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Committee on Political Affairs and Democracy

A fourth Summit for a renewed, improved and reinforced Council of Europe²

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Introductory memorandum

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² This is the title of the original motion for a recommendation. A new title for the report may be proposed at a later stage
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The present introductory memorandum represents an intermediate stage of preparation of the report and in no way should it be considered final or representing the views of the Assembly. Because of the timing of its publication, I have not been able to examine in detail the report of the High-Level Working Group set up by the Secretary General, but I am aware of its content and support its general thrust.

I look forward to further developing my work with a view to the Assembly holding a debate during the January part-session 2023.

1. Introduction

1. When the Council of Europe was established in 1949, protecting human rights and rejecting totalitarianism had a profound meaning for Europeans who were healing from the suffering, poverty and destruction provoked by the Second World War. The Council of Europe was a response to public demands for peace, prosperity, democracy and human rights, a forceful call which emanated from ordinary people and governments alike.

2. In 1989, the Berlin Wall, the symbol of political division in Europe, came down. People took to the streets to demand unity, freedoms and rights. Their calls were responded to. In 1993, European Heads of State and Government gave the Council of Europe a new mission: creating a shared pan-European space where democracy, human rights and the rule of law can thrive, for the benefit of all Europeans finally united under one roof: the common European home.

3. In 2022, people are calling again. They call for their rights to be protected, including against abuses by their own authorities. They want security against threats. They demand a healthy environment and action against climate change. They want technology to improve the quality of their lives without controlling them. People demand to have a greater say in political decision-making and participate in the democratic processes not just through elections. They expect politics and public institutions to be free from corruption. They care for justice, greater equality and inclusion, and better socio-economic prospects for themselves and future generations.

4. The fourth Summit of Heads of State and Government is an opportunity to respond to people's calls and put their interests, concerns and expectations back to the forefront of the mission of the Council of Europe.

2. Europe at a juncture

5. Confronted with a large-scale war of aggression on its soil, Europe is at a juncture. Peace, prosperity, democracy and human rights – the chief objectives of the Council of Europe – are more important and relevant than ever, but are not prioritised as they should be. While Ukrainians suffer brutal violence, all Europeans have started to pay the price of the war: higher energy costs, shortages of food and other basic products, and the impact of the economic recession will engulf their everyday lives. The consequences of the Russian Federation's aggression will hit European societies hard as they start to emerge from the Covid-19 pandemic. Instability may further erode trust in democracy and public institutions, reinforcing the downward trend of the past few years.

6. This aggression has also shaken multilateralism. Cloaked with the protection of holding the veto in the United Nations Security Council, the Russian Federation threatens peace and security, menaces recourse to nuclear weapons and calls for the creation of a new world order.

7. 26 years after joining, the Russian Federation has been expelled from the Council of Europe, an unprecedented step which speaks volumes of the gravity of the international law violations it is responsible for. The OSCE is seriously hampered in its work because of the impossibility of reaching consensus on important decisions. The attraction of membership of the European Union has grown, with Ukraine, Georgia and the Republic of Moldova formally expressing their wish to join.

8. In the light of these epochal events, holding a Summit of Heads of State and Government of Council of Europe member States – only the fourth in the history of the Organisation – is a political imperative and a highly symbolic gesture which cannot be delayed any longer.

3. Ambitions of the fourth Summit

9. The fourth Summit should be ambitious. Its historical importance should be comparable to that of the Vienna Summit which, in 1993, formulated the mission for the Council of Europe to become a common home for all Europeans, a pan-European area sharing the same values and legal standards.

10. Thirty years later, the ambition of the fourth Summit should be to reaffirm unity around values and commitments, while setting out a new vision for the Council of Europe in the new historic context.

11. The Heads of State and Government of Council of Europe member States should reaffirm that the pursuit of peace based upon justice and international co-operation is a vital precondition for the preservation of human society and civilisation,³ and that rules-based multilateralism is the pivot of the international order.

³ Preamble of the [Statute of the Council of Europe](#), paragraph 2.

12. They should also reaffirm the role of the Council of Europe as the leading intergovernmental organisation in Europe for all matters relating to human rights, democracy and the rule of law; and redefine the mandate, role and tools for a renewed, reinforced and strengthened Council of Europe, capable of tackling current and future challenges.

4. Focus on the three pillars

13. The Summit should confirm the focus of the Organisation on its three pillars: human rights, democracy and the rule of law. It should, however, also ensure that the Council of Europe can have a greater impact in these core areas, as in this new page of European history in which peace cannot be taken for granted, each member State's compliance with democracy, human rights and the rule of law standards is the best guarantee of security for other States and their citizens. The Summit should reiterate the mutual engagement of Council of Europe member States to make it possible for Europe to be a vast area of democratic security, echoing the words of the Vienna Declaration.⁴

5. Human rights

Objective 1: Safeguarding and strengthening the Convention system

14. The European Convention on Human Rights is the first instrument aimed at giving effect to certain rights laid down in the Universal Declaration of Human Rights and making them binding. Its ratification is an obligation for all Council of Europe member States. To date, it represents the most advanced supranational system for the protection of human rights worldwide, giving individuals the right to take a case before an international court. It applies to anybody within the jurisdiction of a member State, irrespective of their nationality.

15. As the main international achievement in the area of human rights protection, having a direct and tangible impact on the lives of all Europeans, the European Convention of Human Rights and the Convention system should be safeguarded and strengthened.

16. One of the main challenges which has been observed in the past few years is that the effectiveness of the protection system based on the Convention is threatened by attempts to undermine the authority of the European Court of Human Rights.⁵ In addition, although the number of pending cases has fallen considerably between 2011 and 2021, the execution of judgments of the Court continues to face a number of problems, ranging from the lack of political will to implement some of these judgments, to difficulties with the implementation of inter-State cases or individual cases displaying inter-State features.⁶

17. The Summit should:

- reaffirm member States' commitment to the centrality of the Convention system;
- reaffirm the binding nature of the Court's judgments and decisions on interim measures;
- reaffirm the pre-eminence of the Court's judgments and decisions over those of national jurisdictions, and that in case of a conflict between the Convention and the Court's case-law and the national legal framework, including at the constitutional level, member States should give priority to a Convention compliant solution;
- recall the relevance of the infringement proceedings under Article 46 of the Convention, as amended by Protocol No.14;
- further strengthen the execution of judgments by introducing a procedure for enhanced political dialogue when there is a lack of political will by the State concerned to implement key judgments. The Parliamentary Assembly should play a greater role in the context of this procedure, together with the Committee of Ministers and the Secretary General;
- acknowledge and promote the role of national parliaments,⁷ national human rights institutions and civil society organisations in monitoring compliance with the Convention and the Court's judgments.

⁴ [Vienna declaration](#), First Summit, 1993.

⁵ [Longer-term future of the ECHR System \(coe.int\)](#).

⁶ [Resolution 2358 \(2021\)](#) and [Recommendation 2193 \(2021\)](#) "The implementation of the judgements of the European Court of Human Rights".

⁷ [Resolution 2358 \(2021\)](#) "The implementation of the judgments of the European Court of Human Rights", para. 10.

Objective 2: EU accession to the European Convention on Human Rights

18. Already in 2007, the Lisbon Treaty stipulated the obligation of the European Union to accede to the European Convention on Human Rights. Negotiations on EU accession to the European Convention on Human Rights resumed and they are now progressing within the 46+1 group⁸.

19. This must be an absolute priority, EU accession will help guarantee coherence and consistency between EU law and the Convention system and lead to a single legal space in which also the EU Institutions are subjected to the European Convention on Human Rights, for the benefit of the Council of Europe, the European Union, all member States and their citizens.

20. Depending on the stage that the negotiations will have reached by the time of the Summit, the Heads of State and Government should either give a decisive push for finalising them or welcome their success. The possibility for the European Union to join other Council of Europe instruments, such as the European Social Charter, should also be explored ahead of the Summit.

Objective 3: Ensuring the Council of Europe's pioneering role in human rights protection, including in the area of human rights development

21. Since its foundation, the Council of Europe has been a pioneer in human rights protection, setting standards to fill major legal gaps, including through the drafting of conventions which were visionary at the time of their adoption. These conventions have had a tangible impact on the lives of many people in Europe, for instance in the area of the prevention of torture, trafficking, the protection of children from sexual violence or the protection of women against gender-based and domestic violence.

22. In recent years, however, there has been a notable reluctance in relation to drafting new standards, based on the argument that the Council of Europe should rather focus on ensuring compliance with existing ones.

23. Without downplaying the need to ensure the effective implementation of existing standards, the capacity of the Organisation to develop legal instruments in emerging areas of concern must be preserved and promoted. Europe can rightly be praised for being a human rights forerunner worldwide, due to its foresight in elaborating legal norms. It should continue along this line, because societies are evolving rapidly, and a human rights protection system which does not keep up with developments becomes quickly obsolete and unfit for purpose. Thus, the Council of Europe should embark on addressing new generations of human rights.

24. In this regard, it is impossible to remain deaf to widespread public demands for governments to tackle climate change and prioritise long-term environmental sustainability over immediate economic concerns. In response to an Assembly initiative asking that the Council of Europe adopt legally binding instruments to guarantee the right to a safe, healthy and sustainable environment,⁹ a feasibility study is currently being prepared. The Summit should show ambition and strategic vision for the future and instruct the Committee of Ministers to draft a binding legal framework along the lines recommended by the Assembly.

25. Additional areas of attention should include artificial intelligence, data protection, social rights, equality and protection against gender-based violence.

26. Strengthening the Organisation's capacity to elaborate new legal norms should not be seen as an alternative to the evolution of the case-law of the Convention, as interpreted by the European Court of Human Rights, which is also an important way in which the Council of Europe contributes to human rights development.

⁸ [EU accession to the ECHR \(coe.int\)](#).

⁹ [Resolution 2396 \(2021\)](#) and [Recommendation 2211 \(2021\)](#) "Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe".

6. Democracy

Objective 1: Countering democratic backsliding and addressing its root causes

27. The backsliding of democracy has been observed by a number of authoritative think-tanks and institutions, a tendency which has increased as a consequence of the response to the Covid-19 pandemic.¹⁰ Europe is no exception, as described by the Secretary General of the Council of Europe in her recent reports on the state of democracy, human rights and the rule of law.¹¹

28. The Summit should give an impetus to the Council of Europe's activities aimed at reversing this trend while addressing its root causes, for instance by enhancing citizens' trust in democratic processes, putting an emphasis on democratic participation, good governance, protecting social rights and tackling inequalities.

29. To counter democratic backsliding, particular attention should be paid to enhancing the quality and professionalism of the public administration and strengthening local democracy, two sectors which play a decisive role in shaping people's trust in public authorities.

30. Similarly, while innovative ways should be considered to engage citizens more directly in political processes, elections remain the backbone of democracy. The integrity of the electoral processes should be protected and enhanced in order to guarantee the legitimacy and credibility of representative institutions. Thus, the Summit should lead to a reorganisation of the Council of Europe's activities in the area of elections, with a view to enhancing their coherence and impact.

Objective 2: Enhancing early warning and rapid reaction

31. The ongoing large-scale war of aggression in the heart of Europe highlights the importance of the Council of Europe making better use of its bodies and mechanisms in providing early warning and to ensure greater flexibility and capacity for rapid reaction. This would apply in relation to negative trends in the area of democracy, human rights and the rule of law which risk deteriorating further, sometimes with spill-over effects beyond national borders.

32. The Assembly has already launched a number of ideas to this end,¹² which could be further refined in the preparation of the Summit. Amongst them are:

- setting up a Democratic Resilience Initiative which, building on the work of bodies and mechanisms which already exist within the Council of Europe, will monitor democratic developments in member States and form the basis for early warning and enhanced political dialogue to help member States address situations of concern;
- enhancing the exchange of best practices in all areas relating to democracy and democratic governance;
- establishing a mechanism to monitor developments related to civil society, freedom of association, and civil participation and engagement in Council of Europe member States;
- strengthening and expanding the Council of Europe's activities relating to confidence building measures and conflict prevention, including in its civil society and cross-border co-operation dimensions;
- strengthening the early warning/rapid reaction capacities of existing Council of Europe mechanisms.

33. The Council of Europe should learn from its recent experience, which has shown the limited effectiveness of existing procedures. Early warning based on objective and verifiable criteria should be coupled with the capacity to react promptly and effectively at political level so as to have an impact on member States before situations of concern reach such gravity as to amount to a serious violation of statutory obligations.

¹⁰ [Democratic backsliding | International IDEA](#) (2018); IDEA, [the Global State of Democracy report](#), 2021; the Economist Intelligence Unit, [Democracy Index 2021](#). See also [Resolution 2437 \(2022\)](#) "Safeguarding and promoting genuine democracy in Europe".

¹¹ [Annual reports of the Secretary General](#).

¹² [Recommendation 2235 \(2022\)](#) "Recent challenges to security in Europe: what role for the Council of Europe?".

Objective 3: Innovating democracy

34. Democracy is changing at a rapid pace. Digital technologies, for instance, have transformed citizens' engagement but also the provision of public services and the work of the public administration. Many Council of Europe member States have understood this change and have been gaining experience with mechanisms of online public consultation, e-governance and e-democracy. Some member States have also experimented with participatory and deliberative forms of democracy such as citizens' assemblies, townhall meetings, participatory budgets and referendums, just to name a few.

35. The Council of Europe should be able to keep up and even stay ahead of further developments. The Summit should spur the Council of Europe's role as a platform to share new practices in the area of democracy, to anticipate potential challenges and to harness the benefits of innovation.

7. Rule of law

36. The rule of law is a complex concept which is easier to describe than to define, as acknowledged by the European Commission for Democracy through Law.¹³ Its core elements include legal certainty, prevention of abuse/misuse of powers, equality before the law and non-discrimination, and access to justice. The rule of law is linked to the protection and the promotion of human rights and to democracy, providing an enabling environment for both.

37. The fourth Summit should reiterate that strengthening the independence of the judiciary and fighting against corruption should be key priorities for the Council of Europe. It should also recommend greater emphasis be given to good governance. The public administration is citizens' most direct interface with public institutions. Its efficiency, responsiveness, professionalism, ethical conduct, fairness and respect of the law are crucial in shaping trust in democracy.

8. Reconnecting with Europeans

38. The Council of Europe should be closer to citizens and more responsive to their expectations in terms of openness, transparency and active engagement.

39. Major societal changes have occurred in the past decades which demand greater access to public institutions, including international organisations. The Summit should kick start a reform of the Council of Europe's working methods in this direction, to ensure that the Organisation practices what it preaches. Possible measures include:

- a greater number of its meetings being publicly broadcast and a greater number of documents being made publicly available;
- establishing opportunities for holding public consultations on key issues;
- creating new channels for civil society, non-governmental organisations and national human rights institutions to provide a greater input into the work of the Organisation in its dimensions of standard-setting, monitoring and co-operation.

40. Greater openness would help the Council of Europe better communicate its aims and explain how it has an impact on the lives of people, while boosting its visibility. It is the responsibility of international organisations to help people understand their relevance.

41. The youth are the key target group in this effort to reconnect with people. The Summit should ask that a "youth perspective" be mainstreamed throughout the work of the Council of Europe and that their input be taken into account. This would contribute to enhancing knowledge of the values underpinning the Council of Europe amongst the young generation and help the Organisation develop a more inclusive, dynamic and forward-looking agenda.

9. The Council of Europe as a political community

42. The Council of Europe is not just the guardian of human rights, democracy and the rule of law and an Organisation with the technical expertise to draft legal standards. It is also a political community, as recalled in the Vienna Declaration of 1993. The Council of Europe is occupied with matters which are of the highest political importance for the preservation of peace and security in member States and Europe as a whole.

¹³ CDL-AD(2016)007-e, [Rule of Law Checklist](#), adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016).

43. The fourth Summit should reiterate the role of the Council of Europe as a political community, and further develop its potential. This implies a two-pronged approach. As regards its own functioning, the Council of Europe should enhance the political dimension of its work, for instance by:

- setting up inter-institutional mechanisms of dialogue in order to enhance member States' compliance with membership obligations and Council of Europe standards. The so-called joint procedure in relation to breaches to Article 8 of the Council of Europe Statute is an example of such a mechanism.¹⁴ In addition, as mentioned earlier, procedures for enhanced political dialogue should be introduced in relation to the execution of judgments of the European Court of Human Rights and in the context of setting up early warning/rapid reaction mechanisms;
- ensuring that the presidencies at the helm of the Committee of Ministers can have a stronger political impact, for instance by co-ordinating their priorities over a given period;
- continuing to strengthen dialogue and concerted action between the statutory organs of the Organisation;
- aiming for one ministerial conference for each presidency of the Committee of Ministers, with the presence of ministers;
- holding regular Summits of Heads of State and Government, possibly in conjunction with the approval of the Organisation's 4-years Strategic Framework.

44. In addition, as political bodies representing European citizens, the Assembly and the Congress of Local and Regional Authorities should play a greater role in engaging with the Council of Europe's overall activities and acting as multipliers of Council of Europe standards and values at national level. In this respect, it is important to underline that both the Assembly and the Congress include elected representatives from different political affiliations, including the opposition, which enables them to have a better insight into the situation in their countries and to reach out to a wider audience.

45. The two-pronged approach to enhance the Organisation's political clout also has an external dimension. A Summit of Heads of State and Government is the appropriate level to ensure that the role of the Council of Europe as a political community is taken into account in the European multilateral architecture and is not duplicated or undermined by other initiatives.

46. In this respect, serious thought should be given on how to articulate the scope and responsibilities of the Council of Europe with those of the European Political Community (EPC), which held its first meeting in Prague on 6 October 2022, and brought together 43 member States of the Council of Europe. The Council of Europe already is a political community bringing together 46 European States – including all EU member States – on an equal footing, as a family sharing the same values, principles and standards. It is premature to make recommendations at this stage, but the matter should continue to be observed and addressed in the decisions of the Summit.

10. The Council of Europe in the European multilateral architecture

47. Thanks to its conventions and standard-setting role as well as its whole machinery relying on political dialogue, monitoring and co-operation, the Council of Europe contributes to the rules-based order in Europe, together with other European organisations. Amongst them, the European Union is the Council of Europe's main partner.

48. The Summit should upgrade relations between the Council of Europe and the European Union, strengthening the strategic partnership between the two organisations based on their shared values and commitment to promoting peace, security and stability on the European continent and supporting multilateralism worldwide.¹⁵

49. The process of European integration represents a factor of stability in Europe, especially in the light of the new historic context. A number of Council of Europe member States, including Albania, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Montenegro, North Macedonia, Serbia, Türkiye and Ukraine, while at different stages in the procedure, have expressed their wish to join the European Union.

¹⁴ [Complementary joint procedure between the Committee of Ministers and the Parliamentary Assembly in response to a serious violation by a member State of its statutory obligations.](#)

¹⁵ [Resolution 2430 \(2022\)](#) and [Recommendation 2226 \(2022\)](#) "Beyond the Lisbon treaty: strengthening the strategic partnership between the Council of Europe and the European Union".

50. On the basis of a formal agreement with the European Union, a mechanism should be set up for the Council of Europe to play a more visible, structured, political and technical role to empower those member States wishing to join the European Union to make tangible and measurable progress towards meeting the necessary criteria, in line with Council of Europe values and standards.

51. As regards the rule of law, political dialogue between the two organisations should be strengthened and greater use of the Council of Europe's expertise, benchmarking and findings should be made in the context of the wide range of existing European Union mechanisms and tools regarding the rule of law. The possibility to delegate, on the basis of a formal agreement, some responsibilities to the Council of Europe should be explored, for instance in relation to the preparation of the Rule of Law report. The co-operation between the two organisations in this area should be more formal, structured and visible, and based on deeper political dialogue.

52. The Summit should lay the ground for a revision of the Memorandum of Understanding between the Council of Europe and the European Union, along the lines indicated above. This text should confirm the role of the Council of Europe as the leading intergovernmental organisation in Europe for all matters relating to human rights, democracy and the rule of law, including as a political platform and a standard-setter. The Assembly itself should seek to strengthen its partnership with the European Parliament.

11. Projecting values and standards beyond Council of Europe membership

53. While the mission of the Council of Europe should remain geographically focused on Europe, the Summit should acknowledge the Council of Europe's contribution to global governance and encourage the Organisation to project its values and standards beyond its membership.

54. The Council of Europe should strengthen co-operation with interested States and organisations not only in its geographical neighbourhood but also in its political proximity, as already recommended by the Assembly.¹⁶ More robust co-operation with the United Nations, its agencies and mechanisms would also be instrumental to supporting global governance, rules-based multilateralism and the achievement of the Sustainable Development Goals.

55. The Summit of Heads of State and Government should reiterate the pan-European vocation of the Council of Europe and its nature as a community of values, which can be a reference for anybody who aspires to democracy, human rights and the rule of law, wherever they are. In this sense, at the conditions already set out by the Assembly,¹⁷ the Council of Europe should maintain a policy of openness towards Belarusian and Russian civil society, especially towards those persons, groups and organisations that are at risk of persecution from the authorities for upholding Council of Europe values and principles.

12. Supporting Ukraine

56. The fourth Summit would offer a platform for the Heads of State and Government of Council of Europe member States to reiterate their full support for the sovereignty, independence and territorial integrity of Ukraine and vow not to recognise, *de jure* or *de facto*, the illegal annexation of Ukrainian territories by the Russian Federation.

57. The fourth Summit should ensure that the Council of Europe continues to give its full support to Ukraine, immediately – as outlined in the Adjusted Council of Europe Action Plan for Ukraine 2018-2022 adopted by the Committee of Ministers in Turin,¹⁸ and after the end of the war of aggression. Sound democratic institutions, respect for the rule of law and compliance with democratic standards together with stronger European integration are the best guarantee for the democratic security of Ukraine and Europe.

58. Member States should be encouraged to contribute financially to the Council of Europe's co-operation efforts in Ukraine and to the reconstruction of the country.

¹⁶ [Resolution 2369 \(2021\)](#) "The Assembly's vision on the strategic priorities for the Council of Europe".

¹⁷ [Resolution 2433 \(2022\)](#) and [Recommendation 2228 \(2022\)](#) "Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe".

¹⁸ [Adjusted Council of Europe Action Plan for Ukraine 2018-2022 adopted by the Committee of Ministers - News \(coe.int\)](#).

13. Accountability of the Russian Federation

59. Even if the Russian Federation has been expelled from the Council of Europe, the issue of its accountability should be central to the Summit as it is closely linked with the rule of law: the crimes committed by the Russian Federation on European soil, against a Council of Europe member State and its citizens, and in violation of international law, should not go unpunished.

60. The issue of accountability should be looked at in a comprehensive manner. Amongst other recommendations, the Assembly has called on member and observer States of the Council of Europe to set up an ad hoc international criminal tribunal to investigate and prosecute the crime of aggression committed by the political and military leadership of the Russian Federation.¹⁹ The fourth Summit should give its unequivocal political support to this initiative, which has a strong political significance.

61. In addition, the Heads of State and Government should express their support for the work of international courts having a mandate to investigate and prosecute genocide, war crimes, international humanitarian law violations and crimes against humanity. They should also confirm the Council of Europe's availability to support Ukrainian prosecutors and any hybrid courts (with national and international judges) which may be established to investigate and prosecute such serious international crimes. The setting up of a register of the damage caused by the Russian aggression should be also supported. The Russian Federation should be held accountable for compensating the damage it has inflicted.

14. Areas under the sovereignty of Council of Europe member States which are under the *de facto* control of the Russian Federation

62. While the Russian Federation can be held accountable for breaches of the European Convention on Human Rights it committed until 16 September 2022, it is no longer bound by the Convention after this date. As a result, millions of Europeans are deprived of the protection of the Convention because they are in territories which, although under the sovereignty of Council of Europe member States - Ukraine, Georgia and the Republic of Moldova – are under *de facto* control of the Russian Federation. The same type of deprivation applies to the other treaties to which the Russian Federation is no longer bound as a result of its expulsion from the Council of Europe.

63. The Summit should demand that the Russian Federation withdraw from the territories of Council of Europe member States which are illegally under its control. At the same time, the Summit should support the work of international human rights mechanisms which are accessible to these Europeans, for instance under the aegis of the OSCE and the United Nations. The judgments and decisions against the Russian Federation emanating from the European Court on Human Rights could be used by these organisations in their work.

64. In the run-up to the Summit, the possibility of creating a Secretary General's Special Representative/focal point for these areas should be explored. In any case, contacts with civil society, non-governmental organisations, human rights defenders and journalists remain crucial to document the situation on the ground.

15. Financial sustainability of the Council of Europe

65. The expulsion of the Russian Federation and its refusal to pay its outstanding dues have put the Council of Europe in a difficult budgetary situation, which many member States have promised to bridge in the short-term. Ensuring the financial sustainability of the Organisation, however, goes well beyond the short-term and the need to fill the budgetary gap left by the Russian Federation.

66. A renewed, improved and reinforced Council of Europe needs the financial resources to effectively carry out its mandate.²⁰ For reference, in 2021 the Council of Europe ordinary budget amounted to €258 million. Its total adjusted budget amounted to €521 million, mainly thanks to voluntary contributions/extra-budgetary resources. The European Union is the largest contributor to the Council of Europe's extra-budgetary resources through EU-Council of Europe Joint programmes. This accounts for 57% of all extrabudgetary contributions and a total volume of €36.5 million in 2021.²¹

¹⁹ [Resolution 2436 \(2022\)](#) and [Recommendation 2231 \(2022\)](#) "The Russian Federation's aggression against Ukraine: ensuring accountability for serious violations of international humanitarian law and other international crimes".

²⁰ [Resolution 2369 \(2021\)](#) "The Assembly's vision on the strategic priorities for the Council of Europe", paragraph 28.

²¹ [CM\(2022\)62-final](#) - Summary Report on co-operation between the Council of Europe and the European Union (May 2021 – May 2022).

67. While the steady increase in extrabudgetary resources in the past few years is to be welcomed and should continue to be pursued, the Heads of State and Government should make a political commitment to increase the ordinary budget of the Council of Europe, in real terms, as requested by the Assembly.²² At the same time, the Summit should instruct the Committee of Ministers to review the scales of the contributions from member States – which were last fixed in 1994 – with a view to raising the minimum contribution and ensuring greater fairness in the way in which member States finance the Organisation.

68. According to the discussions held in the 46+1 group, following its accession to the European Convention of Human Rights, the European Union may pay a contribution to the Council of Europe's ordinary budget amounting to 36% of the contribution of a big payer. This will be important in order to cover the additional costs relating to the functioning of the European Court of Human Rights.

69. Irrespective of this contribution, as already suggested by the Assembly, in the light of the strong strategic partnership between the two Organisations and hopefully its further reinforcement, the possibility for the European Union to make a non-earmarked contribution to the Council of Europe budget should be explored.²³

16. Conclusions

70. Europe is going through a time of uncertainty and reversals. Catastrophes such as climate change, the Covid-19 pandemic, a brutal war of aggression in the heart of the continent, and the risk of its further escalation, have heightened the sentiment of insecurity and vulnerability amongst the public.

71. While there is no easy fix, it is safe to say that values, standards and multilateralism are part of the solution. The solidity and the resilience of European democracies, their respect for human rights and their adherence to the rule of law are the best guarantees for each other's security and peaceful future. The Heads of State and Government of Council of Europe member States, gathered at the Organisation's fourth Summit, should reaffirm their unity around values and their unfaltering commitment to multilateralism based on international law.

72. The Council of Europe resulting from the Summit should be profoundly transformed. While its main objectives and areas of expertise should remain the same – democracy, human rights and the rule of law, it should be given greater means to have an impact and stay ahead of developments, keeping up with societal change and citizens' demands.

73. Like any other international organisation, the Council of Europe can only have the political clout and powers which its member States are prepared to give it. This is why it is crucial to have a Summit at the highest political level which will upgrade the role of the Organisation; strengthen its political, financial, and technical means; and redefine its place in the European multilateral architecture, especially in relation to the European Union.

74. The political guidance of the Summit should be followed by an administrative reform of the Council of Europe, aimed at making it more dynamic, effective, transparent and engaging with citizens and civil society.

75. The Summit should reiterate full support for the sovereignty, independence and territorial integrity of Ukraine, call for financial support towards its reconstruction and demand that the Russian Federation be held accountable for violating international law and the damage it has caused.

²² See [Opinion 298 \(2021\)](#) "Budgets and priorities of the Council of Europe for the period 2022-2025" (Rapporteur: Mr Tiny Kox, Netherlands, UEL), paragraph 8.

²³ [Resolution 2430 \(2022\)](#) "Beyond the Lisbon Treaty: strengthening the strategic partnership between the Council of Europe and the European Union", paragraph 10.11.

Appendix I - Synoptic table – Fourth Summit summary proposals

PILLAR/AREAS	OBJECTIVES	EXPECTED OUTCOMES	SPECIFIC DELIVERABLES
Human rights	Safeguarding and strengthening the Convention system	<ul style="list-style-type: none"> - Safeguarding the authority of the European Court of Human Rights - Strengthening the execution of judgements 	<ul style="list-style-type: none"> - Introducing a mechanism for enhanced political dialogue for the execution of key judgements
	EU accession to the European Convention on Human Rights	<ul style="list-style-type: none"> - Giving a decisive push towards completing the negotiations/welcoming the conclusion of the negotiations 	<ul style="list-style-type: none"> - EU accession to the ECHR
	Ensuring the Council of Europe's pioneering role in human rights protection, including in the area of human rights development	<ul style="list-style-type: none"> - Strengthening the capacity of the Council of Europe to develop legal instruments in emerging areas of concern 	<ul style="list-style-type: none"> - Council of Europe binding legal instrument setting out the right to a clean, healthy and sustainable environment - Council of Europe binding legal instrument on artificial intelligence
Democracy	Countering democratic backsliding and its root causes	<ul style="list-style-type: none"> - Enhancing citizens' trust in democratic processes - Strengthening democratic participation and improving good governance at all levels of government - Strengthening local democracy - Strengthening the integrity of the electoral process - Strengthening social rights and tackling inequalities 	<ul style="list-style-type: none"> - Prioritising these areas and rationalising activities with a view to maximising impact
	Enhancing early warning and rapid reaction	<ul style="list-style-type: none"> - Identifying and addressing negative trends which can impact democratic security 	<ul style="list-style-type: none"> - Setting up a Democratic Resilience Initiative which, building on the work of bodies and mechanisms which already exist within the Council of Europe, will monitor democratic developments in member States, and form the basis for early warning and enhanced political dialogue to help member States address situations of concern; - Enhancing the exchange of best practices in all areas relating to democracy and democratic governance; - Establishing a mechanism to monitor developments related to civil society, freedom of association, and civil participation and engagement in Council of Europe member States; - Strengthening and expanding the Council of Europe's activities relating to confidence building and conflict prevention, including in its civil society and cross-border co-operation dimensions.
	Innovating democracy	<ul style="list-style-type: none"> - Using technology to engage citizens and improve the efficiency and responsiveness of the public administration - Expanding opportunities for public consultation and deliberative/participatory democracy 	<ul style="list-style-type: none"> - Prioritising these areas and rationalising activities with a view to maximising impact
Rule of law	Strengthening the judiciary	<ul style="list-style-type: none"> - Creating an enabling environment for democracy and human rights; - Enhancing citizens' trust 	<ul style="list-style-type: none"> - Prioritising these areas and rationalising activities with a view to maximising impact
	Fighting corruption		
	Strengthening good governance		
Reconnecting with Europeans		<ul style="list-style-type: none"> - Enhancing relevance - Improving visibility - Maintaining the pan-European vocation 	<ul style="list-style-type: none"> - Working methods reform ensuring greater transparency and accessibility; - Working method reform introducing avenues for public consultations; - Mainstreaming of the youth perspective in the work of the Council of Europe; - Support keeping communication channels open with Belarusian and Russian civil society upholding Council of Europe values

PILLAR/AREAS	OBJECTIVES	EXPECTED OUTCOMES	SPECIFIC DELIVERABLES
Enhancing the role of the Council of Europe as a political community		- Enhancing impact and follow-up	- Introduction of a number of political mechanisms within the Council of Europe to enhance impact and follow-up; - Greater engagement of the Assembly and the Congress of Local and Regional Authorities as multipliers of Council of Europe values and standards; - Clear repartition of responsibilities with other multilateral initiatives
Support to multilateralism and external relations	<p>Highlighting the contribution of the Council of Europe to the rules-based order in Europe</p> <p>Strengthening the strategic partnership between the Council of Europe and the European Union</p> <p>Strengthening cooperation with the United Nations</p> <p>Openness to cooperation with interested non-member States and other international organisations</p>	<p>- Empowering member States wishing to join the European Union make tangible and measurable progress towards meeting the necessary criteria, in line with Council of Europe values and standards,</p> <p>- Enhancing dialogue and cooperation with the European Union on Rule of Law issues,</p> <p>- Projecting values and standards beyond membership</p>	- Revising the Memorandum of Understanding between the Council of Europe and the European Union
Supporting Ukraine			<p>- Political support for the sovereignty, independence and territorial integrity of Ukraine</p> <p>- Instruction to ensure the Council of Europe's continued support to Ukraine as a priority</p> <p>- Engagement to support the Council of Europe's work in Ukraine</p> <p>- Engagement to support assistance to Ukraine and reconstruction</p>
Accountability of the Russian Federation		- Taking a comprehensive approach to the issue of accountability	<p>- Political support for the creation of an ad hoc tribunal to investigate and prosecute the crime of aggression</p> <p>- Political support to existing international jurisdictions</p> <p>- Council of Europe support to investigation and prosecution by Ukrainian or hybrid courts</p> <p>- Support for the register of damage</p>
Areas under the de facto control of the Russian Federation		<p>- Reiterating Council of Europe member States' sovereignty on these territories</p> <p>- Maximising access to human rights protection for those living in these areas</p>	<p>- Support to the work of relevant international human rights mechanisms</p> <p>- Possibility to create a Secretary General's Special Representative/focal point for these areas</p> <p>- Welcoming the collection of evidence by civil society, non-governmental organisations, human rights defenders and journalists</p>
Ensuring the financial sustainability of the Council of Europe			<p>- Making a political commitment to increase the ordinary budget of the Council of Europe, in real terms</p> <p>- Instructing the Committee of Ministers to review the scales of the contributions from member States with a view to raising the minimum contribution and ensuring greater fairness in the way in which member States finance the Organisation</p> <p>- Exploring the possibility of the EU contributing to the Council of Europe ordinary budget</p>

Appendix II - Synoptic table – Previous Summits

Summit	Historic context	Key documents	Key outcomes
First Summit: 8-9 October 1993, Vienna	<p>Regime change in Eastern Europe offers a new possibility to create a pan-European area sharing the same values and legal standards. The Summit is devoted to democratic security.</p> <p>As of 7 October 1993, Hungary, Poland, Bulgaria, Estonia, Lithuania, Slovenia, Czech Republic, Slovakia and Romania have become members of the Council of Europe and the vast majority of countries which will subsequently join the Organisation have already applied for membership.</p> <p>In parallel, following the Paris Summit of November 1990, the Conference for Security and Cooperation in Europe (CSCE) starts a process of acquiring permanent institutions.</p> <p>In 1992, the Maastricht Treaty opens a new stage in European integration transforming the European Communities into the European Union (EU).</p>	<u>Vienna Declaration and Action Plan</u>	<ul style="list-style-type: none"> - Agreement to reform the control mechanism of the European Convention on Human Rights by establishing a single Court; - Instruction to the Committee of Ministers to draft appropriate international legal instruments for the protection of national minorities in Europe; - Declaration and Plan of Action on combating racism, xenophobia, antisemitism and intolerance, including the initiative to set up the European Committee against Racism and Intolerance (ECRI); - Approval of the principle of creating a consultative organ genuinely representing both local and regional authorities in Europe.
Second Summit: 10-11 October 1997, Strasbourg	<p>The Second Summit focuses on consolidation of democracy in new member States.</p> <p>Since the previous Summit, the Council of Europe has welcomed eight new member States (Andorra, Latvia, Albania, Republic of Moldova, North Macedonia, Russian Federation and Croatia).</p> <p>In 1994, the Congress of Local and Regional authorities is set up.</p> <p>Protocol No. 11 to the European Convention on Human Rights (reforming the control mechanism of the Convention) is opened for signature in 1994 and enters into force on 1 November 1997, having been ratified by all contracting parties</p> <p>The CSCE has become the Organisation for Security and Cooperation in Europe (OSCE) and the tasks of the Western European Union are progressively transferred to the EU under the Common Security and Defence Policy.</p>	<u>Final Declaration and Action Plan</u>	<ul style="list-style-type: none"> - Action plan on democratic stability aimed at strengthening the Council of Europe's work in four areas: democracy and human rights, social cohesion, the security of citizens and democratic values and cultural diversity; - Creation of the Commissioner for Human Rights - Endorsement of the establishment of the Group of States against Corruption (GRECO); - Decision to launch a campaign on "Europe, a common heritage".

Summit	Historic context	Key documents	Key outcomes
<p>Third Summit: 16-17 May 2005, Warsaw</p>	<p>Known as the “Summit of European unity” as it brings together all the countries of Europe with the exception of Belarus (Georgia, Armenia, Azerbaijan, Bosnia and Herzegovina, Serbia, Monaco and Montenegro).</p> <p>In 2004, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia join the EU. In the same year, 25 EU countries sign the Treaty of Lisbon which sets forth a European Constitution. However, voters in France and the Netherlands reject the Treaty.</p> <p>The fight against terrorism becomes a major political priority, following a number of deadly terrorist attacks.</p>	<p><u>Warsaw Declaration and Action Plan</u></p>	<ul style="list-style-type: none"> - The Action Plan covers a very broad range of issues under 5 main chapters: promoting common fundamental values: democracy, human rights and the rule of law; strengthening the security of European citizens; building a more humane and inclusive Europe; fostering cooperation with other international and European organisations and institutions; implementing the Action Plan: a transparent and effective Council of Europe. - Specific outcomes include: <ul style="list-style-type: none"> ➤ a commitment to ratify Protocol No.14 to the European Convention on Human Rights to help tackle the Court’s increasing workload; ➤ the decision to set up a group of wise persons to look into the issue of preserving the effectiveness of the Convention system; ➤ the decision to establish the Forum for the Future of Democracy; ➤ the decision to entrust Jean-Claude Juncker, to prepare, in his personal capacity, a report on the relationship between the Council of Europe and the European Union.

APPENDIX III: Procedural aspects and Assembly reference texts

1. Origin of the report and ensuing procedure

1. This report originates from a motion for a recommendation on *A fourth Summit for a renewed, improved and reinforced Council of Europe*, adopted by the Committee on Political Affairs and Democracy during its meeting in Chania, Greece, on 16 and 17 May 2022.²⁴
2. The Bureau referred the motion to the Committee on Political Affairs and Democracy for report. Following a call for candidates, the Committee appointed me as Rapporteur on 23 June 2022.
3. With a view to contributing to this report, at its meeting on 24 June 2022, the Bureau of the Assembly decided to set up an ad hoc Committee on the 4th Summit of Council of Europe Heads of State and Government.²⁵ The ad hoc Committee is chaired by the President of the Parliamentary Assembly, and composed of the Chairpersons of the political groups, the Chairpersons of the Assembly's general committees, the Chairperson of the Icelandic delegation (the next member State to hold the presidency of the Committee of Ministers) and myself.
4. I would like to thank the President and the Bureau of the Assembly for this initiative, which allows me to pursue an inclusive approach to the preparation of the report by taking into account a broader range of perspectives and inputs compared to an ordinary procedure.
5. On the basis of my outline report, the ad hoc Committee had a first exchange of views on 11 September 2022 in Paris. Mr Evangelos Venizelos, Rapporteur of the High-Level Reflection Group set up by the Secretary General of the Council of Europe, participated in the meeting and provided his valuable insight.
6. The Committee on Political Affairs and Democracy subsequently considered the outline report on 12 September, following a hearing with the participation of the President of the Parliamentary Assembly.
7. The present introductory memorandum takes into account these exchanges.

2. Assembly's position in support of a fourth Summit

8. For several years, the Assembly has consistently called for the organisation of a fourth Summit. It did so as far back as 2009, with Resolution 1689 (2009) and Recommendation 1886 (2009) "The future of the Council of Europe in the light of its 60 years of experience", and two years later, with Resolution 1783 (2011) and Recommendation 1951 (2011) "The follow-up to the reform of the Council of Europe" and Resolution 1831 (2011) "Cooperation between the Council of Europe and the emerging democracies in the Arab World".
9. The Assembly's Standing Committee reiterated this demand by adopting the Sofia Declaration in 2015.²⁶ Subsequently, the Assembly adopted Resolution 2186 (2017) and Recommendation 2113 (2017) "Call for a Council of Europe Summit to reaffirm European unity and to defend and promote democratic security in Europe". Many of the recommendations contained therein were reiterated in Resolution 2277 (2019) and Recommendation 2153 (2019) "Role and mission of the Parliamentary Assembly: main challenges for the future". In its Resolution 2369 (2021) "The Assembly's vision on the strategic priorities for the Council of Europe", the Assembly formulated its vision on the strategic priorities for the Council of Europe.
10. Many of the considerations in these texts are still relevant and I have taken them on board in this introductory memorandum. The Russian Federation's aggression against Ukraine, however, has ushered Europe into a new chapter of its history, which brings the organisation of a Summit into a new perspective. Thus, the recommendation to hold a Summit has been vehemently repeated in a number of texts adopted by the Assembly since the outbreak of the large-scale aggression against Ukraine which started on 23 February 2022, namely:

²⁴ [Doc. 15533](#).

²⁵ The terms of reference of the ad hoc Committee can be found in [AS/BUR 011](#).

²⁶ [AS/Per \(2015\) 08](#).

- [Opinion 300 \(2022\)](#) “Consequences of the Russian Federation's aggression against Ukraine” (Rapporteur of the Committee on Political Affairs and Democracy: Ms Ingjerd Schou, Norway, EPP/CD);
- [Resolution 2433 \(2022\)](#) and [Recommendation 2228 \(2022\)](#) “Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe” (Rapporteur of the Committee on Political Affairs and Democracy: Mr Frank Schwabe, Germany, SOC);
- [Recommendation 2226 \(2022\)](#) “Beyond the Lisbon treaty: strengthening the strategic partnership between the Council of Europe and the European Union” (Rapporteur of the Committee on Political Affairs and Democracy: Mr Titus Corlăţean, Romania, SOC);
- [Recommendation 2235 \(2022\)](#) “Recent challenges to security in Europe: what role for the Council of Europe?” (Rapporteur of the Committee on Political Affairs and Democracy: Mr Bogdan Klich, Poland, EPP/CD).

11. In addition, the Standing Committee which took place in Dublin on 31 May 2022 held a current affairs debate on “A fourth summit towards a renewed, improved, and reinforced Council of Europe: the way forward”, which was opened by Mr Jacques Maire (France, ALDE).²⁷ The debate confirmed the Assembly’s unanimous stance in support of the Council of Europe convening a Summit at the highest political level.

3. Assembly’s reference texts

Recent challenges to security in Europe: what role for the Council of Europe? (Rapporteur: Mr Bogdan Klich, Poland, EPP/CD). Adopted texts: [Resolution 2444 \(2022\)](#) and [Recommendation 2235 \(2022\)](#)

The Russian Federation’s aggression against Ukraine: ensuring accountability for serious violations of international humanitarian law and other international crimes (Rapporteur: Mr Aleksander Pocij, Poland, EPP/CD). Adopted texts: [Resolution 2436 \(2022\)](#) and [Recommendation 2231 \(2022\)](#)

Consequences of the Russian Federation's continued aggression against Ukraine: role and response of the Council of Europe (Rapporteur: Mr Frank Schwabe, Germany, SOC). Adopted texts: [Resolution 2433 \(2022\)](#) and [Recommendation 2228 \(2022\)](#)

Consequences of the Russian Federation's aggression against Ukraine (Rapporteur: Ms Ingjerd Schou, Norway, EPP/CD). Adopted text: [Opinion 300 \(2022\)](#)

Beyond the Lisbon treaty: strengthening the strategic partnership between the Council of Europe and the European Union (Rapporteur: Mr Titus Corlăţean, Romania, SOC). Adopted texts: [Resolution 2430 \(2022\)](#) and [Recommendation 2226 \(2022\)](#)

Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe (Rapporteur: Mr Simon Moutquin, Belgium, SOC). Adopted texts: [Resolution 2396 \(2021\)](#) and [Recommendation 2211 \(2021\)](#)

The Assembly's vision on the strategic priorities for the Council of Europe (Rapporteur: Mr Tiny Kox, Netherlands, UEL). Adopted texts: [Resolution 2369 \(2021\)](#) and [Recommendation 2199 \(2021\)](#)

Role and mission of the Parliamentary Assembly: main challenges for the future (Rapporteur: Mr Tiny Kox, Netherlands, UEL). Adopted texts: [Resolution 2277 \(2019\)](#) and [Recommendation 2153 \(2017\)](#)

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, SOC). Adopted texts: [Resolution 2186 \(2017\)](#) and [Recommendation 2113 \(2017\)](#)

Cooperation between the Council of Europe and the emerging democracies in the Arab World (Rapporteur: Mr Jean-Charles Gardetto, Monaco, EPP/CD). Adopted text: [Resolution 1831 \(2011\)](#)

Follow-up to the reform of the Council of Europe (Rapporteur: Mr Jean-Claude Mignon, France, EPP/CD). Adopted texts: [Resolution 1783 \(2011\)](#) and [Recommendation 1951 \(2011\)](#)

The future of the Council of Europe in the light of its 60 years of experience (Rapporteur: Mr Jean-Claude Mignon, France, EPP/CD). Adopted texts: [Resolution 1689 \(2009\)](#) and [Recommendation 1886 \(2009\)](#)

²⁷ [AS/Per \(2022\) PV 01](#).