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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1547 (2007)[1]

State of human rights and democracy in Europe

Parliamentary Assembly

1. Membership of the Council of Europe, founded in 1949, is based on three pillars: the enjoyment of human rights and fundamental freedoms by all persons within the jurisdiction of its member states, the consolidation of the rule of law, and the existence of a genuine pluralistic democracy, based on the spiritual and moral values which are the common European heritage. The Council of Europe's achievements in the field of human rights and in the establishment and consolidation of democracy are unparalleled.

2. However, we must never allow ourselves to become complacent with respect to this acquis, even though it has surpassed the Organisation's founding fathers' most optimistic dreams. The Parliamentary Assembly of the Council of Europe, composed of parliamentarians from the Organisation's 46 member states, therefore feels duty bound not only to acknowledge the Organisation's outstanding achievements, but also to highlight the new tasks and challenges confronting it in the 21st century.

I. The state of human rights in Europe

i. The Council of Europe, Europe's human rights watchdog

3. The Assembly recalls the Council of Europe's irreplaceable role as the leading human rights organisation in Europe: had it not been set up in 1949, it would now need to be created.

4. The Council of Europe now encompasses almost the entire continent and is the point of reference for and the guardian of human rights, democracy and respect for the rule of law in Europe. It possesses an array of effective control mechanisms, among which the European Convention on Human Rights (ETS N°. 5), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), the European Social Charter (ETS N°. 35) and the Framework Convention for the Protection of National Minorities (ETS N°. 157) are at the forefront. These instruments possess independent review bodies, such as the European Court of Human Rights (the Court), unique in providing for the international judicial protection of human rights. This arsenal for human rights protection has been reinforced, notably by the creation of the European Commission against Racism and Intolerance (ECRI) and the institution of the Commissioner for Human Rights.

5. In addition to its standard-setting and monitoring activities, the Council of Europe runs co-operation, assistance and awareness-raising programmes in the legal and human rights fields, which include legislative expertise, capacity building and training. This work, often carried out in partnership with the European Commission, the Organization for Security and Co-operation in Europe (OSCE), the United Nations and its specialised agencies, such as the High Commissioner for Refugees (UNHCR), as well as non-governmental partners, contributes effectively to the constant improvement and consolidation of legal norms and their implementation in member states, thus strengthening democratic stability in Europe. The role of the Council of

1. Assembly debate on 18 April 2007 (15th Sitting) (see Doc. 11203, report of the Political Affairs Committee, rapporteur: Mr Gross; Doc. 11202, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pourgourides; Doc. 11215, opinion of the Committee on Economic Affairs and Development, rapporteur: Mrs Pirozhnikova; Doc. 11218, opinion of the Committee on Culture, Science and Education, rapporteur: Mrs Melo; Doc. 11219, opinion of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Platvoet; Doc. 11220, opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Čurdová; and Doc. 11221, opinion of the Committee on Rules of Procedure and Immunities, rapporteur: Mr Čekuolis). Text adopted by the Assembly on 18 April 2007 (15th Sitting).

Europe in stimulating and actively supporting the creation of independent national human rights structures in member states is an example of the Organisation's contribution to the consolidation of human rights institutions in Europe.

6. One of the greatest achievements of the Council of Europe, and of its Parliamentary Assembly in particular, is the de facto abolition of the death penalty in peacetime in all member states.

7. The Assembly recalls that these successes have been achieved with very limited resources, as the total budget of the Council of Europe – including that of the Assembly and the Court –, of less than €200 million in 2007, amounted to less than 15% of the 2007 budget of the European Parliament alone.

ii. Major human rights challenges

8. While recognising that much progress has been made in member states, there remains a need to reduce the gap between standards on paper and the reality on the ground. The full implementation of existing human rights in everyday life is an unfinished task. Human rights can most effectively be defended when they are embedded in the culture of its citizens, which requires adequate cultural and education policies by all member states and the Council of Europe.

9. The Assembly remains deeply concerned that human rights violations, including very serious ones, still take place in Europe.

10. In several European countries, human rights defenders are harassed and face a worsening climate of repression. Unimpeded work of human rights defenders, in particular non-governmental organisations, lawyers and journalists, is crucial for the protection and promotion of human rights in Europe.

11. The rule of law is still not fully respected in several European countries. Judicial independence and the effectiveness of legal proceedings need consolidation and strengthening in many instances. Moreover, there continue to exist geographical "black holes" where the Council of Europe's human rights mechanisms cannot be fully implemented. This concerns Belarus, a non-member country, and certain areas within member states whose authorities are not internationally recognised and/or which are not under their de facto control, such as Nagorno-Karabakh, Kosovo, the "Moldovan Republic of Transnistria", South Ossetia and Abkhazia, as well as northern Cyprus.

12. Even the most serious human rights violations, such as enforced disappearances, extrajudicial killings, secret detentions, torture and inhuman treatment, still occur in Europe, as indicated in the report of the Assembly's Committee on Legal Affairs and Human Rights (Doc. 11202).

13. Impunity, even for these most serious human rights violations, has not been eradicated in Europe. Impunity needs to be rooted out by prompt, thorough and impartial investigations and prosecutions.

14. Terrorism is one of the key challenges for Europe's open societies; it can and must be vanquished without violating the very principles of human rights, the rule of law and tolerance that terrorists set out to destroy.

15. Trafficking in human beings, especially women and children, is the modern form of the old worldwide slave trade. Human beings are treated as goods to be bought and sold. This phenomenon is widespread in Europe and constitutes a serious violation of human rights. The new Council of Europe Convention on Action against Trafficking in Human Beings (CETS N°. 197), opened for signature in May 2005, is a major step in the fight against this scourge.

16. Throughout Europe, there are persons in particularly vulnerable situations whose rights need further and enhanced protection.

16.1. The treatment of persons deprived of their liberty deserves increased attention, be they detained in police cells, prisons, psychiatric hospitals, or other detention facilities such as holding centres for irregular migrants. The eradication of all ill-treatment of persons detained, including the most serious documented incidences of torture, the existence of which has been established by the European Court of Human Rights in different regions of Europe and in particular in the North Caucasus, must continue to be given top priority.

16.2. Too many refugees and internally displaced persons are unable to return to their homes in safety. Asylum seekers have difficulties entering Europe and, once in a member state, they are often faced with the de facto impossibility of having their application dealt with fairly because of administrative

procedures of unacceptable complexity; this situation is made worse by substantial differences of treatment from one country to another. In addition, migrants – especially those in an irregular situation – often suffer discriminatory treatment in obtaining access to their social and economic rights.

16.3. The rights of children, the elderly and persons with disabilities also require better protection.

16.4. Special efforts must be deployed to integrate better socially excluded persons, including Roma and Travellers.

17. Violence against women, including domestic violence, is still widespread and must resolutely be fought against at all levels. Forced and child marriages, so-called "honour crimes" and female genital mutilation also constitute grave human rights violations which need to be addressed without further delay.

18. Racism, xenophobia and intolerance have not been eradicated and discrimination based on racial, ethnic or religious origin remains widespread in European societies. The upsurge of anti-Semitism is of particular concern, as is the disturbing increase of islamophobia.

19. Discrimination based on gender or sexual orientation is prevalent in a number of states. The denial or unacceptable restriction of rights, such as freedom of expression, association and assembly based on grounds of gender or sexual orientation, is intolerable.

20. Similarly, in many member states, respect for the rights of persons belonging to national or other minorities, as well as the integration of minority groups into society, in particular Roma and Travellers, remain major challenges.

21. Social and economic rights need to be fully respected, notably as regards access to education, housing, health care, employment, minimum income, social benefits and pensions. All member states should consider themselves bound to uphold these rights in accordance, inter alia, with the principles laid down in the revised European Social Charter (ETS N°. 163).

22. Cultural rights are part of human rights, in particular the right to education under Article 2 of the Protocol to the European Convention on Human Rights (ETS N°. 9) and the right of everyone to take part in cultural life under Article 15 of the UN International Covenant on Economic, Social and Cultural Rights. Member states must respect these rights and those enshrined in the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199), as well as academic freedom and university autonomy.

23. The Council of Europe has also drawn up the only comprehensive set of international standards for bioethics in the Convention on Human Rights and Biomedicine (ETS N°. 164) and its protocols.

24. Sustainable development is another major European and global objective. Everyone should have a right to a healthy, viable and decent environment. This right is interdependent with and inseparable from the fundamental values of peace and the rule of law, respect for human dignity and human rights, equity between generations, social and spatial cohesion and economic development. It must be guaranteed if sustainable, solidarity-based development is to be achieved for present and future generations.

iii. The necessity to strengthen the Organisation's human rights mechanisms

25. In view of the above challenges, the Assembly considers that the Council of Europe's statutory mission remains equally – if not more – relevant as it was at its inception in 1949. The Organisation must be further strengthened as Europe's "moral conscience".

26. In order to guarantee the long-term effectiveness of the European Convention on Human Rights, implementation of the reform process must be accelerated. The swift entry into force of Protocol No. 14 to the Convention (CETS N°. 194) is necessary, but not sufficient. Human rights must first and foremost be enforced at the national level.

27. Considering its limited resources, the Council of Europe, including its Parliamentary Assembly, should focus on its areas of excellence – human rights, democracy and the rule of law.

28. The credibility of the Council of Europe as Europe's leading human rights organisation depends on the capacity of the Committee of Ministers, the Organisation's decision-making body, to live up to its responsibilities in the face of major human rights challenges. Decision making by consensus may paralyse the Organisation's human rights acquis.

29. Another major challenge for the Organisation's human rights protection system is the risk of unnecessary duplication of its activities by European Union bodies, which could lead to double standards and new dividing lines in Europe. Such duplication would also waste scarce budgetary resources at a time of general austerity. The European Union and its member states should make better use of existing Council of Europe instruments, with accession to the European Convention on Human Rights now being an urgent priority. Active consideration should also be given to EU/European Community accession to the revised European Social Charter. Complementarity and the search for added value should also govern relations between the Council of Europe and the newly-founded European Union Agency for Fundamental Rights.

iv. The way forward

30. The Parliamentary Assembly recalls its previous resolutions addressing specific human rights issues referred to in the present text and in the report of the Assembly's Committee on Legal Affairs and Human Rights (Doc. 11202).

31. The Assembly is concerned by the gap between solemn declarations and commitments undertaken by member states – including at the 3rd Summit of Heads of State and Government of the Council of Europe, held in Warsaw in May 2005 – and the situation in practice, where human rights violations often remain without redress or remedy. This gap undermines the credibility of all our national leaders, our parliamentary bodies, of the Organisation, and that of the whole European continent and the universal values it upholds.

32. The Assembly considers that it is now time to end hypocrisy and to turn words into deeds. The Assembly further considers that the most effective method of preventing human rights violations is by showing zero tolerance towards such violations.

33. It therefore resolves first and foremost to mandate itself, with respect to its future work, to give higher priority to human rights and the rule of law, inviting the Committee of Ministers to do likewise.

34. It also calls upon all member states of the Council of Europe, and in particular their respective parliamentary bodies, to address all the issues raised in the reports and opinions underlying this resolution and in particular, to:

34.1. ensure prompt and full implementation of the 2005 Warsaw Summit Declaration and Action Plan, notably measures ensuring the continued effectiveness of the European Convention on Human Rights and those aiming at protecting and promoting human rights and the rule of law through other Council of Europe institutions and mechanisms;

34.2. take all appropriate measures in a resolute effort to eliminate all human rights violations, and in particular enforced disappearances, extrajudicial killings, secret detentions, torture and inhuman treatment, and to effectively investigate these crimes and prosecute the perpetrators. In this respect, the Assembly recalls, again, that the right to life and the prohibition of torture and inhuman or degrading treatment or punishment are non-derogable rights under the European Convention on Human Rights;

34.3. root out impunity of human rights violators by swiftly and firmly condemning such violations at the highest level, by ensuring that law-enforcement bodies carry out effective, impartial and transparent investigations, and by holding the authorities accountable before parliament;

34.4. protect effectively human rights defenders and their work, including the unhindered access of individuals to the European Court of Human Rights;

34.5. give full effect, at national level, to the rights guaranteed by the European Convention on Human Rights and other international human rights instruments, thereby making human rights a reality for people everywhere in Europe;

34.6. fully implement the judgments of the European Court of Human Rights within the legal order of all member states;

34.7. develop human rights education as a basic requirement of school education and lifelong learning;

34.8. fully respect human rights while fighting terrorism, as already requested by the Assembly on numerous occasions, refuse to expel or extradite any individual to a country where there is a real risk of their being subjected to serious human rights violations, regardless of assurances received, as well as to sign and/or ratify at the earliest opportunity the Organisation's conventions and instruments pertaining to human rights, including those on combating terrorism;

34.9. eliminate trafficking in human beings. In this respect, the Assembly calls on member states to sign and/or ratify the Council of Europe Convention on Action against Trafficking in Human Beings without delay so that it enters into force as soon as possible; in any event, to apply forthwith its most important provisions. The Assembly also calls on the European Union to sign and ratify this convention as soon as possible;

34.10. better protect the rights of persons in particularly vulnerable situations, notably persons deprived of their liberty, refugees and internally displaced persons, missing persons and members of their families, asylum seekers and migrants, children, the elderly, persons with disabilities, socially excluded persons, including Roma and Travellers, and fully co-operate with relevant treaty-based and other bodies working in this field;

34.11. effectively combat domestic violence, forced marriages and child marriages, as well as so-called "honour crimes" and female genital mutilation;

34.12. concerning the fight against domestic violence, continue and step up their efforts to implement the programme of the Council of Europe Campaign to Combat Violence against Women, including domestic violence, alert public opinion and pass laws prohibiting domestic violence against women;

34.13. combat effectively all forms of discrimination based on racial, ethnic or religious origin, in particular the upsurge of anti-Semitism and islamophobia, and in this respect, sign and ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177), providing for a general prohibition of discrimination, and fully implement ECRI's recommendations;

34.14. combat effectively all forms of discrimination based on gender or sexual orientation, introduce anti-discrimination legislation, partnership rights and awareness-raising programmes where these are not already in place;

34.15. better protect the rights of persons belonging to national and other minorities and better ensure integration of minority groups in society, in particular Roma and Travellers;

34.16. sign and/or ratify the revised European Social Charter, as well as the Charter's collective complaints procedure, and fully uphold and apply social and economic rights, notably as regards access to facilities for vocational guidance and training, housing, health care, employment, minimum income, social benefits and pensions, with a view to building a more human and inclusive Europe;

34.17. fully respect the right to education under Article 2 of the Protocol to the European Convention on Human Rights and the right of everyone to take part in cultural life under Article 15 of the International Covenant on Economic, Social and Cultural Rights;

34.18. become party to the Convention on Human Rights and Biomedicine and to its protocols;

34.19. seek gradual and complete eradication of poverty;

34.20. take legislative measures in favour of joint sustainable management of resources, to protect the environment, to stimulate the use of renewable energy sources, to implement energy-saving programmes in industry, offices and housing, to stimulate public transport and sustainable water management, and to put in place an agriculture policy in which food safety, animal welfare and the sustainable use of resources are central elements;

34.21. more generally, sign and/or ratify all of the Council of Europe's main legal instruments in the human rights field without reservations or restrictive interpretative declarations, and withdraw those which have already been made;

34.22. enhance the role of the Council of Europe as an effective mechanism of pan-European co-operation in protecting and promoting human rights;

34.23. ensure that complementarity and the search for added value governs relations between the Council of Europe and other international organisations and bodies working in the human rights field, and in particular with the new European Union Agency for Fundamental Rights, in order to avoid duplication of activities and waste of public money;

34.24. consider the swift accession of the European Union to the European Convention on Human Rights as an urgent priority and, for those states which are also members of the European Union, take the necessary measures to ensure such accession;

34.25. make better use of Council of Europe instruments and institutions, and ensure that the Organisation's resources are considerably increased on account of its important achievements in the human rights field.

35. The Assembly further resolves, in close co-operation with the national delegations of the Assembly, to invite the competent committees of the parliaments of member states to an annual conference of parliamentary legal and human rights committees in order to take stock of shortcomings and progress in the field of human rights and the rule of law, to exchange good practices and identify any necessary improvements for national legislation and possible future Council of Europe action in the field.

36. In view of the significant contribution of civil society, including human rights defenders, to the promotion and protection of human rights, the Assembly invites its Bureau to establish an annual award of the Parliamentary Assembly for outstanding civil society action in the defence of human rights as well as the criteria for selecting the candidates.

II. The state of democracy in Europe

i. The Council of Europe, home of democracy

37. The Assembly recalls that the Council of Europe is the oldest pan-European institution standing for democratic values and principles. Acceptance and realisation of the principles of democracy, the rule of law and human rights and fundamental freedoms are a necessary condition for membership in the Organisation.

38. Since its creation fifty-eight years ago, the Council of Europe has established an important acquis in the field of democracy which constitutes a valid reference for the development of democracy. It includes 200 conventions, treaties and charters, as well as recommendations of the Committee of Ministers, recommendations, resolutions and opinions of the Parliamentary Assembly, recommendations, resolutions and opinions of the Congress of Local and Regional Authorities of the Council of Europe, reports of other Council of Europe bodies, in particular, the European Commission for Democracy through Law (Venice Commission), the European Commission against Racism and Intolerance (ECRI) and the Group of States against Corruption (GRECO), as well as various background reports and publications that support the activities of the Council of Europe and the output of interdisciplinary projects.

39. The Council of Europe's acquis in the field of democracy is aimed at assisting standard setting and it seeks to do this through the elaboration of legal instruments, and at establishing particular institutional structures or practices. Apart from this legal basis, the development of democratic institutions and practices in member states is addressed through the activities of the Council of Europe's organs and bodies which provide guidelines for the identification of democratic priorities and concerns.

40. The Council of Europe has played an essential role in supporting the democratic transformation processes of the mid-1970s and early 1990s, which are still ongoing in some European countries, and in consolidating democracy in its member states.

41. From pre-accession co-operation through to the formal accession and subsequent monitoring procedures, the Council of Europe has effectively guided countries through the difficult process of democratisation by offering its expertise, legal assistance and co-operation programmes, and by identifying deficiencies and proposing concrete remedies and solutions in compliance with democratic standards.

42. Because it is an open, never-ending process in which the freedom of all citizens to affect their own lives should be increased, democracy is still a challenge for all Council of Europe member states. In many of them, citizens are not satisfied with the state of their democracy and try to overcome democratic deficits and improve the quality of their democracy. Democracy can best flourish and succeed when it is embedded in the culture of its citizens, which requires affirmative education and cultural policies by all member states and the Council of Europe.

43. With a view to further developing and deepening the reflection on different critical issues in the field of today's democracy in all Council of Europe member states, the Forum for the Future of Democracy was established in 2005, following the 3rd Summit of the Council of Europe.

ii. Major challenges to democracy

44. While expressing satisfaction at the unquestionable achievements and progress in the implementation of democratic standards in the European continent over recent years, the Assembly expresses its concern over the increasing number of deficits in democracy which may be observed in all Council of Europe member states.

45. 45. The Assembly notes, with great concern, the increasing political discontent and disaffection among citizens, which is well illustrated by a declining turnout at elections and a growing disappointment or indifference towards politics, especially among the younger generations. As a result, people are losing confidence in democracy and the gap between political institutions and citizens is increasing.

46. This phenomenon is interrelated with the dysfunctioning of some political institutions in many countries: political parties have partly lost their capacity to be a link between citizens and state; representativeness of parliaments is all too often questionable; basic principles of democracy such as separation of powers, political freedoms, transparency and accountability are widely perceived, and sometimes rightly so, as being insufficiently implemented or not implemented at all.

47. In some “old democracies”, the decline in interest towards the dominant parties and parliament is not an expression of a lack of political interest but of a critical assessment of the work of these institutions. In these cases, the traditional institutions of representative democracy should open themselves to more citizen participation in order to overcome their own shortcomings and to remotivate those citizens who are concerned with their dysfunctioning.

48. In such democracies, thought could usefully be given as to whether traditional systems of representative democracy need to take more account of the rapid changes in communications and access to information leading to the evolution of systems of direct democracy.

49. The Assembly is deeply concerned by reported cases of violations of basic standards of democracy in a number of Council of Europe member states. In particular, there have been worrying reports of restrictions of freedom of expression, attempts to limit freedom of association, of the absence of free and fair elections and of distortions concerning representative, participatory and inclusive democracy. Likewise, there is evidence of insufficient implementation of other basic democratic principles, including separation of powers, checks and balances and the rule of law.

50. The Assembly is also seriously concerned by reported cases of lack of the effective separation of powers and adequate checks on the potential abuse of power.

51. All countries of our continent – old and younger democracies – have to be more aware of the quality of their democracy. Otherwise, the political power loses the greatest achievement of a well-established and well-functioning democracy: its legitimacy.

52. Freedom of expression and information as well as media pluralism and diversification are of crucial importance for genuine democracy. Recent murders of journalists, restrictions imposed on independent media and sanctions inflicted on journalists raise major concern. Examples of excessive media concentration are also of concern, as such a concentration is detrimental to pluralism and diversity. Manipulation of institutional advertising to put pressure on the media must be strongly condemned.

53. The increasing role of the media, which in many cases tend functionally to replace political parties by setting the political agenda, monopolising political debate and creating and choosing political leaders, is a matter of concern. Media are too often primarily business-driven institutions and, by prioritising their business interests over the service to the citizens and democracy, inevitably contribute to the distortion of democracy. The role of the media in setting political agendas, transmitting political debates and forming opinions about political leaders underlines the importance of independent, pluralist and responsible media for a democratic society.

54. Reports on restrictions to freedom of association, including bureaucratic obstacles and unjustified taxation, are also a reason for concern. In some countries, certain professional or ethnic groups do not have the right to organise or form a political party. Yet freedom of association constitutes one of the most basic political rights and a fundamental condition for a well-functioning democracy.

55. Representativity of parliaments is obviously a key element of a representative democracy. In this context every kind of discrimination, be it on gender, ethnic, religious or social grounds, must be eliminated as regards to the right to vote and stand for elections.

56. Citizenship is the crucial political and legal link between the state and the individual. The situation of mass statelessness in certain countries raises serious concern. Steps aimed at limiting statelessness and promoting acquisition of citizenship should therefore continue.

57. Equal participation of women in decision-making processes is a sign of a properly functioning democracy. Unfortunately, parity in politics is far from being achieved. In certain parliaments, women make up as little as 4.4% of members, while the proportion of women in executive bodies at the middle and highest levels is sometimes even worse.

58. In well-established democracies, there should be no thresholds higher than 3% during the parliamentary elections. It should thus be possible to express a maximum number of opinions. Excluding numerous groups of people from the right to be represented is detrimental to a democratic system. In well-established democracies, a balance has to be found between fair representation of views in the community and effectiveness in parliament and government.

59. Holding free and fair elections is an essential element of a democracy. Much has been done in terms of establishing electoral standards and monitoring their observance. However, recent experiences of diverging assessments of elections in some European countries show that there is significant room for improvement in this field.

60. Reported cases regarding the lack of independence of the judiciary or parliaments must raise justified concern.

61. Consideration could usefully be given by member states as to whether direct democracy (for instance, referendums and citizens' initiatives) could play a more prominent role.

62. The principles of subsidiarity and proportionality have to be implemented as they are necessary to achieve good governance, which is essential to strengthen democracy.

63. The Assembly acknowledges the importance of local and regional democracy as the foundation and a guarantor of democracy in Europe, and finds it regrettable that the principles of the European Charter of Local Self-Government (ETS No. 122) are not always genuinely applied. The fact that this charter has not yet been approved is also regrettable.

64. The Assembly is deeply concerned by the existence of a number of geographical areas in Europe, including one country, Belarus, and several regions in Council of Europe member states not under their de facto control, where democratic principles are not implemented.

iii. The necessity of strengthening the Organisation's action in the field of democracy

65. In view of the above-mentioned challenges, the Council of Europe has a major role to play in continuing to assist, encourage and orient its member states in eliminating their shortcomings in democracy. The Assembly calls on all the Organisation's statutory bodies to give due attention to the problems addressed in this resolution and its explanatory memorandum.

66. The Assembly believes that the Council of Europe's standard-setting function should be instrumental in facing deficits in democracy. Profound analysis and identification of problems and solutions should be followed by suggestions for action, recommendations for reforms and ideas for guidance. In particular, the identification of the challenges should be followed by the elaboration of legal instruments or policy guidelines.

67. Monitoring procedures should be strengthened. At the same time, measures should be taken in order to ensure better compliance by member states with recommendations made in the framework of these procedures. National parliaments have an important role to play in this respect, and the co-operation between them and the Assembly should be stepped up.

68. Projects and co-operation programmes, including those aimed at enhancing public awareness of the European Convention on Human Rights and the rights and freedoms it guarantees, should be established in areas of particular concern for democracy.

69. The Venice Commission should be given adequate resources to be able to step up its action in providing legal advice and assistance in democracy building. Furthermore, it is encouraged to carry out a study which would develop the concept of classification of categories of democracy building and would illustrate how it could be used as a basis for future assessments of the state of democracy in Europe and thereby enhance the ability of the Assembly to propose useful reforms.

70. The Forum on the Future of Democracy constitutes an excellent tool for further reflection on democracy, assessment of its state, identification of deficits of democracy and promotion of the principles of democracy and good practice. It should be given due importance and adequate resources for further action.

71. The Assembly calls on the Congress for Local and Regional Authorities of the Council of Europe to pursue its activities in the field of local and regional democracy and to further reflect on the challenges to democracy in its areas of competence.

72. The Assembly resolves to closely assess the state of democracy in Europe, to improve its ability to propose the necessary reforms and to hold a debate on this matter on a regular basis.

iv. The way forward

73. Democracy is an ongoing process of political and procedural improvements.

74. The Parliamentary Assembly recalls its previous resolutions addressing different aspects of democracy and its functioning in member states.

75. It calls on all member states to give due attention to the issues raised above and to address them with a view to improving the situation. A number of shortcomings in the functioning of democracy, identified in this resolution, should be remedied without delay.

76. In particular, in order to improve representativeness of parliaments, the categories of people excluded from voting and standing for election should be reviewed in every Council of Europe member state with a view to limiting their number. Moreover, genuine steps towards eradicating statelessness, decreasing the voting age, granting the right to vote to lawfully residing non-citizens and the elimination of all kinds of discrimination, be it ethnic, religious, social or gender-based, should be closely examined, and adequate and necessary measures should be taken. The undemocratic practice of “family voting” must be eliminated.

77. The member states should take adequate measures in order to strengthen national and international mechanisms for promoting the balanced participation of women and men in decision making with a view to achieving a target of a threshold of at least 40% of women in decision-making political bodies, be they local, regional, parliamentary or governmental, by 2020.

78. The Assembly also recalls that since the beginning of European integration the right to form a political opposition has been considered an essential element of a genuine democracy. It notes that the opposition in parliament is increasingly granted rights in connection with the setting up of inquiry committees, the calling of special sittings of parliament and the possibility to bring cases before the constitutional court. In some countries it is also proposed to give these rights to individual opposition parties or political groups. Opposition parties and their members cannot only ask for rights and means, but should also show responsibility and willingness to use them and make their best efforts to enhance the efficiency of the parliament as a whole. They should not restrict themselves to only carrying out their natural but perhaps insufficient role of criticism. The parliamentary majority, however, also has the responsibility to respect the right of the minority to dissent from the majority’s opinion and to promote alternative policies.

79. In order to ensure maximum representativity of elected bodies, the granting of voting rights to nationals of Council of Europe member states lawfully residing in another member state and persons who have lost their nationality involuntarily, at least at a local level, should be positively considered.

80. The issue of different forms of distance voting (including electronic voting) should be given close attention with a view to clarifying all the implications and potential challenges.

81. Participatory rights of all citizens should be increased. In particular, consideration should be given to introducing elements of direct democracy such as the right to ask for a referendum or propose legislative initiative. They have to be carefully designed in order to make democracy more representative and to increase the integration and learning capacities of our countries and societies.

82. In Council of Europe member states, political parties have a responsibility to ensure a fair minority representation in elected institutions, taking into account proportionality. There is no one method to achieve this objective and a range of possible measures is available.

83. Only strict adherence to the principles of good governance can prevent corruption from seeping into and changing the nature of democratic institutions. The Council of Europe should insist on the need for a comprehensive legal framework and its enforcement, effective prosecution of law breakers and a continuous adaptation of institutions to better withstand economic crime.

84. All restrictions on freedom of expression should be in accordance with the European Convention on Human Rights and the case law of the Strasbourg Court; pluralism of the media should be ensured and measures should be taken to prevent and dismantle media concentrations. The Council of Europe should establish a specific mechanism to monitor freedom of expression and of the media, which would follow and examine the situation in all Council of Europe member states.

85. At present, few Council of Europe member states have laws regulating the question of lobbying. The Council of Europe should contribute to the debate on the need for such instruments at national and European levels, and, for its part, elaborate guidelines on lobbying.

86. Education for democratic citizenship and human rights is an important condition for the effective protection and promotion of human rights and democracy. The Council of Europe should step up its work in this field in accordance with the outcomes and evaluation of the 2005 European Year of Citizenship through Education. This work should be reinforced by the elaboration and implementation of national programmes in this area.

87. Local and regional authorities should be endowed with all the powers, responsibilities and resources necessary to enable effective implementation of sectoral policies in full accordance with the principles of subsidiarity and good governance and for the benefit of Europe's citizens.