perspective is related to the concept of citizenship. As Rogers Brubaker has stressed in his *Citizenship and nationhood in France and Germany* (Harvard University Press, 1992), the national state is an instrument of social closure. Such social closure has a double nature. On one hand, it is territorial and political. By delimiting its territorial and political boundaries, the state defines who is in and who is out, who is to be integrated and who is excluded, who is entitled to citizenship rights and who is to remain a “foreigner”. On the other hand, the state also defines social and cultural boundaries: who belongs to the state in social and cultural terms and who is excluded from the “community of citizens”.

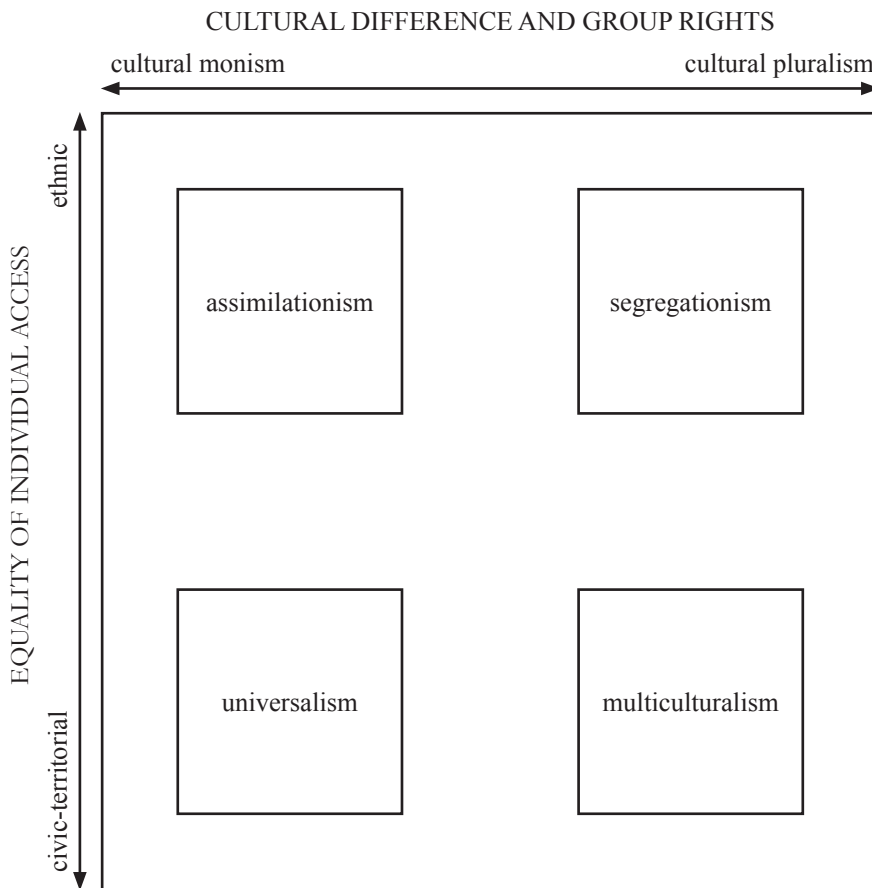
As a result of this double process of social closure, the state grants migrants a differentiated set of individual rights of access to citizenship and of cultural group rights. The combination of such types of rights is what one may call a “model” or “configuration” of citizenship. Since we have two main dimensions (a formal dimension relating to equality of individual access to citizenship and a more informal dimension pertaining to cultural difference and group rights), we obtain four situations (Figure 1): assimilationism combines an ethnic definition of nationhood and citizenship with a monistic view of cultural difference and group rights; universalism results from the combination of a civic-territorial definition of individual access to citizenship and a monist view of cultural difference; multiculturalism stems from civic territorial criteria for individual access together with a pluralist conception of cultural difference; and, finally, segregationism is a situation in which coexist ethnic criteria of individual access and a pluralist view of cultural difference and group rights.

Three of these four models are found in traditional immigration countries (the fourth might have been historically present in the past,

for example under the Apartheid regime in South Africa, but seems absent today). In our research, we studied five countries: Britain, France, Germany, Switzerland and the Netherlands. These five countries can be situated in different places within the two-dimensional space of conceptions of citizenship. Based on a systematic set of indicators of state policies and practices towards immigrants, we can say that Britain and the Netherlands correspond to the multicultural model, Germany and Switzerland to the assimilationist model, and France to the universalist model. This is not too far from common sense.

The traditional European countries of immigration therefore grant migrants different sets of rights (both individual and collective). Here we have the first layer of exclusion. For example, immigrants in the Netherlands have many more rights than their counterparts in Switzerland. The most important point, however, is perhaps that these differentiated sets of rights lead to the second layer of exclusion: that concerning political participation. We hypothesised that these four citizenship models provide different opportunities for participation for migrants. The main argument, which is more general and applies also to other actors who intervene in the immigration political field, runs more or less as follows. Cross-national variations in political contention over issues pertaining to immigration and ethnic relations can be explained by different conceptions of national identity and their crystallisation in integration and citizenship policies specific to each nation. Such conceptions and policies act as a set of institutional and discursive opportunities and constraints. On one hand, they determine the rights and duties of immigrants, as well as the institutional resources and channels available to collective actors to address claims to the state and other social actors. On the other hand, cultural notions of citizenship and national identity determine which points of view about the relations between immigrants and the host society are considered as sensible, which constructions of reality are considered as realistic, and which claims and collective actors are considered as legitimate within the political system. Together, such institutional and discursive opportunities facilitate the mobilisation of certain collective actors with certain kinds of collective identities and specific demands, while preventing or making more difficult the mobilisation of other actors and the expression of other identities and demands.

**Figure 1:\* A two-dimensional space for situating conceptions of citizenship**



Does this theory hold when tested against empirical evidence? Let us focus on migrants and more specifically on three aspects of their political mobilisation: their presence in the public domain, the orientation of their mobilisation, and the thematic focus of their mobilisation (Figures 2, 3, and 4). First, the share of claim-making by migrants is higher in Britain and the Netherlands than in the other three countries and especially than in Germany and Switzerland. Exclusion leads to weaker participation. Second, migrants in Germany and Switzerland mobilise very often on issues pertaining to their homeland, while in the other three countries they do so mainly to claim new rights in the host society. Exclusion leads to a lack of interest in the country of

residence. Third, migrants in Britain and the Netherlands put much more emphasis on their integration in the receiving society than in the other three countries, where the focus of their mobilisation lies elsewhere. Exclusion leads to focus on issues other than integration. A similar argument could be made with respect to the forms of action, showing that migrants act more violently in the two assimilationist countries (Germany and Switzerland), that is, when they are more excluded.

**Figure 2:\* Actors in immigration and ethnic relations politics, by country**

	Netherlands	Britain	France	Germany	Switzerland
Governments	29.3	16.1	17.4	22.3	17.4
Legislatives and political parties	24.0	14.7	24.7	22.4	33.2
Judiciary	2.8	9.2	3.7	5.4	2.9
State executive agencies	6.9	13.5	4.7	7.3	10.7
<i>Total state and party actors</i>	<i>62.9</i>	<i>53.6</i>	<i>50.6</i>	<i>57.3</i>	<i>64.1</i>
Socio-economic interest groups	7.9	6.9	6.7	6.5	7.1
Migrants and minorities	8.8	18.1	10.2	6.5	5.3
Extreme right and racist actors	6.9	2.7	10.2	10.4	7.0
Anti-racist and pro-minority groups	7.3	8.9	11.3	8.3	5.9
Other civil society groups	6.2	9.9	11.0	11.0	10.7
<i>Total civil society actors</i>	<i>37.1</i>	<i>46.4</i>	<i>49.4</i>	<i>42.7</i>	<i>35.9</i>
Total	100.0%	100.0%	100.0%	100.0%	100.0%
N=	2286	1313	2388	6432	1365

**Figure 3:\* Distribution of migrant claims across four types of claim-making**

	Netherlands	Britain	France	Germany	Switzerland
Transplanted homeland politics	9.1	1.8	2.6	27.3	42.9
Homeland-directed transnationalism	9.1	3.3	3.9	15.6	12.3
Country of residence-directed transnationalism	6.4	5.5	2.9	3.5	2.0
Purely national claims	75.5	89.3	90.7	53.5	41.4
Unknown	-	-	-	0.1	1.5
Total	100.0%	100.0%	100.0%	100.0%	100.0%
N=	298	272	313	921	203

**Figure 4:\* Substantive focus of migrant claims on immigration and ethnic relations**

	Netherlands	Britain	France	Germany	Switzerland
Immigration, asylum, aliens politics	23.6	19.8	37.5	27.2	26.3
of which residence rights and recognition	7.4	6.6	28.5	9.6	4.9
of which entry and exit	9.7	7.0	6.3	11.5	20.0
of which other	6.5	6.2	2.7	6.1	1.4
Minority integration politics	55.1	55.0	30.3	18.7	27.5
of which citizenship and political rights	6.5	3.1	1.5	5.4	1.3
of which social rights	9.8	10.8	4.1	0.6	6.3



	Netherlands	Britain	France	Germany	Switzerland
of which religious rights	15.7	12.0	12.4	2.6	3.8
of which other cultural rights	5.1	5.1	6.0	2.7	2.6
of which discrimination and unequal treatment	4.6	19.8	1.5	1.7	2.5
of which crime and political extremism	10.2	1.6	3.0	2.1	4.8
of which other/ general integration issues	3.2	2.6	2.8	3.6	6.2
Anti-racism	16.2	19.4	25.5	53.4	40.0
of which institutional racism	3.7	7.4	0.7	4.0	1.3
of which non-institutional racism, xenophobia, extreme right	12.5	12.0	25.1	49.4	38.8
Inter- and intra-ethnic conflicts	5.1	5.8	6.4	0.6	6.3
Total	100.0%	100.0%	100.0%	100.0%	100.0%
N=	216	258	267	470	80

\* Source: Ruud Koopmans, Paul Statham, Marco Giugni and Florence Passy, *Contested citizenship: immigration and cultural diversity in Europe*, University of Minnesota Press, Minneapolis.

In conclusion, these data suggest that the historical process of state formation has led to varying degrees of exclusion across European states, both in terms of rights and in terms of political participation. A similar reasoning could be applied to other policy fields and other social groups. For example, we have tried to show that different conceptions of the welfare state lead to variations in the rights and participation of unemployed in different European countries.

## **Report on Sub-theme 2**

**Laura Morales**

*University of Murcia, Spain*

This sub-theme aimed at addressing various aspects of how discrimination operates for citizens' access to the public sphere, as well as at providing ideas and solutions to reduce the sources of discrimination in participation in decision-making processes. The common thread that linked all discussions and debates in the various sessions and work groups was the need to provide institutional solutions that will facilitate equal access to all individuals to the public arena and that will, thus, empower the less-privileged groups in society.

In this regard, it was specifically highlighted that the sources and reasons for non-participation need to be clearly understood in each specific case. Non-participation is not a problem for the democratic process if citizens refrain from participation out of satisfaction; however, it is more frequently the case that citizens want to participate and have a say and they are not able to do so due to a lack of resources or opportunities. And, unfortunately, resources and opportunities are not equally distributed among the population and its social subgroups, and this is commonly the source of exclusion and discrimination.

In tackling this relevant issue of political access and participation, the sub-theme group focused first on the general and broad issue of democratic citizenship, participatory inequalities, and the role of the state in defining inclusion.

### **Citizenship, participation and the state**

The plenary session opened up the debate by reminding us that, whereas participation and involvement in the public sphere beyond periodic elections is extremely important for the quality of democracy, it also opens many venues for additional inequalities in political inclusion in decision-making processes. When promoting an expansion of participatory venues we need to take this potential peril of increasing inequalities into account, and ensure that all individuals and groups are equally empowered in the process.

From this starting point, Professor Anders Westholm explained how participation in the public sphere is multidimensional. Different forms of intervening in the public arena have different impacts, different purposes, and require very different resources (time, money, skills, social contacts, etc.). Furthermore, participation in the public arena may be mainly addressed to the production of collective outcomes or, on the other hand, it might be oriented towards achieving personal or individual outcomes. Here is where the distinction between “large-scale” and “small-scale” democracy proves useful. The former indicates the vast array of forms of participation that are mostly aimed at producing collective outcomes (for example, voting, party activity, contacting, protest activity, consumer participation, etc.), whereas the latter is primarily directed at having a substantial impact on the daily life of the individual who acts (for example, participation in the work domain, student education, child education, child care, health care, housing, etc.).

Clearly, empowering individuals requires paying sufficient attention to both strategies of participatory inclusion: large-scale and small-scale democracy. Promoting inclusion in the public sphere demands that citizens are able to have a say in the crucial decisions that political elites and the various branches of representative government take; but it also requires that individuals have a greater say in the domains that affect their daily lives: the workplace, the school, the health care system, their neighbourhood, etc.

In this sense, Professor Marco Giugni stressed that the role of the state should not be underplayed. Still, in a globalised world with common social and economic forces, the state is the primary agent to shape the basis of citizenship and, thus, of inclusion and exclusion. The state, through the granting of rights and the conformation of cultural communities has a crucial impact on the resources and opportunities citizens have for participation.

In summary, any attempt to promote citizen participation and empowerment needs to take into account these various aspects: participation is multifaceted and individuals can be empowered at various levels and in several domains of their lives; different forms of participation require varying resources; resources are unequally distributed across

social groups; and state institutions play a crucial role in conforming how individuals perceive opportunities to participate and how they employ them.

These broad lines helped to frame the debates that took place, at a later stage, within separate subgroups. Each of these addressed different aspects of the processes of empowerment and inclusion in the public arena. One of the subgroups discussed the aspect of discrimination and exclusion. A second subgroup focused on the issue of gender equality and inclusion. Finally, a third subgroup centred their debates on good strategies and practices to promote listening to the “silent” voices of the excluded groups.

### **Discrimination and exclusion**

This work group reflected broadly on the issue of discrimination and exclusion. In this regard, it was acknowledged that social inequalities are very frequently transformed into political inequalities. Some characteristics which structure individuals’ status in society are valuable resources for public action and facilitate access to decision-making centres. If social inequalities are translated into unequal access to the public sphere, it is quite likely that the former will perpetuate to a certain extent. However, it is not always quite clear how and under what circumstances socio-economic characteristics, such as education, age, ethnicity, gender and income, translate into factors of participatory inequality. Indeed, the social inequalities that produce political inequalities vary widely across democracies. Thus, not all resources and social traits are equally relevant in all political contexts, precisely because political institutions interact with the role of the various socio-economic resources in fostering or hindering access to the political sphere. Political institutions can, for example, mitigate the inequalities due to unequal access to or achievement in education by making access to the political decision-making arenas easy and uncomplicated.

There is a common distinction between direct and indirect forms of discrimination. For example, EU Directives 2000/78 and 76/207 define direct discrimination as the situation where “one person is treated less favourably than another has been, is or would be treated

in a comparable situation”. Whereas indirect discrimination is defined as the situation where “an apparently neutral provision, criterion or practice would put persons ... at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary”.

Direct discrimination that is based on written norms and rules is relatively easy to detect and combat. Direct discrimination that is informal and based on practices rather than norms is much more difficult to establish empirically (beyond using statistical probabilities) and even more difficult to combat. For example, women in most countries are under-represented in elected offices. This might be because women are discriminated against as candidates (mostly by political party leaders), or because they lack the motivation and resources needed to gain a position as candidates in “safe” positions. We can just substitute women for any other underprivileged group (youth, ethnic minorities, disabled people, etc.).

If formal rules are not clearly discriminating, then unequal access to decision-making processes and arenas can be either due to subtle discrimination (a matter of practices) or to lack of resources, or a combination of both. Thus, in reality, it may be difficult to distinguish clearly between discrimination and the more ordinary social inequalities. In a sense, social inequalities and discrimination would form some sort of continuum of lesser to greater barriers in access to the public sphere.

How can political institutions mitigate social inequalities and discrimination? Policy actions need to be adapted to the sources of inequalities or discrimination. When discrimination is formal and based on legally sanctioned inequalities, legal reforms are required. Rights need to be established and public authorities need to enforce those rights and sanction discrimination that is based on the violation of the laws.

However, when discrimination is informal (be it direct or indirect) and is based on practices rather than on the recourse to discriminating legal codes, legal reforms might be of little use. For informal practices

of discrimination it usually proves more useful to focus on educating the public and the elites, while changing the incentive structure with positive incentives.

In fact, a concern was raised that the view on empowerment and discrimination too frequently puts the accent on the underprivileged or the minority groups' behaviour and capacity to get involved, whereas involvement also requires that the majority population is educated into acceptance and inclusion. Empowerment, thus, requires an interaction between discriminated groups and discriminating groups.

Finally, when inequalities in political access are more often due to lack of sufficient resources from the underprivileged group rather than to outright discrimination, the most efficient way of reducing these inequalities is to lower the barriers to access while, of course, trying also to reduce the initial social inequalities.

With these premises, the participants in the work group agreed on a series of recommendations for the Council of Europe and its member states:

- The Council of Europe should consider providing some guidelines on minimal standards that should be met by all member states as regards ethnic minorities.
- The participants in this work group of the Forum invite the Committee of Ministers of the Council of Europe to take all necessary steps to remind and invite member states to ratify and implement international documents (protocols and conventions) in the field of the integration of migrants in the host communities, in particular the 1992 Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144).
- It is important to design tailor-made recommendations when attempting to combat discrimination and foster equal political inclusion. General recommendations are, inevitably, too broad and superficial to be of clear usefulness to many member states. In this sense, it would be useful to issue different recommendations to different clusters of countries, especially if representatives from those countries are present in the work groups that will issue the recommendations.

- It was very much stressed by the participants that education has a decisive role to play and is a prerequisite for political equality, democratic inclusiveness and avoiding discrimination. Education helps people to acquire the knowledge, skills and attitudes they need to play an active part in democratic life and exercise their rights and responsibilities in a democratic society.
- The work group agreed that education is an important tool to foster democracy and to eliminate discrimination. All stakeholders involved in the political process at the international, national, regional and local levels should undertake measures to bridge the gap between abstract policy and practice and to evaluate their work so that “learning and living democracy for all” can become a reality.
- In this regard, the group agreed to request the Steering Committee for Education to continue its work on education for democratic citizenship and human rights education (EDC/HRE) and other relevant programmes with a special focus on combating discrimination and developing concrete measures for inclusive education, particularly for the socially and culturally excluded (for example, migrants and minorities).
- In general terms, the group considers it very important to provide young people and adults with the knowledge and skills needed to make their voices heard and to get involved in politics and all matters that affect their lives. And in this sense, it invites regional and local authorities to support educational measures for democracy by implementing, among others, the European Charter on the Participation of Young People in Local and Regional Life, as well as to promote opportunities for people to participate in EDC projects (for example, “sites of citizenship”) through active co-operation with educational institutions.

A final, overall conclusion of this work group was that, in the future, more evaluation and assessment of the effectiveness and impact of the measures and initiatives put forward by the Council of Europe and the member states is needed. Evaluation of success and failure should provide useful information about ways forward, good practices and ineffective policies.

## **Gender equality and inclusion**

The aim of this session was primarily to discuss how equal representation of both men and women can be reached, and whether equal representation is a sufficient goal for the democratic process. In this regard, the debates intended to provide answers to the following questions: Is equal representation the same as equal power? What is the impact of the gender power structure on equal representation and on women's ability to enact their democratic rights? These questions were addressed with a consensus on the real need to provide guidelines and recommendations to the Council of Europe in its quest to achieve gender equality.

Although there is general support for women's human rights and the principles of democracy, many women still are excluded or, in practice, prevented from participating in the political process. This fact importantly impedes women from having a real say in decisions that affect their daily lives. The premise is, thus, that women still lack equal power and access, and they therefore need to be empowered. The quality of our democracies is clearly impoverished when half of the population are *de facto* unequal and excluded in important ways in the decision-making processes. And it is, hence, important to stress that gender equality should be viewed as a necessary step towards assuring respect for human rights, and thus a concern for both men and women alike.

Democracy requires sharing power among different groups in society, and its main principle is that all individuals are equally capable of contributing to the direction of the community as a whole. In this regard, representative institutions and mechanisms are not enough if power is not really shared among the various social groups and it remains in the hands of a certain sector of society. However, sharing power across genders is hindered by the fact that men and women live in different social systems. From childhood, men and women are raised to play different roles in society, learn to have different expectations and are treated differently. Not surprisingly, this gendered social system – the features of which certainly vary across democracies – also produces a gender-biased power system. The harshest expression of this gender-biased power system is violence towards women



and human trafficking, which is a common major problem in all societies.

It is in this sense that the participants in this session wished to highlight that combating discrimination is not just a matter of achieving equal representation within institutions –which, naturally, is of primal importance. It also requires eliminating the gender bias of the power system at all levels of society, and it especially calls for combating unequal treatment, and especially violence towards women.

The main difficulty is that, whereas implementing institutional changes that address formal issues – such as gender quotas or legal reforms – can be relatively rapid, achieving the social transformations that would make the power system more balanced is proving a slow process. In this regard, the work group was able to agree on a series of recommendations to put forward to the Council of Europe that may guide its future work in promoting gender equality and inclusion.

- Promote equal participation of women and men in decision making. Analyse who is included in decision-making processes and bodies and who is left out.
- Promote the use of temporary special measures, such as gender quotas, which usually have a positive impact on women’s representation in the short term. In this regard, the Convention on the Elimination of All Forms of Discrimination against Women, Article 4, allows the use of this kind of temporary measure.
- Be more aware of the difference between *de jure* equality (legislation) and *de facto* equality for real and effective democracy. Periodical impact assessments of the latter are urgently needed to evaluate the effectiveness of the former.
- “Gender mainstreaming” is fundamental to any strategy for gender equality and inclusion, and it should operate in parallel to temporary measures such as the gender quotas. The Council of Europe and its member states should put more energy and financial resources into gender mainstreaming, and consider the gender dimension in all sorts of decisions and plans.

- It is fundamental to increase efforts in eliminating gender stereotypes in society. This includes the support for the reconciliation of the public (primarily work-related) and the private (especially, family-related) domains. But it also requires ensuring equal economic independence.
- It is of crucial importance to set up a process of education and knowledge-building about the gendered social system and the gendered power system within the Council of Europe, in order to promote inclusion and shared values.
- Any successful strategy will need to involve various levels of government: from the international to the local level. Implementation needs to be assessed also at the local levels of government, as actions and results at the local level have a direct impact on people's everyday life and on their attitudes towards equality and democratic participation. In this regard, it is also important to recognise and support the important role of NGOs and of the media.
- It is also necessary to recognise the diversity among women and men. The two groups are certainly not homogeneous within, and their needs differ during their lifetime, or according to their sexual identities.

In summary, the conclusion of this work group is that gender equality needs to be conceived as a continuous learning process. Women need to be empowered and men need to take their democratic responsibilities, share power and learn more about gender discrimination. This implies that society as a whole should be prepared for this equal sharing of power, and to the accompanying change of attitudes and values.

### **Listening to silent voices**

The main aim of this work group was to address the need to have instruments to monitor change in terms of our capacity to listen to silent voices. The main concern was on how to adequately combine legal instruments that guarantee that silent voices are indeed heard, with capacity-building and other bottom-up initiatives that rely on excluded groups making their voices heard by their own initiative. A

common conclusion was that continuous assessments of the impact of both models of inclusion are needed in order to be able to ascertain how to combine both strategies at the right time. Given that resources are scarce and crucial, they need to be allocated adequately to each tool and assure that both strategies are appropriately combined.

Indeed, promoting bottom-up approaches and strategies is substantially more complicated than promoting legal changes and strategies. It requires a substantial shift of focus, to the extent that procedures must take into account what instruments the “silent” social groups favour for their voices to be actually heard. Pre-decided procedures and instruments are likely to fail if they do not take into account the specific needs excluded groups have in order to make their voices heard. Clearly, one of the main difficulties of these approaches is that they require capacity-building within the underprivileged social groups and communities.

On the other hand, a crucial aspect in the design of strategies to promote the voice of the silent peoples is that it is essential to constantly revise and update the definition of the target groups. Listening to the silent voices is an ongoing task, a continuous process over time, as excluded groups frequently change in their composition and social position. Previously excluded groups become integrated, and new groups become silent and excluded.

An important discussion was raised around the role that should be reserved for political parties and the role assigned to NGOs. Which are the actors that more adequately aggregate the interests of the silent groups? It was commonly acknowledged that NGOs are crucial actors in representing the voice of the people; however, there was a concern that frequently this is not the voice of the “silent” people, as the latter usually lack the resources to get organised. In principle, this aggregation of interests that should also include the needs and preferences of the underprivileged is a role commonly reserved in representative democratic systems for political parties. Nevertheless, there is a growing concern that political parties no longer play this role adequately and do not manage to represent the needs of the excluded groups, given their increasing reliance on middle classes to win elections. A common conclusion is that there is an increasing need to ensure that

political parties and NGOs interact and co-operate more closely to ensure an adequate representation of the silent voices.

Finally, the work group acknowledged the crucial role of international and regional organisations in helping to amplify the sound and spread of silent voices. The agendas of these organisations help to raise awareness of the needs and problems of the excluded groups in society and provide positive synergies that contribute to give voice to the silent peoples. The work group encourages the Council of Europe to continue working on projects and programmes that will actively promote the idea of listening to the silent voices.

### ***Sub-theme 3***

#### ***The involvement of civil society – The respect for freedom of expression and freedom of association***

##### **Issues paper**

##### **“The respect for freedom of expression and freedom of association essential to the involvement of civil society”**

Helene Lahti Edmark

*School of Social Work, University of Lund, Sweden*

The creation of a strong civil society is a challenge to any country striving to form a living democracy. How to reach this goal, however, is a topic for discussion not only among politicians and officials, but also among researchers. Some research scientists claim that one of the main ways to create a vigorous civic society is to support the establishment of NGOs. Not only do NGOs tend to bring people together on subjects of special interest to them, but they also offer good opportunities to raise interest in urgent issues within society which go beyond their main interests, and to mobilise their members. The training in democratic skills acquired within such organisations is regarded as a very important spin-off effect. Thus NGOs play a crucial part in breathing life into society.

Other researchers claim that a trusting relationship between citizens and state officials is crucial in building a strong civil society, but that this does not necessarily depend on the presence of NGOs. This view is based on the assumption that not only is a wide range of democratic forms of contact at hand, encompassing, *inter alia*, the right of freedom of expression, but also that the necessary forums are provided. In many countries, however, this cannot be taken for granted, and it is in these that NGOs often shoulder the responsibility and attach importance to striving for open conditions for debate, including freedom of speech, thus helping to produce a vitalising effect on society.

The Nordic countries have long experience of close relationships between independent NGOs and state officials and retain a strong belief in mutual understanding between the two, leading to a wide

range of consensus solutions. Freedom of expression and assembly are taken for granted. But does this mean that there are no problems? A current subject of discussion is the risk that too close a relationship between the state and established NGOs could have a restrictive effect on freedom of action. One case in which this might occur would stem from the state taking the opportunity to try to exercise control over an NGO in order to obtain the outcome that it seeks. There is also, however, a tendency for a bond between the two to lead to a situation where the biggest and best-established NGOs occupy the negotiation arena and thereby exclude new players in the NGO sector. The situation may be viewed as a struggle for space and resources, in a situation where NGOs are struggling to make their voices heard, not only against commercial forces, but also against younger generations and new forms of NGOs.

Although the situation and prerequisites of NGOs differ in nature in different countries, the example above shows that all countries have reason to raise the question of whether there are equal opportunities to set up NGOs in every case. If there are not, the question is that of how equal opportunities can be guaranteed. Can equal access to decision-making bodies be achieved? Are all decision makers willing to listen to the citizens in NGOs? What is the situation, and what experience has been gained, in other countries? Are there elements that could be regarded as a possible basis for a code of good practice?

Although there are plenty of opportunities to organise in the Nordic countries, for instance, the “old” NGOs are tending to start to lose members. The challenge for the future, if NGOs are thought to have an important part to play in breathing life into society, is to find a range of ways to encourage commitment within civil society. New social movements and new NGOs often create the means of achieving a more widespread form of commitment. Often focusing on single-issue debates, these organisations spread quickly, crossing national borders with the help of new technology. But do these new-generation NGOs automatically ensure that basic democratic values are understood and shared? Can these organisations, supplementing the efforts of the more established NGOs, offer opportunities to solve such

problems as the divide between citizens and decision makers? And what if they are unsuccessful? What are decision makers to do if citizens do not feel represented or listened to?

Finding ways of involving citizens is crucial as we strive to create a vigorous society. NGOs provide a way of reaching a large number of citizens who are already prepared to commit themselves, at least on questions relating to their fundamental interests. There is much experience to be shared as regards how to manage these opportunities to build bridges between citizens and decision makers, for example, by supporting and encouraging the setting up of NGOs. In this context, respect for freedom of expression and freedom of association are essential to the building and maintenance of a vigorous democracy.

### Workshops on Sub-theme 3

#### Jean-Marie Heydt

*Vice-President of the Conference of International Non-Governmental Organisations of the Council of Europe*

We know that a vibrant society, based above all on freedom of opinion, expression and association, is a key element of democracy.

Yet we can no longer ignore the fact that our current situation, one that has worried our elected representatives for several years, derives from a wide-ranging loss of belief or conviction and disengagement. The French writer Jean-Claude Guillebaud argues that this loss of conviction, coupled with rejection of religions, lack of interest in politics and the decay of trade unions and the family, has led to a spirit of egocentricity and loss of commitment to European construction. He believes that the door is now wide open to a “return of idols”, leading to a transition from belief to lack of belief.<sup>1</sup>

In my view we have all contributed to this loss of conviction, which has been slowly developing since the Age of the Enlightenment, by only according secondary importance to the notion of participation. We call for this participation, we state our belief in it, we work on it and often we claim – even in writing – that it really exists.

But to apply an image, if we really wish to understand what place participation all too often occupies we must recognise that it is treated merely as a school playground activity when the future is actually being decided in the classroom.

The organisations we represent have rolled up their sleeves and are creating the necessary conditions for a new form of participation in our democratic societies.

Our discussion must therefore take on board and reconcile two dimensions of the process that are inextricably linked: the opportunity for civil society participation and the obstacles it faces.

---

1. Jean-Claude Guillebaud, *La force de conviction: à quoi pouvons nous croire?*, Seuil, 2005.



We must therefore ask the following questions:

- How can we encourage the creation of NGOs, while ensuring that those who wish to achieve this objective are guaranteed equal opportunities?
- How can we ensure equal access to decision-making bodies? One of the main challenges facing democracy is the gap between citizens and decision makers.

We must therefore bridge this gap and consider the value of drawing up a code of good practice for civic participation, as already discussed at the 2005 Warsaw Forum.

We now welcome four panellists, each of whom will offer his or her particular contributions to open discussions in the workshops.

The panellists are Mrs Nina Belyaeva, Russian Federation, NGO Coalition “We, the citizens!”; Mr Aleksandër Biberaj, Albania, Member of the Parliamentary Assembly of the Council of Europe (EPP/CD); Ms Basak Demir, Youth Advisory Council of the Council of Europe; and Mr Christer Hallerby, State Secretary, Ministry of Integration and Gender Equality, Sweden.

The workshops will consider the following themes:

*Workshop 1: Encouraging civil society commitment*

How can we encourage the creation of NGOs? Other issues may be raised, such as how to ensure that citizens wishing to establish NGOs enjoy equal opportunities, how to ensure equal access to decision-making bodies and what to include in a possible code of good practice for civic participation.

*Workshop 2: Bridging the gap between citizens and decision makers*

How should we respond when citizens feel they are neither represented nor listened to? How does this credibility gap affect political legitimacy? How can we bridge the gap between citizens and decision makers? If citizens believe that decision makers cannot be held accountable for their decisions, how do we respond?

**Power and empowerment – The interdependence of democracy and human rights**  
**Bringing a youth perspective**

**Basak Demir**

*Youth Advisory Council of the Council of Europe*

Youth participation in democratic life is stressed in various instruments, including the Revised European Charter on the Participation of Young People in Local and Regional Life, the UN World Youth Programme of Action to the Year 2000 and Beyond, the European Charter on Youth Rights and the White Paper on Youth. All these texts call for establishment of the machinery and introduction of the youth policies needed to facilitate participation by young people in decision making at local, national and regional level.

The Council of Europe's Advisory Council on Youth lays special emphasis on giving the Forum for the Future of Democracy a youth perspective. With its co-management system, it offers a unique example of involvement of the young in decision making at European level.

The Advisory Council is a Council of Europe body, and the non-governmental arm of the Joint Council on Youth Questions. Its main function is to make recommendations to the Joint Council and other Council of Europe bodies on policy and programme issues relating to the Organisation's youth sector. It comprises 30 representatives of non-governmental youth organisations and networks, serves as a channel for opinions and input from youth NGOs on all youth sector activities, and ensures that young people are involved in the Council of Europe's other activities. It is represented on the Programming Committee on Youth, which prepares, monitors and evaluates the programme of the European Youth Centres and the European Youth Foundation.

With its system for co-management of the Council of Europe's youth sector, the Advisory Council on Youth empowers civil society to participate in public and democratic life.

To foster democracy, human rights and social networks, the Council of Europe's youth sector includes promoting human rights education and intercultural dialogue, youth participation and democratic citizenship, social cohesion and inclusion of young people, and youth policy development among its priorities for 2006-08.

Promoting human rights, as defined in the European Convention on Human Rights, is a core element in the Council of Europe's mission. This process starts with the Convention itself, and human rights education is a vital part of it.

The Human Rights Education programme for young people is an important means of establishing and consolidating the teaching and study of human rights throughout Europe. It builds on the Council of Europe's youth sector's work on intercultural learning, and participation and empowerment of minority youth, and its expertise in developing educational approaches and materials for youth work practitioners.

Youth participation is an essential part of the youth sector's mission. By establishing, from the outset, a true partnership between civil society (youth organisations and networks) and governments through its co-management system, the youth sector has provided an exemplary model – and one which should be used to promote participation by young people in democratic institutions and processes throughout Europe.

Young people today increasingly feel that political institutions are out of touch with life as they know it, and are neither fully representative nor accessible. Those who come from marginalised or disadvantaged groups often lack the channels they need to articulate their concerns and interests. In many countries, women, and particularly young women, do not participate on an equal footing in public life. Some young people react by more or less turning their backs on the democratic political process, either taking a brief, half-hearted interest at election time or becoming wholly apathetic.

Various efforts have been made to increase participation by young people, and particularly young people from disadvantaged and minority groups, not only in youth organisations and networks, but also in

the institutions and processes of pluralist democracy. More effort should be put into training of young democratic leaders.

Youth policy covers education and training, health, housing, employment, criminal justice and participation. This broad conception of youth policy underlies mainstreaming, inter-ministerial co-ordination, dialogue with civil society, and integrated thinking about the young. In addition to these questions of principle, however, it can also focus on concrete measures in the areas of youth work, non-formal education, information, mobility, voluntary service and NGO development.

Activities in the three-year programme include: standard-setting on various aspects of youth policy; seminars and training projects involving representatives of youth NGOs, and of local, regional and national authorities; visits by experts to advise member states on legislation and specific youth policy measures; national youth policy reviews; symposia and thematic research meetings linked to the youth sector's overall priorities.

### **All Different – All Equal campaign**

All Different – All Equal,<sup>1</sup> the Council of Europe's campaign to promote diversity, human rights and participation, provides a good example of youth involvement in mobilising Europe for democracy. Launched in 1995 – fifty years after the end of the Second World War – it set out to reinforce the fight against racism, anti-Semitism, xenophobia and intolerance.

Ten years on, the struggle still continued – hence the Council of Europe's decision, in partnership with the European Commission and the European Youth Forum, to run a new campaign for diversity, human rights and participation, under the same slogan, from June 2006 to December 2007.

Initiated and implemented in partnership with young people, this new campaign is being run by national committees in 42 Council of Europe member states. Significantly, those committees have themselves provided fine examples of co-management at national level.

---

13. <http://alldifferent-allequal.info/?q=node/35>.

### **The Local Agenda 21 programme in Turkey**

It is also vital to implement European youth policies at local and national level, and Turkey's Local Agenda 21 (LA-21) programme is a good example of this at local level.

Implemented and co-ordinated under the auspices of the United Nations Development Programme and the United Cities and Local Governments Section for the Middle East and West Asia – UCLG-MEWA – since 1997, LA-21 is a major local democratisation project. Its overall aim is to strengthen local governance by ensuring that civil society participates in decision making and influences local investment. Currently covering over 73 cities, it embodies a decentralised and enabling approach, based on networking and co-operation between equal partners. Decision making and implementation are essentially left to local stakeholders, mainly organised in the form of city councils and supported by working groups, women's and youth councils, and associations representing children, the old and people with disabilities.

Building on experience already gained with the programme, LA-21 youth activities are co-ordinated and facilitated by the Youth Association for Habitat, which operates at both national and international levels, and provides the secretariat of the Youth for Habitat International Network.

LA-21 youth activities in Turkey:

- are an essential part of this local democratisation project, which helps young people to acquire new skills and abilities;
- give young people a say in decision making at local level;
- institutionalise local youth platforms, in order to make youth activities sustainable; and
- provide the basis of a future national youth structure, which will emerge from these local youth platforms.

Local youth councils and centres covered by the LA-21 programme:<sup>1</sup>

- bring together representatives of high-school student unions, university student councils, local, regional and national youth organisations, and also employed and unemployed young people;
- promote transferability of capacity-building for young people at the same educational level;
- give young people a sense of belonging to their communities;
- find solutions to the problems of young people at local level;
- promote interaction between youth groups at different social levels;
- enable young people from different backgrounds to work productively together; and
- provide urban facilities which young people would otherwise lack.

As part of the LA-21 programme, the leaders of the LA-21 youth platforms have been meeting regularly since 2001 to strengthen and consolidate their national network. National co-ordination meetings are organised every three months, and give the local platforms a chance to share the lessons they have learned and forge contacts. Each meeting is accompanied by capacity-building and training programmes, run by professionals and experts.

In the wake of the many local, regional, national and international meetings held since 1997, a National Youth Summit was organised in parallel with the Atatürk Memorial Youth and Sports Day on 19 May 2003. Plans were laid at the summit for the LA-21 National Youth Parliament, which was formally established in 2004.

The Youth Parliament, which is based on local youth platforms culminating in a National Youth Council, and on democratic participation, provides a basis for the planning, preparation and efficient implementation of national youth policies and programmes.

---

1. [www.la21turkey.net](http://www.la21turkey.net); [www.youthforhab.org.tr](http://www.youthforhab.org.tr).

It made recommendations on changes in the Municipalities Act and organised meetings with state authorities for the purpose of increasing participation by young people in decision making at local level. As a result, the act was amended on 8 October 2006, enabling local youth councils to exert more influence at municipal level through the municipal councils.

The Youth Parliament also campaigned successfully for a lowering from 30 to 25 of the age at which people can stand for parliament in Turkey, organising numerous meetings with representatives of political parties and state authorities for that purpose. Its efforts were widely supported by local government representatives, ministers and the public. As a result, young people now have, for the first time in the republic's history, the right to represent the national electorate in the Turkish Grand National Assembly.

**Christer Hallerby**

*State Secretary, Ministry of Integration and Gender Equality,  
Sweden*

Mr Chairman,

I think we all agree that a vital NGO society is a sign of a healthy democracy, of respect for human rights and of liberty.

NGOs promote democratic development in several different ways:

- NGOs are an arena for training in skills and procedures needed in a democratic culture.
- NGOs offer a channel for engagement and influence in cases and questions important to citizens.
- Human rights and basic freedoms such as freedom of speech, freedom of assembly, freedom of association, freedom of religion, etc., are prerequisites for most NGOs to exist, hence strong NGOs are the best promoters of such rights and freedoms.
- NGOs offer services and a broad range of activities, and offer a platform for people to voluntarily engage in civic matters. They make good to people and engage people to make good to others.
- NGOs give a voice to groups which, at other times and in other societies, have had difficulties making themselves heard.

However, as Robert Putnam wrote in his book *Making democracy work*: “The civic community has deep historical roots. This is a depressing observation for those who view institutional reform as a strategy for political change – institutional history moves slowly.”

New democracies or societies in transformation often lack this historical development and it is not a tradition for the civic community to be present either in the debate or in the decision-making process.

Another phenomenon, which we in older and more stable democracies also face, is that traditional NGOs are losing members, power and influence. New generations find new ways to promote engagement. As stated in the issues paper, this is more often the case in the virtual world than in the real world.



So in new democracies it takes time for the NGO society to grow, and in older democracies engagement with and membership of NGOs are decreasing. Will this mean that there is a threat to democracy itself?

Not necessarily. According to Putnam, voluntary groups are not a panacea for what ails our democracies. And the absence of social capital – norms, trust, networks of association – does not eliminate politics. But without social capital we are more likely to have politics of a different type, politics at a distance. Without face-to-face interaction, without immediate feedback, without being forced to examine our opinions under the light of other citizens' scrutiny, we find it easier to go for quick fixes and to demonise anyone who disagrees. Anonymity is fundamentally hostile to democratic deliberation.

A challenge for the future, if we want to make sure that NGOs have an important part to play in revitalising our democratic societies, is to find a range of ways to encourage civil society engagement.

In Sweden we believe that there are certain issues that need to be dealt with to guarantee NGOs' real influence. It is of great importance that NGOs are invited to participate in the decision-making process at an early stage to guarantee real influence. It is also important to scrutinise what NGOs the government co-operates with, to make sure that not only traditional and well-established NGOs are invited to co-operate.

In Sweden, the findings of some comparative research indicate that there is today an unequal distribution of social capital among our citizens. But there is one interesting aspect of these findings, and that is that well inside an association or a popular movement, citizens seem to be able to compensate for the social, political and economic inequality that exists in society. So membership of associations and popular movements is important in providing some amount of political resources to these citizens and therefore contributing to empowerment.

As I said at the beginning of this presentation, it seems that we are in a vicious circle of declining civic engagement, fewer people participating in NGO activities, and NGOs being weaker. The real challenge is to turn this into a virtuous circle. And there are certain

factors driving us in this direction. Let me – due to the time limit – just mention two of them: two factors that maybe some of you see as threats, but which I think we should consider as opportunities: globalisation and the Internet.

The globalisation process is strong in the NGO world. In fact it has always been. Many NGOs have long been globally oriented and globally present. Organisations such as Amnesty International or the Red Cross have never seen a national border as a limit for their operations. This is something we should welcome, as it strengthens civil society and democratic values. And it is also a balancing force to globalised companies and globalised politics. It is worrying when nation states and nervous, nationally oriented politicians see threats in NGOs and NGO operations just because they are of foreign origin. One recent example is Russia's decision in 2005 which had the aim of hampering NGOs and putting them under state control.

The Internet also offers possibilities. It is a fact that we spend more and more of our time on the Internet. We e-mail, we shop, we chat, we blog. The Internet is a huge knowledge base; we keep ourselves informed and get access to news and media. Putnam said that it is the social capital that makes the difference. And the social capital consists of social norms, networks and trust. Many people today have difficulty associating the term "the Internet" with words such as "norms" and "trust".

Maybe this will change tomorrow. New kinds of community are emerging – huge meeting places where we can meet and interact with others, carry out activities. Places with their own norms and ways to build trust, even their own laws and currency. One such place is Second Life – and Sweden opened its own three-dimensional embassy in Second Life some weeks ago. Costs for land, design, building, etc., totalled about US\$100 000. A lot of other organisations have established themselves in Second Life. All the four major candidates in France's presidential election had virtual headquarters in Second Life. Second Life and other Internet sites mean new possibilities for civic engagement and new possibilities for democratic development. Second Life can never replace the real world, but it will offer complementary possibilities to engage people.

To conclude: I think globalisation and the Internet could lead us into a virtuous circle of civic engagement, which will strengthen democracy. But if this should happen, nervous, anxious, nationally oriented politicians have to change their minds and embrace this development.

### **Report on Sub-theme 3**

#### **Helene Lahti Edmark**

*School of Social Work, University of Lund, Sweden*

The sub-theme was introduced by a short panel session, chaired by Mr Jean-Marie Heydt, Vice-President of the Conference of International Non-Governmental Organisations of the Council of Europe. The panellists included Ms Nina Belyaeva, NGO Coalition, Russian Federation, Mr Aleksander Biberaj, Member of the Parliamentary Assembly of the Council of Europe, Albania, Ms Basak Demir, Youth Advisory Council of the Council of Europe, and Mr Christer Hallerby, State Secretary, Ministry of Integration and Gender Equality, Sweden.

The panel session was followed by two breakout sessions, each divided into four parallel sub-theme discussion groups. These groups were chaired by Ms Nina Belyaeva from the NGO Coalition “We, the citizens!”, Russian Federation, Ms Gaya Bartuseviciute of the European Youth Forum, Mr Igor Kohut, Director of the School of Political Studies in Kiev, Ukraine, and Ms Helene Lahti Edmark from University of Lund, Sweden (who also was rapporteur of the sub-theme).

Sub-theme 3 was closed by a short joint session chaired by Mr Jean-Marie Heydt, where the four leaders from the discussion groups summarised the conclusions of their respective parallel discussion group.

#### **Workshop report**

A vital society, based on freedom of opinion, expression and association, is an important element of democracy. In Sub-theme 3, the focus was on the possibilities of and the obstacles preventing the involvement of civil society.

#### *Reflections by the rapporteur*

Working in four parallel groups, I would say that in action, we lived up to the respect for freedom of expression. The dialogue and

communication that in many documents are spoken of as desirable really did take place in our groups.

One of the questions that we had to deal with in our sub-theme was how to bridge gaps between citizens and decision makers. In our discussions we did not only talk about how to bridge gaps. By creating participatory, open and creative dialogues, we have indeed built bridges over troubled waters.

Cross-border meetings took place, new acquaintances with new colleagues were made and seeds for fruitful future co-operation and networks were planted. I am impressed with all the experience, wisdom, thoughtful reflections and compassion that have been revealed during these sessions.

So what are the conclusions? It was not easy to do justice to all the issues that were addressed. In this report, I will only give a glimpse of the contents of the discussions. But before presenting the conclusions, let me remind you of the questions that were raised in the Sub-theme 3 issues paper, to guide and inspire the group discussions.

Although the situations and prerequisites of NGOs vary in different countries, all countries have reasons for raising the question of whether there are equal opportunities to set up NGOs in every case or not. If there are not, there are reasons to discuss how (and if) equal opportunities can be guaranteed, and how equal access to decision-making bodies can be achieved. It is also important to investigate experiences gained in different countries, considering that it is not self-evident that all decision-makers are willing to listen to NGOs.

Good practice often implies finding ways of building bridges. But what does it require and what are the possible actions? Moreover, a concrete question would be: what can be done if citizens do not feel that they are represented or listened to and what are the effects of gaps in political legitimacy? Would it be possible to find a common basis for a code of good practice?

### **Themes, statements and conclusions from the discussion groups**

As with the panellists, the discussions in the different groups concluded that civil involvement is invaluable to society; it could even

be described as being at the heart of a vital democratic process. Democratic participation is founded on mutual respect and includes:

- information;
- education;
- possibilities and opportunities for action.

#### *The need for action*

The main challenge is to make the recognition, understanding and respect for participation and voluntary activities more than merely political statements. To transform words and ambitions into actions often turns out to be the hard part. It is easy to make statements, but if they are not followed up by strategies as well as concrete and possible forms for participation in different ways, they are a confusing hindrance to development.

#### *The need for easily accessible legislation*

An engaged political environment and the goodwill of politicians to recognise and attract attention to the important role of NGOs is crucial. The interest could, for example, be expressed by avoiding complicated legislation concerning NGOs. In the discussion groups, inadequate legal frameworks and overcomplicated bureaucracy were identified as profound obstacles to a vital civic development. Carefully planned NGO legislation with clear registration rules, easy and understandable procedures and compatible legislation between different levels was, on the other hand, described as a step towards a perfectible and supportive relationship between state and NGO. By keeping the legislation easy and accessible, the possibility to create a vigorous society arises. As long as this ambition does not exist, the gap will widen. The unheard voices will in turn cause tensions in the systems.

#### *The decision-making processes*

The creation of sustainable conditions and opportunities to get involved at an early stage in setting and implementing plans and agendas for national and local development was described as a possible path to

encourage civil engagement and activity. Governments should act transparently in every possible way, sharing with society the national agenda, and encouraging citizens at large to participate. At the national and local level important issues of governmental concern should be well identified, marketed, advertised and alternatives should be provided in order to facilitate the involvement of civil society.

Clear roles in the decision-making processes, access to information and transparent systems will support the continuation of citizens' engagement. Again, it is the actions of the authorities, not only spoken words, which show the seriousness of the standpoint. At the same time it is important to be aware of the top-down and bottom-up perspectives. This is a question of power that has an essential influence at many levels, for example who decides what questions are put on the agenda, whose voices are heard and who has an impact on the decisions.

#### *The need for research, exchange and evaluation*

The establishment of research and evaluation centres was pointed out as an important factor to ensure knowledge growth and future development of the involvement of civil society and NGOs. In this way, access to new knowledge and skills could be gained. Training programmes could be one way of receiving opportunities to gain professional skills and knowledge. But knowledge is also needed at a basic level. Opportunities to exchange knowledge, explore pathways to decision making or training skills on how to raise an essential issue could be crucial if setting a mutual agenda. Recognition of the advantages of networking and exchanging of experiences is equally important.

Governments should not be embarrassed to ask NGOs for coaching. The NGO society together represents a rich source of knowledge and experience that could be extremely valuable to any government. The learning process is mutual and should be seen as a welcome part of a vital and ongoing development. Differences, paradoxes and different experiences should be taken care of and seen as valuable contributions since they all are an essential part of the learning process.

### *The need for education*

One of the pronounced recommendations from Sub-theme 3 is to support education on civic participation from an early age, preferably already in primary school. By early training in schools, the children will learn how to set an agenda, how to respect and care about others and how to be responsible for their choices.

### *The need for freedom of expression and access to information*

Close to the issue of knowledge is the importance of freedom of expression and access to information. The discussion groups stated that:

- a free media is necessary;
- media should be invited and welcomed;
- civic education for journalists should be offered.

In this way, the climate for an urgent and open debate could be ensured.

### *The need for support in various forms*

In the discussion groups many concrete forms of action to support participation and engagement were proposed, both at national and local levels, for example the following:

- Bring people together to meet at a local level, inviting not only members of existing NGOs.
- Work in small neighbourhoods. Supply appropriate funds to support local activities and self-help groups to organise their community life.
- Arrange public hearings to discuss urgent issues.
- Promote the establishment of new NGOs.
- Organise a range of NGO conferences at national and international levels in order to spread best practices and share experiences.
- Create workshops.



- Support the development of networking possibilities, like open NGO databases.
- Distribute existing handbooks and complete and update them when required.

One recurring suggestion was the build-up of formal consultative bodies to support the establishment of NGOs, which would increase the opportunities to have equal possibilities of establishment. This could be done by creating special projects with a specified detached budget to support NGOs. One step further would be to establish agencies to support NGO activities, especially in their initial phase. Yet another suggestion was to support the establishment of a so-called ombudsperson on the issue.

In all cases, the possibility of free information, dialogue and communication was seen as crucial. This includes internal as well as external communication. The possibility of sharing experiences and knowledge is one side of this. Another aspect is the right to be in opposition, which implies the opportunity to express democratic opinions that are not always in line with the governmental view.

#### *The need to make room for new NGOs*

Some discussion groups debated the fact that some governments do not welcome new NGOs, as they feel comfortable with already existing ones. There is a risk that too close a bond between an NGO and a government can be an obstacle to the development of new NGOs. A tendency to favour the already well-established NGOs often occurs.

A struggle for room to negotiate is a reality in many countries, as is the awareness of different access and prerequisites between NGOs. To avoid having the same organisations and personalities repeatedly represented, transparent and reasonable criteria for choosing NGO participants in different bodies should be ensured. This could be achieved through regular rotation so that the same NGO contacts are not used over and over again in communication with governments.

### *The need for democratically founded organisations*

The forms of engagement should be highlighted. The norms and values within NGOs highlight the importance of transparency, not only on the part of the governments but also of NGOs. Discussion group participants emphasised that this subject ought to draw attention, as it is hardly self-evident that all NGOs embrace democratic and human rights values. The question must be put on the agenda as a high priority.

### *Finances*

As well as a transparent legislation being crucial to support the access and understanding of the legislative system, the development of supporting funding for NGOs is considered essential. All the groups considered transparent rules and guidelines for funding as important. Other issues on the subject stress the importance of:

- open criteria in government funding;
- clear application forms for funding;
- independent institutions to supervise financing; and
- available support to NGOs by offering a special budget.

The groups also welcomed a discussion on how to find new ways of financing civil society activities. It was seen as crucially important to be accepted as an NGO, to gain recognition and respect. This could be encouraged by an increase in government interest in NGOs which would benefit from regular meetings and discussions between NGOs and governments.

### *Code of good practice for civic participation*

One final issue in the group discussions was the subject of a code of good practice for civic participation as suggested at the Forum's 2005 session in Warsaw. Although there were voices questioning the strongly formal term "code", most participants supported the idea of creating a code of good practice. Such a code should aim at stating general agreements of principles of co-operation rather than trying to form details and procedures that could limit its applicability. Some

important items were mentioned as follows (here in mixed priority order):

- Emphasise the independence of the NGO.
- Encourage dialogue on equal terms.
- Readiness by government to listen to, recognise and tolerate NGOs.
- Demand accountability; from government to citizens and from NGOs to their members and constituencies.
- Ensure diversity, take account of different views. For example, NGOs should even be able to oppose government and suggest alternatives.
- Aim at full transparency in many aspects, for example, in legislation and decision making.
- Work for mutual trust, respect and accountability.
- Encourage citizens to participate and support the establishment of new NGOs. In this way new groups can be attracted.
- Aim at attracting young people's participation by developing youth policies.
- Do not only have a dialogue with the established NGOs.
- Investigate and show good examples and build networks.
- Promote a culture of participation. Outreach is important.
- Promote consultation. The government should consult civil society, not just the other way around. Listen to the NGOs and take on board their viewpoints and knowledge.
- Support flexibility in forms of dialogue, encourage many different forms.
- Request principles of non-violence and basic democratic values.
- Guard principles of solidarity and respect for each NGO.

- Support the development of guides to tools and practices for sharing good practice and experiences.
- Encourage democratic development in the new democracies of the Council of Europe.

One thing to be noted especially is the awareness of different conditions between the NGOs in the “old” and the “new” democracies. Even if codes of good practice were mentioned as essential in taking care of already acquired knowledge, it is also considered necessary to have specific items concerning important issues and prerequisites in the new democracies. The differences must be specifically addressed. At the same time both similarities and differences between the situations in the old and the new democracies can be a source of stimulus. There is an ongoing mutual learning process to be observed, which requires openness and advocates the development of a general code of good practice. In addition, though, specific country recommendations are required to meet the current variety of needs of NGOs in every country.

#### *Closing remarks*

The participants in the discussion groups stated that the situation for NGOs is complex. There is no one-size-fits-all solution. Different conditions must be considered, and respective experiences need to be taken into account. A basic level of respect is required in all countries. The mutual understanding in the discussion groups shows that there is much engagement in civil society which can be made best use of.

Out of respect for NGOs and all the work that is done, the challenge is to promote discussions connected to the current and previous Forum conclusions and documents at national and/or local levels. And most important of all – start acting.

## ***Sub-theme 4***

### ***Fostering democracy, human rights and social networks – Ways forward***

#### **Issues paper**

#### **“Experience with human rights action plans, indicators and national human rights institutions”**

*The United Nations Office of the High Commissioner for Human Rights*

#### **1. National human rights action plans**

The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in Vienna in 1993 launched the idea of national human rights action plans (NHRAPs) by recommending that “... each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights”.

Based on information available to OHCHR, 23 countries have since adopted NHRAPs,<sup>1</sup> including four members of the Council of Europe.<sup>2</sup> The plans, which are seen as a tool to improve the human rights situation of a country and contribute to democracy, vary in scope and focus. They cover civil and political rights as well as economic, social, and cultural rights, and often specifically target particularly vulnerable groups such as indigenous populations, minorities, children and teenagers, women, the elderly, sexual minorities, detainees, disabled persons, migrants and refugees. They look at the existing national institutional frameworks: parliament, government, courts, NGOs and law-enforcement agencies. Some address issues such as human rights and the environment, the rights of consumers or victims of crime, the rights of non-citizens or the protection of religious organisations.

---

1. See OHCHR compendium of national human rights plans of action at: [www2.ohchr.org/english/issues/plan\\_actions/index.htm](http://www2.ohchr.org/english/issues/plan_actions/index.htm).

Sectoral plans of action related to human rights, for example on human rights education, anti-discrimination, children, women, refugees, have also been adopted by several countries to support action at the national level in the relevant sectors.

2. Latvia, Lithuania, Moldova and Sweden.

Since the world conference, OHCHR has developed guidelines on NHRAPs that have been validated through expert workshops.<sup>1</sup> The office has provided assistance on the development of NHRAPs in various countries, is following the progress of a range of plans and is now taking stock. The experience of countries in developing and implementing NHRAPs is not yet exhaustively documented and information, especially on their implementation, is not systematically available. However, it is possible to draw some lessons from practice to date, and point to areas where further reflection is needed.

#### *Development of national human rights action plans*

##### *Methodology*

The OHCHR 2 handbook on national human rights plans of action suggests general principles that should apply to all plans. The process and outcome of an NHRAP are equally important; there should be broad and intensive consultation with civil society and the general public; the plan should be comprehensive in scope, reflecting the interdependence and indivisibility of human rights; it should be action-oriented, and its implementation should be effectively monitored and reviewed. Some of the key features of the suggested approach to developing an NHRAP are: the establishment of a national co-ordinating committee, including government agencies and civil society organisations, to conduct a baseline study on the human rights situation in the country as well as to lead the process; the participation of various sectors of civil society in the development and implementation of the plan; and the inclusion of implementation, monitoring and evaluation mechanisms within the NHRAP. These principles have found varying application in the experience of countries that have developed NHRAPs.

##### *Strengths and advantages of NHRAPs*

The experience of the past decade in developing NHRAPs has highlighted the strengths and advantages of using this tool in pursuing better respect for human rights, but also the drawbacks and challenges

---

1. OHCHR, "Handbook on national human rights plans of action", Professional Training Series No. 10, New York and Geneva, 2002.

that may arise. Among the major benefits for countries is that the very process of developing the plan, if well designed, is an opportunity to raise awareness of human rights and to educate the public. NHRAPs assist in raising the profile of human rights in national policy debates, provide a vehicle for public education at the community level and can contribute to strengthening a human rights culture. They can promote dialogue among different sectors of a society, and broaden the public's participation in the development of human rights policies. They are also an important means to identify human rights priorities within the country and set time-bound goals and programmes to meet them.

### *Mechanisms*

The mechanisms that have been set up for the development and implementation of NHRAPs are diverse. In some cases, national committees for human rights consisting of ministries, civil society and the media are established to develop the plan, some co-ordinated by the Ministry of Justice. In others, a national commission on human rights has primary oversight responsibility, while a committee (ministries, civil society, universities, media, independent individuals) has been set up to develop the plan. In yet another model, the Parliamentary Committee on Human Rights is politically responsible for the NHRAP and oversees its implementation, while a National Commission comprising representatives of public institutions, NGOs and the UN co-ordinates the implementation of the plan. Other plans provide for the establishment of a committee to monitor its implementation. In some cases, the United Nations has had a key role in facilitating or supporting the development of the plan. In others, governments have done so without external assistance.

### *Success factors*

Experience from across the world shows that prerequisites for a successful development of NHRAPs include a political commitment at the highest level, high-level political representation on the co-ordinating bodies overseeing the NHRAP's development, and ownership of the plan and its implementation being in the hands of the government. Broad participation of the various civil society sectors in the development of the plan also ensures that public opinion is a

primary basis for identifying human rights priorities, guarantees widespread recognition and support for the plan, and will encourage all interested actors to help implement it. A baseline study to identify gaps in human rights promotion or protection is also an essential starting point for the formulation of a plan of action on human rights.

### *Implementation of national human rights action plans*

#### *Some possible pitfalls*

The implementation of the plans is where countries experience the greatest challenges. The few examples of NHRAPs that have entered the implementation phase point to some of the possible pitfalls. Planning and developing the NHRAP may be so time-consuming and labour-intensive that it uses up the time and energy that would otherwise be devoted to its implementation. Also, long NHRAPs that are overly ambitious are arduous to implement and can become very difficult for a government to manage. Where new governments come to power during the time frame of a NHRAP, there is a risk of a lack of continuity, ownership and commitment vis-à-vis plans officially adopted by previous governments. Lack of state support, both in terms of financial allocations and human resources, is a clear impediment to the implementation of plans.

#### *Success factors*

The establishment of an efficient governmental body that is capable of carrying out the plan is a precondition for success. Choosing precise, achievable and realistic goals, within reasonable time frames, is critical for implementation. There seems to be a clear need for viable and practical goals to ensure implementation. Some countries have extracted recommendations and action proposals from their NHRAP and included them in a multi-annual plan for human rights or a broad governmental action plan to make them easier to realise. Plans that are concise and very practical, recommend solutions, identify key players, and foresee their financial impact, make implementation easier and more likely to succeed.

A key factor in adequately implementing an NHRAP, despite the difficulties that it may involve, seems to be the willingness and active



participation of state institutions, that is to say the commitment and support of all government agencies, line ministries and their partners. State constituents would need to become motivated during the drawing-up of the plan. For instance, the creation of a network of human rights focal points within relevant institutions during the plan's development would provide a support mechanism for its implementation. The organisation of seminars for civil servants and NGOs, at the final stage of the development process, has been reported as a good practice to assist them in incorporating a human rights approach in their daily work. Indeed, civil servants in charge of drafting public policies, evaluation mechanisms and indicators, as well as NGOs, play a key role in implementing the NHRAP.

The allocation of a budget from within government funds to carry out the planned activities also emerges as a key element, as it demonstrates the government's commitment to the plan. NHRAPs must also take into account other national plans and priorities, and aim for coherence and harmonisation. Of great importance is the linkage of the NHRAP to the budget processes and the central planning authority: consequently, the ministry of finance should play an active role in the development of the NHRAP.

## **2. Use of indicators in human rights implementation**

In recent years, many areas of human rights work have proved the need to develop indicators to monitor human rights, for instance in documenting human rights violations or reporting on treaty implementation, or more generally to guide state policy in furthering the implementation of human rights. There has been a growing demand for both qualitative and quantitative indicators to help promote and monitor the implementation of human rights. Indicators are seen as useful tools in articulating and advancing claims on the duty-bearers, and in formulating public policies and programmes for facilitating the realisation of human rights. Indicators and benchmarks are also required to effectively monitor implementation of NHRAPs. The first step required would be to reach a general agreement on the choice of indicators. This would be followed by setting performance benchmarks on those selected indicators.

### *OHCHR's framework for indicators*

The work on indicators that is being undertaken by the OHCHR has been initiated in response to a request from the Inter-Committee meeting of Human Rights Treaty Bodies<sup>1</sup> to help them make use of statistical information in states parties' reports to assess the implementation of human rights. OHCHR, in consultation with a panel of experts, has developed a conceptual and methodological framework for identifying operationally feasible human rights indicators.<sup>2</sup> The basic challenge is to translate universal human rights standards into indicators that are contextually relevant at the country level.

The main features of the framework are as follows:

- The framework presents a common approach to identifying indicators for monitoring civil and political rights and economic, social and cultural rights, thereby strengthening the notion of the indivisibility and interdependence of human rights.
- The framework translates the narrative on the normative content of human rights (starting with the related provisions of international human rights instruments and general comments by treaty bodies) into a few characteristic attributes and a configuration of structural, process and outcome indicators. The identified indicators bring to the fore an assessment of steps taken by the state party in addressing its obligations – from acceptance of international human rights standards (structural indicators) to efforts being undertaken by the primary duty-bearer, the state, to meet the obligations that flow from the standards (process indicators) and on to the outcomes of those efforts from the perspective of rights-holders (outcome indicators).
- The framework makes it easier to identify contextually meaningful indicators for universally accepted human rights standards. It seeks neither to prepare a common list of indicators to be applied across all

---

1. The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. There are seven human rights treaty bodies.

2. The framework has been outlined in the "Report on indicators for monitoring compliance with international human rights instruments" prepared for the Inter-Committee meeting of the treaty bodies in June 2006 (HRI/MC/2006/7) and available at [www.ohchr.org/english/bodies/icm-mc/documents.htm](http://www.ohchr.org/english/bodies/icm-mc/documents.htm).

countries irrespective of their social, political and economic development, nor to make a case for building a global measure for cross-country comparisons of the realisation of human rights.

- The framework focuses on two categories of indicators and data-generating mechanisms: (a) indicators that are or can be compiled by official statistical systems using statistical surveys and administrative records; and (b) indicators or standardised information more generally compiled by non-governmental sources and human rights organisations focusing on alleged violations reported by victims, witnesses or NGOs.

- The framework also focuses on quantitative as well as qualitative indicators to assess the implementation of human rights effectively. Efforts have been made to keep the identified indicators simple, based on objective and transparent methodology and, to the extent feasible, there is an emphasis on the disaggregation of identified indicators by type of prohibited discrimination (for example, sex, ethnicity, disability, etc.) and by vulnerable or marginalised population groups.

By way of example, the framework can be applied to the “right to enjoyment of the highest attainable standard of physical and mental health”. Some of the attributes of the “right to health” that can be isolated are: reproductive health; child mortality and health care; natural and occupational environment; prevention, treatment and control of diseases; and accessibility to health facilities and essential medicines. Each of them can be measured by a configuration of structural, process and outcome indicators. For example, the attribute of “accessibility to health facilities and essential medicines” will be checked against:

- period of application and coverage of national health policy (structural indicator);
- proportion of people covered by health insurance (process indicator);
- life expectancy at birth/age 1/health-adjusted life expectancy (outcome indicator).

Additional indicators are available to measure this right, as well as other rights.

#### *Status of the work*

Based on the agreed framework, lists of illustrative indicators have been prepared for several human rights – both civil and political rights and economic, social and cultural rights. Such lists are currently being validated through country-level consultations and piloting for the right to life, the right to judicial review of detention (the right to liberty and security of person), the right to participate in public affairs, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, the right to health, the right to adequate food, the right to adequate housing and the right to education. Work on preparing indicators for other human rights and thematic issues relevant to the implementation of human rights is also continuing.

#### *Challenges ahead*

Some challenges have emerged in the process of developing indicators and piloting the framework. Good statistics require good data and professionals available to interpret them correctly. The freedom to disseminate information that might not be pleasing for a government is also a prerequisite to obtain good statistical information. A balance must also be found between “practical” and “desirable” indicators that should be developed. Moreover, indicators should not be developed for everything that is important, but only where statistics have an added value.

### **3. National human rights institutions**

A national human rights institution (NHRI) is one mechanism through which a state responds to its international responsibility “to take all appropriate action” to ensure that international human rights are implemented at the national level. The creation of an NHRI may be a sign that a country takes its human rights obligations seriously; the strength of this commitment may be measured by the degree to which the institution is truly independent and has the powers and resources required for it to be effective.

NHRIs are a fundamental component of national human rights protection systems, the strengthening of which is at the heart of OHCHR work.

### *Competence and responsibilities*

The Paris Principles provide that NHRIs are to be vested with competence to promote and protect human rights through as broad a mandate as possible, clearly articulated in a constitutional or legislative text. NHRIs submit recommendations, proposals and reports to the government, parliament and any other competent body. The subject matter can be any legislative or administrative provision relating to the protection of human rights; any situation of a human rights violation; or the preparation of reports on the national human rights situation or more specific matters.

NHRIs may promote conformity of national laws and practices with international human rights instruments, as well as encourage ratification of international human rights instruments and ensure their implementation. A national institution may also contribute to the reporting process under international human rights instruments (with due respect for the independence of the institution). NHRIs may assist in developing and delivering human rights teaching and research programmes, and contribute to increasing public awareness of human rights through information and education.

NHRIs should be able to freely consider any question falling within their competence, hear any person and obtain any information and document necessary for assessing situations within their mandate. They should also consult with other bodies responsible for the protection and promotion of human rights, develop relations with human rights NGOs, and address public opinion. More broadly, a national institution may co-operate with the United Nations, regional institutions, and NHRIs of other countries which are competent in the areas of the protection and promotion of human rights. Finally, NHRIs may have competence to receive and act on individual complaints of human rights violations.

### *Role of NHRAP*

Virtually all NHRIs are involved in human rights promotion, investigation of complaints, human rights monitoring and advising the government on human rights issues. It is also good practice that they be involved in the development and implementation of NHRAPs.

While it is important that the overall ownership and responsibility for the plan lay with the government, the national institution can play a key supporting role. For example, a national institution can guide the conduct of the human rights base-line study which should be at the basis of the NHRAP, and have a strong role in facilitating a consultative process for its development. Practice shows that a national institution can have primary responsibility to oversee the overall development of an NHRAP. It can take responsibility for implementing specific areas of the plan, such as human rights education for the general public. Given its status of independence from government, a NHRI can participate in monitoring and evaluating the implementation of the plan in an objective manner together with other representatives (civil society organisations; state, judicial and legislative representatives). In countries where there is no NHRI, its establishment could be a key objective of the national plan.

## **Translating human rights standards into improved enjoyment: UNDP development co-operation initiatives and challenges**

**Maria Luisa Silva**

*UNDP, Skopje, “the former Yugoslav Republic of Macedonia”*

It is now generally accepted that promotion of democracy and respect for human rights are central to development. More countries than ever before claim to be working to build systems of democratic governance based on human rights standards which aim to make a difference to people's lives. The link between democracy and development was given political and legal recognition when heads of state and government at the 2005 world summit unequivocally affirmed that development, peace and human rights are interlinked and mutually reinforcing.

The question is now how to move from ambitious political statements to real improvements in the lives of individuals.

Being a co-ordinator of the UN development system, I will focus on ways to translate human rights into practice through development action. Concretely, I will use UNDP's experience in the eastern Europe and Central Asia region to illustrate and reflect on how development interventions can support generation of the necessary change in institutional and individual attitudes so as to effectively improve the enjoyment of human rights. For the sake of focus, the presentation assumes that the basic condition for human rights protection is there, namely that there is a genuine commitment and will at the highest levels of political leadership to protect, respect and promote human rights.

The UN has been leading the way on the integration of human rights into development work with a process of human rights mainstreaming since 1997 followed by an inter-agency common understanding in 2003 on the meaning of a human-rights-based approach to development programming. UNDP, like many other UN agencies, has gone one step further in translating the UN Common Understanding into

its own corporate mandates. Its “Practice Note on Human Rights” (2005) identifies three strategic areas of intervention:

- support for national systems for the promotion and protection of human rights;
- promotion and application of a human-rights-based approach to development programming; and
- greater engagement with the international human rights machinery.

A quick analysis of UNDP’s programming work on human rights throughout the regional bureau for eastern Europe and Central Asia region reveals the following:

1. an important number of initiatives focus on supporting the establishment and development of capacities of national human rights institutions and human rights awareness-raising, including through human rights education, particularly in what could be considered less democratic societies. This shows that human rights work is seen in UNDP as a development objective in its own right which merits attention from development practitioners and the willingness of host countries to undertake human rights reforms;
2. a significant number of offices, particularly in new EU member countries and South-East Europe, seem to have embraced the human rights call to address inequality and exclusion through actions addressing the two sides of the duty-bearer/right-holder relationship. These offices are carrying out interventions meant to empower vulnerable groups such as Roma, women, the disabled, minorities, etc., and to build the capacity of state institutions to address the special needs of these groups through policy or targeted programmatic interventions. Some of the recently acceding countries to the EU have gone one step further and are focusing more squarely on anti-discrimination through programmes either aimed to raise awareness or to implement European-wide anti-discrimination legislation;
3. very few offices in countries that have gone through conflict or revolution are also working to enhance the capacity of judicial systems



to address human rights violations and/or to improve access by the poorest and more marginalised to the legal system;

4. relatively few UNDP offices are pursuing more radical agendas attempting to mainstream human rights in overall or municipal planning processes. The rights-based municipal development programme carried out in co-operation with the OHCHR in Bosnia and Herzegovina is a case in point;<sup>1</sup> and,

5. unfortunately, UNDP has not developed an institutionalised approach for its engagement with the international human rights machinery nor does much analysis on this relation seem to have taken place. Anecdotal data seem to suggest, however, that the normative and political weight of treaty body recommendations are valued and that UNDP practitioners would wish for the system to have a stronger public awareness and information dissemination capacity. The special rapporteurs and independent experts are considered to have a particularly strong potential for influencing national legislative and policy-making agendas. While closer synergies between the special procedures and development action would require further strengthening of the analytical and managerial capacities of the system, some interesting experiences have taken place, such as that of Georgia's follow-up to the recommendations of the Special Rapporteur on Torture.

Many of these activities are relatively recent and an in-depth outcome evaluation has not yet been carried out. In its absence, the following three preliminary conclusions can be drawn from UNDP's human rights work in eastern Europe and Central Asia:

1. Much has been done in terms of supporting national human rights institutions, human rights advocacy and awareness raising, human rights education and training and development of national human rights action plans. The novelty of individual freedoms and democratic values in most of the countries in the region justifies this important

---

1. However, it should be noted that this analysis does not cover the possible implementation of human rights through programmes in other UNDP practice areas, such as poverty reduction or more general governance interventions, neither does it assess the possible contribution to human rights through UNDP's analytical work, such as the National Human Development Reports.

effort from the part of UNDP offices. Ensuring the sustainability of these efforts perhaps requires even more systematic attention and broader support aiming to further institutionalise the still-weak institutional capacities from a technical, financial and human resources perspective as well as from that of the human rights protection and the promotion systems' political weight.

2. The rapid embrace of “inclusive development” strategies in UNDP human rights programming in the region was probably due to both internal and contextual factors. Indeed, adopting such an approach was perhaps easier for UNDP, which has “inclusive development” among its overarching priorities. But probably it has also been facilitated by specific factors at play in the eastern and South-East Europe region, such as the receptiveness of populations and institutions to policies against poverty and exclusion due to socialist equalitarian legacies; the so-called “anchor” role played by the EU in adapting legal and institutional systems to European values, including those of democracy and human rights; and the particularly useful contribution that this approach may exert in providing post-conflict stability to the many ethnically divided societies in the region.

It should also be noted, however, that awareness-raising and follow-up actions necessary to produce the transformations required to implement the new “non-discrimination” legislation have only happened in countries that have already acceded to the European Union.

And perhaps not surprisingly for societies with a limited tradition of rule of law and independent judiciaries, the legal empowerment of the poor and the vulnerable still does not occupy a large space in UNDP's human rights agenda in the region.

3. Pilot experiences from Bosnia and Herzegovina and “the former Yugoslav Republic of Macedonia” in coaching municipalities to adopt multi-sectoral approaches to municipal assessment and planning have highlighted the value of participation and inclusion for empowering local stakeholders and generating greater legitimacy and accountability of local institutions. They have also brought social and environmental protection issues back to the planning agendas. However, many issues remain to be solved, such as those related to the risk of

participation resulting in elite capture; how to make these planning processes light, sustainable and mainstreamed in overall planning processes and not dependent on external donor support; and how to best address unavoidable trade-offs, particularly in situations of resource constraints which still affect the many low-income countries in the region.

### **Three final reflections**

1. Human rights are part of social values and political systems, not a technocratic import. Thus, improved human rights enjoyment evolves with the transformation of societies. As Popper recognised and development practice confirms, societies are economically and politically complex. The actual policy practice is “the science of muddling through, a piecemeal process of limited comparisons with endless sequences of trials and errors”.<sup>1</sup> I will not go as far as some by arguing that all human rights are subject to progressive realisation. But I will definitely submit that the stage a society is at has a bearing on the effectiveness of the strategies used for social transformation. More in-depth analyses on the contextual reasons that make a certain strategy succeed or fail will definitely help practitioners in defining approaches more suited to the reality they attempt to influence.

2. Ensuring that attention to human rights is part of the design, implementation and monitoring of global and sectoral development policies, country strategies, and individual programmes and projects remains a work in progress. Some important work has taken place in recent years to help development practitioners in this task, such as the OHCHR guidelines on a human-rights-based approach to poverty reduction; the OECD study on “Integrating human rights into development”; or UNDP’s Oslo Centre work and OHCHR’s on measuring democratic governance and developing human rights indicators, to mention just a few.

However, much more multidisciplinary analytical, methodological and measurement work addressing the challenges identified by development practitioners for moving forward is needed. It is not a battle for the hearts but for the minds. And the worst mistake would be for

---

1. William Easterly, *The white man’s burden*, Penguin Press, New York, 2006.

the human rights community to remain in their known terrain of the legal and advocacy realm.

3. Last, but definitely not least, the potential of the international and the European human rights system to improve human rights enjoyment through better synergies with development action remains largely unexploited. In spite of the political and institutional obstacles that may be encountered in forging closer links between normative and development work, this remains the last frontier to be explored for a more robust role of international co-operation in translating human rights into actual human rights enjoyment.

## **The Swedish national action plans for human rights**

### **Marcus Brixskiöld**

*Director, Ministry of Integration and Gender Equality, Sweden*

### **Background**

- Recommendation of the UN World Conference on Human Rights, 1993, to member states to consider the desirability of drawing up national action plans for human rights.
- Sweden's first plan applied to 2002-04 and has been followed up and evaluated.
- The action plan for 2006-09 was presented to the Riksdag (Swedish Parliament) in March 2006 in the form of a government communication.
- The communication contains a baseline study (survey of the human rights situation) and an action plan.

### **The action plan for 2006-09**

- The communication is the result of a broad process of consultation with almost 400 actors/stakeholders who were invited to participate at several stages when the baseline study and action plan were drafted.
- The action plan contains 135 undertakings to be carried out during the period 2006-09 .
- The baseline study and action plan cover a broad spectrum of issues. The general focus is on the principle of non-discrimination.
- One of the most important measures was the establishment of the Delegation for Human Rights in Sweden, which has the task of, *inter alia*, supporting government agencies, municipalities and county councils in their work to ensure full respect for human rights in their activities. It is also to elaborate and implement strategies to disseminate information on human rights within different groups in society, and to stimulate public debate on human rights in Sweden.

- The implementation of the action plan is followed up by an inter-ministerial working group with representatives of all the ministries.
- The action plan and the work of the Delegation for Human Rights will be evaluated after 2009.

### **The added value**

- The plan means a more systematic and coherent approach to human rights in Sweden.
- It also meant that human rights were recognised as issues of national policy (not only foreign policy).
- The systematic way of identifying problems means that we can hopefully avoid missing issues or problems falling between two stools.
- A general human rights action plan can create a common basis for more specialised policy documents/action plans.
- There are two goals – the process as well as the outcome.
- The elaboration of the plan contributed to new interest and understanding of the importance of human rights at the national level, within government offices as well as outside.
- The drafting process and the plan contribute to integrating a human rights perspective into the ordinary work within the government offices.
- They also contribute to creating ownership for the whole government, not only one minister.
- It is a way to use international and national criticism in a constructive way.
- It provides an opportunity to initiate broad dialogue on sensitive issues.

- It makes it possible to identify and create legitimacy around priorities and possible solutions.
- Could human rights action plans be the starting point for a more comprehensive approach to human rights – nationally and internationally?

## **Issues paper**

### **“Revolution or reinforcement? The scope for e-democracy in Europe”**

**Lawrence Pratchett**

*De Montfort University, Leicester, United Kingdom*

#### **The e-democracy revolution?**

Electronic participation in politics (e-participation) is now a reality in many countries, at least among the relatively privileged citizens of most democratic states. Governments at national, regional and local levels all seem keen to exploit new technologies in order to bridge the supposed gap between the state and its citizens, finding increasingly novel ways to inform, consult and otherwise engage their populations in aspects of the political process. Citizens, as well, are grasping the opportunities offered by the information age to discuss and self-organise across traditional geographic and political boundaries, to hold their political leaders to account and to exert influence upon them. As the recent symposium organised by the Council of Europe’s Ad hoc Committee on e-democracy (CAHDE) discovered, there is a lot happening, led by both governments and the organisations of civil society.

The list of e-democracy initiatives is broad, but the most common initiatives include:

- e-petitioning systems that allow citizens to lobby decision makers (for example, the Bundestag in Germany, the Scottish Parliament and the Prime Minister’s Office in the UK);
- e-consultation, which allows public bodies to consult widely on issues concerning them and sometimes allows for e-mail or SMS alerts to citizens on topics that interest them;
- political blogs (weblogs) and online discussion forums that allow for ongoing discussion between citizens and politicians, or even citizen-to-citizen political campaigning (for example, Etienne Chouard in France);



- information and monitoring systems that make it easy for citizens to observe the preferences and behaviour of politicians;
- e-voting and campaigning (for example, Estonia, Switzerland, UK).

The potential for these and other tools to radically change the way politics and democracy work is immense. To start with, they can be tools of mass-mobilisation: nearly 2 million people in the UK signed an e-petition to protest against putative proposals for congestion charges, while the blog of French college teacher Etienne Chouard, in which he explained why he would vote against the proposed European Constitution in 2005, attracted over 25 000 hits a day at its peak. Second, e-democracy tools can change, fundamentally, the relationship between governors and the governed: online discussion forums enable citizens to engage directly with politicians, often circumventing the traditional media, while information and monitoring systems make political activity more transparent than it has ever been before. The tools of e-voting offer the possibility for more efficient online elections and referendums, providing more opportunities for direct citizen participation in decision making.

The extent to which these new tools are truly revolutionary, however, is unclear. Despite the excitement engendered by some high profile e-democracy experiments, the reality is that democracy and politics is still primarily an “offline affair”. Indeed, even the “successful” initiatives, such as Etienne Chouard’s blog or the UK road pricing e-petition, have gained momentum primarily due to the interest of traditional media. Presidential candidates in the USA and France, among others, have engaged with the new Web 2.0 technologies (MySpace, Second Life and so on) in recent months but, despite the hype, such initiatives remain add-ons rather than alternatives to the traditional ways of campaigning. Moreover, as these technologies become more common, they can become subsumed into mainstream politics, reinforcing patterns of advantage rather than radically changing politics. The reason that technologies are maybe not as revolutionary as some people predict or hope is for the very simple reason that their effect on democracy depends very much on how people (politicians, campaigning groups, citizens and so on) use them. Online

forums work differently, and have varying impacts, because of the different ways that they are used. The way in which technologies are “enacted” in different political systems, therefore, matters.

In real political systems e-democracy has the potential to be both revolutionary and reactionary at one and the same time, depending upon how the technologies are used and why. The more e-democracy is discussed now, therefore, the better will governments, politicians, organisations of civil society and citizens themselves be able to consciously shape the value of particular tools to their democratic aims. In particular, there are three broad issues that those interested in e-democracy need to address:

1. How do e-democracy solutions relate to the real democratic problems that countries face?

Discussions of democratic problems normally focus on such difficulties as: declining participation (especially among the young); declining trust in political institutions; alienation and a sense of disenfranchisement among certain groups, and the growth of extremism and racism in particular polities. The extent to which e-democracy can have a significant effect in any of these areas is questionable. Some believe that e-democracy initiatives, especially those that exist in the realms of Web 2.0, will help to re-engage young people but there is also a wealth of evidence to suggest that such initiatives will have, at best, only marginal impact on disaffected young people. Indeed, some go further, suggesting that poorly thought through e-democracy initiatives targeted at young people can have the opposite effect, reinforcing their beliefs that politics is boring and irrelevant to their lifestyles.

2. Can we predict the impact that particular “enacted technologies” will have on democracy?

There is a danger in trying to forecast how particular technologies will shape or affect politics or democracy. Because the way in which people relate to technologies and use them will vary and, indeed, is unpredictable, the effects of innovations are also difficult to forecast. Utopian visions of more deliberative or direct democracy are unlikely to be wholly realised in any real polity. Similarly, dystopian visions

that forecast the demise of parliamentary democracy or “push-button” democracy in which populism triumphs over deliberation and consideration are equally unlikely. The reality is that both are possible, but the way in which they are shaped by how people use them is both complex and unpredictable. The role of governments, therefore, is to be wary of the pitfalls and to shape the enactment of technologies in particular directions.

3. Does the digital divide mean that e-democracy will always favour the wealthy over the poor and the already politically engaged over the disenfranchised?

A major criticism of e-democracy is that it makes political participation easier for the wealthy and well-educated while, at the same time, creating further barriers to participation among those who are already disconnected from politics. The digital divide, both within and between countries, recognises that those without easy access to the technology and, importantly, familiarity with using it in their day-to-day life will be further excluded by any application which requires citizens to use technologies to communicate. Governments have to guard against the danger of further excluding the already disenfranchised by favouring electronic channels over traditional ones.

In a short note such as this one it is not possible to explore all the issues or even to go into any detail on those that were discussed. However, the revolutionary or reactionary nature of e-democracy is important, not least because it relates directly to the human rights theme of the third Forum for the Future of Democracy. New technologies have the potential to create more transparent and responsive government, enhancing freedom of speech, access to information and so on. At the same time, however, the inappropriate use of the same technologies also has the potential to undermine human rights, disenfranchise particular socio-economic groups and attack the fundamental institutions of democracy. As this note has argued, what governments do and how they do it is important in the development of e-democracy. As a theme, therefore, it is central to the future discussion of human rights and democracy in Europe.

## **E-democracy – The new way forward?**

**Ann Macintosh**

*Research Co-ordinator, DEMO-Net, Napier University,  
United Kingdom*

Perhaps unusually, the term “e-democracy” captures both the intent to support democracy and studies of the outcomes and context.

But what do we mean when we say support democracy? I interpret it as support for the democratic decision-making processes in such a way as to move towards a more participatory representative model of democracy that allows civil society to do more than just vote every four or five years.

The principal technologies are the Internet and other digital technologies, importantly accessed through an increasing variety of channels, including PCs, both in the home and in public locations, mobile phones, and interactive digital TV. I also like to differentiate the democratic decision-making processes between those addressing the electoral process, including e-voting, and the others addressing citizen online participation – e-participation.

By itself, e-voting will not solve the problem of democratic disengagement. The aim of e-voting is to move the election process into the 21st century and ensure that there is adequate access to voting facilities for the elderly, people with disabilities and others not able to travel to their polling station. On the other hand, e-participation is an attempt to address democratic disengagement by providing channels for engagement in-between elections and by broadening and deepening the participation.

My presentations today focus on e-participation.

E-participation describes efforts to broaden and deepen political participation by enabling citizens to connect:

- with one another; and
- with their elected representatives and government using digital technologies.

I am starting from the point of view that:

- first, there is a widespread sense that the public has disengaged from formal political processes, such as voting, joining parties and following political news, and this disengagement reflects a crisis of public trust in governments; and
- second, there is widespread belief that the Internet and other digital technologies can be used to broaden and deepen the democratic process, making it more transparent, inclusive and accessible.

And indeed a large number of local, regional and national governments are striving to broaden democracy by providing an effective channel between themselves and civil society using such technologies.

While democratic outcomes are not always certain, there is little doubt that new technology offers possibilities to strengthen participatory discussion through virtual meetings not dependent on time, location or physical presence.

This potential for the Internet and other digital technologies to increase political participation and address the growing democratic deficit across Europe has long been the subject of academic debate. However, only relatively recently has there been sufficient application of the technology to support democracy that this “potential” could be considered within a real-world context.

So are we succeeding?

- Are governments managing to re-engage with the public?
- Are the Internet and other digital technologies enabling this re-engagement making decision making more transparent, inclusive and accessible?

The answer has to be: “No, not yet.” Over the last ten years we have made reasonable progress but there are still a lot of difficult questions to address if we want to understand if and how e-participation can support this re-engagement, be manageable, scalable and sustainable.

This leads me on to the nature of e-participation research across Europe.

Research into e-participation in Europe has suffered from being fragmented, disparate and unfocused, with researchers often unaware of developments in different disciplines. Therefore in January 2006 the European Commission launched a Network of Excellence (DEMO-Net) in e-participation research; I am the strategic research coordinator for the network. The aim is to bring together key researchers from a variety of countries and academic disciplines in order to consolidate and build upon existing technical and socio-technical research in e-participation.

It aims to make a step change in e-participation.

We will do this by a number of mechanisms, two of which are:

1. Building on the experience accumulated by leading research centres that have studied the underlying principles of e-participation and actively worked with parliaments and governments in applying e-participation. To date we have informal contacts with over 100 research centres across nearly 40 countries. So we are accumulating expertise on e-participation worldwide.
2. Investigating the barriers and the challenges to e-participation – where we consider the barriers and challenges from a number of perspectives:
  - social complexity, here for example we need to consider a large and diverse range of stakeholders which have different needs and preferences in relation to participation;
  - political culture: for example, lack of political will to take account of stakeholder views;
  - organisational and legal structures: importantly not just to consider the technology but the underpinning participatory processes;
  - technological dependencies: of concern has to be the unequal access to technology;
  - finally, the urgent need to better understand current e-participation applications – what is working in which context and why.

In Breakout Session 2 later today, I will consider in more details these barriers and challenges.

To conclude, e-participation is a novel combination of technical, social and political measures, and as such there is a need to recognise the complex processes required to achieve success. We must design and apply these combined processes in such a way as to ensure democracy is enhanced, not eroded.

E-participation will not work if it is designed as a way of recruiting citizens to a government-owned agenda.

Democracy is not a gift from government to citizens.

The principles of citizen engagement should be collaborative and based on partnership. E-participation should be about talking with people rather than talking at them. It should be about engaging with them rather than engaging them.

E-participation needs to be evaluated in terms of how successfully citizens win the attention of their elected representatives and officials.

If we can develop e-democracy in terms of this partnership between elected representatives, officials and civil society, I would like to think of it as a new way forward.

## Report on Sub-theme 4

### Hans-Otto Sano

*Research Director, Danish Institute for Human Rights*

The group on Sub-theme 4: “Fostering democracy, human rights and social networks – Ways forward” convened on Thursday 14 June 2007 with a morning session including all members of the group. There were two breakout sessions, one focusing on “Systematic work for human rights – National action plans and other methods” and a second focusing on “E-democracy – Key role in facilitating and strengthening democratic processes?” The breakout sessions worked from 11 in the morning until 5.30 in the afternoon. The whole group met again at 5.45 p.m. where summary points from the moderators and the rapporteurs were presented to the group.

The group and the breakout sessions focused in the presentations and discussions on two overriding themes, namely:

- human rights, with a focus on human rights action plans and other tools of implementation;
- the opportunities offered by e-democracy.

As regards the human rights theme, the panellists and the discussions focused more on constraints and problems encountered in fostering democracy and in realising human rights, including in these discussions the various tools of human rights implementation. As regards the e-democracy theme, the panellists and participants in the discussion paid more attention to the actual status of e-democracy and to the opportunities offered by facilitating democratic processes.

Below, the presentation of the discussions is subdivided according to the human rights and the e-democracy themes respectively.

### 1. Human rights

Several presentations stressed the need for implementation, not standard setting.



For implementation to be effective:

- independent monitoring is essential. The ombudsperson and national human rights institutions have assumed this task in many countries;
- there is a need for reliable human rights statistics, disaggregated in terms of minorities, regional conditions or social groups;
- there is a need for co-ordination among duty-bearers. The duty-bearer accountability can be operationalised, for instance, by having one minister in charge of specific areas of implementation;
- in some cases, there is a gap between local and central levels of human rights implementation. The work with the Swedish human rights action plans illustrated how human rights capacity at the local level was weak;
- the constructive co-operation between governments, NGOs and professionals was emphasised. This will also entail that key professionals have sufficient knowledge and awareness about human rights, for instance:
  - the police;
  - the health care professionals;
  - the lawyers;
  - teachers in order to ensure human rights education in school;
  - human rights education to ensure the formation of a human rights culture.

The context in which human rights is implemented matters tremendously. Experience from human rights support in, for example, South-Eastern Europe inspired the following reflections:

- Human rights are part of social values, not a technocratic construct. Human rights implementation evolves with the transformation of societies. Actual policy is the science of muddling through. Especially in acceding candidate countries in south-east Europe they have embraced the human rights call to address inequality and

exclusion and aim at empowerment of vulnerable groups, Roma, women, disabled and minorities.

- Some acceding countries have gone one step further and are focusing squarely on non-discrimination.
- Very few countries are addressing the capacity of the judicial system to address human rights violations.
- Some of the participants also emphasised that there has been progress in the development of methodology which enables human rights implementation. Examples mentioned were the development of the Office of the High Commissioner for Human Rights guidelines on human rights-based approaches to poverty reduction, the OECD study on integrating human rights into development, the UNDP Oslo Centre's work on governance, and the human rights indicators developed by an expert group under the aegis of the Office of the High Commissioner for Human Rights.

The participants in Group 4 had the opportunity to reflect on the added value of Sweden's human rights action plan. The plan was endorsed by parliament in 2006 and is expected to be evaluated in 2009-10. The plan is both a baseline study and a plan of action. Some 400 stakeholders were involved in the process of formulating the plan. The plan took a year and a half to draft. It includes 135 activities, with a focus on non-discrimination and implementation. The creation of a new institution, the Delegation for Human Rights, has been an important input to the formulation and implementation of the plan.

Indications of value added were:

- more coherence and better co-ordination among different sections of government;
- government becoming better at handling complexity in dealing with human rights, namely avoiding the possibility of human rights accountability falling between two stools;
- government agencies gaining better insights into the diversity of various human rights priorities;
- defusing suspicion as regards human rights implementation;

- creating human rights ownership within government;
- facilitating a broad dialogue in sensitive areas, for instance enhancing a common language of human rights implementation.

The debate focused on human rights, and human rights action plans on the following:

- First, that action plans can take different shapes and forms dependent on context and capacity. Sector approaches could be an alternative. One should also be aware that action plans might be more oriented towards promotion than protection. Human rights action plans are not necessarily effective in addressing current human rights violations; in the longer term they may have an impact on redressing structures of violations, but not in the short term.
- Second, there are other tools of human rights implementation than the action plans, such as:
  - strengthening human rights baseline studies and the use of indicators and benchmarks;
  - strengthening follow-up processes of the dialogue with treaty bodies in order that the treaty body reporting and dialogue is not just a process that takes place every third or fourth year.
- The balance between national and international human rights work was also discussed. Human rights action plans might contribute to increased endeavours at the national level which is a necessary process, but these efforts should be paralleled by continued efforts at the international level.
- The current reform of the Human Rights Council is important. New instruments of monitoring are under way such as the Universal Periodic Review.

A number of observations were made by the participants in the final session on human rights:

- There is agreement on the need for enforcement.
- There is a need for broadening the dialogue and engaging wider communities. Human rights has been the domain of lawyers; broader participation in terms of other subject fields being involved in human

rights implementation has progressed, but in terms of social transformation and the involvement of social communities there are still shortcomings.

- The importance of local governance was also mentioned in mainstreaming human rights. How is it possible to plan human rights from the local level? There is a need for experimentation.
- There are also shortcomings in terms of conceptual agreement, for instance some states are still questioning the international framework, counter-terrorism efforts sometimes serve to undermine human rights reinforcement, and there are still debates about economic, social and cultural rights.
- Action plans have only been undertaken in 23 countries.
- There is insufficient human rights research. It is a research agenda which is still to evolve with strength.

## **2. E-democracy**

E-democracy according to the participants in the working group is a tool that is not meant to challenge representative democracy, but to support it. The principal technologies are the Internet and digital technologies. A distinction has to be drawn between e-voting and citizens' online participation.

E-voting will move the electoral process into the 21st century, but it will not solve political disengagement. E-participation strives to address that.

The panellists of the group made two broad observations:

- There is a widespread sense that the public has disengaged from formal political processes, in terms of voting and joining political parties.
- There is also a perception that digital technologies can be used to broaden and deepen the democratic process, making it more transparent and inclusive.

So, what are the indications of success so far?

- So far, the view is that the promises of solving political disengagement have not been fulfilled. Significant progress has been achieved during the last ten years, but maybe because e-participation has been fragmented and unfocused, the achievements have not represented major steps forward.
- There is no question that e-participation can become important, but the complexity has to be addressed. There is no such thing as a tool that fits all cases. There are issues of social diversity, political culture, organisational structures, and technological capacities. Some of the barriers to e-democracy are the same as the barriers to democracy without an “e”.

Additional observations were:

- E-participation methods have the potential to create more transparent and responsive governments, enhancing freedom of speech and access to information. The potential synergy between e-participation and human rights reinforcement is something to exploit.
- In order to enhance the potential of e-participation, there is a need to enhance co-operation and partnership between all stakeholders and government. It is a tool for active citizenship at all levels.
- Education is an important factor – there is a need for Internet education and media literacy at all levels.
- Special attention should be paid to the inclusion of elderly or disadvantaged minority groups, while keeping the door open to young people who are eager to participate.
- There is a need for a regulatory framework: privacy discussions have just started. Issues such as privacy, security, authentication and open source are dimensions to consider.

One of the presentations on the theme drew attention to the fact that in order to attain a more solid knowledge base for strengthening the opportunities of e-participation, a major research programme had been started, funded by the European Union. This research aims to build research networks and to get a better grip on the barriers involved, for instance also research on the importance of political culture acting as a constraint on e-participation.

## CLOSING SESSION

### **Jean-Marie Heydt**

*Vice-President of the Conference of International Non-Governmental Organisations of the Council of Europe*

Ladies and gentlemen,

As representative of the Council of Europe's Conference of International Non-Governmental Organisations (INGOs), I should like to tell you how much I have enjoyed taking part in this Forum, which is now drawing to a close, and I think my colleagues have very much enjoyed it, too.

When I say "enjoy", I am certainly referring to the warm welcome and excellent organisation provided by our Swedish friends, who have really done their utmost to make our stay and our discussions easier.

But this enjoyment does not simply stem from the friendly atmosphere or the tourist side of things; it is also and chiefly due to the quality of our discussions.

We have really been able to deepen, compare and alter our perception, experience and practice of democracy and its possible developments.

I say this because the many situations discussed show that we still have a long way to go, but that it is not impossible.

Allow me to return briefly to a statement of fact. We all know that the huge gap that has developed between the citizens and the institutions representing them is not simply the outcome of loss of interest in public affairs, but the visible part of a groundswell of "disbelief" and "disengagement". We observe and are sometimes even involved in

“the loss of belief ..., as people move away from religion and lose interest in politics, and as trade unions and family organisations fall into decay ..., [resulting in] a self-centred attitude and the loss of belief in the building of Europe”.<sup>1</sup>

I think we have all contributed to this loss of belief, which has developed gradually, particularly since the time of the Enlightenment philosophers, who attached but little importance to the concept of “participation”. And yet we demand, support and work at participation, and we are often told that it really exists – witness the fact that people even write about it.

So a great gap has opened between the leaders, the researchers and the various intellectuals, on the one hand, and the “ordinary citizens”, on the other. Neither of these two spheres speaks to the other, or, when they do, they do not understand each other. “Ordinary citizens” feel that there are inequalities, and feel closed in – a ghetto-type experience in their eyes, since they see themselves as entirely unrecognised. And as you know, the feeling that there is not enough “being” – “Do I exist, and if so, who for?” – is usually reflected in a demand to “have” – “I want, I’m entitled to.”

Unless we fill this gap, we will be allowing it to turn into a real “grave” for democracy and human rights, since our efforts to create a future will be swallowed up by this “black hole” that keeps sucking them in. Fortunately, we have clearly heard over the past few days that we all want to move forward.

National NGOs and the Conference of International NGOs support “lost causes” and the outcasts of our societies, but they also develop opportunities for everyone to talk together and they actively generate social ties through this desire of ours to build a cohesive society.

So NGOs are not and do not claim to be some sort of “new power”. Nor are we another “decision-making body” at central or regional government level, which absolutely has to be consulted before any decision is taken. And our workshops have made it quite clear that we do not compete with, but supplement and actively co-operate with the choices made in the interests of the citizens.

---

1. Jean-Claude Guillebaud, *op. cit.*

It must also be borne in mind that in our daily voluntary work we are quite simply in permanent contact with those “ordinary citizens”, because we live with them and hear their complaints, their distress and their perception that they are “unrecognised”. Sadly, we all too often witness ambivalence, because on the one hand human rights violations are known to take place in everyday life in all the Council of Europe member countries. We realise that this cannot be due to general ill-will on the part of the authorities, but that it is the result of an unintentional mechanism grounded in a sort of unseeing approach to people’s experience, a form of ignorance of the meaning of individual citizens’ acts.

On the other hand, we are also aware of countless remarkable initiatives taken by citizens, either individually or in groups, which will very actively contribute to the common good.

All too often we see excellent seeds which could germinate and bear fruit, yet unfortunately, through lack of understanding and clear-sighted local policies, they will dry up or even be directly crushed before they have a chance to germinate.

Yet we would so much like to hear that building, developing and strengthening democracy is also the work of “ordinary citizens” and that their political leaders can therefore talk of them with pride, and encourage them or even support them.

So what can we do to achieve this?

First, we must develop more interaction between NGOs and policy makers so that we can constantly compare and discuss our views and activities. We can no longer continue to operate in separate spheres. Allow me to repeat a caricature I used in a workshop yesterday, to make it clear where this concept of “participation” is still all too often located: it is relegated to the status of a playground activity, while the future is emerging and being decided in the classroom on the first floor of that same school, just above the “participation playground”. Let us work together for the common good, even if we all have to compromise, even if we have to meet on the staircase of that “school”, between the playground and the classroom.



Our organisations have got down to work and are taking practical steps to develop new forms of participation in our democratic societies.

To do this, we really want to:

- restore the confidence of people around us in the fact that “their participation” is valuable and purposeful in terms of the common good;
- hope that the proposal made during our workshops by the representative of the Parliamentary Assembly of the Council of Europe, to set up a platform for exchanges between NGOs and the Parliamentary Assembly, will be carried out;
- rely on the production of the “code of good practice for civic participation”, not so as to have one more text, but so that it comes alive and becomes a tool we shall be able to use in particular with children, to provide a real education for “integrated civic participation”. However, even if it is essential to educate children, it is also vital that adults should learn. Unless everyone learns together, the prospects for participation may well soon come to nothing;
- see all our member states translating into practice and action, at local level; this will to work together for the benefit of the whole democratic process in our societies.

I cannot resist bringing up or rather repeating the age-old question “Who made you king?”. Why were you made king? And what have you done with that royalty? These questions do not only confront NGOs but all forms of authority and government, whether representative, participatory or other. And we will always have to ask ourselves these questions unless we want to fall asleep in the “grave of democracy”.

So the future of democracy in Europe is not mere window-dressing, it is a radical change of approach; it means preparing our children’s future, since they and they alone will be able to assess what we have left them. The future of democracy and its interdependence with human rights are no longer in doubt. I think Mr Hammarberg, the Commissioner for Human Rights, was very clear when he said that

“democracy is the best form of government to protect all human rights”.

But we know, and you have heard here, that democracy – in all its forms – comes at a price. The price we propose to set for the future is “the price of effective participation”, the only guarantee that democracy will succeed.

**Vidar Helgesen**

*Secretary General of International IDEA*

Ladies and gentlemen, it is a great pleasure and privilege to have the opportunity to address this distinguished and important gathering towards the end of your deliberations. It is also very good to have this opportunity to interact for the first time personally with Mr Andreas Gross, who has played an important role throughout this conference, but who also yesterday was appointed board member of my organisation, the International Institute for Democracy and Electoral Assistance. So we look forward to working closely together.

As an intergovernmental organisation with member states from all continents, International IDEA is increasingly looking to Europe. And we do that because the situation for democracy globally is less evidently optimistic today than a decade or two ago. There are probably no more democracies in the world today than ten years ago. In the preceding decades we saw a continuous rise and we believed democracy to be on the road. But the situation is somewhat more challenging today.

We see challenging situations in the Middle East, challenges resulting from the rise and fall of the US freedom agenda. We see challenges arising from the global rise of China, from autocrats throughout the world with increasingly high self-confidence, not least because of higher energy prices, and therefore their ability to play a role as autocrats not only within their countries, but in regions.

And when democracy, in these ways or others, is facing more challenges, there is a need for a more active Europe in the world and therefore, also, the vitality of democracy in Europe has not only significance for the citizens of Europe, but significance globally. And discussions like the ones that you have had over the past few days are therefore important.

On the other hand, while Europe is important to the world, the world is also increasingly important to Europe. Globalisation means that the world has gone local. What we see on the TV screens these days, very depressing pictures from the Middle East, is not irrelevant to Europe,

not only as a matter of solidarity, but it also matters in the streets of Europe. There is much talk about increasing frustration and desperation on the Arab street. There are links between Arab streets and European streets and the situation in the Middle East has an influence on immigrant communities in Europe, for example. Europe is getting increasingly diverse, and there is a need to identify how democracy in Europe as well can work better in managing diversity. And I am very pleased to see that this conference has addressed at least three very important ways of making democracy work better for diversity and also making diversity work better for democracy.

The first is the importance of human rights. Human rights represent, of course, the universal values and principles, but they also represent rules that states need to adhere to and also therefore determine how citizens must interact. Increasing diversity requires adaptation on the part of new citizens and on the part of receiving communities, and human rights set the standards for that adaptation and set the standards for managing diversity.

Also the importance of political society, of political parties, which was the theme for the preceding Forum, the role of the opposition, the role of parliaments, is another essential discussion in the context of increasing diversity in Europe. Political parties and political oppositions play a great role in contributing to inclusive societies, to inclusive politics and also in situations that run the risk of being polarised. There is a responsibility for all political actors in government and outside governments to behave in ways that do not add to polarisation. While politics is all about competition, there is also an element of responsibility not to exploit opportunities for polarising societies.

And finally, the importance of local government. We see globally an increasing need to focus on the importance of local government. Democracy is also challenged by citizens' perception that it is not delivering on development. This is of course a much bigger issue beyond the shores of Europe, where development – human, economic and social development – is lacking, but it is certainly also an issue in Europe in managing the challenges of this continent.

The local level is where the values of democracy and the values of human rights meet the social and economic realities and the potential frustrations on the streets will have to be dealt with at the local level. Therefore the role of local democracy in ensuring inclusion, in ensuring social and economic development, in ensuring stability and human security for citizens is absolutely essential.

These are issues that are key to Europe, issues that need elaboration and discussions like those that have taken place here over the last few days. I would also like to say that they are very important in a global context and that for us interacting with the European setting also for the benefit of the global condition for democracy is very important, because Europe is called on to take leadership in facing challenges globally.

**Ana Isabel Leiva Díez**

*State Secretary of Territorial Co-operation  
Ministry of Public Administrations, Spain*

Dear colleagues,

It is a great honour for me to participate in this closing ceremony of the Council of Europe Forum for the Future of Democracy, held here in this historic city of Sigtuna, which is so representative of an essential part of the history of this great European nation and this great democratic state, Sweden. From Spain, we have always felt great admiration and respect for this country, its determination, the working capacity and energy of its people, the creativity of its spirit, the rigour and seriousness of its contributions to progress. It has a culture and people who also know how to be passionate about what they do, and this Forum in Sigtuna has constituted a clear example of these values.

The Forum for the Future of Democracy represents an exemplary initiative of the Council of Europe so that together, we are able to debate on aspects and essential elements of democracy, as lived and perceived by Europeans. This has been the third edition, following those in Warsaw and Moscow, and the enormous commitment of the Council of Europe in general, and particularly of Sweden, with the values adopted in this field has been clearly felt. The priorities of this country are revealed by the fact that the central theme chosen for this edition of the Forum has been human rights, a field in which Sweden has always proven to be coherent and involved, like the Council of Europe, which constitutes one of the basic lines of action and one of their essential causes, such as international organisation. I must say that the Spanish Government and our citizens recognise the priority that must be given to human rights as a framework of democratic action, and I have already had the opportunity to present specific and practical examples of this commitment in the seminar in which I participated.

Essential aspects of human rights have been reliably and rigorously dealt with here, without which democracy would be devoid of contents, rhetorical and superficial. Only on an extensive basis of effective,

civil, political, economic and social rights does democracy acquire fundamental reality, become believable and is assumed by citizens as a set of values which legitimise the people's government, by means of representative mechanisms and via direct participation procedures for citizens, which are two areas that are considered to be complementary and mutually enriching, rather than alternative or competing models.

Proof of the fact that the Forum for the Future of Democracy is very much alive and active is evident as there are already three host cities effectively committed to the forthcoming annual sessions: Madrid in 2008, Kiev in 2009, and Erevan in 2010. I am going to focus on announcing the next session in the city of Madrid, the capital of Spain and one of the largest and most vibrant cities of this continent.

The 2008 Forum for the Future of Democracy will take place from 15 to 17 October, and the main theme will be e-governance.

We believe that the Madrid Forum should focus on a theme which is also of extreme practical relevance in the contemporary world, enabling a specific theme to be concentrated on although there will undoubtedly be extensive derivations. There is no doubt that the application of the new information and communication technologies to relations between citizens and the public authorities is of extreme importance, is highly topical and offers enormous potential for development. Furthermore, it is a theme to which the Council of Europe is conferring increasing importance, aware of the positive effects which it may offer to the strengthening of democracy and human rights.

Indeed, the new information and communication technologies offer excellent opportunities in such diverse areas as democratic participation (direct or representative), the exchange of information or access to it, transparency and freedom of information and communication, or the processing of all types of administrative processes. They bring politics and the administration closer to citizens; they are fast and effective and enable people to save millions of hours in travelling and queues (and therefore vast sums of money and resources). The so-called "digital divide" should not put us off the intensive use of new technologies; on the contrary, it should drive public authorities to

make them more accessible to all citizens through appropriate investment and promotional measures.

Allow me to invite you all here and now to our country, where you will be warmly welcomed, to participate actively in the debates at the Madrid Forum for the Future of Democracy.

We do not want this Forum to be merely a space for formal or ritual discussion, a presentation of programmes of willingness, planned or implemented legislative innovations or programmatic good intentions. We want it to be alive, forcing us to tackle the challenges of democracy in Europe with values and determined and critical spirit, enabling us to face reality, the problems and obstacles which arise in this sphere, their causes, effective experiences which form good practices, inevitable improvements and changes which need to be made.

The Spanish Government is looking for sincere, realistic dialogue and debate, far from patriotisms and misunderstandings but linked instead to an active commitment with the strengthening of effective democratic citizenship. Honest and realistic papers and presentations based on research and on empirical bases will be welcomed, which will enable us to assess the effective degree of the implementation of the new information and communication technologies in the sphere of democracy and administration. We also give full support to those who present creative and imaginative proposals on real foundations, particularly those endorsed by experiences or pilot or experimental programmes. Creativity and rigour must preside at the Madrid Forum, which we hope will have a real and as far as possible sensitive impact on politics and administration in the European continent.

I cannot fail to highlight the institutional commitment that local governments in Spain are showing towards the Forum. In 2004, the local and regional institutions of Catalonia displayed their degree of commitment to these values when they provided the necessary resources to hold the Barcelona Conference on the Future of Democracy, which was in fact a kind of experimental pre-Forum, the success of which enabled this initiative to come about. The City Council of Madrid, the capital of Spain, has offered the Council of Europe the magnificent installations of the Municipal Congress Centre, undoubtedly one of



the best areas in the continent for this type of event, which you will be able to see for yourselves in 2008, free of charge, to hold the 2008 Forum. As the representative of the Spanish Government for this event, I would like to express our thanks for this gesture of institutional commitment, responding positively to a request made by the government of our nation.

Allow me to finish by repeating my thanks and recognition to the Council of Europe and the Swedish Government for this excellent session of the Forum for the Future of Democracy, in the beautiful city of Sigtuna, and to extend, once more, my most sincere invitation to participate in the next edition in Madrid.