

Doc. 11135
22 January 2007

Implementation of the decisions of the 3rd Summit of Heads of State and Government of the Council of Europe

Recommendation 1756 (2006)

Reply from the Committee of Ministers
adopted at the 984th meeting of the Ministers' Deputies (17-18 January 2007)

1. The Committee of Ministers shares the Parliamentary Assembly's will to promote the role of the Council of Europe in accordance with the orientations fixed by the Heads of State and Government at the Warsaw Summit. All its work is designed to give practical and rapid follow-up to these orientations. The numerous proposals put forward by the Assembly in its recommendation are a source of inspiration in this respect and the Committee of Ministers will certainly bear them in mind. The Assembly will be kept informed of the action taken on the proposals. In the meantime, the Committee of Ministers would initially like to make the following general comments to the Assembly.

2. Firstly, the Committee of Ministers fully shares the Assembly's concern to ensure the effectiveness of the European Convention on Human Rights (ECHR). At their 116th Session, the Ministers reaffirmed the importance they attach to the role of the ECHR and the European Court of Human Rights in protecting human rights and fundamental freedoms throughout Europe. The Session also underlined the necessity to increase the capacity of national legal systems to protect ECHR rights and the Committee of Ministers rapidly assigned important further work in this area to the Steering Committee for Human Rights (CDDH), on which an interim report will be presented to the 117th Session. It is deeply regrettable and a source of serious concern that the Russian Duma has not ratified Protocol No.14 to the ECHR, even though all the member states expressed their determination at the Warsaw Summit to ensure that it would. Despite this serious setback, which it urges Russia to quickly overcome, the Committee of Ministers will continue to give top priority to consolidating the system for the protection of human rights provided by the ECHR. In the coming weeks and months, it will explore all the means of achieving this objective, which it was set by the Heads of State and Government. In the coming months, it will consider what action to take on the report submitted to it by the Group of Wise Persons at the end of 2006. This report will be first discussed during a colloquy which will be organised by the San Marino Chairmanship of the Committee of Ministers on 22 and 23 March 2007 on "Future developments of the European Court of Human Rights in the light of the Wise Persons' report".

3. With regard to the Forum for the Future of Democracy, the Committee of Ministers wishes to assure the Parliamentary Assembly that it is determined to make it a practical instrument for promoting the values of the Council of Europe. To this end, it is relying on continued support from the Assembly, particularly for the purposes of preparing the Forum's next session, which will take place in Sweden in 2007, but also when it comes to acting on the proposals and recommendations put forward at previous sessions, especially those concerning matters for which national parliaments are responsible.

4. The Committee of Ministers also shares the Parliamentary Assembly's desire to promote the achievements and standard-setting potential of the Council of Europe, in accordance with the priorities laid down in this connection at the Warsaw Summit. The Committee of Ministers does not, however, see any contradiction between bilateral assistance programmes, which, moreover, have the firm support of the member states that benefit from them, and the multilateral sharing of good practice and equal involvement of all the member states in drawing up new instruments of international law. Far from being interchangeable, or

even conflicting, as the Parliamentary Assembly recommendation suggests, these means of action are complementary.

5. With regard to the honouring of member states' commitments, the Committee of Ministers would inform the Parliamentary Assembly that, at their 977th meeting (19 October 2006), the Ministers' Deputies instructed the Secretariat to prepare an in-depth analysis of possible future arrangements for the thematic monitoring procedure of the Committee of Ministers, and to present it at one of their forthcoming meetings. In the light of this analysis, the Committee of Ministers will decide on the future of its monitoring procedure, bearing in mind the other procedures to which the Parliamentary Assembly refers.

6. As for relations with the European Union, the Committee of Ministers would refer the Parliamentary Assembly to its interim reply to Parliamentary Assembly Recommendation 1743 (2006) on the Memorandum of Understanding between the Council of Europe and the European Union.

7. As regards the new challenges facing European societies, the Committee of Ministers considers that these were clearly and exhaustively identified in the Warsaw Summit Action Plan. One such challenge is the management of migratory flows, an area in which the Heads of State and Government considered that the Council of Europe should continue its activities. It is now a question of fully implementing the decisions taken at the Summit in order to address these challenges.

8. Lastly, with regard to the functioning of the Council of Europe, the Committee of Ministers would point out that a review of the implementation of the Warsaw Summit decisions will be presented at its 117th Session, in May 2007. The Committee of Ministers has asked its Working Party on Institutional Reforms (GT-REF.INST) to examine the Parliamentary Assembly's requests that it reinforce the Assembly's powers in the standard-setting and budgetary fields, matters that were also raised in its Recommendations 1728 (2005) and 1763 (2006). The Working Party held an initial exchange of views on the subject in the presence of Mr Peter Schieder, Parliamentary Assembly Rapporteur on the institutional balance at the Council of Europe, on 16 January 2007. The Parliamentary Assembly will be informed in due course of the action that the Committee of Ministers intends to take on its proposals.