



“Our common European home” – next 70 years

Background document

Origins and importance of European values

1. 2019 will mark the 70th anniversary of the founding of the Council of Europe. Although the ashes of World War II were still hot, European leaders recognised as early as 1949 that, to avoid a return to the horrors they had witnessed, States and their citizens must turn their backs on the past and look to the future. They must join hands in the name of common values and build an integrated, united and resilient Europe, strong enough to face challenges both from within and from without.

2. Since its inception, the Council of Europe has stood as a beacon for unity in diversity, based on common values and principles. Its aim is accordingly “*to achieve a greater unity between its Members for the purpose of safeguarding and realising the values and principles which are their common heritage*”. This refers in particular to the “*principles of the rule of law and of the enjoyment by all persons within their jurisdiction of human rights and fundamental freedoms*”, which “*form the basis of all genuine democracy*” (Preamble and Articles 1 and 3 of the Statute).

3. Huge changes have swept the continent since 1949. The fall of the Berlin Wall 30 years ago hailed the end of dividing lines in Europe, and almost all countries in the geographical space from Dublin to Vladivostock have now joined the Council of Europe. The idea of a “common European home”, as it was referred to by Mikhail Gorbachev in his address to the Assembly in July 1989, has become a reality. Time and again, across three successive summits held in 1993, 1997 and 2005, European leaders have reaffirmed their common commitment to the core values of democracy, human rights and the rule of law. Seventy years after its creation, the Council of Europe has built up an immense acquis, based on these core values.

4. Today, however, enthusiasm for the European project appears to be dwindling, some member States appear to be losing the will to invest in achieving its aims and citizens are losing their trust in the European institutions. The European home is thus facing perhaps the greatest challenges it has ever had to confront.

➤ Questions for discussion:

- *How did we get here, and where can Europe go from here?*
- *If greater unity was the aim of the 10 founding members of the Council of Europe 70 years ago, how realistic is it to expect closer unity among 47 member States today and a few more maybe in the future?*
- *What is the role of national parliaments in guaranteeing a future for European values?*

5. These and more questions require urgent attention from us all.

European societies are evolving

6. 70 years ago, the human cost of armed conflict was vividly etched in the consciousness of all Europeans. Today, however, most generations in Europe have never lived through war, and do not grasp with the same immediacy as their elders did the urgency of avoiding it. In those European countries that have known armed conflict in recent years, there are often few leaders ready to call for a united future; instead, ethnic differences are often used to cultivate divisions, leading to growing ethno-nationalism or even hate speech and xenophobia. **Political leaders can thus no longer take for granted that the pursuit of pan-European unity will garner widespread support** – and some have chosen to work actively against this aim. Yet European history has repeatedly shown that the cost of failing to work together is far greater than any efforts required to identify and cooperate towards common goals.

7. The pan-European aspiration of peace and prosperity has been a bumpy road with many turns and setbacks. While many Europeans can enjoy unprecedented well-being today, many also feel marginalised and excluded from socio-economic progress. Participative democracy gives voice to all, but the voice of the unhappy has been loud and gripping as of late. Ten years since the onset of the financial crisis, **inequalities are tearing European society apart and social unrest continues**. Unless politicians hear the plight of the people on the street and act to repair social injustice, the unity of Europeans will be doomed.

8. At the same time, technological advances and the rising use of social media are changing the ways in which people relate to each other, and the means by which they seek to engage with the State. Increased possibilities for direct contact between citizens and their elected representatives are paradoxically accompanied by a growing sense that politicians are divorced from the everyday realities of the people they represent. **Growing pushes for direct or participative, rather than representative, democracy** are just one reflection of this trend. There is an element of age divide in this respect: while older generations are struggling with new technologies, there is an increasing need to engage the youth with politics and public life. Parliamentarians must reflect on and confront these challenges or risk being seen as increasingly irrelevant by their constituents.

➤ Questions for discussion:

- *How can parliaments re-engage with citizens and rebuild a relationship of trust with them?*
- *How can the younger generation feel more engaged and better represented?*
- *What can parliaments do to reinvigorate citizens' engagement with their common European home?*

Multilateralism: citizens must realise the benefits

9. At the heart of the common European home is a commitment to multilateralism, as the best means by which to avoid conflict and ensure democratic security for all citizens. Yet today, there is a **tendency to sacrifice the multilateral implementation of international human rights standards**; human rights issues are increasingly politicised and instrumentalised, often to the detriment of investment in collective efforts to guarantee their protection.

10. The **persistence of both frozen and open conflicts in Europe** is moreover a deeply worrying trend. As armed conflict in Eastern Ukraine enters its sixth year, other parts of the continent remain "**grey zones**", a situation that in many cases has persisted for decades and that in practice deprives persons living in these areas of access to numerous fundamental human rights monitoring mechanisms. Parliaments and other actors must find new ways to respond to these challenges in order to help break deadlocks and rebuild the access of all citizens to our common European home.

11. In parallel, the United Kingdom's vote to leave the European Union (**Brexit**) is not only a **sign of rejection of multilateralism itself**: both inside and outside the UK, the aftermath of this vote has also shaken the faith of many in crucial democratic processes and structures such as referendums, parliaments, and political parties. No country exists in isolation and as the United Kingdom seeks new ways to relate to its neighbours, member States' parliaments need to be considering how they can best contribute in future to strengthening the common European goal of unity across diversity.

➤ Questions for discussion:

- *How to renew States' commitment to the ideal of the common European home, in the face of both internal and external pressures?*
- *How can parliaments work better together to face new global and regional challenges, in the interests of the citizens, as the key beneficiaries of European cooperation?*

Values remain valid

12. The principles of democracy, human rights and the rule of law are subject to new pressures in today's Europe, which raise complex problems for our democracies. Some of these are briefly canvassed below. Parliaments are at the crux of such debates and, as they grapple with the issues raised, it is crucial that they bear in mind the broader European perspective as well as their own national context.

Human rights

13. The **fight against terrorism** has thrown into sharp relief the difficulty of ensuring the security of citizens while respecting individuals' fundamental rights and avoiding the stigmatisation of whole groups. These issues are showing no signs of receding and resolving them requires a concerted, pan-European approach.

14. **Rising racism, xenophobia and related intolerance in public discourse**, both by politicians and in certain media, is often coupled with populist, nationalist or Eurosceptic rhetoric that fuels homogenising ideologies and "us"-against-"them" dynamics. These can turn into exclusive nation-building policies that leave persons belonging to minorities as well as migrants, refugees and asylum-seekers highly vulnerable to hate speech and hate crimes, as well as discrimination in daily life. No State can today afford to ignore the reality of the diversity existing in its society, not only between but also within the different nationalities, religions, cultures and languages that are part of it. Nor can they afford to ignore that such diversity is itself dynamic and evolves over time, constantly creating new challenges for the future.

15. These dynamics are occurring alongside increasingly vocal opposition to **gender equality**. This manifests itself, for example, in attacks on women's sexual and reproductive health rights, opposition to efforts to combat gender-based violence (including resistance to ratifying the Istanbul Convention) and spurious claims that granting legal recognition to same-sex couples will cause a decline in population. Parliaments themselves have a long way to go in this field: women remain greatly under-represented amongst their members, and those who are members face shocking levels of gender-based harassment and other violence. Yet it is well known – and recognised, for example, in the Sustainable Development Goals – that leaving half of the population behind is not an option for any society.

Democracy

16. **Confidence in representative democracy is dwindling**, and in parallel, **populism is thriving**, as described above. Direct exchanges via internet and social media create an illusion of democratic debate. Yet these media are particularly open to manipulation through "**fake news**" and it is becoming increasingly difficult to distinguish facts from disinformation. Moreover, such direct communications do not always enable citizens to be heard by their representatives, and **algorithms** that prioritise links between people expressing similar views tend to compartmentalise people in such a way that they are only exposed to a

single viewpoint, which as a result becomes increasingly entrenched. The very notion of pluralistic debate – a cornerstone of democracy – is thus placed at risk.

17. Some societies face particular challenges in the field of **media freedom** due to highly concentrated ownership or control of the main media channels. The pluralism and transparency of our democracies are also placed at risk in such contexts

18. At the same time, restrictive legislation in a number of States has led to **shrinking space for civil society organisations**, including human rights defenders. Again, this strikes at the heart of democracy, and creates increasing challenges for the European democratic space.

Rule of law

19. When creating the Council of Europe and drafting its Statute, the founding member States probably took respect for the rule of law (Article 3 of the Statute) for granted. Regrettably today, the rule of law is under threat in many member States including some of those which have been there from the beginning or almost. At the same time, interest in it by governments and international organisations, as a pillar on which democracy and human rights are based, has grown markedly and it is no coincidence that the European Union has set a “rule of law mechanism”. The **Checklist on the Rule of Law**, drawn up by the Council of Europe’s expert body on constitutional law, the Venice Commission, and endorsed by both the Parliamentary Assembly and the Committee of Ministers, offers useful criteria and guidance to States which wish to check their own record of respect for the rule of law, in particular as regards **separation of powers** and **independence of the judiciary**.

20. While many States have made great strides towards reducing **corruption** in public life, the battle against it must be continuous as its potential to erode the rule of law and destroy citizens’ trust in democracy is boundless. Clear anti-corruption legislation and standards need to be in place, and they must be applied, in order to ensure the transparency and good functioning of democratic institutions. Corruption and the fruits of corruption are moreover an international issue and cannot be dealt with only at a national level.

➤ Questions for discussion:

- *Respect for human rights, democracy and the rule of law are the cornerstones of the common European home. In the face of increasing challenges to these principles, how can parliaments’ role in ensuring the implementation of Council of Europe principles standards be strengthened, in particular in the fields mentioned above?*

New pan-European challenges

21. Beyond the issues described above, European societies are facing new developments that also call for a human rights sensitive approach.

22. Technological developments such as increasing **digitalisation** risk creating inequalities in the provision of public services and other crucial fields, as not all people have equal access to or mastery of information technologies or the internet. As governments and parliaments adapt their working methods and their means of contact with citizens to make increasing use of such new technologies, they must take these realities into account or risk leaving some citizens behind.

23. Information processing technology and machine learning tools rationalise services and deliver enormous efficiency gains in task and systems performance in a wide range of public and private fields. Increasing numbers of people reap many of the benefits of **artificial intelligence** (AI), as new tools for communication, news consumption, education, entertainment, commercial transactions and many other facets of daily life, are fundamentally transforming societies. At the same time, the use, and possible misuse, of AI have broader implications for the core values of democratic societies, including equality and fairness. In particular, the accelerating development of AI will challenge the very humanist foundations of our societies, raising unprecedented questions such as whether a non-human actor can have moral agency,

whether only human beings should be responsible for decisions affecting individual rights and freedoms, and how much autonomy the individual retains under pressure of constant individualised curation of choice. Already the use of AI in critical areas, such as judicial and criminal justice systems, is raising serious issues of transparency, explainability and accountability, as well as a risk of perpetuating historical discriminations.

24. **Climate change** is also having a growing impact on citizens around the world and, as its effects on the weather and the environment become more visible, this trend will only intensify. The accelerated **climate change consequences will most likely** become a significant direct or indirect push factor of **population movements**. This may be the single biggest challenge that our societies will face for generations to come, impacting food supplies and the safety of populations across the globe. Europe has taken a leading role in combating climate change to date and it is increasingly clear both that only coordinated efforts can make a difference, and that they will be needed for a long time to come.

25. This fundamental issue has thrown into the spotlight the **crucial role of children and young people** in shaping the destiny of our continent. Demonstrating in growing numbers across many member States to call their governments and elected representatives to account on climate change, today's younger generations have shown that they are ready to engage in political issues, that they grasp the importance of multilateral action, and that they are not willing to be ignored.

26. As the world is growing more and more **global**, keeping problems away from Fortress Europe's gates is becoming pure illusion. Europe is stable and safe inasmuch as are the neighbouring countries, and hence the need of Europe to engage with and support its neighbourhood. **Extending European common legal space beyond Europe's physical borders** can help build peaceful and stable societies in the countries of the Middle East, North Africa and Central Asia. With more than 160 conventions open to non-member States, co-operation programmes for neighbouring countries and other tools such as the Assembly's Partnership for Democracy, the Council of Europe has already contributed to this goal. Efforts in this direction should continue despite current difficulties we are faced with.

➤ Questions for discussion:

- *How can national parliaments ensure that the use of artificial intelligence and the increasing digitalisation of public services are "human rights sensitive" and do not exclude any citizens or expose them to inequality or other human rights violations?*
- *What more can be done by national parliaments in order to ensure that States and other relevant actors respond effectively and rapidly to the challenges posed by climate change?*
- *How can national parliaments grasp the energy and input invested in this effort by children and young people so as to preserve the planet and the "old continent" for the next 70 years and beyond?*
- *Can we imagine a "common European home" beyond Europe's physical borders? How can national parliaments support the extension of the European common legal space to the neighbourhood? What has been the experience of parliaments enjoying Partnership for Democracy status with the Assembly and how can this status be further strengthened and improved?*

Final considerations

27. In 1949, no one could have predicted that the Council of Europe would one day include 47 member States and have produced over 220 conventions, many of which are ground-breaking globally, as well as practical intergovernmental recommendations and parliamentary resolutions providing useful guidance to member States and beyond. There are endless reasons for European States to be proud of what they have achieved together over the past 70 years, and to renew and strengthen their commitment to working together for still greater unity and efficient protection of human rights today.

28. With their votes on a number of recent texts, members of the Parliamentary Assembly of the Council of Europe have shown that they remain keen to defend the common European home, its Convention system and human rights standards.

29. The opportunities and challenges ahead are great. But parliamentarians have shown that they believe that Europe is not merely the sum of its parts – that it can and must still be a forum for political dialogue and a force for unity and for pursuing higher values.

30. The questions raised above invite participants to reflect together, in a spirit of genuine dialogue, on how to foster and strengthen European unity in diversity in the decades to come.