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Review of action taken by the Committee of Ministers on Parliamentary Assembly Recommendations

Communication

Committee of Ministers

1. Secretariat memorandum prepared by the Secretariat of the Committee of Ministers, examined at the 1042nd meeting of the Ministers' Deputies (25 November 2008)

On 7 November 2007 the Secretariat submitted to the Ministers' Deputies, on the basis of document CM(2007)146, a list of all the Recommendations adopted by the Parliamentary Assembly since the fourth part of its 2006 session to which replies were still pending from the Committee of Ministers. Since that document was issued, replies have been given to and/or action has been taken on the Recommendations listed in Appendix 1 to this memorandum (37 Recommendations in all).

The present memorandum lists all the Recommendations adopted by the Parliamentary Assembly to which replies are still pending, up to and including [Recommendation 1842 \(2008\)](#) adopted at the third part of its 2008 Session (Strasbourg, 23-27 June 2008).

The Secretariat would draw attention to the Deputies' commitment¹ at their 825th meeting (22 January 2003) (see Appendix 2) with regard to the adoption of replies to Assembly Recommendations. This commitment modifies the decisions adopted at the 615th meeting (20 January 1998) (see Appendix 3) by introducing new deadlines of less than six months whenever possible, instead of nine months, for replying. A footnote indicates the time limit for a reply to each Recommendation, set in accordance with this commitment.

2. [Recommendation 1797 \(2007\)](#) adopted by the Parliamentary Assembly on 24 May 2007

"Missing persons in Armenia, Azerbaijan and Georgia from the conflicts over the Nagorno-Karabakh, Abkhazia and South Ossetia regions"

At their 998th meeting (13 June 2007)², the Deputies communicated [Recommendation 1797](#) to their governments. They agreed to communicate it to the Steering Committee for Human Rights (CDDH) and to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for information and possible comments by 31 October 2007.

The examination of a draft reply by GR-DEM was postponed after the conflict between Georgia and the Russian Federation last summer, as it may have an impact on the content to be given to the reply. The objective is still to have a reply adopted before the session of the Parliamentary Assembly in January 2009.

1. Contained in the reply to Recommendation 1567 (2002) on parliamentary scrutiny of international institutions.
2. Time-limit for adoption of a reply: **December 2007**.



3. Recommendation 1808 (2007) adopted by the Parliamentary Assembly on 1 October 2007

“Assessment of transit and processing centres as a response to mixed flows of migrants and asylum seekers”

At their 1009th meeting (24 October 2007)³, the Deputies communicated [Recommendation 1808](#) to their governments. They agreed to communicate it to the Steering Committee on Human Rights (CDDH), to the European Committee on Legal Co-operation (CDCJ) and to the European Committee on Migration (CDMG) for information and possible comments by 31 December 2007.

The Rapporteur Group on Human Rights (GR-H) has examined a draft reply at its two latest meetings. At its meeting on 9 September 2008, it agreed to resume consideration of this item at a forthcoming meeting once the secretariat had re-examined the draft reply in the light of the points made in debate, preferably after the CDDH had finalised the draft guidelines on human rights in the context of accelerated asylum procedures. The CDDH will finalise these guidelines by the end of November. The draft reply could then be examined by the GR-H again at its meeting on 9 December 2008.

4. Recommendation 1809 (2007) adopted by the Parliamentary Assembly on 2 October 2007

“Member states’ duty to co-operate with the European Court of Human Rights”

At their 1009th meeting (24 October 2007)⁴, the Deputies communicated [Recommendation 1809](#) to their governments. They adopted the following interim reply to the recommendation:

“The Committee of Ministers congratulates the Parliamentary Assembly on the work accomplished in the preparation and adoption of [Resolution 1571 \(2007\)](#) and [Recommendation 1809 \(2007\)](#) on member states’ duty to co-operate with the European Court of Human Rights. The Committee shares the view that the issues raised in these texts are of great importance for the effectiveness of the European system of human rights protection and accordingly intends to take without delay steps to examine the advisability of the action recommended by the Assembly”;

and they agreed to instruct the Steering Committee for Human Rights (CDDH) to examine the advisability of drawing up a recommendation to member states along the lines proposed by the Assembly.

5. Recommendation 1816 (2007) adopted by the Parliamentary Assembly on 5 October 2007

“Council of Europe Commissioner for Human Rights – stock-taking and perspectives”

At their 1009th meeting (24 October 2007)⁵, the Deputies communicated [Recommendation 1816](#) to their governments. They agreed to communicate it to Council of Europe Commissioner for Human Rights and to the Steering Committee on Human Rights (CDDH) for information and possible comments by 31 December 2007.

The Rapporteur Group on Human Rights (GR-H), in consultation with their Rapporteur Group on Programme, Budget and Administration (GR-PBA), will prepare a draft reply for adoption at one of the Deputies’ forthcoming meetings.

6. Recommendation 1819 (2007) adopted by the Parliamentary Assembly on 23 November 2007

“Gender equality principles in the Parliamentary Assembly”

At their 1014th meeting (12 December 2007)⁶, the Deputies communicated [Recommendation 1819](#) to their governments. They agreed to communicate it to the Steering Committee for Equality between Women and Men (CDEG) for information and possible comments by 15 March 2008.

The Thematic Co-ordinator on Equality between Women and Men (TC-EG) will prepare a draft reply for adoption at the 1039th meeting of the Ministers’ Deputies (22 October 2008).

3. Time-limit for adoption of a reply: **April 2008**.

4. Time-limit for adoption of a reply: **April 2008**.

5. Time-limit for adoption of a reply: **April 2008**.

6. Time-limit for adoption of a reply: **June 2008**.

7. Recommendation 1821 (2007) adopted by the Parliamentary Assembly on 23 November 2007

“Code of Good Practice on Referendums”

At their 1014th meeting (12 December 2007)⁷, the Deputies communicated [Recommendation 1821](#) to their governments. They agreed to communicate it to the Venice Commission for information and possible comments by 15 March 2008.

The Rapporteur Group on Democracy (GR-DEM) will prepare a draft reply, at its meeting on 21 October 2008, for adoption at one of the Deputies' forthcoming meetings.

8. Recommendation 1822 (2008) adopted by the Parliamentary Assembly on 22 January 2008

“Developments as regards the future status of Kosovo”

At their 1017th meeting (6 February 2008)⁸, the Deputies communicated [Recommendation 1822](#) to their governments.

Several attempts to arrive at a consensus on a reply have been made within the GR-DEM before and after the summer, but have failed. The Rapporteur Group on Democracy (GR-DEM) will prepare a draft reply, at its meeting on 21 October 2008, for adoption at one of the Deputies' forthcoming meetings.

9. Recommendation 1823 (2008) adopted by the Parliamentary Assembly on 22 January 2008

“Global warming and ecological disasters”

At their 1017th meeting (6 February 2008)⁹, the Deputies communicated [Recommendation 1823](#) to their governments. They agreed to communicate it to the European and Mediterranean Major Hazards Agreement (EUR-OPA) and to the European Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) for information and possible comments by 15 April 2008.

The Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C) will prepare a draft reply, at its meeting on 20 November 2008, for adoption at one of the Deputies' forthcoming meetings.

10. Recommendation 1825 (2008) adopted by the Parliamentary Assembly on 23 January 2008

“Strengthening co-operation with the Maghreb countries”

At their 1017th meeting (6 February 2008)¹⁰, the Deputies communicated [Recommendation 1825](#) to their governments. They agreed to communicate it to the Executive Council of the North-South Centre for information and possible comments by 15 April 2008.

The Rapporteur Group on External Relations (GR-EXT) will prepare a draft reply, at its meeting on 23 October 2008, for adoption at one of the Deputies' forthcoming meetings.

11. Recommendation 1826 (2008) adopted by the Parliamentary Assembly on 23 January 2008

“The situation in the Republics of Central Asia”

At their 1017th meeting (6 February 2008)¹¹, the Deputies communicated [Recommendation 1826](#) to their governments.

The Rapporteur Group on External Relations (GR-EXT) will prepare a draft reply, at its meeting on 23 October 2008, for adoption at one of the Deputies' forthcoming meetings.

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7. Time-limit for adoption of a reply: **June 2008.**
 8. Time-limit for adoption of a reply: **August 2008.**
 9. Time-limit for adoption of a reply: **August 2008.**
 10. Time-limit for adoption of a reply: **August 2008.**
 11. Time-limit for adoption of a reply: **August 2008.**

12. Recommendation 1827 (2008) adopted by the Parliamentary Assembly on 23 January 2008

“The Council of Europe and its observer states - the current situation and a way forward”

At their 1017th meeting (6 February 2008)¹², the Deputies communicated [Recommendation 1827](#) to their governments.

The Rapporteur Group on External Relations (GR-EXT) will prepare a draft reply, at its meeting on 23 October 2008, for adoption at one of the Deputies' forthcoming meetings.

13. Recommendation 1831 (2008) adopted by the Parliamentary Assembly on 15 April 2008

“European Muslim communities confronted with extremism”

At their 1025th meeting (30 April 2008)¹³, the Deputies communicated [Recommendation 1831](#) to their governments. They agreed to communicate it to the European Commission against Racism and Intolerance (ECRI), to the Council of Europe Commissioner for Human Rights and to the European Committee on Migration (CDMG) for information and possible comments by 13 June 2008.

The Rapporteur Group on Human Rights (GR-H) will prepare a draft reply, at its meeting on 28 October 2008, for adoption at the 1040th meeting of the Ministers' Deputies (5 November 2008).

14. Recommendation 1832 (2008) adopted by the Parliamentary Assembly on 15 April 2008

“Abuse of the criminal justice system in Belarus”

At their 1025th meeting (30 April 2008)¹⁴, the Deputies communicated [Recommendation 1832](#) to their governments.

The Rapporteur Group on Democracy (GR-DEM) will prepare a draft reply at one of its forthcoming meetings. The objective is still to have a reply adopted before the session of the Parliamentary Assembly in January 2009.

15. Recommendation 1833 (2008) adopted by the Parliamentary Assembly on 17 April 2008

“Promoting the teaching of European literature”

At their 1025th meeting (30 April 2008)¹⁵, the Deputies communicated [Recommendation 1833](#) to their governments. They agreed to communicate it to the Steering Committee for Education (CDED) and to the Steering Committee for Higher Education and Research (CDESR) for information and possible comments by 13 June 2008.

The Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C) will prepare a draft reply, at its meeting on 20 November 2008, for adoption at one of the Deputies' forthcoming meetings.

16. Recommendation 1834 (2008) adopted by the Parliamentary Assembly on 17 April 2008

“The accession of the European Union/European Community to the European Convention on Human Rights”

At their 1025th meeting (30 April 2008)¹⁶, the Deputies communicated [Recommendation 1834](#) to their governments.

The Rapporteur Group on External Relations (GR-EXT) will prepare a draft reply, at its meeting on 4 November 2008, for adoption at one of the Deputies' forthcoming meetings.

12. Time-limit for adoption of a reply: **August 2008.**

13. Time-limit for adoption of a reply: **October 2008.**

14. Time-limit for adoption of a reply: **October 2008.**

15. Time-limit for adoption of a reply: **October 2008.**

16. Time-limit for adoption of a reply: **October 2008.**

17. Recommendation 1835 (2008) adopted by the Parliamentary Assembly on 18 April 2008

“Sustainable development and tourism: towards quality growth”

At their 1025th meeting (30 April 2008)¹⁷, the Deputies communicated [Recommendation 1835](#) to their governments. They agreed to communicate it to the Steering Committee for Cultural Heritage and Landscape (CDPATEP), to the Steering Committee for Education (CDED) and to the European Committee on local and regional democracy (CDLR) for information and possible comments by 13 June 2008.

The Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C) will prepare a draft reply, at its meeting on 20 November 2008, for adoption at one of the Deputies' forthcoming meetings.

18. Recommendation 1836 (2008) adopted by the Parliamentary Assembly on 6 May 2008

“Realising the full potential of e-learning for education and training”

At their 1029th meeting (11 June 2008)¹⁸, the Deputies communicated [Recommendation 1836](#) to their governments. They agreed to communicate it to the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH), the European Committee on Migration (CDMG) and to the Steering Committee for Equality between Women and Men (CDEG) for information and they agreed to communicate it to the Steering Committee for Education (CDED), the Steering Committee for Higher Education and Research (CDESR) and the Steering Committee on the Media and New Communication Services (CDMC) for information and possible comments by 31 October 2008.

The Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C) will prepare a draft reply for adoption at one of the Deputies' forthcoming meetings.

19. Recommendation 1837 (2008) adopted by the Parliamentary Assembly on 23 June 2008

“The fight against harm to the environment in the Black Sea”

At their 1032nd meeting (9 July 2008)¹⁹, the Deputies communicated [Recommendation 1837](#) to their governments. They agreed to communicate it to the European Conference of Ministers responsible for Spatial/Regional Planning (CEMAT), to the Steering Committee for Cultural Heritage and Landscape (CDPATEP), to the European and Mediterranean Major Hazards Agreement (EUR-OPA) and to the Standing Committee of the Bern Convention – Group of Specialists on the European Diploma of Protected Areas (T-PVS/DE), for information and possible comments by 31 October 2008.

The Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C) will prepare a draft reply for adoption at one of the Deputies' forthcoming meetings.

20. Recommendation 1838 (2008) adopted by the Parliamentary Assembly on 24 June 2008

“Empowering women in a modern, multicultural society”

At their 1032nd meeting (9 July 2008)²⁰, the Deputies communicated [Recommendation 1838](#) to their governments. They agreed to communicate it to the Steering Committee for Equality between Women and Men (CDEG), to the Governmental Committee of the European Social Charter and to European Committee of Social Rights (ECSR), for information and possible comments by 31 October 2008.

The Thematic Co-ordinator on Equality between Women and Men (TC-EG), in co-operation with the Rapporteur Group on Education, Culture, Sport, Youth and Environment (GR-C), will prepare a draft reply for adoption at one of the Deputies' forthcoming meetings.

17. Time-limit for adoption of a reply: **October 2008.**

18. Time-limit for adoption of a reply: **December 2008.**

19. Time-limit for adoption of a reply: **January 2009.**

20. Time-limit for adoption of a reply: **January 2009.**

21. Recommendation 1839 (2008) adopted by the Parliamentary Assembly on 25 June 2008

“The state of democracy in Europe – Specific challenges facing European democracies: the case of diversity and migration”

At their 1032nd meeting (9 July 2008)²¹, the Deputies communicated [Recommendation 1839](#) to their governments. They agreed to communicate it to the European Committee on Migration (CDMG), to the European Committee on Legal Co-operation (CDCJ), to the Steering Committee on Human Rights (CDDH), to the Steering Committee for Equality between Women and Men (CDEG) and to the European Committee on Local and Regional Democracy (CDLR), for information and possible comments by 31 October 2008. They also agreed to transmit it to the European Commission for Democracy through Law (Venice Commission) and to the European Commission against Racism and Intolerance (ECRI) for information and to bring it to the attention of the Advisory Board of the Forum for the Future of Democracy.

The Rapporteur Group on Social and Health Questions (GR-SOC) will prepare a draft reply for adoption at one of the Deputies' forthcoming meetings.

22. Recommendation 1840 (2008) adopted by the Parliamentary Assembly on 25 June 2008

“State of democracy in Europe – Measures to improve the democratic participation of migrants”

At their 1032nd meeting (9 July 2008)²², the Deputies communicated [Recommendation 1840](#) to their governments. They agreed to communicate it to the European Committee on Migration (CDMG), to the European Committee on Legal Co-operation (CDCJ), to the Steering Committee on Human Rights (CDDH), to the Steering Committee for Equality between Women and Men (CDEG), to the European Committee on Local and Regional Democracy (CDLR), to the European Commission for Democracy through Law (Venice Commission) and to the European Commission against Racism and Intolerance (ECRI) for information and possible comments by 31 October 2008.

The Rapporteur Group on Social and Health Questions (GR-SOC) will prepare a draft reply for adoption at one of the Deputies' forthcoming meetings.

23. Recommendation 1841 (2008) adopted by the Parliamentary Assembly on 25 June 2008

“State of democracy in Europe – The functioning of democratic institutions in Europe and progress of the Assembly's monitoring procedure”

At their 1032nd meeting (9 July 2008)²³, the Deputies communicated [Recommendation 1841](#) to their governments.

The Rapporteur Group on Democracy (GR-DEM) will prepare a draft reply for adoption at one of the Deputies' forthcoming meetings.

24. Recommendation 1842 (2008) adopted by the Parliamentary Assembly on 26 June 2008

“Activities of the International Committee of the Red Cross (ICRC)”

At their 1032nd meeting (9 July 2008)²⁴, the Deputies communicated [Recommendation 1842](#) to their governments. They agreed to communicate it to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), to the European Committee on Migration (CDMG), to the Steering Committee on Human Rights (CDDH), to the European Committee on Legal Co-operation (CDCJ), to the Committee of Legal Advisers on Public International Law (CAHDI) and to the Steering Committee for Education (CDED) for information and possible comments by 31 October 2008.

21. Time-limit for adoption of a reply: **January 2009.**

22. Time-limit for adoption of a reply: **January 2009.**

23. Time-limit for adoption of a reply: **January 2009.**

24. Time-limit for adoption of a reply: **January 2009.**

The Rapporteur Group on Social and Health Questions (GR-SOC) will prepare a draft reply for adoption at one of the Deputies' forthcoming meetings.

Appendix 1 – List of Parliamentary Assembly Recommendations to which replies and/or follow-up was given

- Recommendation 1735 (2006): “The concept of “nation””
- Recommendation 1740 (2006): “The place of mother tongue in school education”
- Recommendation 1772 (2006): “Rights of national minorities in Latvia”
- Recommendation 1777 (2007): “Sexual assaults linked to “date-rape drugs””
- Recommendation 1778 (2007): “Child victims : stamping out all forms of violence, exploitation and abuse”
- Recommendation 1782 (2007): “The situation of migrant workers in temporary employment agencies (TEAs)”
- Recommendation 1787 (2007): “The precautionary principle and responsible risk management”
- Recommendation 1788 (2007): “The United States of America and international law”
- Recommendation 1790 (2007): “The situation of women in the South Caucasus”
- Recommendation 1791 (2007): “State of human rights and democracy in Europe”
- Recommendation 1792 (2007): “Fair trial issues in criminal cases concerning espionage or divulging state secrets”
- Recommendation 1793 (2007): “Need for a Council of Europe convention on the suppression of counterfeiting and trafficking in counterfeit goods”
- Recommendation 1795 (2007): “Monitoring of commitments as regards social rights”
- Recommendation 1796 (2007): “The situation of elderly persons in Europe”
- Recommendation 1798 (2007): “Respect for the principle of gender equality in civil law”
- Recommendation 1799 (2007): “The image of women in advertising”
- Recommendation 1800 (2007): “The feminisation of poverty”
- Recommendation 1801 (2007): “Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report”
- Recommendation 1802 (2007): “Situation of longstanding refugees and displaced persons in South East Europe”
- Recommendation 1803 (2007): “Prosecution of offences falling within the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY)”
- Recommendation 1804 (2007): “State, religion, secularity and human rights”
- Recommendation 1805 (2007): “Blasphemy, religious insults and hate speech against persons on grounds of their religion”
- Recommendation 1806 (2007): “Activities of the International Organization for Migration (IOM)”
- Recommendation 1807 (2007): “Regularisation programmes for irregular migrants”
- Recommendation 1810 (2007): “Honouring of obligations and commitments by Moldova”
- Recommendation 1811 (2007): “Regionalisation in Europe”
- Recommendation 1812 (2007): “Political dimension of the Council of Europe budget”
- Recommendation 1813 (2007): “For a European convention on promoting public health policy in drug control”
- Recommendation 1814 (2007): “Towards decriminalisation of defamation”
- Recommendation 1815 (2007): “Prostitution – which stance to take?”
- Recommendation 1817 (2007): ““Parliaments united in combating domestic violence against women”: mid-term assessment of the Campaign”

Recommendation 1818 (2007): "Activities and orientations of the Council of Europe Development Bank"

Recommendation 1820 (2007): "Co-operation between the Assembly and the Conference of INGOs"

Recommendation 1824 (2008): "United Nations Security Council and European Union blacklists"

Recommendation 1828 (2008): "Disappearance of newborn babies for illegal adoption in Europe"

Recommendation 1829 (2008): "Transfrontier co-operation"

Recommendation 1830 (2008): "Video surveillance of public areas"

Appendix 2 – New deadlines for replying to Parliamentary Assembly Recommendations

825th meeting – 22 January 2003

Appendix 3 (EXTRACT)

(Item 1.6)

Reply to Parliamentary Assembly Recommendation 1567 (2002) on parliamentary scrutiny of international institutions (Adopted by the Committee of Ministers on 22 January 2003 at the 825th meeting of the Ministers' Deputies)

[...]

3. In response to the specific proposals put forward by the Parliamentary Assembly in paragraph 2 of [Recommendation 1567](#), the Committee of Ministers agreed as follows:

[...]

v. With regard to improving **transparency in the implementation of Assembly recommendations**, the Committee of Ministers would draw attention to the substantial efforts made in this area since 1998, particularly with the introduction of a nine-month deadline to be observed, as far as possible, for replying to Assembly recommendations. The Committee of Ministers is aware that this target has not always been attained, but would also like to draw the Assembly's attention to the many cases in which high priority has been given to the adoption of a reply well within the nine-month time limit, particularly in connection with the current political issues that are most important to the Council of Europe, in connection with which the Committee of Ministers usually communicates its views to the Parliamentary Assembly in time for the next part-session. In addition, information on the action the Committee of Ministers has taken on Parliamentary Assembly recommendations is regularly included in the written reports prepared by the chairmanship at each session, and a comprehensive report on this action is forwarded to the Assembly every year.

Against this background, the Committee of Ministers is ready to commit itself to making an additional effort so that replies can be adopted to Parliamentary Assembly recommendations in principal in time for the second part-session following that at which they were adopted, that is to say within a time-limit of less than six months (the nine-month time limit becoming a maximum for exceptional cases). It further considers that priority should go to giving more impetus to the already made efforts described above so that they can have their full impact in strengthening dialogue and communication between the Committee of Ministers and the Parliamentary Assembly, while being open to additional specific proposals for improvements.

Appendix 3 – Replies to Parliamentary Assembly Recommendations²⁵

The Deputies, having emphasised the importance of rapidly adopting a reply to each Recommendation:

1. agreed in future to rely more often on the expertise available within the Ministers' Deputies, the relevant Rapporteur Group and the Secretariat, in preparing replies to Assembly Recommendations;
2. instructed the Secretariat to place immediately on their agenda any Assembly Recommendation for which sufficient elements for a reply were available;
3. decided, in the case of Assembly Recommendations not forwarded to a steering committee for opinion, to set a time-limit of nine months, after communication of those Recommendations to the Committee of Ministers, for adopting a reply (interim or final);
4. decided to adopt, when conducting their initial examination of the texts adopted by the Parliamentary Assembly, a reply common to all the texts, dealing with the procedure to be followed;
5. approved the following guidelines for the drawing up of draft replies to Recommendations:
 - priority should be given to final replies (taking stock of the situation while at the same time informing the Assembly of the intentions of the Committee of Ministers with regard to the specific proposals);
 - priority should be given to concise replies (concentrated on the political views of the Committee of Ministers; any technical opinions of other bodies could be added as appendices);
 - priority should be given to substance rather than procedure;
 - where Recommendations are to be examined, and the replies to them, prepared by a Rapporteur Group, care should be taken to ensure that they are given priority treatment in that Rapporteur Group's order of business;
 - a steering committee should be consulted where there is a need for technical expertise which is not available within the Secretariat.

25. Text approved by the Ministers' Deputies at their 615th meeting (20 January 1998).