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## **Implementation of the decisions of the Third Summit of the Council of Europe**

Report  
Political Affairs Committee  
Rapporteur: Mr Konstantin Kosachev, Russian Federation, European Democrat Group

### *Summary*

A year after the Council of Europe Third Summit of Heads of State and Government, the time has come to assess the state of implementation of its decisions.

The present report takes stock of what has been accomplished and what needs further action as regards key political issues which will determine the direction of action of the Council of Europe in core areas of its excellence in the years to come.

In the recommendation, the Committee of Ministers, the Congress of Local and Regional Authorities, the Secretary General of the Council of Europe, partner intergovernmental and non-governmental organisations are invited to prepare, together with the Parliamentary Assembly, a joint event in 2007 with a view to assess the implementation of the Summit decisions and to discuss measures to enhance the efficiency of the Council of Europe.

## **A. Draft recommendation**

1. The decisions taken at the Third Council of Europe Summit of Heads of State and Government held in Warsaw on 16-17 May 2005 set general direction and priorities for the Council of Europe activities for the forthcoming years. They affirm the Organisation's mission to consolidate pan-European unity and to build Greater Europe without dividing lines through increased co-operation and solidarity between member states and European nations.
2. Furthermore, these decisions enhance the role of the Council of Europe in protection and promotion of human rights, democracy and the rule of law as well as social cohesion, education for all, and respect for common heritage and cultural diversity. They reflect the intention of Heads of State and Government to strengthen the cohesion of our societies in its social, educational, health and cultural dimensions.
3. With a view to achieving this objective, they oblige the Council of Europe to foster intercultural and inter-religious dialogue, both among European people and between Europe and its neighbouring regions, as well as the protection of national minorities and free movement of persons on the continent, to fight discrimination and further develop rules and effective machinery to prevent and eradicate it.
4. Moreover, the Council of Europe has been instructed to further develop its contribution to international action against terrorism, corruption and organised crime, including money laundering and financial crime, trafficking in human beings, cybercrime and bioethics, and new challenges accompanying scientific and technical progress.
5. The Summit has shown the leaders' determination to ensure that the Council of Europe plays its due role in a changing Europe promoting synergy of its activities with those of the OSCE and the EU.
6. The Parliamentary Assembly has welcomed the results of the Summit and stressed the importance of proper implementation of its decisions in Recommendation 1712 (2005). A year after the Summit, the time has come to review the progress made in this respect.
7. The Assembly is well placed to monitor the implementation of the Summit's decisions. In performing this task, it attaches particular attention to the far-reaching decisions which will determine the picture of Europe for many years to come. The Assembly makes the assessment on the basis of its own vision of what is vital for the efficiency of the Council of Europe's work as outlined in Recommendation 1693 (2005).
8. Taking stock of the implementation of the decisions taken at the 3<sup>rd</sup> Summit the Parliamentary Assembly notes with satisfaction and welcomes:
  - 8.1. the establishment of the Group of Wise persons mandated to draw up a comprehensive strategy to ensure the long-term effectiveness of the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights, and the initial results of its reflection;
  - 8.2. the establishment of the Forum for the Future of Democracy, which held its launching meeting on 4 November 2005 in Warsaw, and will hold its next meeting in Moscow on 18-19 October 2006;
  - 8.3. the restructuring and improvement of modalities of the Committee of Ministers' thematic monitoring compliance with commitments entered into by member states;
  - 8.4. the creation of the high-level task force on social cohesion in the 21<sup>st</sup> century;
  - 8.5. the conclusions of the report on the relationship between the Council of Europe and the European Union prepared by Jean-Claude Juncker;
  - 8.6. measures undertaken by the Committee of Ministers and the Secretary General of the Council of Europe to make the functioning of the Council of Europe more open, transparent and visible and to review its organisational structure and working methods;
  - 8.7. the establishment of the Follow-up Committee on the Third Summit of the Committee of Ministers with participation of representatives of the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe;

8.8. the inclusion of Summit's decisions into the work programme of the Council of Europe, by their integration into the program of activities and budget as from 2006.

9. At the same time, the Assembly is concerned by the insufficient increase in the use of Council of Europe outstanding standard-setting potential. The Council should resume playing the leading role in Europe in the field of standard-setting and development of international law. It has the mission of creating normative instruments which, if ratified, would be equally binding on the European Union and non-member states.

10. The Assembly emphasises that the Council of Europe has the vocation of becoming the main international tool for creating a truly pan-European legal space, proceeding with the harmonisation and unification of national law throughout Europe. The wide experience and expertise of the Council of Europe are of special relevance in new priority areas of standard-setting, such as internal security issues, co-operation between police forces and judicial bodies, migration control and visa-free travel, financing of political parties, protection of private property and reconciliation of the interests of the welfare state with those of the business community, ensuring economic freedoms common to the Greater Europe - freedom of movement of labour, goods, services and capital - on a Europe-wide scale and realising on a continental scale the aims enshrined in the Council of Europe Statute.

11. Special attention should be paid to the reconciliation of electoral standards and practices of member states. In connection with this, the Committee of Ministers should be more active in working out a draft European convention on election standards, electoral rights and freedoms.

12. Furthermore, with a view to a better implementation of the Summit's decisions, the Assembly:

12.1. Concerning the effectiveness of the ECHR

12.1.1. urges members of the Group of Wise Persons to be more innovative, pragmatic and courageous in their proposals, and not hesitate to develop new approaches;

12.1.2. urges member States to take initiatives to improve their internal situation without waiting for the proposals of the Wise Persons. They must acknowledge their obligation to take the necessary measures to improve the capacity of national court systems and ensure direct application of the Convention provisions and the European Court of Human Rights case-law;

12.1.3. invites member States to make proposals on the basis of their national experience with a view to introducing amendments to the Convention to improve the efficiency of the Court;

12.1.4. calls on the Committee of Ministers to do its utmost to ensure success of the work of Wise Persons;

12.2. Concerning the Forum for Democracy

12.2.1. calls on the Committee of Ministers to continue efforts aimed at making the Forum a real tool for promoting values of the Council of Europe, with full involvement of the Parliamentary Assembly;

12.3. Concerning standard-setting potential

12.3.1. urges the Committee of Ministers to develop a new special strategy of activities in this respect and incorporate it at a later stage in the Council of Europe multilateral program of activities and budgeting process;

12.3.2. advises the Committee of Ministers to launch broader consultations on such a strategy with full involvement of the Parliamentary Assembly representatives and main committees;

12.3.3. asks the Secretary General to draw-up without delay a draft of such a strategy;

12.4. Concerning strengthening of a convention system

12.4.1. refers to the Warsaw Declaration's commitment to work for the widest possible acceptance of the Council of Europe's conventions;

12.4.2. in this respect reiterates the proposal contained in Recommendation 1693(2005) which calls on the Committee of Ministers to strengthen the Council of Europe's convention system by the establishment of a codex of key conventions, updating and revitalising them;

12.4.3. suggests that the Committee of Ministers, in co-operation with other Council of Europe bodies, replaces the bulk of its activities from bilateral assistance programs towards multilateral good practices sharing and equal involvement of all member states in elaborating new instruments of international law, European integration and advances standard-setting;

12.5. Concerning compliance of commitments by member States and promotion of political dialogue

12.5.1. reminds the Committee of Ministers that the various monitoring procedures should be reviewed in order to apply them in a comparable and transparent manner to all member states and their results should be brought together in a comprehensive manner, as it is stated in its Recommendation 1693 (2005);

12.6. Concerning relations with the EU

12.6.1. welcomes the decision of the Committee of Ministers to set up a high-level follow-up group, involving the relevant institutions of the Council of Europe, with a view to examining the Juncker report and the recommendations it contains ;

12.6.2. urges the Committee of Ministers to include all constructive proposals, substantiated in the report by Mr Juncker, in the memorandum of agreement between the two organisations;

12.6.3. urges the Committee of Ministers to take account of other proposals made by the Assembly in Recommendation 1712 (2005);

12.6.4. asks the Committee of Ministers to formally consult the Parliamentary Assembly on a draft Memorandum of Understanding which will be a basis for negotiations with the EU before its approval;

12.7. Concerning new challenges

12.7.1. invites the Secretary General and the Committee of Ministers to launch a set of reflection conferences to proceed with the evaluation of new threats our societies face and new tasks the Council of Europe may assume,

12.7.2. suggests that the member states and the Committee of Ministers start consultations on how to use the excellent potential of the Council of Europe for designing new tools and mechanism of bringing European Union member states and non-member states closer to each other, and to abolish any kind of divisions between "old" and "new" member states of the Council of Europe;

12.7.3. recommends that the Committee of Ministers launch a "Think-Tank" involving the Parliamentary Assembly on the timing and content of holding a European Summit in 2008 – 2009 involving all the European and Euro-Atlantic organisations to combine their efforts, improve internal and external security over Europe and fully exploit opportunities afforded by a united Europe;

12.7.4. urges the Committee of Ministers to pay much more attention to the migration and demographic problems and elaborate on a common European approach to tackle them;

12.8. Concerning functioning of the Council of Europe

12.8.1. referring to Recommendation 1693 (2005), calls on the Secretary General and the Committee of Ministers to continue efforts aimed at the strengthening of the CE's institutional system;

12.8.2. insists that a set of measures is taken by the Committee of Ministers to reinforce the Parliamentary Assembly, in particular, in the standard-setting and budgetary fields and provide it with the right of legislative initiative.

13. The Assembly invites the Committee of Ministers, the Congress of Local and Regional Authorities, the Secretary General, partner intergovernmental and non-governmental organisations to prepare together with the Parliamentary Assembly a joint event in 2007 with a view to assess the implementation of the Summit decisions and to discuss measures to enhance the efficiency of the Council of Europe.

## **B. Explanatory memorandum**

### **I. Introduction**

1. In January 2005, I presented on behalf of the Political Affairs Committee a report on the Assembly's contribution to the Council of Europe Third Summit of Heads of State and Government which was foreseen to be held on 16-17 May 2005 in Warsaw. Recommendation 1693 (2005) adopted following the debate, included proposals from all parliamentary committees from within their field of competence on specific questions which in their view deserved to be dealt with by the Summit and presented the Assembly's position on its desired outcome.

2. It is with satisfaction that the Assembly welcomed, during the 2005 June part session, the decisions taken by the Summit contained in the Warsaw Declaration and the Action Plan adopted by Heads of State and Government<sup>1</sup>. The majority of Assembly's proposals were included in the final decisions, which on the whole provided the Council of Europe with a long-term visionary prospect for its future action and place in European architecture.

3. However, the Assembly pointed out that the ultimate success of the Third Summit will depend on the implementation of the decisions taken in Warsaw. In Recommendation 1712 (2005), it expressed the wish to be fully involved in this process, proposed concrete measures to be taken for the better implementation of decisions and announced its intention to review the progress made in due course.

4. A year after the Summit, the time has come to assess the state of implementation of its decisions. I note with satisfaction that other committees have reached the same conclusion and have come up with reports in their field of action.<sup>2</sup> The joint debate will allow us to take stock of what has been accomplished, what still needs further action, and will enable the Assembly to formulate concrete recommendations in this respect to be addressed to the Committee of Ministers.

### **II. Major decisions taken at the Summit**

5. It is not my intention to give an exhaustive account of all important decisions taken by the Heads of State and Government gathered in Warsaw last May, in the present report. I leave it to other competent committees to take stock of the progress made in their areas of action. The joint debate will provide a good opportunity for such a review. What I wish to achieve is to assess the state of implementation of key political decisions which will determine the direction of action of this Organisation in core areas of its excellence for years to come.

6. The Heads of State and Government affirmed the unity of Europe without dividing lines, based on the common values embodied in the Statute of the Council of Europe: human rights, democracy and the rule of law. They resolved to strengthen the cohesion of European societies in its social, educational, health and cultural dimensions.

7. They reinforced their commitment of ensuring increased compliance with obligations undertaken by member states and combined with co-operation programmes (assistance and technical support). They considered that monitoring procedures should be reviewed and reshaped in such a way that all members should be treated equally.

8. The Heads of State and Government committed themselves to implementing a comprehensive set of measures addressing the increase in effectiveness of the European Court of Human Rights.

9. They also decided to give higher priority to promoting democracy and good governance at all levels in Europe by creating a Council of Europe Forum for the Future of Democracy.

10. The Summit reiterated the Council's commitment to ensure social cohesion, and gave new impetus to the work on culture, in particular in the field of interreligious and intercultural dialogue.

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<sup>1</sup> All Council of Europe texts referred to in the present report are available on Council Of Europe website: [www.coe.int](http://www.coe.int)

<sup>2</sup> See Doc. 10868 and Doc. 10934.

11. The Heads of State and Government undertook to pursue, within the Council of Europe, collective responses to global challenges like terrorism, corruption, organised crime, trafficking in human beings and cybercrime.

12. As regards the European architecture, the Heads of State and Government stressed their commitment to ensuring close co-operation and co-ordination in international action based on enhanced synergy and complementarity according to their respective competence and expertises.

### **III State of implementation**

13. It is to be noted with satisfaction that the Committee of Ministers started, straight after the Summit, to seriously work on the follow up to the decisions taken in Warsaw. The working group has been established (CM- SUIVI 3), and in accordance with the Assembly's wish, the representative of the Assembly is associated with the group's work.

14. The question is systematically put on the agenda of the Joint Committee, which provides members of the Assembly with a possibility of expressing their views on the state of implementation of the Summit's decisions, and drawing Deputies' attention to particular concerns, and I must admit with some satisfaction, that the Deputies are cooperative and receptive to parliamentarians' arguments.

15. As regards one of the major challenges, ensuring the increased effectiveness of the Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Court of Human Rights, it is highly satisfactory that a Group of Wise Persons mandated to elaborate proposals in this respect has been established.

16. The Group has presented an intermediary report which contains some innovative ideas. Without entering the substance I think that the Assembly should support such an approach and call on the members of the Group to continue in this spirit, and be courageous, pragmatic and open for new ideas in their proposals.

17. At the same time, we should address member states and ask them to ensure that there are appropriate and effective mechanisms in their national legislation for verifying the compatibility and administrative practice with the Convention. We should encourage the states to take initiatives in improving legislation without waiting for proposals. They should go even further and make proposals on the basis of their own national experience with a view to introducing amendments to the Convention to improve the efficiency of the Court.

18. On the other hand, the Committee of Ministers should give all necessary support to the Wise Persons' work with a view to ensuring the full success of their undertaking.

19. Another question which has been followed very closely by the Assembly is the establishment of the Forum for the Future of Democracy. The idea was launched by the Assembly in its contribution to the Summit. It was taken up in the decisions of the Summit, and the first meeting of the Forum was held in Warsaw on 3-4 November 2004. The Assembly, and in particular the Political Affairs Committee has been associated with the organisation, and it has even established an Ad Hoc Sub-Committee on the Forum.

20. On the basis of the experience of the first meeting, the Committee of Ministers has decided on the improved modalities of the preparation of the second meeting of the Forum which will be held in Moscow on 18-19 October 2006. On the host's side it will be the Duma which is mandated to organise the event, not surprisingly the Assembly has been invited by its Speaker, Mr Gryzlov to fully associate itself with the preparation. I perceive it as an excellent opportunity for us to get involved in this important event. The Political Affairs Committee has already expressed its clear wish not to miss this opportunity.

21. The Committee of Ministers should be given a clear message that the Assembly appreciates its efforts aimed at making the Forum a real tool for promoting values of the Council of Europe, with full involvement of the Assembly.

22. As regards the monitoring procedures, ensuring compliance of the commitments made by member states is a key point to basic the principles that this Organisation stands for. What is essential is that the same standards apply to all members. I have noted with satisfaction that the restructuring and improvement

of modalities of the Committee of Minister's thematic monitoring is underway. This process should continue, various monitoring procedures should be reviewed in order to apply them in a comparable and transparent manner and their results should be brought together in a comprehensive manner.

23. A new impetus given to the interreligious and intercultural dialogue is most welcome by the Assembly which itself is endeavouring to have such a dialogue with Europe's neighbours in Central Asia, Middle East and the southern Mediterranean, and intends to increase it in the future. Some ideas are elaborated on and developed in a draft recommendation on external relations still under discussion in the Political Affairs Committee.

24. The standard-setting potential of the Council of Europe is the question which raises certain concern as in my view; there is insufficient progress in this area. The Council should resume playing the lead role in the development of international law. It is mandated to set normative instruments, which, once ratified are equally binding to all signatories.

25. The Assembly should urge the Committee of Ministers to develop a new special strategy in this respect better responding to new challenges facing our society. The strategy should be accompanied by a multilateral programme of activities and budgeting process.

26. In order to contribute from the parliamentary dimension of such a process, the Committee should be advised to launch broad consultations on proposed strategy with the full involvement of Parliamentary Assembly representatives and its committees.

27. Concerning strengthening of a convention system, the member states should be reminded of the Warsaw Declaration's commitment to work for the widest possible acceptance of Council of Europe's conventions. The same appeal should be made to national parliaments.

28. At this point, I would like to refer to the idea included in Recommendation 1693 (2005) on the establishment of a codex of key conventions, which regrettably has not been reflected in the Warsaw Action Plan. I am still convinced, however, that such a codex would considerably contribute to the strengthening of a convention system. The Committee of Ministers should be invited to undertake the work on such a codex.

29. At the same time, the Committee of Ministers, in co-operation with other Council of Europe bodies could replace the bulk of its activities from bilateral assistance programs towards multilateral good practices sharing and equal involvement of all member states in elaborating new instruments of international law.

30. Concerning the functioning of the Council of Europe, it should be reiterated that the Secretary General and the Committee of Ministers should continue efforts aimed at the strengthening of Council of Europe's institutional system, at the same time reinforcing the Parliamentary Assembly's role. Concrete proposals will be further developed in a forthcoming report on the Institutional balance of the Council of Europe, under preparation by the Committee on Rules of Procedure.

31. Last but not least, the question of the European architecture and particularly of the relations between the Council of Europe and the European Union deserves special attention. The Assembly attaches a lot of importance to this matter, and it clearly expressed its position in Recommendation 1743 (2005) on the Memorandum of Understanding.

32. It is with the greatest satisfaction that the Assembly has welcomed the report on the relations between two Organisations prepared by Mr Jean-Claude Juncker, Prime Minister of Luxembourg, entrusted with this task in his personal capacity by the Third Summit.

33. Thanks to the participation of the Assembly's representative in the work of the CM-SUIVI 3, the Assembly is kept informed on the progress of discussions on the draft Memorandum of Understanding and it regrets that Mr Juncker's conclusions have not been sufficiently taken up by the Committee of Ministers in the preparation of their draft.

34. Moreover, the Assembly is of the opinion that the parliamentary dimension of the co-operation of two Organisations is not sufficiently taken into account and has already transmitted several concrete suggestions by the intermediary of its representatives and in above-mentioned Recommendation 1743 (2005).

35. In any case, the Assembly expects to be formally consulted on the draft Memorandum before its formal adoption.

#### **IV. Concluding remarks**

36. As I mention in the motion for a resolution which is a basis for this report, the success of the Warsaw Summit proves the importance and vitality of the Council of Europe, particularly in light of the difficulties that some other international organisations undergo. In order to fully benefit and build on this success, the Council of Europe cannot lose direct connection with the problems faced by its 800 million citizens in different areas of life.

37. But the political will and readiness expressed by the European leaders gathered in Warsaw constitute only the first step on the long road of accomplishment of ambitious tasks designed at the highest political level. This is a long process and all bodies of the Council of Europe should contribute to it.

38. This is why I propose organising, in 2007, a great event with the participation of the Committee of Ministers, the Congress of Local and Regional Authorities, the Secretary General and civil society, partner international organisations with the aim of holding a thorough debate on the implementation of the decisions of the Third Summit.

*Reporting Committee:* Political Affairs Committee.

*Reference to Committee:* Ref. 3163, 23.01.06

*Draft Recommendation* unanimously adopted by the Committee on 2 June 2006

*Members of the Committee:* Mr Abdülkadir **Ateş** (Chairman), Mr Konstantion Kosachev (Vice-Chairman) (alternate: Mr Victor **Kolesnikov**), Mr Zsolt Németh (Vice-Chairman), Mr Giorgi Bokeria (Vice-Chairman), Mrs. Birgir Ármannsson, Mr Giuseppe Arzilli, Mr Claudio Azzolini (alternate: Fiorello **Provera**), Mr Miroslav **Beneš**, Mr Radu-Mircea Berceanu, Mr Gerardo Bianco, Mr Alexandër Biberaj, Mr Luc Van den Brande, Mrs Beáta Brestenká, Mrs Anna **Čurdová**, Mr Noel Davern, Mr Dumitru Diacov, Mr Michel Dreyfus-Schmidt, Mr Adri Duivesteijn (alternate: Mr Frans **Timmermans**), Mrs Josette Durrieu, Mr Mikko **Elo**, Mr Joan Albert Farré Santuré, Mr Per-Kristian Foss, Mr Jean-Charles Gardetto, Mr Charles Goerens, Mr Daniel **Goulet**, Mr Andreas **Gross**, Mr Jean-Pol Henry, Mr Joachim Hörster, Mr Renzo Innocenti, Mr Ivan Ivanovski, Mr Tadeusz **Iwiński**, Mr Elmir Jahić, Mr Ljubiša Jovašević, Mr Ivan Kalezić, Mr Oleksandr Karpov, Mr Oskars Kastēns, Mr Yuriy Kostenko, Mrs Darja Lavtižar-Bebler, Mr Göran **Lindblad**, Mr Younal Loutfi, Mr Mikhail Margelov (alternate: Mr Ilyas **Umakhanov**), Mr Tomasz **Markowski**, Mr Dick Marty, Mr Frano Matušić, Mr Murat **Mercan**, Mr Jean-Claude Mignon, Mr Marko **Mihkelson**, Mrs Nadezhda Mikhailova, Mr **Mirzazade**, Mr João Bosco Mota Amaral, Mrs Natalia **Narochnitskaya**, Mrs Carina Ohlsson, Mr Boris Oliynyk, Mr Theodoros Pangalos, Mrs Elsa Papadimitriou (alternate: Mr Panagiotis **Skandalakis**), Mrs Porteiro Garcia (alternate: Mr Julio **Padilla**), Mr Christos Pourgourides, Mr Gordon Prentice, Mr Gabino **Puche**, Mr Lluís Maria **de Puig**, Mr Jeffrey Pullicino Orlando, Lord **Russell-Johnston**, Mr Peter **Schieder**, Mr Ingo Schmitt, Mr Adrian **Severin**, Mrs Hanne Severinsen, Mr Samad Seyidov, Mr Leonid Slutsky, Mr Michael Spindelegger, Mr Rainer Steenblock, Mr Zoltán Szabó, Baroness **Taylor of Bolton**, Mr Mehmet **Tekelioğlu**, Mr Tigran Torosyan, Mr José Vera Jardim, Mrs Biruté Vesaitė, Mr Varujan Vosganian, Mr David Wilshire, Mr Bart **van Winsen**, Mr Wolfgang Wodarg, Mrs Renate Wohlwend, Mr Marco Zacchera, Mr Krzysztof Zaremba (alternate: Mr Karol **Karski**).

*Ex-officio:* MM. Mátyás Eörsi, Mats Einarsson,

N.B. : The names of the members who took part in the meeting are printed in **bold**

*Head of the Secretariat :* Mr Perin

*Secretaries to the Committee:* Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner