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## Committee on Political Affairs and Democracy

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

Rapporteur: Mr Michele NICOLETTI, Italy, Socialist Group

#### Memorandum

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<sup>1</sup> On 6 March 2017, the Committee on Political Affairs and Democracy considered and decided to declassify this memorandum.

## 1. Introduction: origin, methodology and purpose of the report

1. The idea of a Fourth Summit of Heads of State and Government of Council of Europe member States, launched by the Secretary General of the Council of Europe in his 2014 report on the State of Democracy, Human Rights and the Rule of Law in Europe, was taken up by the Parliamentary Assembly in Sofia, on 27 November 2015 (see Appendix I).

2. Adopted only a couple of weeks after the horror of the November 2015 terrorist attacks in Paris, the Sofia Declaration mentions the numerous political challenges Europe is facing today, both within and outside its borders, and underlines that these call for a common response on the basis of shared principles and values, dialogue and solidarity. In the current critical situation, the Declaration calls on the 47 member States of the Council of Europe to focus on what unites them rather than what divides them, and avoid building new walls and drawing dividing lines.

3. 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 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.

4. The Bureau of the Assembly entrusted the Committee on Political Affairs and Democracy with the task of preparing a report on this subject, and I was appointed Rapporteur in March 2016. I have since embarked upon a wider consultation process in order to establish whether the idea of a Fourth Summit, as such, is appropriate, and to exchange ideas on the possible topics and timing.

5. I wrote to the Chairpersons of all national delegations and political groups within the Assembly on 25 May 2016 (see Appendix II), as well as to four prominent international NGOs, with which the Assembly has established working relations, namely Amnesty International, the International Federation of Human Rights, the International Commission of Jurists, and Human Rights Watch. I have so far received 30 replies (see list in Appendix III) which are reproduced *in extenso* in the addendum to this document. They are not only helpful to the preparation of my report but also constitute a useful input to the preparation of the future summit.

6. I have also held several meetings with the Secretary General of the Organisation, Mr Thorbjørn Jagland, and have discussed the idea in Rome with my own country's authorities; in Berlin with the Minister of Foreign Affairs of Germany, Mr Frank-Walter Steinmeier; in Paris with the Secretary of State for European Affairs of France, Mr Harlem Désir, and, in Strasbourg, with the Minister of Foreign Affairs of Turkey, Mr Mevlüt Çavuşoğlu.

7. I also presented the proposal of a Fourth Summit at the colloquium which the French delegation to the Assembly, led by our colleague, Mr René Rouquet, organised in Paris, at the French National Assembly, on 12 September 2016, on: *Is the idea of the defence of human rights in Europe outdated? The Council of Europe is more necessary than ever before*<sup>2</sup>. Several participants, including Mr Rouquet, the President of the Assembly, Mr Pedro Agramunt, but also the former President of the Assembly, Ms Anne Brasseur, as well as the Secretary General of the Council of Europe, spoke in favour of a Fourth Summit. The colloquium offered extremely interesting food for thought as regards both the need and the possible themes for a Fourth Summit and I consider its proceedings as a valuable contribution to the preparatory work of a possible Fourth Summit.

8. It may be no coincidence that only a few weeks after the Paris colloquium, on 11 October 2016, the President of France, Mr François Hollande, concluded his address to our Assembly announcing that France will be organising in 2019, during its chairmanship of the Organisation and on the occasion of its 70<sup>th</sup> anniversary, the Fourth Summit to “chart out the future of the Organisation”.

9. During the January 2017 part-session of the Assembly, I further discussed the idea with several Ambassadors from Council of Europe member States. On 24 February, I met the Director of the Multilateral Policy Directorate at the Foreign and Commonwealth Office, Mr Paul Williams, in London and, on 20 March, I will exchange views with the current Chairperson of the Ministers' Deputies, Ms Theodora Constantinidou, Ambassador of Cyprus.

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<sup>2</sup> The speeches are published *in extenso* in French in an Information Report published on the website of the French Assemblée Nationale: <http://www.assemblee-nationale.fr/14/pdf/rap-info/i4050.pdf>.

10. Following these meetings and the discussion of the present memorandum at the meeting of 6 March, as well as Presidential elections in France in May, I hope to be in a position to present a draft report to the Committee at its September 2017 meeting with a view to a possible Assembly debate in October 2017.

11. The purpose of my report is to contribute to the reflexion about the opportunity and the agenda of a possible Fourth Summit. The decision to convene a Summit of Heads of State and Government, at a concrete point of time, is taken by the Committee of Ministers and the Secretary General of the Organisation has also an important coordinating role to play. The concrete agenda is also for the intergovernmental body to fix. Ways, however, must be found to keep the Assembly closely associated to the process of the preparation of a possible Summit.

12. I hope my report, and in particular the input I have received from various sources, will constitute a first step in the Assembly's contribution to a possible Fourth Summit and, in my capacity as Rapporteur or Rapporteur for follow-up for one year after the Assembly debate on my report, I will continue to follow personally and closely this process.

## **2. A brief overview of previous Council of Europe Summits**

13. Before discussing any further the idea of a possible Fourth Summit, I think it is useful to briefly recall the three Summits of Heads of State and Government of Council of Europe member States, organised since the Organisation's establishment. Each of them has resulted in concrete advances, including the establishment of new bodies and mechanisms, the final declarations of these three summits can be found in appendix IV.

14. The first Summit was organised in 1993, in Vienna, a few years after the fall of the Berlin Wall, when the Organisation was confronted with the unique challenge of embracing the emerging democracies. It thus, *inter alia*, spelt out the criteria for the accession of the new member States; set the basis for establishing procedures for monitoring respect of accession commitments; led to the founding of the European Commission against Racism and Intolerance (ECRI), and proposed the drafting of a Framework Convention for the Protection of National Minorities.

15. In 1997, the Strasbourg Summit endorsed the establishment of the Group of States against Corruption (GRECO) and welcomed the establishment of a Single Court of Human Rights and of the Office of the Commissioner of Human Rights.

16. In 2005, the Warsaw Summit defined a roadmap for the Organisation following its unprecedented enlargement and led to a report on the relations between the European Union and the Council of Europe, which Mr Jean Claude Juncker presented to the Assembly one year later, in 2006. The Warsaw Summit also called for a greater synergy with the Organization for Security and Co-operation in Europe (OSCE); for an enhanced effectiveness of the European Convention of Human Rights; the further promotion of human rights through greater support to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Commissioner for Human Rights and ECRI, and for more participation by NGOs in the work of the Organisation. Among other priorities, the 2005 Summit also enhanced the role of the Council of Europe in the fight against terrorism, launched a new mechanism to combat trafficking in human beings and proposed measures to combat violence against women.

## **3. Need for a Fourth Summit?**

### *3.1. The current challenges*

17. Today, 12 years after the Organisation's last Summit, Europe is facing unprecedented political challenges, both within and outside its borders: the daily threat of terrorist attacks, migratory pressure, the rise of Euro-scepticism, nationalism, populism and xenophobia, the persistence of frozen and open conflicts, the annexation or occupation of a neighbour's territories, and the re-emergence of divisions between Council of Europe member States. On-going wars in Syria and Libya, at the doors of Europe, threaten the security and stability on the continent, whereas, at global level, the geopolitical weight of Europe seems to be receding.

18. Numerous terrorist attacks have killed hundreds of innocent people over the last couple of years in several member States – Belgium, France, Germany, Turkey – and also in the Council of Europe neighbourhood. Terrorism is per se a direct attack on the very values of democracy and freedom our Organisation is defending. The daily threat of terrorist attacks in our member States has given rise to a number of challenges, such as, for instance: the need to strike a fair balance between enhanced security

arrangements and respect for fundamental rights and freedoms, the latter being in effect an indispensable requirement for an effective long-term fight against terrorism and its causes rather than an antagonistic concept as some tempt to argue; the need for enhanced international cooperation and adoption of common strategies focusing not only on repression but also on prevention; the issue of foreign terrorist fighters; the funding of terrorism; and of course, the protection of victims of terrorism.

19. The European Union is undergoing a major “existential crisis”, to quote its President: already evident in the handling of the Greek debt crisis, the refugee and migration crisis brought to light unprecedented divisions and lack of solidarity. The June 2016 referendum in which people of the United Kingdom voted to leave the European Union (EU) weakened even more the EU and sent shockwaves beyond the country and even the EU. This has also raised new challenges about the Greater Europe, that of the Council of Europe, and has made the need for further reflexion on the complementarity of the two institutions and a mutual reinforcement, in the interest of 820 million Europeans, more urgent than ever.

20. A coup d'état in Turkey, in July last year, led to hundreds of victims and shocked us all. The response by the government has also raised serious human rights and rule of law challenges not only for the country itself but also for the Council of Europe, of which Turkey is one of the oldest member States.

21. The annexation of Crimea by the Russian Federation in 2014 has added to the list of challenges as both Ukraine and Russia are members of the Organisation. The violations of the cease-fire in Donbas continue and there has been regrettably no progress in the implementation of the political aspects of the Minsk process either. Following sanctions decided by our Assembly vis-à-vis the Russian parliamentary delegation in 2014 and in 2015, Russia, although a full member of the Organisation, has not submitted a delegation to the Assembly for two consecutive years.

22. The rise of populism and the fact that more and more populists come to power or that those in power adopt a more and more populist discourse and attitude should not simply led us to easy and abstract condemnations of populism but also to a reflexion as to why populists increasingly enjoy broad support. The answer seems to lie in the ever growing distance between people and the institutions which are meant to represent them, be it national institutions or international organisations.

23. Increasing unemployment, deepening inequalities due to globalisation, austerity measures which seem to lead nowhere, have made people lose trust in their institutions. As the Secretary General of the Council of Europe put it when addressing us during the January 2017 part-session of the Assembly: *“It is true that many national democratic institutions and that Europe’s international organisations, including the Council of Europe, must do more to speak to ordinary people’s concerns [...] The answer is getting our own houses in order, renewing our institutions so that they better represent and serve all our citizens.”*

### 3.2. *The Council of Europe more necessary than ever*

24. Against such a background, we need today the Council of Europe and the values it upholds “more than ever”, as the French President also told us last October when announcing the organisation of a Summit by France in 2019. Why?

25. First of all, because the Council of Europe is the only European Organisation which brings together the quasi-totality of European States (with the notable exception of Belarus) with a view to achieving *“greater unity among its members for the purpose of the safeguarding and realising the ideals and principles which are their common heritage”*.

26. If this pan-European Organisation is the depositary of more than two hundred conventions, elaborated over the 68 years of its existence, the “common heritage” among its members is most significantly embodied in the European Convention of Human Rights and the norms and values it enshrines. What makes this Convention so special, in comparison to any other international convention or treaty, is the unique mechanism of protection of individual rights it provides for, that is the European Court of Human Rights, whose judgments have a binding force. The Convention, a brainchild of our Assembly, is the most obvious proof that the Council of Europe is there to defend, more than anything else, the rights of the people.

27. Thus, the Council of Europe not only promotes political unity among its member States but also offers a common legal space to 820 million Europeans. Other conventions defining this common legal space, most of which are open to non-member States, have an important impact such as those governing data protection, extradition, transfer of sentenced persons or the cyber-crime convention, which can also be helpful nowadays to address the so-called “faked news”, another recent phenomenon added to the list of current challenges. On terrorism, the Organisation has recently filled a major gap in international law, criminalising

for the first time early acts of preparation of terrorism to help its member States address the surge in foreign terrorist fighters. The Organisation is also currently addressing terrorist financing and revising guidelines for the protection of victims of terrorism.

28. Also, through democratic education the Council of Europe can help reduce the impact of populism as well informed and educated citizens are less likely to be attracted by populist arguments.

### 3.3. *The aim of a Fourth Summit*

29. If the above-mentioned examples prove why we still need the Council of Europe or why we need it today more than ever, do they suffice to prove that we also need a new Summit of Heads of State and Government? The answer to this question is closely dependent on what we want to achieve with a new Summit.

30. Although, as I already explained above, it is not the purpose of my report to set the agenda of a possible Fourth Summit, it is my conviction that, rather than creating new institutions and mechanisms, as the previous Summits did, a Fourth Summit should primarily aim at re-launching the Council of Europe's core mission as described above: that of a pan-European Organisation, offering a common legal space to 820 million Europeans and thus capable of promoting democratic security throughout the continent.

31. In a Europe which has profoundly changed since the last Summit, held in Warsaw in 2005, and when the whole world order seems to be changing, a Summit would offer a unique opportunity to member States to reaffirm, in the strongest possible terms and at the highest political level, their commitment to the common values and principles of democracy, the rule of law and human rights, upheld by the Organisation, as enshrined in the European Convention of Human Rights.

32. I believe that in the difficult times we are going through, it is our responsibility to fight nationalism and divisions and preserve and enhance our "common house" and avoid building new walls. Having inherited the political success of a pan-European Organisation, we owe it to the generations to come to do everything within our power not to weaken what our predecessors have built.

33. A fourth Summit could also enhance the Council of Europe visibility, currently seriously suffering, and thus increase its impact. In this respect, as the former President of the European Court of Human Rights, Mr Jean Paul Costa, told us in the colloquium in Paris, we should be vigilant that a future Summit would not be a one-day event without any follow-up, making the headlines for a just few days and serving as a pretext for the usual absence of visibility.

34. The consultations I have so far held confirm the choice of reaffirming the Council of Europe's core mission as the main aim of a Fourth Summit.

35. As said, reaffirming the Council of Europe necessarily means safeguarding the unique mechanism of the protection of individual rights it provides for. Thus, a predominant place in the replies I have so far received about the agenda of a future Summit is given to the European Court of Human Rights, including the need to ensure prompt and full execution of its judgments.

36. Redesigning the whole European architecture and in particular redefining the relations and necessary synergies between the Council of Europe and the European Union is also high on the agenda of the proposed topics and, as mentioned earlier, could also be part of the reflexion about the future of the European Union itself. At its February 2017 session, the European Parliament adopted three resolutions on the future of the EU and European leaders are meeting in various formats to prepare the May 2017 Summit, which on the occasion of the 60<sup>th</sup> anniversary of the Treaty of Rome, should address the need for reforms. The reports produced by our Assembly on the relations between the two European Organisations (impact of the Lisbon Treaty on the Council of Europe and the implementation of the Memorandum of Understanding between the two Organisations, which also deal with the most specific issue of EU accession to the ECHR) can also nourish this reflexion.

37. The role of the Council of Europe in the fight against terrorism, extremism and intolerance is raised in some of the replies sent by my colleagues and the issue of a socially just Europe has been brought up by the European United Left Group. The theme of modern slavery, closely associated with that of human trafficking which could thus also make the link with the Warsaw Summit, has also been brought to my attention.

38. In my view, the pillar of democracy should also be enhanced in a future Summit with a view to finding better ways to increase citizens' participation thus bringing the Organisation closer to the people it serves.

39. Last but not least several parliamentary delegations, in replying to my request for contribution, have indicated that a Fourth Summit should also aim at enhancing the role of the Assembly as a strong pillar of European parliamentarianism.

40. I fully support this suggestion and believe that if we, members of the Parliamentary Assembly, invite the Committee of Ministers to reflect on the Organisation's role and mission, we should, for our part, continue an in-depth reflection of our own Assembly's identity, role and mission as a statutory organ of the Organisation and, in a broader sense, as a European forum for inter-parliamentary dialogue which aims at having an impact in all Council of Europe members States.

41. In the Declaration of Nicosia, which we adopted at the meeting of the Standing Committee on 25 November 2016<sup>3</sup>, we considered that, in doing so, the Assembly should assess whether its mechanisms, tools and rules of internal functioning are still apt to achieve the results for which they were designed or whether they should be reviewed and updated to take into account the major changes that are under way. To give the best chance to such a constituent process, including the preparation of a fourth Summit, we concluded that the Assembly should rely on the active participation and engagement of all its national delegations. One aspect of the internal functioning and rules of the Assembly that it has already been decided to revise, as a matter of priority, is the Assembly's own code of conduct.

#### **4. Closing remarks**

42. The great challenge in deciding to convene a Summit and defining its agenda will be our ability to focus on what unites us rather than what divides us, on the basis of enhanced trust and dialogue. This, against the current background as described above, will not be an easy task. We should also make sure we avoid any "paternalistic approach" and treat all member States of the Organisation equally and in mutual respect, whether they are small or big, whether they are old members or have joined more recently.

43. To have any chance of success, a future Summit would require high level participation and strong political commitment by all, despite differences, to the shared values and principles: if we fail to bring together the Heads of State and Government themselves, the Summit loses its relevance and rather than re-launching the Organisation and pushing it forward, risks endangering it.

44. In a way, the decision to convene the Summit, the careful preparation of its agenda and the ultimate level of participation of member States are all issues closely linked to each other. Previous experience shows that, unless a member State proposes to host a Summit and invests particular time and energy in co-ordinating and preparing it, the process is too complex for the rotating chairmanship of the Committee of Ministers to deal with.

45. The issue of timing is thus also of great relevance. Whereas France has already extended an invitation to organise the Fourth Summit during its chairmanship in 2019, and indeed it is difficult to think of a better hosting country than the one which is home to the seat of the Organisation, it remains to be seen whether this invitation will be maintained and actively taken up by the new President of France to be elected in May this year. It is also difficult to imagine any decision to convene a Summit before the German elections in September later this year.

46. Moreover, the position of the United Kingdom Government towards the Council of Europe will also be decisive. As Lord Foulkes put it during the January part-session of the Assembly, "If the United Kingdom succeeds in withdrawing from the European Union, the Council of Europe will be even more important for our European engagement". If fears expressed in the past about the UK envisaging leaving the European Convention of Human Rights have been clearly dismissed by the government in response to questions raised by the UK delegation to the Assembly, it remains to be seen whether the UK, closely linked to the history of the Organisation, will want to upgrade its role in its midst. One should not forget that not only the founding treaty of the Council of Europe was signed in London in 1949 but also the Hague Congress of 1948, which led to the birth of our Organisation was inspired by the famous speech Winston Churchill pronounced in Zurich when he referred to the "United States of Europe". During our recent meeting in London, Mr Williams, while not in a position to commit his government to the idea of a Fourth Summit, reiterated that the United Kingdom is leaving the European Union, it is not leaving Europe and underlined the

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<sup>3</sup> [AS/Per \(2016\) 09 Declaration of Nicosia](#) adopted by the Standing Committee of the Parliamentary Assembly of the Council of Europe on 25 November 2016.

importance the UK government continued to place on values, such as those upheld by the Council of Europe.

47. If the words which served as the cement on which our Organisation was built sound more topical than ever today, the same goes for the aim for which the Council of Europe was designed, in the aftermath of the horror of the Second World War: “*achieving a greater unity between its members for the purpose of the safeguarding and realising the ideals and principles which are their common heritage*”. When discussing the prospects of a Fourth Summit of the Organisation, we should, in particular, remind ourselves that the objective of a united Europe is human dignity; that the strength of Europe lies not in arms but in freedom, and that the greater danger threatening the latter is division.

48. I will of course further develop my thoughts at the end of my consultations when presenting a draft report to the Committee on Political Affairs and Democracy.

## Appendix I

### *Sofia Declaration*

## AS/Per (2015) 08

27 November 2015

## Declaration

Adopted by the Standing Committee on 27 November 2015<sup>4</sup>

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.

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<sup>4</sup> Submitted by Ms Dzhema Grozdanova (Bulgaria, EPP/CD), Chairperson of the Bulgarian Delegation.



## Appendix II

*Letter from Mr Nicoletti to Chairpersons of national delegations and political groups*

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

**Appendix III**

*List of replies, reproduced in extenso in addendum AS/Pol (2017) 03 add*

<b>Replies by national delegations</b>
Mr René Rouquet, Chairperson of the French delegation to the PACE, 1 June 2016
Ms Dzhema Grozdanova, Chairperson of the Bulgarian delegation to the PACE, 2 June 2016
Mr Michael Aastrup Jensen, Chairperson of the Danish delegation to the PACE, 2 June 2016
Mr Talip Küçükcan, Chairperson of the Turkish delegation to the PACE, 15 and 29 June 2016
Ms Ingrid Schou, Chairperson of the Norwegian delegation to the PACE, 15 June 2016
Ms Gisela Wurm, Chairperson of the Austrian delegation to the PACE, 21 June 2016
Mr Alfred Heer, Chairperson of the Swiss delegation to the PACE, 23 June 2016
Delegation of Estonia to the PACE, 30 June 2016
Mr Bernard Sabella, Chairperson of the Palestinian partner for democracy delegation to the PACE, 5 July 2016
Ms Anne Brasseur, Chairperson of the Luxembourg delegation to the PACE, 6 July 2016
Mr Ionuț Stroe, Chairperson of the Romanian delegation to the PACE, 6 July 2016
Delegation of Finland to the PACE, 7 July 2016
Ms Ioanneta Kavvadia, Chairperson of the Greek delegation to the PACE, 11 July and 18 September 2016
Mr Pedro Agramunt, Chairperson of the Spanish delegation to the PACE, 12 July 2016
Delegation of Liechtenstein to the PACE, 13 July 2016
Mr Volodymyr Arieu, Chairperson of the Ukrainian delegation to the PACE, 21 July 2016
Ms Hermine Naghdalyan, Chairperson of the Armenian delegation to the PACE, 1 August 2016
Mr Predrag Sekulić, Chairperson of the Montenegrin delegation to the PACE, 26 October 2016
Ms Aleksandra Djurović, Chairperson of the Serbian delegation to the PACE, 1 November 2016
Mr Włodzimierz Bernacki, Chairperson of the Polish delegation to the PACE, 3 November 2016
Mr Jonas Gunnarsson, Chairperson of the Delegation of Sweden to the PACE, 16 November 2016
Ms Inese Lībiņa-Egnere, Chairperson of the Delegation of Latvia to the PACE, 17 November 2016
Ms Ksenija Korenjak Kramar, Chairperson of the Delegation of Slovenia to the PACE, 17 November 2016
Mr Axel Fischer, Chairperson of the Delegation of Germany to the PACE, 22 December 2016
Ms Valentina Buliga, Chairperson of the Delegation of the Republic of Moldova, 19 January 2017

<b>Replies by Political Groups</b>
Mr Tiny Kox, Chairperson of the Group of the Unified European Left, 6 October 2016
Mr Ian Liddell-Grainger, Chairperson of the European Conservatives Group, 13 October 2016

<b>Replies by NGOs</b>
International Commission of Jurists, Mr Wilder Tayler, Secretary-General, 1 July 2016
Human Rights Watch, Mr Philippe Dam, Advocacy Director, Europe and Central Division, 4 July 2016
Amnesty International, Ms Iverna McGowan, Head of the European Institutions Office & Advocacy Director, 2 September 2016

## Appendix IV

**Summits of Heads of State and Government of the Council of Europe**  
**Final Declarations**

<http://www.coe.int/en/web/cm/summits>

**Vienna Declaration – First Summit of the Council of Europe  
(Vienna, 8-9 October 1993)**

We, Heads of State and Government of the member States of the Council of Europe, meeting for the first time in our Organisation's history at this Vienna summit conference, solemnly declare the following:

The end of the division of Europe offers an historic opportunity to consolidate peace and stability on the continent. All our countries are committed to pluralist and parliamentary democracy, the indivisibility and universality of human rights, the rule of law and a common cultural heritage enriched by its diversity. Europe can thus become a vast area of democratic security.

This Europe is a source of immense hope which must in no event be destroyed by territorial ambitions, the resurgence of aggressive nationalism, the perpetuation of spheres of influence, intolerance or totalitarian ideologies.

We condemn all such aberrations. They are plunging peoples of former Yugoslavia into hatred and war and threatening other regions. We call upon the leaders of these peoples to put an end to their conflicts. We invite these peoples to join us in constructing and consolidating the new Europe.

We express our awareness that the protection of national minorities is an essential element of stability and democratic security in our continent.

The Council of Europe is the pre-eminent European political institution capable of welcoming, on an equal footing and in permanent structures, the democracies of Europe freed from communist oppression. For that reason the accession of those countries to the Council of Europe is a central factor in the process of European construction based on our Organisation's values.

Such accession presupposes that the applicant country has brought its institutions and legal system into line with the basic principles of democracy, the rule of law and respect for human rights. The people's representatives must have been chosen by means of free and fair elections based on universal suffrage. Guaranteed freedom of expression and notably of the media, protection of national minorities and observance of the principles of international law must remain, in our view, decisive criteria for assessing any application for membership. An undertaking to sign the European Convention on Human Rights and accept the Convention's supervisory machinery in its entirety within a short period is also fundamental. We are resolved to ensure full compliance with the commitments accepted by all member States within the Council of Europe.

We affirm our will to promote the integration of new member States and to undertake the necessary reforms of the Organisation, taking account of the proposals of the Parliamentary Assembly and of the concerns of local and regional authorities, which are essential to the democratic expression of peoples.

We confirm the policy of openness and co-operation vis-à-vis all the countries of Central and Eastern Europe that opt for democracy. The programmes set up by the Council of Europe to assist the democratic transition should be developed and constantly adapted to the needs of our new partners.

We intend to render the Council of Europe fully capable of thus contributing to democratic security as well as meeting the challenges of society in the 21st century, giving expression in the legal field to the values that define our European identity, and to fostering an improvement in the quality of life.

Attaining these objectives requires fuller co-ordination of the Council of Europe's activities with those of other organisations involved in the construction of a democratic and secure Europe, thus satisfying the need for complementarity and better use of resources.

In this connection, we welcome the co-operation established - in the first instance, on the basis of the 1987 Arrangement - with the European Community, particularly the development of joint projects, notably in favour of the countries of Central and Eastern Europe. We consider that such a partnership in increasingly varied fields of activity reflects the specific and open-ended institutional relationship existing between the two institutions.

Similarly, to foster democratic security we are in favour of intensifying functional co-operation in the human dimension sphere between the Council of Europe and the CSCE. Arrangements could usefully be concluded with the latter, including its Office for Democratic Institutions and Human Rights, and its High Commissioner on National Minorities.

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We are resolved to make full use of the political forum provided by our Committee of Ministers and Parliamentary Assembly to promote, in accordance with the competences and vocation of the Organisation, the strengthening of democratic security in Europe. The political dialogue within our Organisation will make a valuable contribution to the stability of our continent. We will do so all the more effectively if we are able to initiate such a dialogue with all the European States that have expressed a desire to observe the Council's principles.

Convinced that the setting up of appropriate legal structures and the training of administrative personnel are essential conditions for the success of the economic and political transition in Central and Eastern Europe, we attach the greatest importance to the development and coordination of assistance programmes for this purpose in liaison with the European Community.

The creation of a tolerant and prosperous Europe does not depend only on co-operation between States. It also requires transfrontier co-operation between local and regional authorities, without prejudice to the constitution and the territorial integrity of each State. We urge the Organisation to pursue its work in this field and to extend it to co-operation between non-adjacent regions.

We express our conviction that cultural co-operation, in which the Council of Europe is a prime instrument, - through education, the media, cultural action, the protection and enhancement of the cultural heritage and participation of young people- is essential for creating a cohesive yet diverse Europe. Our governments undertake to bear in mind the Council of Europe's priorities and guidelines in their bilateral and multilateral co-operation.

With the aim of contributing to the cohesion of our societies, we stress the importance of commitments accepted within the framework of the Council of Europe Social Charter and European Code of Social Security in order to provide member countries with an adequate system of social protection.

We recognise the value of co-operation conducted within the Council of Europe to protect the natural environment and improve the built environment.

We will continue our efforts to facilitate the social integration of lawfully residing migrants and to improve the management and control of migratory flows, while preserving the freedom to travel within Europe. We therefore encourage the "Vienna Group" to pursue its work, thus contributing, with other competent groups, to a comprehensive approach to migration challenges.

Fortified by our bonds of friendship with non-European States sharing the same values, we wish to develop with them our common efforts to promote peace and democracy.

We also affirm that the deepening of co-operation in order to take account of the new European situation should in no way divert us from our responsibilities regarding North/South interdependence and solidarity.

\* \* \*

In the political context thus outlined, we, Heads of State and Government of the member States of the Council of Europe, resolve:

- to improve the effectiveness of the European Convention on Human Rights by establishing a single Court for ensuring compliance with undertakings given thereunder (see decision in Appendix I),
- to enter into political and legal commitments relating to the protection of national minorities in Europe and to instruct the Committee of Ministers to elaborate appropriate international legal instruments (see decision in Appendix II),
- to pursue a policy for combating racism, xenophobia, antisemitism and intolerance, and to adopt for this purpose a Declaration and a Plan of Action (see decision in Appendix III),
- to approve the principle of creating a consultative organ genuinely representing both local and regional authorities in Europe,
- to invite the Council of Europe to study the provision of instruments for stimulating the development of European cultural schemes in a partnership, involving public authorities and the community at large,
- to instruct the Committee of Ministers to adapt the Organisation's Statute as necessary for its functioning, having regard to the proposals put forward by the Parliamentary Assembly.

## **Strasbourg Declaration – Second Summit of the Council of Europe (Strasbourg, 10-11 October 1997)**

We, Heads of State and Government of the member States of the Council of Europe, meeting in Strasbourg on 10 and 11 October 1997 for our Organisation's Second Summit,

*Convinced that the far-reaching changes in Europe and the great challenges to our societies require intensified co-operation between all European democracies,*

*Encouraged by the significant enlargement of our Organisation which has created the basis for a wider area of democratic security in our continent,*

*Having reviewed the developments since our First Summit held in Vienna in 1993, as well as the implementation of our decisions concerning the establishment of a single European Court of Human Rights; the protection of national minorities; and the fight against racism, xenophobia, anti-Semitism and intolerance,*

*Welcoming the achievements of the Council of Europe in preparing candidate countries for membership and ensuring their full integration into the wider European family, and underlining the contribution of the Parliamentary Assembly, as well as that of the Congress of Local and Regional Authorities, to supporting democratic development in member States,*

- solemnly reaffirm our attachment to the **fundamental principles of the Council of Europe** - pluralist democracy, respect for human rights, the rule of law - and the commitment of our governments to comply fully with the requirements and meet the responsibilities arising from membership of our Organisation,
- underline the essential **standard-setting role** of the Council of Europe in the field of human rights and its contribution to the development of international law through European Conventions, and affirm our determination to ensure full implementation of these standards and conventions, particularly by strengthening the co-operation programmes for the consolidation of democracy in Europe,
- confirm our goal of achieving a greater unity between our member States, with a view to building a **freer, more tolerant and just European society** based on common values, such as freedom of expression and information, cultural diversity and the equal dignity of all human beings,
- decide consequently to give new impetus to those activities of the Council of Europe aimed at supporting member States in their efforts to respond to the **changes in society** on the threshold of a new century,
- give our full support to the Council of Europe with a view to intensifying its contribution to **cohesion, stability and security in Europe**, and welcome the development of its co-operation with other European and transatlantic organisations, in particular the European Union and the Organisation for Security and Co-operation in Europe,

and, on this basis, declare the following:

**CONVINCED THAT THE PROMOTION OF HUMAN RIGHTS AND THE STRENGTHENING OF PLURALIST DEMOCRACY BOTH CONTRIBUTE TO STABILITY IN EUROPE**

- decide to reinforce the **protection of human rights** by ensuring that our institutions are capable of effectively defending the rights of individuals throughout Europe,
- call for the **universal abolition of the death penalty** and insist on the maintenance, in the meantime, of existing moratoria on executions in Europe,
- express our determination to reinforce the means to prevent and combat **torture and inhuman or degrading treatment or punishment**,

- call for the intensification of the fight against **racism, xenophobia, anti-Semitism and intolerance**,
- stress the importance of a more balanced representation of men and women in all sectors of society, including political life, and call for continued progress with a view to achieving effective **equality of opportunities between men and women**,
- assert our determination to step up co-operation in respect of the protection of all persons belonging to **national minorities**,
- acknowledge the fundamental role of the institutions of **local democracy** in the preservation of stability in Europe,
- decide to continue active support for **democratic development** in all member States and to increase our efforts to promote an area of common legal standards throughout Europe;

*RECOGNISING THAT SOCIAL COHESION IS ONE OF THE FOREMOST NEEDS OF THE WIDER EUROPE AND SHOULD BE PURSUED AS AN ESSENTIAL COMPLEMENT TO THE PROMOTION OF HUMAN RIGHTS AND DIGNITY:*

- decide to promote and make full use of the instruments which are a reference and a means of action for States and for the social partners, in particular the **European Social Charter** in the legal field and the **Social Development Fund** in the financial field,
- agree to review our **legislation in the social field** with a view to combating all forms of exclusion and ensuring better protection for the weakest members of society,
- stress the importance of a common and balanced approach, based on international solidarity, to questions relating to **refugees and asylum seekers**, and in this regard recall the obligation for the State of origin to readmit these persons to its territory, in accordance with international law,
- recall the protection due to **victims of conflicts**, as well as the importance of the respect for humanitarian international law and the knowledge of its rules at national level, in particular among the armed forces and the police,
- affirm our determination to protect the rights of lawfully residing **migrant workers** and to facilitate their integration in the societies in which they live;

*SHARING THE CONCERN OF CITIZENS ABOUT THE NEW DIMENSION OF THREATS TO THEIR SECURITY AND THE DANGERS WHICH THESE THREATS CONSTITUTE FOR DEMOCRACY:*

- reassert our strong condemnation of **terrorism** and our determination to make full use of the existing machinery to combat all of its manifestations, while ensuring respect for legality and human rights,
- decide to seek common responses to the challenges posed by the growth in **corruption, organised crime and drug trafficking** throughout Europe,
- decide to intensify our co-operation aiming at strengthening the **legal protection of children**,
- affirm our determination to combat **violence against women** and all forms of sexual exploitation of women,
- support the efforts of the Council of Europe and of local, regional and national authorities to improve the **quality of life** in disadvantaged areas: urban and industrialised;

*AWARE OF THE EDUCATIONAL AND CULTURAL DIMENSION OF THE MAIN CHALLENGES TO BE FACED BY EUROPE IN THE FUTURE AS WELL AS OF THE ESSENTIAL ROLE OF CULTURE AND EDUCATION IN STRENGTHENING MUTUAL UNDERSTANDING AND CONFIDENCE BETWEEN OUR PEOPLES:*

- express our desire to develop **education for democratic citizenship** based on the rights and responsibilities of citizens, and the participation of young people in civil society,

- reaffirm the importance we attach to the protection of our **European cultural and natural heritage** and to the promotion of awareness of this heritage,
- decide to seek common responses to the development of the **new information technologies**, based on the standards and values of the Council of Europe, while ensuring a proper balance between the right to information and respect for private life,
- recognise the role of **sport** in promoting social integration, particularly among young people,
- encourage **understanding between the citizens of the North and the South**, in particular through information and civic education for young people, as well as initiatives aimed at promoting mutual respect and solidarity among peoples.

\* \* \*

Having in mind the need to redefine our priorities and adapt the functions of our Organisation to the new European context, we have drawn up an **Action Plan**. This document, appended to the present **Declaration**, seeks to define the main tasks for the Council of Europe in the coming years, particularly in the period leading to its 50th Anniversary.



## **Warsaw Declaration – Third summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005)**

We, Heads of State and Government of the Member States of the Council of Europe, gathered in Warsaw on 16-17 May 2005 for our Third Summit, bear witness to unprecedented pan-European unity. Further progress in building a Europe without dividing lines must continue to be based on the common values embodied in the Statute of the Council of Europe: democracy, human rights, the rule of law.

Since its Vienna (1993) and Strasbourg (1997) Summits, the Council has grown to encompass almost the whole continent. We welcome the valuable contribution which the Parliamentary Assembly and the Congress of Local and Regional Authorities have made to this achievement. We look forward to the day when Belarus is ready to join the Council of Europe.

60 years after the end of the Second World War, 30 years after the Helsinki Final Act, 25 years after the founding of “Solidarity” and 15 years after the fall of the Berlin wall, we pay tribute to all those who have made it possible to overcome painful divisions and enlarge our area of democratic security. Today, Europe is guided by a political philosophy of inclusion and complementarity and by a common commitment to multilateralism based on international law.

However, we remain concerned by unresolved conflicts that still affect certain parts of the continent, putting at risk the security, unity and democratic stability of member states and threatening the populations concerned. We shall work together for reconciliation and political solutions in conformity with the norms and principles of international law.

This Summit gives us the opportunity to renew our commitment to the common values and principles which are rooted in Europe’s cultural, religious and humanistic heritage – a heritage both shared and rich in its diversity. It will also strengthen the Council of Europe’s political mandate and enhance its contribution to common stability and security as Europe faces new challenges and threats which require concerted and effective responses.

We can now focus on these challenges and continue to build a united Europe, based on our common values and on shared interests, by strengthening cooperation and solidarity between member states. We will remain open to co-operation with Europe’s neighbouring regions and the rest of the world.

1. The Council of Europe shall pursue its core objective of preserving and promoting human rights, democracy and the rule of law. All its activities must contribute to this fundamental objective. We commit ourselves to developing those principles, with a view to ensuring their effective implementation by all member states. In propagating these values, we shall enhance the role of the Council of Europe as an effective mechanism of pan-European cooperation in all relevant fields. We are also determined to strengthen and streamline the Council of Europe’s activities, structures and working methods still further, and to enhance transparency and efficiency, thus ensuring that it plays its due role in a changing Europe.

2. Taking into account the indispensable role of the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights in formulating, promoting and implementing human rights standards, it is essential to guarantee their effectiveness. We are therefore strongly committed in the short term to implement the comprehensive set of measures adopted at the 114th Session of the Committee of Ministers which address the Court’s rapidly increasing case-load, including the speedy ratification and entry into force of Protocol 14 to the Convention. Furthermore we are setting up a Group of wise persons to draw up a comprehensive strategy to secure the effectiveness of the system in the longer term, taking into account the initial effects of Protocol 14 and the other decisions taken in May 2004.

3. We are convinced that effective democracy and good governance at all levels are essential for preventing conflicts, promoting stability, facilitating economic and social progress, and hence for creating sustainable communities where people want to live and work, now and in the future. This can only be achieved through the active involvement of citizens and civil society. Member states must therefore maintain and develop effective, transparent and accountable democratic institutions, responsive to the needs and aspirations of all. The time has come to intensify our work within the Council of Europe to this effect, in particular through the establishment of the Forum for the Future of Democracy.

4. We are committed to strengthening the rule of law throughout the continent, building on the standard setting potential of the Council of Europe and on its contribution to the development of international law. We stress the role of an independent and efficient judiciary in the member states in this respect. We will further develop legal cooperation within the Council of Europe with a view to better protecting our citizens and to realising on a continental scale the aims enshrined in its Statute.

5. We are resolved to ensure full compliance with our membership commitments within the Council of Europe. Political dialogue between member states, which are committed to promoting democratic debate and the rule of law, evaluation, sharing of best practices, assistance and monitoring - for which we renew our firm support - will be fully used for that purpose. We shall work for the widest possible acceptance of Council of Europe's conventions, promoting their implementation with a view to strengthening common standards in the fields of human rights, democracy and the rule of law.

6. We shall foster European identity and unity, based on shared fundamental values, respect for our common heritage and cultural diversity. We are resolved to ensure that our diversity becomes a source of mutual enrichment, inter alia, by fostering political, inter-cultural and inter-religious dialogue. We will continue our work on national minorities, thus contributing to the development of democratic stability. In order to develop understanding and trust among Europeans, we will promote human contacts and exchange good practices regarding free movement of persons on the continent, with the aim of building a Europe without dividing lines.

7. We are determined to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable social groups. We acknowledge the importance of the European Social Charter in this area and support current efforts to increase its impact on the framing of our social policies. We are resolved to strengthen the cohesion of our societies in its social, educational, health and cultural dimensions.

8. We are determined to ensure security for our citizens in the full respect of human rights and fundamental freedoms and our other relevant international obligations. The Council of Europe will continue to play an active role in combating terrorism, which is a major threat to democratic societies and is unjustifiable under any circumstances and in any culture. It will also further develop its activities in combating corruption, organised crime – including money laundering and financial crime – trafficking in human beings, cybercrime, and the challenges attendant on scientific and technical progress. We shall promote measures consistent with our values to counter those threats.

9. We strongly condemn all forms of intolerance and discrimination, in particular those based on sex, race and religion, including antisemitism and islamophobia. We affirm our determination to further develop, within the Council of Europe, rules and effective machinery to prevent and eradicate them. We will also further implement equal opportunity policies in our member states and we will step up our efforts to achieve real equality between women and men in all spheres of our societies. We are committed to eradicating violence against women and children, including domestic violence.

10. We are determined to ensure complementarity of the Council of Europe and the other organisations involved in building a democratic and secure Europe:

- We are resolved to create a new framework for enhanced co-operation and interaction between the Council of Europe and the European Union in areas of common concern, in particular human rights, democracy and the rule of law.

We entrust our colleague, Jean-Claude Juncker, to prepare, in his personal capacity, a report on the relationship between the Council of Europe and the European Union, on the basis of the decisions taken at the Summit and taking into account the importance of the human dimension of European construction.

- We are also resolved to secure improved practical co-operation between the Council of Europe and the OSCE and welcome the prospect of enhanced synergy opened up by the joint declaration endorsed at this Summit.
- We express our commitment to fostering co-operation between the Council of Europe and the United Nations, and to achieving the Millennium Development Goals in Europe.

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To launch the Organisation on this new course, we adopt the attached Action Plan.

We commit our States to promoting the tasks and objectives reflected in the decisions of this Summit, both within the Council of Europe and in other international forums and organisations of which we are members.

As we conclude this Summit in Poland, we pay tribute to the memory of Pope John Paul II.

We call on Europeans everywhere to share the values which lie at the heart of the Council of Europe's mission – human rights, democracy and the rule of law – and to join us in turning Europe into a creative community, open to knowledge and to diverse cultures, a civic and cohesive community.