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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Rule of law: is it implemented in the right way?

Motion for a resolution
tabled by Ms Birgen KELEŞ and other members of the Assembly

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

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If democracy in a country is not pluralist and participatory we cannot be sure that human rights and the rule of law are practiced in the right way. In cases where human rights are ignored, no one can claim that democracy and the rule of law are practiced in the correct way.

Compatibility with the rule of law is usually evaluated in the light of the implementation of domestic laws and international agreements. But the practice of the rule of law is also very important because it may be the source of deficiencies in the application of democracy and human rights. For example, if people are taken from their homes without any evidence of having committed a crime, taken into custody without knowing the reason why, if an investigation is carried out with political motives or if people are held in custody for months without trial or without knowing the reasons why they are there, this means that something is wrong in the application of the rule of law. This would also mean an infringement of other principles, namely democracy and human rights.

The rule of law covers not only the implementation of laws and international agreements but also the constitutionality of all activities of the government and the parliament, the independence of the judiciary, the impartiality of judges in their decisions and the suitability of the prosecution process of the rules and regulations. Now that we are trying to improve the structure and working methods of the Council of Europe, whose mission is to safeguard the fundamental principles of democracy, human rights and the rule of law, the time is right to prepare a report to study how the rule of law is implemented in Europe, its scope and its consequences.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democrat Group
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left