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8 October 2007

## For a greater commitment of member states concerning the efficiency and implementation of the Council of Europe Treaty Law

Motion for a recommendation  
presented by Mr PRESCOTT and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. Since its foundation the COE has drawn up 200 conventions and protocols thereto which after their ratification (or acceptance) become binding on member states under international law.
2. The Committee of Ministers of the Council of Europe, the Assembly and the COE Summits have all acknowledged the major role of the COE in creating norms in the field of human rights in the widest sense and in contributing to the development of international law through its conventions.
3. One weakness of the COE's convention system, with the exception of the European Convention on Human Rights (ECHR), is that the Committee of Ministers cannot impose ratification on member states. Consequently, only a few conventions are ratified by all member states (ECHR, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, European Cultural Convention, European Convention on the Suppression of Terrorism<sup>1</sup>, European Convention on the Transfer of Sentenced Persons<sup>2</sup>).
4. The COE's treaties cover almost all matters coming under the province of the organisation. They are of different importance and have varying numbers of ratifications. It is most essential to ensure that at least the hard core of treaties are ratified by all member states with a minimum of reservations.
5. Therefore the Assembly is desirous to do whatever is in its power to promote the ratification and effective implementation of its hard core of conventions. In relation to this, the Assembly pays tribute to the efforts already undertaken by the Monitoring Committee following the adoption of Assembly Resolution 1515 (2006). The objective to be attained should be that when the COE celebrates its 60<sup>th</sup> anniversary in 2009, all its leading conventions will be in force in all member states.
6. The Assembly draws attention to the fact that if major conventions such as the one against trafficking in human beings and the one on the protection of children against sexual exploitation and sexual abuse, which complete existing international norms by innovative provisions, are not ratified by the necessary number of member states, the conventions cannot deploy their effects, which are urgently expected by those countries most concerned with these problems.
7. Moreover, the Assembly considers that steps should be taken in order to strengthen the efficiency of the COE's Treaty system.

<sup>1</sup> With one exception.

<sup>2</sup> With one exception.

8. Consequently, the Assembly invites the Committee of Ministers:
- i. to adopt an action plan with the aim of promoting in time for the 60<sup>th</sup> anniversary of the COE the ratification by all member states of the key COE conventions with a minimum number of reservations;
  - ii. to instruct the secretariat to prepare a study of the existing 200 conventions with a view to establishing:
    - which conventions should be approved or amended;
    - what is the current importance of these conventions;
    - what are the prospects for their implementation and what action should be taken;
  - iii. to agree on an action programme for new conventions (and recommendations to member states) to be elaborated in the next two years (three years);
  - iv. to instruct the secretariat to expand the COE's existing website on treaties by including the following information:
    - the text of draft conventions as soon as they are submitted for opinion to the Assembly;
    - opinions of the Assembly on draft conventions;
    - final text of conventions;
    - procedures in national parliaments as from the moment the government is tabling a draft convention for parliamentary approval.

Governments and national parliaments should be able to add information.

9. Furthermore, the Assembly invites national parliaments:
- to ask their governments to report to them once during a legislature on their policy relating to the ratification of COE conventions, as is already the case in some member states;
  - to ask their committees on foreign (European) affairs and legal and human rights affairs, where appropriate, to hold discussions on the human rights and legal activities of the COE and, in particular, the implementation of the respective legal instruments.

*Signed*<sup>3</sup>:

PRESCOTT John, United Kingdom, SOC  
ATEŞ Abdülkadir, Turkey, SOC  
AUSTIN John, United Kingdom, SOC  
BRANGER Jean-Guy, France, EPP/CD  
DREYFUS-SCHMIDT Michel, France, SOC  
DURRIEU Josette, France, SOC  
ETHERINGTON Bill, United Kingdom, SOC  
FLYNN Paul, United Kingdom, SOC  
GREENWAY John, United Kingdom, EDG  
GROSS Andreas, Switzerland, SOC  
JAKAVONIS Gediminas, Lithuania, ALDE  
JAZŁOWIECKA Danuta, Poland, EPP/CD  
JURGENS Erik, Netherlands, SOC  
LAMBERT Geert, Belgium, SOC  
MEALE Alan, United Kingdom, SOC

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<sup>3</sup> SOC: Socialist Group  
EPP/CD: Group of the European People's Party  
ALDE: Alliance of Liberals and Democrats for Europe  
EDG: European Democratic Group  
UEL: Group of the Unified European Left  
NR: not registered in a group

MELO Maria Manuela, Portugal, SOC  
MENDES BOTA José, Portugal, EPP/CD  
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PAPADOPOULOS Antigoni, Cyprus, ALDE  
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