

## **Presentation by Eduard Lintner of the report by the Monitoring Committee**

I would firstly recall that ten years ago the supervision of compliance by member states with the undertakings accepted on their accession to the Council of Europe was amplified and organised more efficiently. This was done by introducing an additional apparatus, a kind of operative institution: the monitoring procedure, applied by a special committee.

Its task is the permanent counselling and mentoring of each member country, with altogether reasonable criticism but constructiveness too. I wish to mention this specifically, because the often weighty and very passionately conducted debates on reports and activities of this committee call forth quite another impression at times.

At any rate the committee has already been operating for ten years, in the course of which concern has arisen in the new member countries that they are still essentially the sole subject of this procedure. So as to take this concern into account, last year we established that all member states would be subjected to a critical appraisal in three-yearly rotation, precisely in order to bring out the objectiveness of the monitoring procedure.

Naturally one must admit that in the old traditional democracies like France and other countries, time and again there are breaches of important obligations arising from accession to the Council of Europe and its conventions. But it is surely essential, without distinction between old and new, that the shortcomings disclosed are taken seriously and the recommendations are heeded and then also implemented.

Experiences of this in each member state are admittedly quite different. I would especially deplore the fact that the parliaments in the individual states often care too little how their governments deal with such findings.

A most significant strength of the monitoring procedure is its sustained nature. In particular, monitoring by special decision and the post-monitoring stage that follows it go on for years as a rule. They are intended to stimulate and support positive developments towards parliamentary democracy, rule of law, tolerant and dignified treatment of people by state authorities and fair election and voting procedures. Luckily, here we can often fall back on highly reputable institutions from our own sphere, for instance the Venice Commission.

However, a necessary consequence of this assignment is that these objectives must naturally be upheld in common, that is by the member states too, and success absolutely depends on readiness to engage in trustful co-operation. This includes sufficient flexibility on the part of the Council of Europe partners in the process to take account also of specific factors to which Mr Riester has in fact referred, namely historical or cultural contexts, as well as mentalities which have grown up over a long period.

In so doing we are well aware that democratisation processes are very complicated and take time because they necessitate a change of thinking in a large number of minds, and the population must also be enlightened if the majority is to be won over to this change. Therefore education systems, media and other players need to be associated with this process and given a part in it.

In this connection the Council of Europe, as people often forget, moreover offers parliamentary co-operation and assistance programmes which alas, one must admit, urgently require more resources.

However radical the changes required, and whatever the related time constraints, we must insist on one thing: that the common goal is consistently kept in sight and pursued, the course must be correct, and there can be no unwarranted pauses or backward steps on this path. Nor should this need to be pointed out, for the member states have sought Council of Europe membership of their own free will.

But there is also a core of values and commitments that can brook no delay, such as proscription of capital punishment and prohibition of torture and of detention on political grounds. Furthermore, a government must ultimately be accountable to the sovereign parliament, in general one which is representative and fairly elected. Access to independent information sources for instance, and the right freely to express one's opinion in the framework of a law-based state system, all this is part of the fundamental categories of commitments entered into.

I sincerely wish that the work of all Council of Europe institutions including the Monitoring Committee, which is so important for peace, co-operation and democratic development, together with social and also political stability in Europe, could be attended by rather more watchfulness and still greater supportiveness on the part of own mandating authorities, the national parliaments and governments.

In securing respect for human and civil rights and a state structure with the hallmark of democracy, there is a growing need for close co-ordination and co-operation of all participating institutions. That applies to the Council of Europe with its member states, but also as regards the European Union, the UN, the OSCE, important NGOs and still other institutions.

The variety of avenues should not give rise to the possibility for those concerned to play off against each other the instruments available for this. That is why precise arrangements, intensive mutual information and close adherence to the agreements reached, for instance with the EU concerning the work of the new fundamental rights agency, are so important.

How extensive the work of the Monitoring Committee has moreover become is made clear by the fact that with its resolutions and recommendations alone it has provided the basis for over 60 debates in the plenary assemblies of the Council of Europe.

It is to be unreservedly welcomed that today's debate has afforded the opportunity to give a wide public a comprehensive idea of the scope and intensity of human rights in the Council of Europe's work. We need the response of public opinion; besides persistent action vis-à-vis those who wield power in government, politics, the economy and society, it is the most powerful weapon for asserting our principles.