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Committee on Political Affairs and Democracy

Call for a Council of Europe Summit to reaffirm European unity and to defend and promote democratic security in Europe

Rapporteur: Mr Michele Nicoletti, Italy, Socialists, Democrats and Greens Group

Consultation, by way of letter, of all national delegations and political groups of the Assembly, as well as of a limited number of non-governmental organisations, in regard to the holding of a next summit of heads of State and of government of member States of the Council of Europe	
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Strasbourg, 25 May 2016

Dear Chairperson,

As you are no doubt aware, at its meeting on 27 November 2015 in Sofia, our Standing Committee of the Parliamentary Assembly of the Council of Europe adopted a Declaration calling for a Summit of Heads of State and Government of the Council of Europe to defend and promote democratic security in Europe. I enclose the text of the Sofia Declaration for your convenience.

The Bureau of the Assembly subsequently entrusted the Committee on Political Affairs and Democracy with the task of preparing a report on this subject, and I was appointed Rapporteur on the *Call for a Council of Europe Summit to defend and promote democratic security in Europe* in March 2016.

In this context, after having consulted the Committee during the April 2016 part-session, I am writing to you to obtain your views on the idea of organising a Fourth Summit.

I would like to draw your attention to the fact that the Ministerial Conference held in Sofia, on 18 May 2016, dealt with the following four themes:

Democratic security for all in challenging times (sub-themes: tackling extremism and radicalisation leading to terrorism; responding to the refugee and migration crisis; the key role of democracy, rule of law and human rights in conflict resolution); *Securing the long-term effectiveness of the system of the ECHR*; *Council of Europe policy towards neighbouring regions*; *Cooperation with the European Union*.

A possible Fourth Summit could deal with the above-mentioned themes or other subjects we may identify in the Assembly.

In any event, the main objective of the Summit should be to re-launch the role of the Council of Europe as a pan-European Organisation in the present circumstances. Therefore, general reflections, including audacious ideas, on the fundamentals and the purpose of the Council of Europe are very welcome.

In order to prepare a report which would take into account, to the extent possible, the views of national delegations and political groups, I would be grateful if you could forward to me your reflections and proposals by the end of June 2016.

I thank you very much for your cooperation in this important matter.

Yours sincerely,

Michele Nicoletti
Rapporteur

Letter addressed to the Chairpersons of national delegations and political groups



AS/Per (2015) 08
27 November 2015

Declaration

Adopted by the Standing Committee on 27 November 2015¹

The Parliamentary Assembly, meeting in Sofia today, recalls the aim of the Council of Europe's founding fathers who, in the aftermath of the horror of the Second World War, established this Organisation in order to "achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage". As Article 3 of the Organisation's Statute expressly spells out, its members have to collaborate sincerely and effectively in the realisation of precisely this aim.

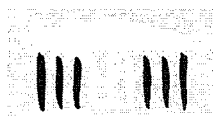
Paying tribute to the 40th Anniversary of the Helsinki Final Act, the Assembly wishes to underline the important role its signature played in bringing to an end the Cold War. It recognises this agreement as a testament to what is possible when States make a concerted effort to set aside differences and strive for common understanding.

The Assembly is indeed convinced that the numerous political challenges Europe is facing today, both within and around its borders, call for a common response on the basis of shared principles and values, dialogue, trust and solidarity. In these critical moments, Council of Europe member States should focus on what unites them rather than what divides them, and avoid raising new walls and drawing dividing lines.

For this purpose and recognising the key role the Council of Europe can play in defending and promoting democratic security, the Parliamentary Assembly calls for a Summit of Heads of State and Government in order for the member States to reaffirm, at the highest political level, their commitment to the common values and principles of democracy, human rights and the rule of law upheld by the Organisation.

¹ Submitted by Ms Dzheha Grozdanova (Bulgaria, EPP/CD), Chairperson of the Bulgarian Delegation.

Non-Official Translation



ASSEMBLÉE
NATIONALE

NATIONAL ASSEMBLY
REPUBLIC OF FRANCE

French delegation to the
Parliamentary Assembly of the Council of Europe

The President

Paris, 1 June 2016

Dear President,

In reply to your letter of 25 May 2016, I would like to say that I find the idea of holding a fourth Council of Europe Summit quite appropriate. However, the context is very different from that of the first three summits, which were in keeping with the logical progression of the Organisation, which led to the integration of the new democracies of Central and Eastern Europe. Each of these summits also resulted in advances.

In 1993 the Vienna Summit led to the founding of ECRI, established the right for individuals to lodge applications with the European Court of Human Rights and proposed the drafting of a Framework Convention on National Minorities.

The Strasbourg Summit in 1997 endorsed the establishment of the GRECO and welcomed the drafting of a Convention on the Prevention of Torture. Numerous demands were subsequently made on the Council of Europe without any increase in its resources.

In 2005 the Warsaw Summit defined a "roadmap" for the Organisation following its unprecedented enlargement. The Summit entrusted Jean-Claude Juncker with the task of drafting a report on relations between the European Union and the Council of Europe, which he presented in 2006.

The Summit called, in particular for greater synergy with the OSCE with a view to solving frozen conflicts, of guaranteeing the effectiveness of the European Convention on Human Rights, the promotion of human rights through greater support for the CPT, the Commissioner for Human Rights, and ECRI and more participation by NGOs in the work of the organisation. The Summit also laid particular emphasis on the need for intercultural dialogue.

The other priorities of the 2005 Summit included greater security for European citizens (the fight against terrorism), the launching of the mechanism to combat trafficking in human beings, which subsequently became the GRETA, measures to combat violence against women, etc...).

[The Heads of State and Government] also called for the European Union's rapid accession to the European Court of Human Rights.

Today we are on the defensive. The EU's accession to the European Court of Human Rights does not seem likely for some time. The Court's work is being contested. Two major member States refuse to implement its decisions. The Organisation is in a difficult financial situation and can only conduct its co-operation activities thanks to EU funding. It has *de facto* become a sub-contractor of the EU.

Similarly, voluntary contributions are to be welcomed but at the same time they make the Organisation more vulnerable as it means that there is uncertainty as to whether the Council will be able to continue its activities. This may also contribute to the fragmentation of the Organisation.

If today we sought to establish the CPT or the European Court of Human Rights, it is quite probable that the proposal would only have limited success. It is with this concern about the future of the Council of Europe in mind that I will be holding a colloquy on this subject in Paris on 12 September with the participation of numerous prominent figures and I would be pleased if you could attend.

With regard to the issues that should be placed on the agenda of such a summit, I am not sure that there is any point in including issues such as the migration crisis or the fight against terrorism. These are fundamental problems but it would be impossible to solve them during a summit especially when its member States are deeply divided, as is the case with migration. Moreover, Heads of State and Government have already taken part in a large number of summits on this subject. If we have the chance to gather at such a summit, I believe it should focus on the Council of Europe so that the main political decision-makers in Europe are given the opportunity to come to a decision on a number of fundamental issues.

The first question would be whether it is still necessary to have a Council of Europe. Some parties believe that the European Union has made the Council of Europe obsolete and/or that a supranational organisation should not be able to tell States what they must do.

If the reply to this question is positive, the next question is of course that of the scope of the Organisation. Even if a consensus has never been reached on the core business of the Council, there is an urgent need to re-launch the debate on the subject given the financial consequences of our choices, or our failure to make choices. The future of the Court is also a question to which a summit would also have to respond.

As in respect of the other points, the question of resources is important. The disproportion between the resources allocated to the Strasbourg and the Luxembourg courts speaks volumes. But it is not the only issue. That of the selection of judges is also essential. Let us not forget that the fact that the Lisbon Treaty established Committee 255 put a definite end to some of the erring ways of the past at the Luxembourg Court. Perhaps a number of major changes are also necessary in Strasbourg to ensure that States do not propose inappropriate candidates.

Please do not hesitate to contact me if you wish to discuss this matter in greater detail at our next session.

Yours faithfully,

(signed)
René ROUQUET

To: Mr. Michele Nicoletti
Rapporteur of Committee on
Political Affairs and Democracy

Sofia, 02.06.2016

Dear Mr. Nicoletti,

Thank you for your letter from 25th of May 2016, concerning the preparation of your Report on the Sofia Declaration of the Assembly, adopted by the Standing Committee on the 27th of November 2015.

We highly appreciate your continuous efforts to involve Members of the Assembly in the debates on the principles of European unity and cooperation, which are in need to be reaffirmed in order to provide a common response to the contemporary problems of our society.

In the course of preparation of your report, it goes without saying that you could always rely on the Bulgarian delegation's unwavering support.

In response to your inquiry I would make the following suggestions:

- We would like to stress, that in our view, the main topic of the Fourth Summit should clearly be the European Unity and Co-operation. The problems, which our society is facing today, can be successfully addressed, when the European states stand together. The promotion of accountability of European institutions and a serious Parliamentary scrutiny of their functions will bring them closer to the people. That is how they will consider them as their own. In this respect the mechanism of the decision-making process in Europe should be addressed too.

Democratic Security, given the wave of migration in Europe, is one of the themes which ought to be on the Agenda of the Summit.

- The model "Living together" has to unite European people coming from different cultural traditions around common principles and with a vision for a shared future. This model's aim is to avoid the creation of "parallel societies," sharing different values and possibly causing negative consequences for Europe's citizens. This is important for the future of united Europe too. In order to be successful, the policy should be implemented by all member-states, having to take the same measures in order to achieve positive results.
- Last, but not least, we think that building Europe without dividing lines should remain a priority for all the Council of Europe members-states. Our position is to strengthen the current European Model and to achieve a greater cohesion around the European common values, instead of potential division of Europe into zones with different "speed" of development.

I hope that these remarks and suggestions will be beneficial for your work and I trust that your report will be a remarkable contribution to the preparation of the Fourth Summit.

Sincerely Yours,

Dzhema Grozdanova
Chairperson of the Bulgarian Delegation



FOLKETINGET

Mr. Michele Nicoletti
Rapporteur
Committee on Political Affairs and Democracy

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2 June 2016

Dear Mr. Nicoletti

I refer to your letter of 25 May 2016 concerning the Declaration adopted by the Standing Committee on 27 November 2015 in Sofia calling for a Summit of Heads of States and Government of the Council of Europe to defend and promote democratic security in Europe.

I find such a Summit very useful and support your ideas for the content of the report and the themes of a possible Fourth Summit.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Aastrup Jensen", followed by a long horizontal line.

Michael Aastrup Jensen
Chairman of the Danish delegation

Ref. 15-001400-6
Contact
Mette Vestergaard
Advisor
Dir. tel. +45 3337 5517

Email from:
Mr Talip Küçükcan
 Head of the Turkish Delegation to the PACE

to **Mr Michele Nicoletti**

15 June 2016

Re.: on possible Fourth Summit

Dear Mr Nicoletti,

I am writing with reference to a possible Fourth Summit. The issues discussed at the Sofia Ministerial Meeting around Democratic Security are timely and significant. As the Head of Turkish Delegation we will fully support your efforts to consolidate the role and effectiveness of PACE and CE.

Having said that, I propose the following issues and themes to be discussed.

Effective participation of the parliamentarians from all political groups and countries are essential. Yet, in my capacity as the Head of a large delegation in a short time, I observed that only a small number of people are very active. This should be taken on board.

More interaction is needed among the parliamentarians which seems not sufficient at the moment. Therefore we have consider to create new avenues outside the part sessions and committee meetings which go fast.

Combating violence, extremism and terrorism are of utmost significance for existential reasons. Social, political, ideological, economic etc dimensions must be taken into account.

What I have seen so far is that motions, reports etc focus on certain countries and sometimes reports look like country bashing. This, in fact, damages the credibility of Council and the Assembly. We need to address this issue in the future as well.

As far as a structural issues is concerned which is the distributive powers of political groups, we need to look at establishing a balance in order that all can strongly fee to be part of the Assembly.

These are my initial thoughts. I will share more in the due course

Best wishes

Talip Küçükcan

Head of the Turkish Delegation to the PACE
 Member of the Foreign Affairs Committee
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Additional reflections and proposals received by the Turkish delegation on 29 June 2016

Terrorism

- 1- Recalling its Resolution 2113 (2016) on urgent need to address security failures and step up counter-terrorism co-operation, the Parliamentary Assembly is horrified by the terrorist attacks in Brussels, Paris, Ankara and Istanbul targeting the Council of Europe member States and deplores the loss of innocent lives and expresses sympathy and solidarity with the families of victims and all those who suffered in these inhumane attacks. The Assembly reiterates that terrorism is targeting the core values of the Council of Europe and aims to eradicate human rights and fundamental freedoms it stands for.
- 2- The Council of Europe and its Assembly must show clear and determined support to member countries in their struggle against terrorism and for the fundamental human rights of all citizens of Europe.
- 3- The Assembly, recalling its Resolution 2113 (2016), calls on the international community to be more involved in the fight against terrorism, in particular it calls all member states for facilitation of strengthened international co-operation with an equal level of determination against all terrorist entities in preventing and suppressing their activities and pursuing and prosecuting all terrorist groups and their members.
- 4- The Assembly reiterates that all member states should combat all kinds of terrorism and terrorist organizations, including DEASH, PKK/YPG and DHKP/C, which are committing heinous crimes, murdering people and causing material damage. All member states should fight against all these terrorist organizations without any discrimination. The Assembly reaffirms that cooperation in the field of countering terrorism necessitates a principled stance against any kind of terrorist organization.
- 5- The Assembly believes that glorifying terrorist organizations, defending terrorist acts and threatening the fundamental rights of citizens is not freedom of speech. It further recalls that incitement of violence is not acceptable and cannot be defended as freedom of expression and underlines that use of terror as a means of achieving political ends cannot be acceptable in any way.
- 6- The Assembly calls all democratic political parties to refrain from acts and statements supporting terrorist groups and condemns the attendance of political figures to the funeral of suicide bombers, terrorists and to the manifestations of terrorist groups. Democratic political parties should condemn and take a firm stance against terrorism regardless of its form and manifestation.
- 7- The Assembly, recalling its Resolution 2091 (2016) on Foreign fighters in Syria and Iraq, reiterates that the foreign terrorist fighter problem is likely to remain on the political agenda for years to come. Thus, the Assembly calls on its member states to enhance international co-operation and to prevent travels of foreign terrorist fighters by the country of departure at the first place and, if it fails, to share timely and actionable information with all other member countries.
- 8- In this context, the Assembly underlines that the terrorist attacks in Brussels on 22 March 2016 clearly demonstrated the importance of international cooperation and intelligence sharing and once more confirmed the significance of taking effective and timely measures regarding the deported foreign terrorist fighters suspects for saving the lives of innocent civilians.

Radicalization / Islamophobia

9- The Assembly, recalling its Resolution 2103 (2016) on preventing the radicalization of children and young people by fighting the root causes, calls on the Council of Europe member States to:

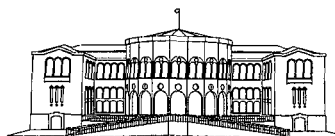
- 9.1 support pluralism and diversity in our societies which means recognizing that religious belief and faith serve hugely important roles in the lives of countless citizens across the member States;
- 9.2. fight against hate speech, Islamophobia and discrimination against young people of Muslim background or Muslim communities including refugees arriving in Europe;
- 9.3. conduct public awareness campaigns and create specific programmes for government officials to combat Islamophobia;
- 9.4. record, monitor and maintain reliable information and statistics about hate crimes, in particular those having Islamophobic motivations, committed within the State and make such reports publicly available;
- 9.5. fight the dissemination of hate speech via the Internet, social media and other communication technologies by reinforcing alert mechanisms.

Migration and Refugee Crisis

10. The Assembly reiterates that the efforts of neighboring countries of Syria is a clear illustration of how the human rights of refugees could be upheld even in difficult economic conditions. Turkey is hosting over 2.7 million Syrians. It is the largest country hosting the highest number of refugees in the world. Turkish officials state that Turkey has spent 11.7 Billion US Dollars for addressing the need of refugees, whereas the international community's assistance is around 520 Million US Dollars. Turkey, for over five years, has been implementing the "open door policy" for the Syrians who fled from the war environment in their country and within the frame of its international obligations, abide strictly by the principle of "non-refoulement". As in the case of other countries neighboring Syria such as Jordan and Lebanon, Turkey's resources cannot match the desired level for addressing the needs of refugees. However, it is certainly outperforming some EU countries which adopted acts to confiscate properties from refugees fleeing war and persecution.

11. The Assembly reaffirms once again its strong belief that the solution to the current migratory crisis necessities confronting the fundamental principle underlining response of several European countries to migration: externalization of the burden of migration to third countries. Recalling Resolution 2073 (2015) titled "Countries of transit: meeting new migration and asylum challenges", this policy has several important repercussions. Firstly, it directly leads to loss of life of refugees who tries to enter Fortress Europe. Secondly, it clearly demonstrates that the values promoted by the Council of Europe are not upheld by some of its Member States. Thirdly, it solely exacerbates the migratory pressures, filling the pockets of smugglers. Instead of this counter-productive policy of externalization, Member States who defend externalization should seriously consider to adopt new measures for legal migration including resettlement and other forms of humanitarian admission. These measures help to prevent irregular migration which in many cases cause tragic loss of human lives.

12. The Assembly underlines that the urgent need is to share the responsibility and burden with countries hosting Syrians. Syrian humanitarian crisis is a global problem and requires a global response. The Council of Europe should take active part in addressing the migratory and refugee crisis with utmost respect to rule of law and international solidarity.



Mr. Michele Nicoletti
Rapporteur
Parliamentary Assembly of the Council of Europe
67075 Strasbourg
France

Stortinget

Norwegian Parliament
Delegation to the Parliamentary
Assembly of the Council of
Europe

Date: June 15, 2016

Dear Mr. Nicoletti,

Thank you for your letter and the opportunity to put forward thoughts and ideas regarding a possible Council of Europe Summit.

I very much agree with your view that the main objective of the summit would be to re-launch the Council of Europe as a pan-European Organisation. Since Secretary General Mr. Thorbjørn Jagland assumed office he has put great emphasis on the Council of Europe as a pan-European Organisation. It is my opinion that his reform efforts have contributed to heighten the relevance of our organisation. The Council of Europe Summit should build on this, bringing to attention the work we do to guarantee democracy, human rights and the principles of rule of law.

A Summit should bring forward the good examples of what the Council of Europe does. One such example is the role our organisation has taken in the building of a strong democracy in Ukraine. The Council of Europe has expertise and capability, it makes us relevant in the challenges Europe is currently facing.

Another important aspect of the work of the Council of Europe is how it complements that of the European Union. I believe the Summit should also address how the Council of Europe and the European Union better can work together. The migration crisis currently facing Europe is an example of a crisis which cannot be solved without the cooperation of nation states and international organizations. The Council of Europe and the European Union must work together, with their different competences, in order to ensure burden sharing and a responsible approach to the crisis.

I am looking forward to hearing more about your thoughts and ideas in the upcoming meetings of the committee.

Yours sincerely,

Ingjerd Schou
Head of Delegation



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Parliamentary Assembly of the Council of Europe

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FRANKREICH

Vienna, 21 June 2016

Dear Colleague,

I would like to thank you for your letter dated 25 May 2016.

In Europe we are indeed facing multiple challenges to the pillars of our democratic societies. In some countries we have seen how governments have a tendency to restrict basic freedoms and values. The Council of Europe and its Parliamentary Assembly must act in every possible way in order to oppose this worrying trend.

Let me therefore express my support for the initiative of a meeting of Heads of State and Government of Council of Europe Member States. I am looking forward to reading your report.

Sincerely

Gisela Wurm

Head of the Austrian Delegation to PACE

Swiss Parliamentary Delegation
to the Council of Europe
CH-3003 Bern

Mr Michele Nicoletti
Rapporteur of the Committee on Political
Affairs and Democracy
Council of Europe
Strasbourg
France

23 June 2016

Summit of Heads of State and Government of the Council of Europe

Dear Rapporteur, dear colleague,

With reference to your letter of 25 May 2016 concerning the call for a Council of Europe Summit to defend and promote democratic security in Europe, I should like on behalf of the Swiss delegation to express our support for the initiative. In view of the challenges currently facing Europe, the delegation believes that it is important for the Heads of State and Government to meet again in order to reaffirm the Council of Europe's values and promote European cohesion. In several regions in our continent, conflicts have worsened still further and confrontations are occurring on a scale which we believed belonged to the past.

In its capacity as a mediator, the Council of Europe must prove that it is capable of dealing with these major conflicts and renewing its role in terms of unifying a continent marked by great diversity. As the last Summit was held over 10 years ago, the time has come for the Heads of State and Government to meet again in order to reconfirm and strengthen this inherent role of the Council of Europe.

In conclusion, I believe the call is fully justified.

Yours sincerely,

(Signed)

Alfred Heer
Chair of the Swiss Delegation

From: Liisi Vahtramäe

Sent: 30 June 2016

Subject: PACE Letter from Mr Nicoletti to Chairpersons of national delegations and political groups

The position of the Estonian delegation on the Fourth Summit:

The Estonian delegation is not against the organisation of the Fourth Summit in principle, but thinks that there should be a specific reason for organising it (to reach an agreement on a certain question or link it with the 70th anniversary of the establishment of Council of Europe).

Kind regards

Liisi Vahtramäe

Adviser

Foreign Relations Department

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Data: 05/07/2016 12.52
Cc: Ibrahim Khreisheh <ibrahimkh1966@yahoo.com>, Bashar Al-Deek
<mrdeek@yahoo.com>
Oggetto: Call for a Council of Europe Summit

Dear Mr. Nicoletti,

Greetings from Jerusalem.

Allow me to comment on the proposed summit and two of the themes which were dealt with by the Ministerial Conference held in Sofia in May 2016.

First, Democratic security for all in challenging times. I would propose that in tackling of the sub-themes that experts also from the South should be heard as the sub-themes not only affect Europe but also affect States in neighboring regions. Accordingly, in addition to experts on the sub-themes that would address joint undertakings with the Council of Europe, it would be a good idea to invite also some Heads of State from the Southern Neighboring Regions.

Second, on Council of Europe Policy towards Neighboring regions, there must be a highlighting of the Partner for Democracy program and the activities undertaken by the North - South Center and by the Lisbon Forum besides the cooperation agreements between Council of Europe and southern neighbor states. I believe that given the sharp polarization occurring today between Europe and the Arab and Muslim world, there is need to highlight that there are also common grounds on which, in spite of cultural, political, social and economic disparities, Europe and its southern neighbors are striving to explore and work together in addressing challenges, problem areas and cooperation potential for the good of all of us.

I trust my comments to your kind consideration,

With best regards,

Dr. Bernard Sabella
Chairperson
Delegation of Palestine to the PACE



CHAMBRE DES DÉPUTÉS
GRAND-DUCHÉ DE LUXEMBOURG

Non-official translation

Luxembourg, 6 July 2016

Mr Michele Nicoletti
Rapporteur on the
Call for a Council of Europe
Summit to defend and promote
democratic security in Europe

Committee on Political Affairs
and Democracy
Parliamentary Assembly
of the Council of Europe

Subject: Request for the opinions of Chairpersons of national delegations and of political groups on the idea of organising a Fourth Summit of Heads of State and of Government of the Council of Europe

Monsieur, Dear Michele,

I have the honour of acknowledging receipt of your letter dated 25 May 2016 and of the declaration adopted by the Standing Committee on 27 November 2015 calling for a Summit of Heads of State and of government of the Council of Europe to defend and promote democratic security in Europe.

Further to our conversation, I wish to convey, on behalf of the Luxembourg delegation, our favorable opinion and support for holding this Summit.

In the hopes that the idea of the Summit will have the adequate support of other national delegations and political groups, I remain your sincerely,

Signed,

Anne Brasseur
Chairperson of the Luxembourg delegation
to the PACE



PARLAMENTUL ROMÂNIEI

PARLIAMENT OF ROMANIA *PARLEMENT DE LA ROUMANIE*

Delegația la Adunarea Parlamentară a Consiliului Europei

Delegation to the Parliamentary Assembly of the Council of Europe

Délégation à l'Assemblée Parlementaire du Conseil de l'Europe

Bucharest, 6 July 2016

Dear Mr. Nicoletti,

In reply to your letter requesting the view of the delegation of Romania to the Parliamentary Assembly of the Council of Europe with regard to the adopted Declaration calling for a Summit of Heads of States and Government of the Council of Europe to defend and promote democratic security in Europe, I have the pleasure to inform you that Romania was favorable to the idea of organizing the Third Summit and supported Poland for hosting it in May 2005, in Warsaw.

Given the current regional political context and new challenges in Europe, possibly the agenda of the fourth Summit of the Council of Europe should follow more closely the basic principles of the organization.

Thus, a fourth Summit should aim substance priorities and tackling sensitive issues within the organization, connected to the realities of the contemporary world.

I hope that our answers contribute to any other issues you raised and I remain at your disposal for any further information

Please accept, dear Mr. Nicoletti, the expression of my highest consideration.

Yours sincerely,

Ionuț Stroe

Mr. Michele Nicoletti,
Rapporteur of the Committee on Political Affairs and Democracy
Parliamentary Assembly of the Council of Europe

From: Fagerholm Maria

Sent: 7 July 2016

Subject: REPLY FROM FINLAND: PACE Letter from Mr Nicoletti to Chairpersons of national delegations and political groups

I am responding to your e-mail below on behalf of the Finnish PACE delegation.

The Finnish delegation has discussed the issue of a Council of Europe summit and has concluded that a summit could be convened provided that the political circumstances for arranging such an event are favourable.

In order for the summit to bring added value, it should benefit the member states and concretely promote and strengthen the values of the Council of Europe. The aim of the summit should be clear, focussed and acceptable to all member states.

I hope this contribution helps Mr Nicoletti in the preparation of his report.

Best regards,

Maria Fagerholm

Co-secretary to the Finnish PACE delegation

Secretary for International Affairs

International Department

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E-mail: maria.fagerholm@eduskunta.fi

From: Καβαδία Ιωαννέτα (Αννέτα)

Sent: 11 July 2016

Subject: PACE Letter from Mr Nicoletti to Chairpersons of national delegations and political groups

Please report to Mr Nicoletti that I would be more than happy to participate in this effort and contribute thoughts and observations with both my capacities, as a Greek parliamentarian and as a Chairperson in a European forum such as PACE.

Allow me to keep the topic of my contribution open for now, since there are a number of issues that I would like to address in such an important occasion. Thus I will be informing you in due course on the exact thematic I will engage to.

Thank you in advance for taking up such an important initiative,

Yours sincerely,

Anneta Kavvadia

MP for Athens B - SYRIZA

**Head of Greek Delegation & Vice President
of Parliamentary Assembly of the Council of Europe
Vice President of the European Affairs Committee
of the Hellenic Parliament**

Contribution by Ms Anneta Kavvadia, Chairperson of the Greek delegation to the PACE, received on 18 September 2016

Europe at a threshold: the urgent need for common "European" perspective

On the 22nd of August, Angela Merkel, Matteo Renzi and François Hollande met in Italy in the little island of Ventotene in order to contemplate on the future of Europe. The meeting was held as a preparative step before the Summit Meeting on the 16th of September that is to be held in Bratislava, Slovakia. The three leaders picked the specific location due to the significant symbolism it holds: in that island the Italian intellectual Altiero Spinelli along with few antifascist comrades that who had been exiled by Mussolini, wrote the manifesto through which they urged all Europeans to abandon the notion of their national states -that he thought were the main reason for the eruption of WWII – and opt for a *federal* Europe. That vision has not been fulfilled yet. Actually a few months ago Matteo Renzi stated that the aim was for the "United States of Europe" to be created, only to add that the moment was not right for it.

The leaders' presence there, can in Greek terms be described as an *oxymoron*, that is, as a notion that contradicts itself. Clouds are clogging over the EU, and the main reason seems to be that the *national* element proves to be much stronger than the *European* one. In other words, the Union seems to be mainly an economic institution, also in the eyes of its members, while on top of that national policies are as strong as ever, competing to gain as much as they can from the EU, while avoiding negative obligations, thus empowering centrifugal tendencies of the whole entity. The latest and most definite paradigm of that tendency is Britain and the referendum for Brexit only two months ago.

That decision showed that a significant portion of the country's politicians and public believed that *nationally* they had more to lose than to gain by remaining in the EU, on a financial basis -one of the two main reasons- and thus they opted out. That decision was made although Britain had a very unique and favorable relationship pact with the EU (let's just mention the maintaining of the British national currency here) which ensured that the *national* financial interest would outplay the *union* one. Nevertheless, even under these exceptional conditions the Britons seem to have chosen to leave the Union.

No one can claim that the financial aspect is not a very important element in the Union, however the problems created even when that factor is being served, indicate that yet another element is missing. The initial notion for a United Europe, as an aftermath of the WWII catastrophe, was premised upon values and ideals that widely transcended European national agendas, and focused on the people's universal and equal wellbeing as declared by Enlightenment philosophy. That conceptual framework ensured that every person could live in freedom and prosperity and be respected and protected -and held legally responsible and taxed- as such. These notions were difficult to be actually put in action, since they transcended national – and nationalistic- doctrines, traditions, elites, fractions, casts, etc.

That framework gave the concept of European citizenship a self-weighting value, detached from national preconditions. And this actually the connective tissue that held the European entity together, and *legitimized* the whole effort for a union in the eyes of its citizens. In addition to the – and also in spite of – the financial prosperity of the Union, the all-encompassing ideology that could surpass the national ideal of every European nation- state was exactly that of the European

citizen, with equal rights and obligations, sanctioned by transnational conventions, such as the Geneva Convention. That conceptual framework suffered momentarily as new members-states entered the EU and focused mainly in the financial aspect of the Union. However, it was put in serious doubt only when the second reason for the Brexit arose, namely the refugee crisis.

The refugee *crises* -in plural- are the phenomena that put the EU principles to the test: what constitutes a European citizen, entitled to these rights and how. It was common place that whoever was on *European* soil was entitled to citizen rights, thus the free passage of the refugees to it was hindered. However, the status of the refugee was sanctioned by the Geneva Convention with safe passage and support, and thus the term migrant was intensified in order to exclude more desolate people from entering the EU. At the same time, countries tried to *opt out* from their obligations as members of the Union, when the agenda entailed the refugee crises. For the first time in many years EU agreements are being disrespected by member- states.

In this exceptional and perplexed predicament, the EU seems to have failed to rise to the standards that were set by its constitutional acts. And that *ethical* failure by itself, I believe, caused more problems to its stability and solidity than if it had endured the financial burden of the refugee flows and attempted to deal with the problem *prima facie*. The fact that EU principles are being overlooked in favor of financial gain or in fear of financial loss actually diminishes the EU in the eyes of its citizens, turning them to former legitimizing entities, that is, the nation states, that claim back their -briefly lost - primacy. That retrogression cannot prognosticate anything positive for Europeans, given the reasons for which the attempt of a united Europe was made in the first place. Ample proof for that is the rise of rightist, even fascist voices in the European north and a general political and ideological introversion.

And here lies the very important role that PACE can and must play, in order to help EU redefine itself. The human rights agenda, as crucially important as it is nowadays, is not self-determined; it derives from and is contingent upon the EU policies. With the latter turning more conservative by the day, it is impossible for PACE to deal with human rights without dealing with the initiators of policies and legislatures. Thus it is important for the COE to assume new initiatives and attempt to use human rights agenda as penetrating point to the EU political rigidity and economic orthodoxy. That can occur through the establishment of a control crises mechanism, through the fortification of its monitoring role, through reforms that would extend and assist the role of the European Court of Human Rights and finally through the regularization of the COE summit meeting that should occur on a yearly -or biennial -basis, depending on the agenda. In short, COE and PACE need to participate in the policy-making process, functioning as the "moral compass" of the whole EU entity.

The aforementioned role of PACE falls exactly into place when we take into consideration Turkey's role in the refugee crisis and the violation of human rights in general. The recent failed coup attempt, in addition to the refugee crisis that already existed in the country has brought the human rights agenda in serious peril in the neighboring country. Although a coup attempt is definitely an act condemned by all EU states and all involved in such a criminal act need to be held legally responsible, the escalated post-coup purge that has been taking place for two months now in Turkey is unprecedented and needs to be thoroughly monitored so that human rights violations are avoided as much as possible.

Special attention needs to be given to the State of Emergency status that the country will remain in for the next four months (six in whole) and the problems that will cause to the proper function of all civil and democratic institutions that support the concept of democracy in the Turkish state. Especially in the capacity of a delegated member of PACE, Turkey needs to assist PACE initiatives to monitor democratic and civil institutions in its borders, and the civil and human rights agenda in general.

To conclude, let me offer for contemplation and deliberation a brief summary of some proposals already mentioned above that, I believe, would go a long way towards determining and implementing a new and enhanced role for the COE and for PACE in particular in this new era of European uncertainty and flux:

- **Strengthening the status of the COE as the alternative motor of European integration:** *Comprising 47 Member States and more than 820 million inhabitants, the COE is a much wider and more open organisation than the EU, embodying the original ideal of a United Europe stretching from the Atlantic and the Arctic Oceans to the Mediterranean Sea, the Ural and Caucasus Mountains and thus potentially offering an institutional structure of a truly continental scale. With the EU facing a crisis of an existential nature and rapidly losing reliability and legitimacy, it is time for the COE to fill the gap by assuming its rightful role as the body charged with ensuring peace, promoting democracy and protecting human rights throughout the Continent. Obviously, this necessitates a radical upgrade of the structure, organs and functions of the COE, which needs to be carefully planned and introduced into its Statute. For example, an annual Summit of the Heads of State and Government, with a specific theme each year and an agenda prepared in order to reflect the most pressing current issues facing Europe and the world, would provide a unique pan-European forum of intensive diplomatic contacts at the highest level.*
- **Establishing clear working relations with the EU:** *In order for the above to work, the need for a clear division of labour between the COE and the EU arises. Regardless of the ultimate fate of the Eurozone, the EU needs to scale back its overreach, which is not backed by any sort of solid democratic or political legitimacy, as the developments of the Eurozone crisis and Brexit clearly underline. The primary role of the EU in the 21st century should be limited to that of the European Common Market regulator. This fits nicely with the purely technocratic EU profile, which is perfect for monitoring compliance with competition and anti-trust rules and for the development of common standards for goods and services (which comprised the main mission of the European Communities throughout most of their history, after all), but has proven in effect totally unsuitable for the resolution of the fundamentally political problems facing Europe, much less for the restoration of the sine qua non link between the institutions charged with promoting the European Project and the citizens. That area of political integration, democratic security and human rights protection should be assigned to the COE, as was, after all, the case, in the aftermath of WW2.*
- **Amplifying the spectrum and scope of the monitoring powers of PACE:** *The most important reform relates to the Parliamentary Assembly, a body which, it might be argued, is endowed with greater democratic legitimacy than the European Parliament, since it is composed of members of National Parliaments of 47 European states, whereas interest and participation of the citizens in the EP elections continues to decline. Therefore, the presence and role of the Assembly should be strengthened; both in terms of legislative work related to the drafting of new COE Conventions or the amendment of existing ones and of monitoring compliance with said COE Conventions, practices and democratic standards, thus evolving into a strong pillar of European parliamentarianism.*
- **Creating a COE Crisis Management Mechanism:** *The participation of virtually all the countries of the continent in an institutionally organised process of cooperation and integration creates a solid base for the creation of a common framework for the management and the peaceful settlement of the major strategic crises facing Europe today. The refugee crisis, the attempted Turkish coup, the ongoing conflict in Ukraine and the*

recent flaring up of the frozen conflict between Armenia and Azerbaijan over the Nagorno-Karabakh region demonstrate the need for the COE to set up a standard Crisis Management and Conflict Resolution mechanism between its Member States. This mechanism should not seek to contradict the work of other bodies, such as the OSCE and the Minsk Group, but rather to supplement and facilitate it, for example by providing for snap extraordinary meetings of Foreign Ministers when a crisis breaks out, by the possible provision of an arbitration procedure, by the setting up of ad hoc regional or thematic working groups etc. More importantly, its function should primarily be proactive, as in most cases, when a crisis has broken out it is already too late.

- **Consolidating the role of the ECHR as the European Guardian of Human Rights:** *If there is such a thing as a common European legal culture, the ECHR is its founding stone and -enriched through decades of the often ground-breaking case law of the Strasbourg Court- its highest achievement. This achievement is threatened by an ongoing process of clawing back on fundamental human rights and freedoms, whether in the context of the economic and financial crisis, the refugee crisis or the threat of terrorist attacks. The fact that Turkey and France have derogated from most ECHR provisions under Article 15 for an indefinite period of time, citing an emergency that tends to become the new norm is testament to that fact. It is for the ECtHR to defend that great achievement, by judging on a case by case basis if any measure restrictive of the rights enshrined in the ECHR is compatible or not with the proportionality criteria laid down by the ECHR itself or if the right to derogate in exceptional circumstances is being misused. In the long term, the European Social Charter should have its own rigorous monitoring and protection legal mechanism, possibly through the conversion of the European Committee of Social Rights into a quasi-judiciary body, in the context of a holistic approach to human rights protection, which would include social rights. Also in the long term the possibility for the European Commissioner for Human Rights to bring cases before the ECtHR should be examined.*

Obviously, the aforementioned proposals, as well as undoubtedly many others, will be the subject of rigorous evaluation and debate in the period leading up to the proposed –and much needed– Fourth COE Summit: a landmark event, the ultimate and ambitious goal of which should be to lay the groundwork towards creating a modern, flexible and effective institutional framework, thus establishing the COE as the primary pan - European Organization dedicated to the peaceful coexistence, cooperation and political integration between the states and peoples of this Continent, the promotion of democratic values and the protection of fundamental human rights and freedoms. Such an envisaged scheme should affirm unity and functionality, while guaranteeing and celebrating the cultural diversity and constitutional autonomy of the Member States. It is my hope that this text will be a useful contribution to that end, specifically to the work of the Rapporteur.



*Delegación española en la Asamblea
Parlamentaria del Consejo de Europa*

Presidente

Madrid, the 12 of July, 2016

Mr. Michelle Nicoletti
Rapporteur
Committee on Political Affairs and Democracy
Parliamentary Assembly of the Council of Europe
Strasbourg - France

Dear Mr. Nicoletti,

On behalf of the Spanish delegation I can only express my utmost support to the holding of the Summit to defend and promote democratic security in Europe.

We are going through difficult times, when citizens, more than ever, need institutions to take firm steps to defend democracy and the Rule of Law promoting the values that are at the core of the Council of Europe.

To this end, we must establish a framework to guarantee both individual freedoms and the security of peaceful coexistence. Indeed, this is the aim of the recent campaign #NoHateNoFear, which deserved such a positive welcome in the last session and whose message summarizes the determination and courage that democratic societies must show face to the scourge of hate and destruction.

The fight against terrorism in any of its forms entails a general commitment with human rights, coordination between the State and institutions, and an efficient fight against radicalization, and in this sense the Summit proposed is most welcome.

Cordially yours,

A handwritten signature in black ink, appearing to read 'Pedro Agramunt'.

Pedro Agramunt
President of the Spanish Delegation

From: Sandra.Gerber-Leuenberger@pd.li

Sent: 13 July 2016

Subject: PACE Letter from Mr Nicoletti to Chairpersons of national delegations and political groups /// APCE Lettre de M. Nicoletti aux Présidents des délégations nationales et des groupes politiques

Thank you very much for your messages regarding Mr Nicoletti's report on the Call for a Council of Europe Summit to defend and promote democratic security in Europe and the possibility for contribution.

We very much appreciate the work of the rapporteur on this important topic and we look forward to the presentation of the information document during the October session.

Best regards,

Sandra Gerber-Leuenberger

Delegationssekretärin | Delegation Secretary

Parlamentsdienst | Parliamentary Service

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ПОСТІЙНА ДЕЛЕГАЦІЯ
ВЕРХОВНОЇ РАДИ УКРАЇНИ
У ПАРЛАМЕНТСЬКІЙ
АСАМБЛЕЇ
РАДИ ЄВРОПИ



PERMANENT DELEGATION
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Kyiv, 21 July 2016

Dear Mr. Nicoletti,

In response to your letter dated 25 May 2016 on suggestions as to themes or subjects for the Fourth Summit of Heads of State and Government of the Council of Europe I would like to ask you to highlight in your report **the security issues**, namely:

- **adherence by the international community to the principles of security architecture**, established, inter alia by the UN Security Council, after the Second World War;
- **compliance by all states with international and bilateral agreements on security issues**. In this respect, it is revealing that the failure of the Budapest Memorandum, according to which Ukraine received guarantees of its security and territorial integrity in exchange for renouncing its nuclear arsenal, significantly undermines the credibility of such agreements and the credibility of the guarantor states and creates hotspots of tension and atmosphere of mistrust;
- **clear and unanimous rebuff to aggressive actions** irrespective of its origin, **ending impunity for the crimes of aggression, condemnation of policies that tolerate terrorism**, which is organized or supported at the state level.

I do hope that the above-mentioned ideas would be taken into account while preparing your report.

Sincerely yours,

Volodymyr ARIEV
Chairperson of the Delegation

Mr. Michele Nicoletti
Rapporteur on the Call for a Council of Europe Summit
to defend and promote democratic security in Europe
Committee on Political Affairs and Democracy
Parliamentary Assembly
Council of Europe
Strasbourg



**VICE PRESIDENT OF THE NATIONAL ASSEMBLY
OF THE REPUBLIC OF ARMENIA**

01.08.2016

Dear Mr. Nicoletti,

Thank you for your letter of May 25, 2016, with the suggestion to invite a Summit of Heads of State and Government of the Council of Europe.

Taking into consideration the processes and challenges Europe faces today, we believe that the topics discussed during the 126th Session of the Committee of Ministers held in Sofia this May are relevant indeed for possible discussions during the Summit. As witnesses to the rise of racial, religious intolerance and xenophobia all around Europe, manifested in several acts of terror this year alone, we would also suggest including "Fighting intolerance and hate speech in Europe" as another possible theme of the Summit.

Your efforts and initiatives are really crucial for the functioning of the PACE and you can always rely on the support of the Armenian Delegation.

Wish you every success in your endeavours.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hermine' followed by a stylized surname.

Hermine NAGHDALYAN

19, M.Baghranyan Ave., Yerevan, 0095, Armenia Tel: (37411) 513426, Fax:
(37410) 526770 , E-mail: hermineh.naghdalyan@parliament.am



Parliament of Montenegro

A DECADE
OF INDEPENDENCE
AN MILLENNIUM
OF STATEHOOD
MONTENEGRO
2016



May Montenegro live forever

No: 00-65-2/16- 5211

Podgorica, 26 October 2016

Dear Mr Nicoletti,

I refer to your letter as of 21 October 2016 regarding the call for a Council of Europe Summit to defend and promote democratic security in Europe.

Having in mind the Declaration adopted by the Standing Committee of the Parliamentary Assembly of the Council of Europe at its meeting on 27 November 2015 in Sofia, and the many challenges Europe has been facing, I would like to express my appreciation for the work you do and support this initiative.

I look forward to reading your report on this important topic.

Sincerely,

Predrag Sekulić

Head of the Montenegrin Delegation
to PA CE

Mr Michele Nicoletti
Rapporteur
Committee on Political Affairs and Democracy
Parliamentary Assembly of the Council of Europe
Avenue de l'Europe, 67075 Strasbourg Cedex
France

Делегација Србије
Парламентарна скупштина Савета Европе



Serbian Delegation
Council of Europe Parliamentary Assembly

Belgrade, 1 November 2016

Dear Mr. Nicoletti,

Concerning your letter from 21 October 2016, I would like to inform you that the Delegation of the National Assembly of the Republic of Serbia in the Council of Europe supports the idea of holding Summit of the Council of Europe.

Additionally, I would like to remind you that the Speaker of the Serbian National Assembly Maja Gojković, in her address at the European Conference of Presidents of Parliaments in Strasbourg, 15-16 September 2016, welcomed the initiative to hold the Summit with the aim of reaffirming basic principles of the Council of Europe.

Please, accept, Mr. Nicoletti, the expression of my highest consideration.

Sincerely,

Aleksandra Djurović

Head of the Serbian Delegation
to the Parliamentary Assembly

Mr. Michele Nicoletti
Rapporteur
Parliamentary Assembly of the Council of Europe



DELEGATION OF POLAND TO
THE PARLIAMENTARY ASSEMBLY OF
THE COUNCIL OF EUROPE
CHAIRMAN

Warsaw, 3rd of November 2016

Dear Mr Nicoletti,

I would like to thank you for your letter concerning the possibility of convening the Fourth Summit of Heads of State and Government of Member States of the Council of Europe.

Sharing your conviction about the proposed idea of the Summit, I would like to underline the significance of undertaking all actions aimed at defending and promoting democratic security and stability. Please be assured of my fully open attitude towards all the suggestions and proposals that have been submitted.

Please accept assurances of my highest esteem,

Włodzimierz Bernacki

Mr Michele Nicoletti
Rapporteur
Committee on Political Affairs and Democracy

Strasbourg

16 November 2016

Dear Mr Nicoletti,

I have read your introductory memorandum titled "Call for a Council of Europe Summit to defend and promote democratic security in Europe" with great interest and I am pleased to have been given the opportunity to comment on it.

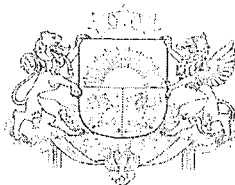
The Swedish delegation shares the view expressed by others that a possible Summit has to put emphasis on the core values of the Council of Europe and that it has to become a successful show of unity by its members around the values of Democracy, Human Rights and the Rule of Law.

It is therefore important to focus more on the outcome that such a Summit should have before deciding on it. We believe that, in order to attract high level participation, the subtopics should be related to the core values and their application within the Council of Europe area as well as our relations to other organisations that share our values, and not endeavour into more technical topics such as budgetary growth.

Yours sincerely



Jonas Gunnarsson
Chairperson of the Delegation of Sweden
to the Parliamentary Assembly of the Council of Europe



DELEGATION OF THE REPUBLIC OF LATVIA
TO THE COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY

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Mr Michele Nicoletti
Committee of Political Affairs and Democracy
Parliamentary Assembly, Council of Europe

Rīga, 17 November 2016
No. 313. 13/2-80-12/16

Dear Mr Nicoletti!

With a reference to your letter of 21 October 2016 I would like to express conceptual support to the initiative of High Level Summit of Council of Europe Member States aimed to defend and promote democratic security in Europe.

The idea of integrated Europe has been challenged the most since the Cold War. Therefore, it is vitally important to join our efforts for the sake of our future. More than ever before adherence to the basic values of democracy, human rights and rule of law has to withstand severe challenges. Accordingly, it is our utmost responsibility to defend and promote the values of truly democratic societies. Only concerted efforts can bring us towards sustainable solutions in long term and help us to react adequately in short and medium term.

Let me praise your consistent and scrupulous work as a rapporteur in gathering opinions from the Council of Europe Member States. In my view the topical issues you summarized from the replies received are coherent and require attention. It is apparent that in the circumstances of growing threat of extremism, terrorism, migration and euro-scepticism, systematic violations of human rights and rule of law principles we have to be vigilant and courageous in tailoring efficient mechanisms that can prevent these threats or at least contain their eruption into more devastating scenarios. I am aware that such a Summit could serve as an impetus for more concerted and efficient action in tackling these challenges and invigorating the Council's role.

At this early stage it is difficult to be concrete regarding the level of attendance from Latvia at the eventual Summit. Nevertheless, I believe that Latvia will be represented at the Summit at due level.

Sincerely,


Inese Libiņa-Egner
Chairperson of the Latvian Delegation to the PACE

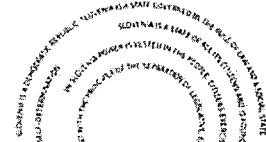


REPUBLIC OF SLOVENIA
NATIONAL ASSEMBLY

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No.: 007-07/16-0343/2
Ljubljana, 17 November 2016

Dear Mr. Nicoletti,

I have the honour of acknowledging receipt of your letter dated 21 October 2016 referring to the declaration adopted by the Standing Committee on 27 November 2015 calling for a Summit of Heads of State and Government of the Council of Europe.

The proposal for a summit comes at a time of serious challenges to the protection of human rights and the rule of law in Europe and therefore provides an opportunity to bring forward good examples of what the Council of Europe does and stands for. Europe is facing an unprecedented human rights and political crisis since the end of the Second World War. Such a situation demands decisive response, which we until now have not been able to clearly define.

We must therefore very carefully and clearly define the aim(s) of the possible summit in order for it to bring added value. This should be directly linked to the work and *raison d'être* of the organization. Our delegation therefore suggests that rather than discussing a number of very complex issues, the summit should instead focus on selected specific issues.

On the top of the list is the relevance and importance of the European Court of Human Rights. The ECHR is the founding stone of the European legal culture and its relevance is to be decisively exposed, especially in times when the EU seems to have failed to rise to the standards set by its constitutional acts.

With the EU facing a crisis of existential nature, it is indeed time for the CoE to fill the gap by assuming its role of protector of human rights and promotor of democracy throughout Europe. To further pursue this aim, the structure, the bodies and the organization of work of the CoE should be upgraded, which is another issue to be discussed during the summit, with a focus on the European Convention on Human Rights which, at the time of fragmentation of international law, is an important element of integration.

Mr. Michele Nicoletti
Rapporteur
Committee on Political Affairs
and Democracy
Parliamentary Assembly
of the Council of Europe



25 YEARS OF INDEPENDENCE

The Council of Europe is facing the challenge of how to find answers to the question of efficient protection of the rule of law and human rights. Support on the highest political level is of crucial importance. The summit should strive to ensure the commitment of all to work together to achieve the soft dominance of rights and the law rather than the hard power of force.

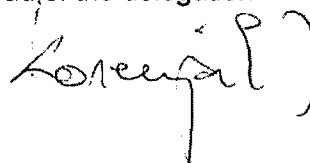
The main political decision-makers in Europe should be given the opportunity to come to a decision on the above fundamental issues, thus showing to the entire international community that the CoE could serve as a moral compass of Europe and a promotor of European unity and co-operation, based on shared principles and values, trust and solidarity and, most of all, dialogue, thus remaining faithful to the principles set out by the founding fathers of the CoE almost 70 years ago.

Our delegation therefore supports the initiative for the meeting of the Heads of State and Government, but the CoE should be careful in defining the aim which needs to be clear, focused and acceptable to the widest possible number of member states.

I wish you every success in your endeavours.

Yours sincerely,

Ksenija Korenjak Kramar
Head of the delegation



Courtesy Translation

Mr Michele Nicoletti
Rapporteur for the Parliamentary Assembly of the Council of Europe
Palais de l'Europe
Strasbourg

22 December 2016

Dear Mr Nicoletti,

I welcome your efforts to implement the Sofia Declaration of 27 November 2015 adopted by the Standing Committee of the Parliamentary Assembly, and your consultations on the requirements for a successful summit of the heads of state and government of the Member States of the Council of Europe.

A summit such as this, which could for example take place to mark the 70th anniversary of the founding of the Council of Europe in 2019, would provide a good opportunity to reaffirm the Member States' commitment to the values and objectives of the Council, and to the sincere and specific realisation of these, as well as to meeting the assurances made to the Council. At the same time it would offer an opportunity to look to the future together and find common answers to the challenges we face. I welcome the offer from France to host this summit, as announced by President Francois Hollande to the Assembly in October this year.

This kind of summit requires long-term preparation, which should be carried out above all with the ambition of also achieving expansive in-depth joint agreements that go beyond committing to membership of the organisation, its values and its objectives. The Council of Europe and the Assembly should emerge from the summit preparations and the results of the meeting stronger than before. This summit should also be used to increase awareness of the Council and the Assembly among the public.

Together with the members of the German delegation, I wish you every success for your continued work as rapporteur.

Yours sincerely,

Sgd. Axel E. Fischer
Head of the German Delegation
to the Parliamentary Assembly of the Council of Europe
Chairman of the EPP-CD Group in the Council of Europe

(non official translation)

Letter from the Chairperson of the Moldovan Parliamentary delegation to the PACE to Michele Nicoletti, Rapporteur of the Committee on Political Affairs and Democracy on the *Call for a Council of Europe Summit to defend and promote democratic security in Europe*, Chairperson of the PACE Socialist Group

19 January 2017

Dear Mr Nicoletti,

I would like to begin by expressing my utmost appreciation of your initiative as Rapporteur of our Committee on the *Call for a Council of Europe Summit to defend and promote democratic security in Europe*. The principles you have set out in the introductory memorandum reiterates our aspiration as members of the Council of Europe for a stronger Organisation more closely united around core values. In this respect, I fully support the holding of a fourth Summit of Heads of State and Government of Council of Europe member States.

The themes put forward - democratic security for all in challenging times; responding to the refugee and migration crisis; the key role of democracy, rule of law and human rights in conflict resolution; and co-operation with the European Union – are currently the focus of heightened interest in my country, and a debate on such an elevated scale will help us find responses to a number of issues arising in our societies.

In conclusion, I express my support for the proposed holding of a Summit and my belief that this forum will truly give fresh impetus to the role of the Council of Europe as a pan-European organisation.

Yours sincerely,

[signed]

Valentina Buliga
Chairperson of the Moldovan Parliamentary delegation to the PACE
Chairperson of the Committee on External Policy and European Integration



Mr. Michele Nicoletti,
Rapporteur,
Committee on Political Affairs and Democracy

April 25th 2017

Dear Mr. Nicoletti,

We have reviewed your letter from the 26th of May 2016 concerning the preparation of your report regarding a possible fourth summit of the Council of Europe. Furthermore, we note with great interest the contents of the Sofia Declaration of the Assembly, adopted by the Standing Committee on the 27th of November 2015 enclosed with your letter.

First of all, let me extend our sincere thanks and admiration for your scrupulous work as Rapporteur on this important project so far. On behalf of the Icelandic delegation I would like to declare our very positive stance towards organizing a fourth summit. In our view, it is high time to organize another summit considering that it has been more than a decade since the last summit was conducted. Furthermore, in concurrence with our many distinguished colleagues, we find it necessary to reaffirm the principles and aims of the Council of Europe in light of the rapid and unexpected societal changes Europe has experienced in years past.

We would further concur with many of our colleagues that such a summit should focus on what unites us as European partners, rather than focusing on those issues that are currently causing division and friction in the bonds of European friendship. Putting a focus on the monumental achievements reached by the Council of Europe so far and how and why they were attained would, in our view, be a great theme for the fourth summit. Specifically, the 70th anniversary of the organisation, as well as the 40th anniversary of the Helsinki Final Act would serve to remind us how far we have come in a matter of decades and how important it is to continue on the path of greater European Unity based on democracy, the rule of law and human rights.

Our shared European heritage and history and our common journey away from conflict and devastation towards social, economic and democratic unity and growth could serve as a reminder of how much we have to lose if Europe breaks away from its ever-growing trend of unity. We should recall the horrors of war and use all means necessary to prevent another catastrophe such as World War II, the catalyst for the creation of the CoE.

Nevertheless, it is not wise to focus only on the past; in perilous times as ours it is vital to look to the future and the challenges it holds. A fourth summit would be an ideal venue to discuss the challenges of an ever increasingly automated and interconnected



world and how we should, as a continent, respond. Focusing on the future would also possibly allow us to put aside our differences to find common solutions for emerging problems. Most importantly, these solutions should be built on the full participation of and consultation with the public and civil society required by our principles of democracy, equality and freedom.

Consequently, it is our view that a fourth summit should focus on the history of our organisation and its achievements as well as means and ways of strengthening the fundamental organs and functions of the Council of Europe. More specifically, the aim should be to strengthen and support the European Court of Human Rights, the Committee against Torture, The Venice Commission and the European Committee against Racism and Intolerance. We should revisit their history and recognize the important impact these organs have had on the human rights of all the citizens of the Council of Europe. In that vein, we note with great interest the draft resolution and memorandum prepared by our colleague, Mr. Xucla, on the 25-year-old history of the CPT and its enclosed suggestions for improving the functioning of this important institution even further. Moreover, we believe that the forthcoming debate on the achievements and shortcomings of the ECtHR should prove ripe ground for ideas for the agenda of a fourth summit. Furthermore, it is vital that these discussions look towards how these institutions can adapt to an ever changing and technologically advanced reality.

Finally, as I thank you again for your work on this issue I would like to stress that we should not only be striving to be better citizens of Europe, we should be striving towards becoming citizens of the world. Our current challenges and problems are of a global scale and can only be successfully solved if we consult our fellow world-citizens. For we should also remember our shared human heritage – our common bond of humanity – and focus our energies on our responsibility to endeavour to make the world a more peaceful and prosperous place for all mankind.

On behalf of the Delegation of Iceland to PACE,

Sincerely yours,

Þorhildur Sunna Evarsdóttir

Chairman

Reply from M Kox, chairman of UEL

concerning the organization of the summit of the Heads of States and governments of the council of Europe

6 October 2016

Answering the letter of Mr Nicoletti regarding the possibility of a new Council of Europe Summit of Heads of State and Government, I can inform you that my Group of the Unified European Left, supports all efforts to promote this proposal. It has been more than a decade when Heads of State and Government of COE Member states met in Warsaw to discuss the future of Europe's oldest and biggest treaty organisation. Several relevant decisions were taken, amongst which how to achieve better cooperation between the Council of Europe and the European Union. The Memorandum of Understanding between the two major European organisations was one of the results.

UEL did support the Sofia declaration but wants to underline that more issues should be on the agenda of a new COE Summit. The question of how to protect and promote best the idea of a social just Europe has become more relevant than ever since the big crisis which started in 2008 has eroded social structures very substantially throughout the continent. Millions have lost their jobs, incomes, social guarantees and a perspective on a bright future for them and their children. European structures have not been able to prevent this disaster from happening. A new Summit of an organisation that focuses on human rights has therefore to put this social Europe issue on its agenda.

A lot has changed in Europe and in the world since then and my Group considers it much needed to once again discuss the future of the Council of Europe and its organs, again in relation with the European Union but also the OSCE. Due to all kinds of causes the European Union is meeting its limits and due to that it should be considered whether the Council of Europe could become more relevant for European cooperation in the coming years. The convention based system could be of help to make new arrangements in Europe when and if the European Union becomes less able to make these arrangements. The convention based system has the flexibility the EU lacks and therefore could provide possibilities to continue cross border cooperation for those states which want to participate, without pressure on those which are not (yet) interested. Conventions only bind those member states which sign and ratify them.

Whereas the EU has especially concentrated its activities on economic cooperation and the development of free markets, the Council of Europe's main focus is on protecting and promoting democracy, rule of law and human rights. All these elements and under severe pressure in the whole of Europe and therefore need substantially more emphasis as well as concrete support from all COE Member states. This also should involve improving the financial and organizational resources of the COE. The unbalanced situation in which the EU has each day the annual budget of the COE at its disposal, should be reconsidered, as well as the de facto situation that the EU nowadays is by far the biggest contributor to the COE programs. It should be considered how to prevent the COE becoming a subcontractor of the EU, as this is not healthy for either of both European organizations. Another element which needs new consideration is the duplication by the EU of structures that already function in the cadres of the COE. It should be considered whether quick(er) accession of the EU to the European Convention on Human Rights as well as the European Social Charter could produce better results for European citizens than duplication of structures.

A new Summit of COE Heads of State and Government should include participation of the Parliamentary Assembly, which has been in many cases the engine to develop new conventions. Although the COE's nature is intergovernmental, the interparliamentary dimension cannot be ignored in the future.

UEL would advise to organize the new Summit better sooner than later as the problems Europe and its citizens are confronted with do not permit to wait longer than absolutely needed.

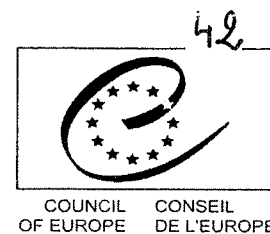
As said, UEL supports the idea of a new COE Summit, as soon as possible and also focusing on the social dimension of Europe.

My Group offers its assistance whenever needed to materialize this important project.

Kind regards,
Tiny Kox
CHAIR UEL PACE



European Conservatives



European Conservative Group
Parliamentary Assembly of the Council of Europe

Mr. Michele Nicoletti
Rapporteur
Political Affairs Committee

Strasbourg, 13 October 2016

Dear Mr. Nicoletti,

Thank you for your letter of October 7th where you asked for the view of the European Conservatives Group on the organisation to hold a fourth Council of Europe Summit of Heads of State and Government.

I am pleased to inform you that we discussed this item during our group meeting and that we fully support your proposal to hold a fourth Council of Europe Summit of Heads of State and Government. We share your view to confirm and strengthen at the highest political level the commitments of member States to the common European values and principles upheld by the Organisation, and to give a common response to the contemporary challenges and problems.

In friendship,

Ian Liddell-Grainger
President
European Conservatives



International
Commission
of Jurists



President

Prof. Sir Nigel Rodley, United Kingdom

Vice-President

Prof. Robert Goldman, United States
Justice Michèle Rivet, Canada

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Ms Imrana Jalal, Fiji
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Prof. Michelo Hansungule, Zambia
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Mr Michele Nicoletti

Rapporteur

Committee on Political Affairs and Democracy
Parliamentary Assembly of the Council of Europe
F-67075 Strasbourg Cedex
France

1 July 2016

Dear Mr Nicoletti,

Call for a Council of Europe Summit to defend and promote democratic security in Europe

Many thanks for your invitation to provide reflections and proposals on a possible Fourth Council of Europe Summit on Democratic Security in Europe.

The proposal for a Fourth Summit comes at a time of serious challenges for the protection of human rights and the rule of law in Europe. The standards, institutions and systems which the Council of Europe has built and maintained over many decades will be crucial to meeting these challenges.

Across the Council of Europe region, there is now a resistance to principles of human rights and the rule of law, driven by resurgent nationalism and xenophobia. This has been manifested in the treatment of migrants and refugees, in the dominance of the rhetoric of security over human rights in the migration debate, and in increasing intolerance of cultural and religious diversity. In some countries of the region, the retreat to "traditional values" has eroded acceptance of universal human rights and has restricted the rights of LGBTI persons and women, and narrowed the space for an active civil society. In parallel, there have been troubling initiatives to weaken the rule of law in several Member States, with legal and practical measures taken that are contrary to the separation of powers and the independence of the judiciary.

In this context, the achievement identified in the Warsaw Declaration of 2005, following the Third Council of Europe Summit, of a Europe "governed by a political philosophy of inclusion and complementarity and by a common commitment to multilateralism based on international law" now requires re-enforcement.

The ICJ therefore welcomes moves by the Parliamentary Assembly of the Council of Europe to encourage re-affirmation of commitments to the fundamental values of the Council of Europe at the highest political level. This should also involve renewed commitment to protect the institutions and mechanisms of the Council of Europe, which are so crucial for the protection of human rights and the rule of law in the region.

It is crucial for the authority and effectiveness of Council of Europe human rights standards, systems and institutions that Member States consistently and publicly demonstrate their commitment to and support for them, and affirm their responsibility to fully comply with their human rights obligations, including through the implementation of Council of Europe treaties and execution of judgments of the European Court of Human Rights. Such commitments should be expressly related to protection of the rights of the most marginalised and excluded groups, particularly migrants and asylum seekers, who suffer multiple violations of human rights across Europe.

High-level political declarations must not, however take the place of the sustained practical measures to protect and promote human rights and the rule of law, by both national authorities and Council of Europe institutions. The value of such declarations of political will is dependant on their potential to mobilise capacity and resources that ensure effective implementation of human rights at national level through a variety of measures - from human rights scrutiny of draft laws, to effective access to justice and remedies for human rights violations in the national courts, to guidance, promotion, education and training.

National implementation of human rights obligations

A Council of Europe summit could provide an opportunity for a political commitment, at the highest level, to a renewed effort for national implementation of rights under both the European Convention on Human Rights and the European Social Charter.

There has been significant political attention devoted, through a series of high-level conferences since 2010, to the effectiveness of the European Court of Human Rights protection mechanism. The ICJ has followed this process closely and believes that the emphasis must now be, not on further reforms to the Court, but on enhanced national implementation of Convention obligations and prompt and effective execution of European Court judgments. Indeed, this is the approach adopted in the Brighton Declaration on the Future of the European Court of Human Rights, of 2012, which affirmed the strong commitment of States "to fulfil their primary responsibility to implement the Convention at national level". This was echoed in the Brussels Declaration on the Long-term Future of the European Court of Human Rights of 2015, and by the recent report of the Steering Committee on Human Rights (CDDH) on the longer-term future of the system of the European Convention on Human Rights.

By contrast, there has been less prominent political support by Member States for promotion and implementation of economic, social and cultural rights under the European Social Charter. Protection of economic, social and cultural rights goes to the heart of debates across the Council of Europe region on issues of austerity and equality, and on migration and integration. Addressing these issues requires commitment to the indivisibility of rights – civil, cultural, economic, political and social, within the Council of Europe framework, and to their respect, protection and fulfilment in practice.

Prioritising prompt and full execution of judgments

A summit could also provide an opportunity to seek political agreement on better execution of judgments of the European Court of Human Rights, and more stringent measures of supervision of the execution process.

The European Court of Human Rights, one of the great successes of the Council of Europe and of international human rights law, is emerging from a prolonged period of reform and re-structuring. Having cleared much of its backlog of inadmissible cases, the Court's main challenge now is the high number of well-founded cases coming before it on issues on which it has previously ruled (so called "repetitive cases"). At the end of 2015, according to the statistics of the Court, there were 30,508 such cases pending before the Court, making up 47 % of the Court's caseload. These cases are a litmus test for Member States' execution of judgments of the Court: where states fail to take prompt and thorough action to implement the Court's decisions, in particular in cases that involve systemic problems, further applications to the European Court inevitably follow.

The primary solution to this problem lies in enhancing national procedures for execution of judgments and strengthening the Committee of Ministers' powers of supervision. However, although successive high-level declarations since the Interlaken Conference of 2010 have stressed the need for better execution of judgments, this has not been followed through with support for concrete enforcement measures against states that fail to execute judgments fully and on time. Governments have repeatedly rejected proposals to impose financial penalties for non-execution, and the possibility for the Committee of Ministers to refer a case to the Court in "infringement proceedings" for non-execution under Article 46.4 of the European Convention on Human Rights, has never been used.

Further steps to ensure more expeditious and effective execution of judgments by national authorities are therefore essential. This will require strong political commitment by all governments to respect the rule of law through the full execution of judgments of the Court, even in regard to judgments with which the government may profoundly disagree.

Strengthening the Rule of Law in Europe

A Third Summit should place protection of the Rule of Law, including through the separation of powers and the independence of the judiciary, at the heart of its deliberations. The Council of Europe has played a leading role in supporting the rule of law in Europe, through expert advice, capacity building and standard setting. The work of the Venice Commission on Democracy through Law has provided an invaluable resource on questions of the rule of law in the Council of Europe region as well as globally. The work of the European Commission for the Efficiency of Justice (CEPEJ) and the Consultative Council of European Judges (CCJE) is also an important resource on issues of the justice system and judicial independence.

In much of the Council of Europe region, however, the rule of law, and the institutions that support it, remain fragile or weak. In countries of the former Soviet Union, judiciaries still lack independence from government, and the legal profession remains limited in its capacity to protect the rule of law, as the ICJ has analysed in its work. Recent years have seen significant erosion of judicial independence and the rule of law in Turkey (documented in an ICJ report of June 2016), as well as in Hungary and Poland.

This is therefore an opportune moment to explore how the Council of Europe's work on the rule of law could be strengthened and re-enforced, including as regards its capacity to respond to crises or deterioration in the rule of law. The Council of Europe is uniquely well-placed to play a leading role in such situations, in co-operation with other international actors, including the European Union.

I hope that these suggestions will be useful to you in the preparation of your report. Please do not hesitate to contact the ICJ should you require clarification or should you wish to discuss these matters further.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Wilder Tayler', written over a horizontal line.

Wilder Tayler
Secretary-General

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HRW.org

Mr. Michele Nicoletti
Rapporteur, Committee on Political Affairs and Democracy
Parliamentary Assembly of the Council of Europe
Strasbourg, France

Geneva, July 4, 2016

RE: Views on the call for a Council of Europe Summit to defend and promote democratic security in Europe

Dear Mr. Nicoletti,

Human Rights Watch would like to thank you for the opportunity to contribute to the discussion of the Parliamentary Assembly of the Council of Europe on defending and promoting democratic security in Europe.

Human Rights Watch acknowledges the crucial contribution made by the Council of Europe institutions in securing the rights guaranteed by the European Convention of Human Rights. The aims of the Council of Europe, the request to its members to accept the principles of the rule of law and of the enjoyment by all of human rights and fundamental freedoms and the focus of its work on human rights, the rule of law and democracy are more important than ever across Council of Europe region. However the work of the organization is undoubtedly challenged by an increasingly difficult human rights context in European countries.

In the past few years, political discourse in Europe has been dominated by fears of mounting terrorist attacks in Europe and by the perceived impact of the arrival of many refugees and asylum seekers in Europe, while the policy response to terrorism and migration has too often infringed human rights. Europe's leaders have failed to properly address rising intolerance manifest in Islamophobia, Antisemitism and the growing hostility against refugees and migrants.

In parallel, attacks on independent civil society have spread beyond the scope of Europe's most repressive governments. In addition to increased legal and political persecutions in Russia and the imprisonment of dozen critics in Azerbaijan, the deepening of the crackdown by the Turkish authorities against critical NGOs, academics and media professionals, Hungary's use of "fraud" charges to undermine independent groups' funding and the erosion of the rule of law and media freedom in Hungary and Poland have painted an increasingly grim picture in Europe.

Finally, the Council of Europe has faced continued pressure from its own member states. Policy makers in Russia and the United Kingdom have challenged decisions of the European Court on Human Rights and even threatened to withdraw from the European Convention of Human Rights, while other governments criticize the backlog in the court while failing to address systemic human rights violations that led to repeated cases before it. Human rights defenders and civil society have also voiced criticism of the reluctance of Council of Europe institutions to speak out against the pressures they face from governments in the region.

In the face of these challenges, the mandate and focus of the Council of Europe and its various mechanisms remain the right ones. Proposals for a Fourth Summit of Heads of State and Governments of the Council of Europe could have great added value if it focuses on upholding the rights contained in the Convention and on reaffirming that the Council of Europe's core activity is to promote and protect those rights.

The toolbox available within the Council of Europe to exert pressure on governments remains limited, despite the implementation mechanism for European Court rulings. In particular there is insufficient willingness on the part of the Committee of Ministers to press States to abide by their regional commitments.

Given the many challenges to human rights and the rule of law in the Council of Europe region mentioned above, member states should demonstrate greater political will and use all means of pressure available to ensure that governments meet their Council of Europe obligations. The heads of states of Council of Europe should take greater responsibility and leadership for shaping an institution that is more responsive to the needs of victims of rights violations.

In particular, heads of government of the Council of Europe should:

- Ensure implementation of the European Court of Human Rights' judgments: The court has become the Council of Europe's most important human rights mechanism. However the reluctance by many states to comply with the court judgements creates key challenges across the institution. A key reason for the backlog of cases before the court is the repeat applications relating to systemic human rights violations that governments have failed to address over many years. The Committee of Ministers is currently supervising the enforcement of 1,590 rulings against Russia alone. These include rulings on cases of torture, enforced disappearances, and extrajudicial killings in Chechnya, which have never been effectively implemented. Russia's new law passed in December 2015 allows the Constitutional Court to review rulings of international human rights bodies, including the European Court, and to declare them "non-executable." Azerbaijan has repeatedly ignored calls by the Committee of Ministers to release prominent political activist Ilgar Mammadov as part of the implementation of the May 2014 judgement by the court, which found Mammadov's imprisonment politically motivated in retribution for his activism. Azerbaijan has also refused to cooperate with the special inquiry launched by the Secretary General under the Article 52 of the European Convention.

Heads of government of Council of Europe members should reaffirm the authority of the European Court and increase means of sanctions on and monitoring of states that fail to comply with the court's rulings and also explore more effective ways to address systemic human rights abuses that result in repeat applications and rulings by the court.

- Press states to implement the recommendations of the European Commission for Democracy through Law (Venice Commission): The Venice Commission is a key advisory body of the Council of Europe on constitutional and other structural human rights and rule of law questions in Council of Europe member states. Its recent opinions on Poland's surveillance powers and problematic changes to the Constitutional Tribunal, on Hungary's media law, on Azerbaijan's Law on NGOs, and on Russia's law "On undesirable [foreign or international] organizations" illustrate this importance.

The Committee of Ministers should examine creating a more structured mechanism to press Council of Europe states to follow the opinions of the Venice Commission, and commit to mainstream the Venice Commission's views within and beyond the Council of Europe - within other regional organizations and in their bilateral relations with the states concerned.

- Support the authority of the Secretary General and the Commissioner for Human Rights of the Council of Europe: The inquiry launched in December 2015 by the Secretary General under the rarely used Article 52 of the Convention on Azerbaijan's non-implementation of the European Court decision in the case of Ilgar Mammadov is an important step. Member states should provide full support to such an inquiry to try to prevent arbitrary implementation of the European Convention by states. Similarly, statements delivered by the Commissioner for Human Rights on issues like increased surveillance powers of security services, the refugee crisis or on specific human rights concerns in Council of Europe member states are crucial in shaping Europe's human rights debates.

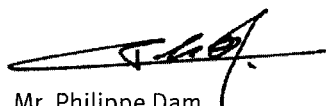
Heads of States of the Council of Europe should commit to provide greater political support to the initiatives taken by the Secretary General and the Commissioner for Human Rights, to ensure they enjoy maximum legitimacy to fully perform their mandate and have greater impact on the ground.

- Promote the role of the Parliamentary Assembly of the Council of Europe as an effective watchdog of human rights violations across member states: There are multiple examples of effective use of the Parliamentary Assembly of the Council of Europe in scrutinizing human rights concerns and monitoring the situation in

member states. The PACE report on the “*Alleged secret detentions and unlawful inter-state transfers involving Council of Europe member states*” and on boat migration in the Mediterranean Sea remain some of the most successful examples to date. However, Human Rights Watch is concerned that the Parliamentary Assembly has discontinued its monitoring on situations that warranted its continued attention. The decision taken in June 2015 to end monitoring of the situation in Hungary was of particular concern, as well as the decision by PACE Bureau in June 2016 to keep the consideration of its report on *Human rights in the North Caucasus* pending.

I thank you for your attention and interest in our contribution to this important matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Dam', written over a horizontal line.

Mr. Philippe Dam
Advocacy Director
Europe and Central Division
Human Rights Watch

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Michele Nicoletti
Rapporteur
Committee on Political Affairs and Democracy
Parliamentary Assembly of the Council of Europe

02 September 2016

Dear Mr. Nicoletti,

FOURTH SUMMIT OF THE COUNCIL OF EUROPE

I would like to thank you for inviting Amnesty International to comment on the proposal for a Fourth Summit of the Council of Europe. The Council of Europe is the regional inter-governmental organisation with the most advanced system of protection of human rights, which includes the European Convention on Human Rights and Fundamental Freedoms (ECHR). Through its participatory status with the Council of Europe and its observer status within various steering committees, Amnesty International has contributed to the drafting of Council of Europe conventions and other human rights standards. It was also involved in the discussions on the reform of the European Court of Human Rights, seeking to protect its authority and effectiveness. Amnesty International also regularly alerts various Council of Europe bodies to human rights violations in member states.

Europe faces a human rights and political crisis that is unprecedented since the end of the Cold War. Various member states have openly disregarded their Council of Europe commitments, as well as the obligations ensuing from the ECHR, at the risk of rendering them null and void. A number of striking examples are worthy of reflection and require the Council of Europe's action:

- Azerbaijan's brutal crackdown on civil society and imprisonment of leading human rights defenders and civil society activists while holding the Committee of Ministers' Chairmanship in 2014, and its continuous refusal to release opposition leader Ilgar Mammadov despite the Court's judgment and various Committee of Ministers' decisions. The crackdown on freedom of expression and association is continuing unabated as shown by recent arrests of political activists on trumped up charges.
- Russia has significantly and increasingly restricted the rights to freedom of expression, association and peaceful assembly through a series of legislative changes. In 2014, it criminalised the repeated violation of its unduly restrictive regulations on public assemblies, and in December 2015 a peaceful protester from Moscow, Ildar Dadin, received a three-year prison sentence under this new "crime". After Russia occupied and illegally annexed Crimea in 2014, it fully extended its laws and practices to this territory.
- In the context of the conflict in eastern Ukraine, both the Ukrainian authorities and Russia-backed separatists are holding civilians in arbitrary and sometimes secret detention, and use torture and other ill-treatment. The Security Service of Ukraine (SBU) in particular has been operating secret unofficial detention centres in Kharkiv, Kramatorsk and other locations. More information is available in the July report by Amnesty International and Human Rights Watch "Ukraine: "You don't exist": Arbitrary detentions, enforced disappearances, and torture in Eastern Ukraine".
- In Turkey, the breakdown of the fragile peace process in place since 2013 was followed by the resumption of armed clashes between the state and the PKK in July 2015, with round the clock indefinite curfews in towns and cities in the south east affecting hundreds of thousands of people. The use of heavy weaponry in urban areas has caused hundreds

of deaths and injuries. Following the violent military coup attempt on 15 July 2016, a serious escalation of violence, torture and other ill-treatment in detention, arbitrary detention and mass repression has taken place.

The authority of the European Convention on Human Rights faces increased threats. Its Article 46 establishes that every final judgment of the Court is binding to those states which are parties to the case and must be executed. Yet, as noted by the Committee of Ministers in its 2015 Annual Report on the execution of the Court's judgments, there has been a surge of cases pending execution for more than five years and by the end of 2015 these accounted for around 55%. From those, the 'leading' cases with structural problems have increased from 278 cases in 2011 to 685 cases in 2015. The Committee of Ministers also identified as a challenge to the implementation of judgments the "deeply-rooted prejudices of a social nature (for example toward Roma or certain minorities) or related to political considerations, national security or even to the situations in areas/regions of "frozen conflict". Notwithstanding, infringement proceedings available under article 46.4 of the ECHR since the entry into force of Protocol 14 have not yet been used.

Some member states have openly challenged the authority of the Court and questioned their adherence to the ECHR. The United Kingdom's political debate threatening to withdraw from the Convention or its open refusal to implement certain judgments is damaging to the whole ECHR system. In 2015, Russia adopted amendments to the Law on the Constitutional Court of the Russian Federation that gave the Constitutional Court the power to determine whether a decision of an interstate body for the protection of human rights and freedoms, which includes the ECHR, contravenes Russia's Constitution and is thereby "unenforceable". In its Opinion adopted in June, the Venice Commission found that "the provision that no execution measure may be taken if the Constitutional Court finds that a judgment is non-enforceable is in direct conflict with Russia's international obligations (...) and should be removed." In Azerbaijan, a similar proposal reached the Parliament in the spring, and in Switzerland the main political party UDC deposed, in August, an initiative for a referendum called "Swiss law instead of foreign judges" that seeks to challenge the application of the ECHR.

Across the region, the work of many civil society organisations and human rights defenders has become increasingly difficult or impossible with the increase of restrictions to freedom of expression, assembly and association.

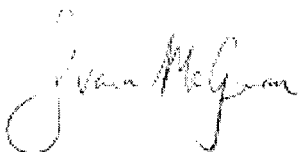
Finally but not least, Europe is failing to respond to the needs of refugees and migrants and the Council of Europe has not been capable of condemning with one strong voice human rights violations which have stemmed from the EU-Turkey deal.

In light of the above, the mission of the Council of Europe as a guardian of human rights, democracy and the rule of law on behalf of 800 million Europeans seems to be at risk. The Council of Europe's credibility relies on it taking a stronger unified stance to condemn and demand effective action to address human rights violations. Member states, for their part, must cooperate and duly implement their obligations.

At the national level, where much change is needed, the local offices of the Council of Europe could play a stronger role in creating public awareness and debate on human rights and, importantly, on the host states' obligations. By communicating at the national level, through the local websites and social media about key judgments of the Court and their state of implementation, as well as on relevant Council of Europe bodies' recommendations concerning that member state, the Council of Europe would be encouraging the necessary national debates that can lead to change. Further, regular meetings with local civil society and human rights defenders could help defuse threats to freedom of expression, assembly and association.

In these difficult times, Amnesty International believes that the scarce resources of the Council of Europe should be dedicated to resolving the serious challenges faced by the Organisation, as described above. Its member states must unite and adopt appropriate action to that end, starting at the national level. More empty words could risk further erosion of the existing commitments.

Yours sincerely,



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