Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1693 (2005)[1]

The Third Summit

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the Committee of Ministers' decision to hold the 3rd Summit of Heads of State and Government of the Council of Europe in Warsaw on 16 and 17 May 2005, at the invitation of the Polish Government. It recalls that the two previous summits have been a main thrust in the process of integration of the European continent and a number of crucial decisions have been taken on such occasions.

2. The decision to convene the summit is justified. The objectives set by the 1st Summit in Vienna in 1993, namely bringing together on an equal footing and in permanent structures all European countries meeting the requirements of democracy, the rule of law, and respect for human rights, have effectively been accomplished.

3. The mandate given by the 2nd Summit, held in Strasbourg in 1997, strengthening democratic stability in the member states and setting up mechanisms for monitoring procedures of compliance with membership's obligations and commitments undertaken upon accession, has also been implemented and relevant mechanisms are operational.

4. The 3rd Summit, which is taking place in a changing Europe, should address the challenges which Europe will be facing and underscore the Council of Europe's relevance for the continent. It should provide the Organisation with a clear political mandate for the coming years and position it in the European institutional landscape. It should also commit sufficient resources to carry out this mandate.

5. The date of the 3rd Summit, symbolically coinciding with the sixtieth anniversary of the end of the Second World War and the fifteenth anniversary of the beginning of democratic transformation in central and eastern Europe, thus provides a timely opportunity to stress the unity of a Europe based on shared values without dividing lines.

6. These common values concern, first and foremost, human rights, democracy and the rule of law. Promoting and ensuring respect for these values in Europe is the core statutory mission of the Council of Europe which remains as relevant today as it was in 1949. The summit should reaffirm the commitment of all member states to these common values and recognise that they are the areas of excellence of the Organisation, as reflected in the unique role it plays on the continent in the fields of standard-setting, monitoring, awareness-raising and assistance to member states. In view of continuing challenges to these values – of which terrorism is a prominent example – this role needs to be strengthened further and more resources need to be made available for it. The core mission of the Council of Europe cannot be dissociated from important areas such as social cohesion and culture in the broad sense (including education, heritage, arts, science, media, youth and sport), as well as migration and demographic change, and environmental protection based on respect for the principle of sustained development.

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1. Assembly debate on 26 January 2005 (5th Sitting) (see Doc. 10381, report of the Political Affairs Committee, rapporteur : Mr Kosachev ; Doc. 10391, opinion of the Committee on Legal Affairs and Human Rights, rapporteur : Mr Bruce ; Doc. 10417, opinion of the Committee on Economic Affairs and Development, rapporteur : Mr Kirilov ; Doc. 10395, opinion of the Social, Health and Family Affairs Committee, rapporteur : Ms Azevedo ; Doc. 10435, opinion of the Committee on Migration, Refugees and Population, rapporteur : Mr Wilkinson ; Doc. 10421, opinion of the Committee on Culture, Science and Education, rapporteur: Mr Legendre; and Doc. 10404, opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Ms Cliveti). Text adopted by the Assembly on 26 January 2005 (5th Sitting).

7. It is particularly important to avoid any form of division between “old” and “new” member states of the Council of Europe. The same standards should be applied to and implemented by all member states.

8. A codex of key Council of Europe conventions should be established. It should contain concrete deadlines for signature or ratification by those countries which have not done so before the summit. The various monitoring procedures should be reviewed in order to apply them in a comparable and transparent manner to all member states and their results should be brought together in a comprehensive manner.

9. The Council of Europe’s assistance programmes should be based on the conclusions of these monitoring procedures and integrated in its intergovernmental work programme ; they should be transparent and available to all member states.

10. The promotion of pluralist democracy, which includes involving the civil society and monitoring the state of democracy in Council of Europe member states, should remain one of the main objectives of the Organisation’s action. An independent body should be set up, which is charged with evaluating the state of democracy in the member states, publishing reports on a regular basis and proposing measures to be taken.

11. The geographical enlargement, including the long-term perspective, and the increase in the range of activities and competences of the European Union, carry important consequences for the European institutional architecture. The unique position of the Council of Europe as the only strictly pan-European organisation provides an exceptional opportunity for strengthening political dialogue between the European Union member and non-member states on the basis of common values, partnership and mutual interest.

12. The European Union should consider the Council of Europe as a special framework through which to develop and implement its neighbourhood policy with its partners. In addition, to promote the creation of a single European legal space, the European Union should be invited to accede to all Council of Europe conventions which are open to it. The Council of Europe should also establish appropriate instruments to enable the European Union to accede to other conventions, such as the European Cultural Convention.

13. The Assembly welcomes the recent discussions between the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) aimed at enhanced co-operation and co-ordination between them, but stresses the importance of closely involving the parliamentary assemblies of both organisations. The Assembly reiterates its support for the adoption of a memorandum of understanding based on these principles.

14. The action of the Council of Europe aimed at strengthening democracy and human rights, as well as linguistic and cultural diversity and social cohesion, corresponds to the innovative promotion of “human security”, an essential concern of the United Nations. Moreover, many of its activities, such as those on national minorities and promoting intercultural and inter-religious dialogue, are essential to conflict prevention. Consequently, the Council of Europe should declare itself willing to act as a regional organisation within the meaning of Chapter VIII of the United Nations Charter and its specialist organisations.

15. Moreover, the Organisation’s action should be oriented in such a way as to develop partnerships with the countries in Europe’s immediate neighbourhood with a view to pursuing common goals and fruitful co-operation on all matters within the competence of the Council of Europe.

16. The Assembly is convinced that the 3rd Summit will give fresh political impetus to the Organisation. The Assembly presents this contribution for general reflection on the content and possible results of the summit and expects that its recommendations will be reflected in the final documents of the summit.

17. The Assembly calls on national parliaments of Council of Europe member states to organise debates on the 3rd Summit in order to give political impetus to the run-up to it and to ensure that the summit generates the necessary political impact. In addition, the Assembly calls on the Committee of Ministers, national governments and parliamentarians to ensure that civil society is informed and consulted about the upcoming 3rd Summit.

18. The Assembly recommends that the Committee of Ministers include the following elements for consideration by heads of state and government :

in the draft declaration :

a. affirm the unity of Europe, as embodied by the Council of Europe based on shared values to which human rights, democracy and the rule of law are central and which also find expression in the areas of social cohesion and cultural co-operation ;

b. express the desire to preserve and reinforce the unique position of the Council of Europe in the European institutional architecture on account of its excellence and unparalleled mechanisms in the area of the promotion and protection of human rights, first and foremost the European Court of Human Rights ;

c. strengthen the Council of Europe's convention system through the establishment of a codex of key conventions and by setting deadlines for their ratification by all Council of Europe member states which have not yet done so ;

d. emphasise the importance of the promotion and observance of basic democratic principles and guidelines which may enable the better functioning and development of democratic institutions and civil society which are confronted with new and difficult tasks and challenges. Their first point of reference should be the citizen. These principles are based on :

freedom of association ;

the decentralisation of power and the strengthening of local and regional government ;

the new orientation of political parties which should in their electoral efforts base themselves on the co-operation and support of civil society ;

equal participation of women and men in decision making ;

freedom of expression, and independent and responsible media ;

a coherent system of civic education ;

an institutionalised system of checks and balances, including through independent courts ;

e. declare the resolve of the Council of Europe member states to strengthen the protection of human rights and the fight against all forms of racism, xenophobia and discrimination; in this context, welcome the entry into force, on 1 April 2005, of Protocol No. 12 to the European Convention on Human Rights, which contains a general prohibition of discrimination, and call on all member states who have not yet done so to sign and ratify this protocol ;

f. include a strong commitment to the effect that the Committee of Ministers must fully assume its political responsibility for contributing proactively to the solution of human rights problems in member states, alongside the Parliamentary Assembly's efforts in this field, and for ensuring political support and follow-up to the work of the independent human rights mechanisms ;

g. to proclaim the strategic aim of creating a single pan-European area of free movement of nationals of Council of Europe member states as an essential element of a Europe without dividing lines ;

h. make the commitment to continue to fight against all forms of violence, including domestic violence and trafficking in human beings ;

i. emphasise the need to promote sustainable development through integrated policies for the environment and regional development ;

j. apply the same standards to all member states, in particular with regard to the monitoring mechanisms and procedures, and ensure that they are implemented by all ;

k. include a solemn commitment by member states to resolve existing conflicts between them and within their borders by peaceful means, in accordance with Council of Europe values and the United Nations Charter ;

l. reaffirm that education for democratic citizenship, based on the rights and responsibilities of citizens and the values of the Council of Europe, will remain a priority for the Organisation's future activities ;

m. commemorate formally the sufferings of many Europeans resulting from forced population movements and ethnic cleansing during the last century, with a decision to create a centre of European remembrance for the victims of such evils ;

in its plan of action :

a. confirm the Council of Europe's unique mission to achieve greater unity between European states through the promotion and protection of common values, first and foremost those of human rights, democracy and the rule of law, in a collective framework where all the democratic countries of Europe are united, co-operate on an equal footing and are equally accountable; to this end, commit the member states to :

strengthening the role and capabilities of the Council of Europe in general in its core areas of excellence, notably the promotion and protection of human rights, whilst recognising that the further realisation of a common democratic and legal space where these shared values flourish also depends on the targeted contribution of Council of Europe activities in the areas of social cohesion, cultural co-operation and the promotion of cultural diversity and intercultural and inter-religious dialogue, as well as equality between women and men, in particular via gender mainstreaming ;

more specifically, through budgetary and other measures, firstly, strengthening further, and enhancing the synergies between, the Council of Europe's unique mechanisms for the protection and monitoring of human rights, including social rights and minority rights, as well as the fight against racism and intolerance, with the European Convention on Human Rights (ECHR) and the European Court of Human Rights as the Organisation's paramount achievement; secondly, initiating a Europe-wide programme to promote professional training so as to improve further the implementation of European human rights standards at the national level and thereby, in particular, relieve the excessive workload of the Court; and, thirdly, implementing fully and without delay the broad package of ECHR reform measures adopted in May 2004 and ratifying Protocol No. 14 as a matter of urgency ;

using more fully the Organisation's potential as a framework for developing collective responses to new challenges, including action against terrorism and its financing, and responses to challenges resulting from the growing cultural diversity of European societies, which require a strong affirmation of the values of the Council of Europe and co-operation to promote their concrete translation into national policies. On the first point, the Assembly expects the summit to charge the Council of Europe with preparing a comprehensive anti-terrorism convention and other measures designed to counter the terrorist threat. To this end, the summit could adopt a special statement, supplementing the political declaration and the plan of action ;

b. clearly define the Council of Europe's position in the European architecture and the procedures governing its co-operation with the European Union, the OSCE, Nato, the United Nations and its subsidiary bodies and sub-regional mechanisms, including by a commitment to strive to ensure that the action of partner organisations complements and does not duplicate that which forms part of the core mission of the Council of Europe, and in particular :

take a decision in principle to hold a European summit in 2006 or 2007 involving all the European and Euro-Atlantic organisations. The aim of such a summit could be to combine efforts to bring the European peoples closer together, to create a single area in terms of social welfare and economic prosperity, to improve general security across Europe and to make fuller and more consistent use of the opportunities afforded by a united Europe in resolving the common problems facing humanity ;

in order to prepare the European summit, a committee of wise persons could be established with a wide mandate to provide the Council of Europe and partner organisations with advice concerning their own future development and a type of structured relationship between them which is necessary to acquire synergy and avoid duplication and overlapping of their activities, whilst making optimum use of the complimentary nature of their work ;

recommend that the Council of Europe and partner organisations fully exploit and reinforce the possibilities for communication and co-ordination with all the institutions involved in the European construction process ;

strengthen the Council of Europe's role as the forum in which all European nations have an opportunity to co-operate on an equal footing. It may assign the Council of Europe with the new task of serving as the multilateral neighbourhood policy

elaboration and implementation body and as a tool for fostering institutional ties between the European Union member and non-member countries and promoting their integration in the fields of competence of the Council of Europe ;

invite the European Union to accede to the Statute of the Council of Europe and to open an office in Strasbourg ensuring closer contact with the Council of Europe, and take the necessary steps to allow for this ;

propose the Parliamentary Assembly's inclusion, together with the European Parliament, in the quadripartite meetings between the European Union and the Council of Europe ;

reinforce and rationalise co-operation and co-ordination between the OSCE and the Council of Europe, in the light of their specific tasks and respective advantages, so that the international community may convey consistent messages, drawing up for these purposes a general outline agreement ;

update the 1952 co-operation agreement between the Council of Europe and Unesco to make the Council of Europe the regional organisation for cultural co-operation at both governmental and parliamentary levels ;

support co-operation between European countries and other regions of the world, giving particular priority to the southern Mediterranean and Central Asia ;

c. *emphasise the standard-setting activities of the Council of Europe and its work on normative instruments which, if ratified, would be equally binding on the European Union and non-member states of the European Union and – in light of the experience of the drafting process of the Council of Europe convention on action against trafficking in human beings – re-examine the current and future modalities of negotiations on draft legal instruments, so that the two organisations' mutual goal of a common legal area which fully respects and promotes the human rights of all can be reached ;*

d. *create a European Migration Agency with the aim of defending human rights and dignity whilst monitoring all aspects of migration and the situation of migrants including a dialogue with non-member countries of the Council of Europe (Assembly Recommendation 1655 (2004)) ;*

e. *define for the Council of Europe new priority areas of standard-setting, reflecting changing needs, new issues facing our continent and the indispensable strengthening of democratic institutions. The standard-setting work should particularly apply to :*

the improvement, through the drawing up of guidelines, of democratic instruments such as petitions, popular initiatives and referendums, in particular at local level, as well as rules of procedure for parliamentary bodies and methods of parliamentary consultation of the public ;

the preservation of good practice in activities of political parties through the elaboration of a code of good practice for them and guidelines on how political parties could be financed ;

the questions of internal security, co-operation between police forces and judicial bodies, migration control and visa-free travel ;

ensuring economic freedoms common to the greater Europe – freedom of movement of labour, goods, services and capital – on a Europe-wide scale and promoting policies to foster economic growth to improve Europe's competitiveness in a globalised economy ;

studying good practices and drafting a road map aimed at creating a single European area of free movement of nationals of Council of Europe member states ;

the protection of private property and reconciliation of the interests of the welfare state with those of the business community ;

the protection of the right to women's effective participation in elections through the preparation of a charter for electoral equality, as recommended in Recommendation 1676 (2004) on women's participation in elections ;

f. *create an intergovernmental committee along the lines of the European Commission for Democracy through Law (Venice Commission) or the European Commission against Racism and Intolerance (Ecri) which would be asked to present reports on a regular basis and to propose measures to be taken with a view to promoting desirable reforms of democracy as well as monitoring the state of democracy in Council of Europe member states ;*

g. *decide to conduct a pan-European campaign against domestic violence in 2006, in co-operation with European and national players such as the European Commission, the European Parliament, associations and NGOs, as recommended in Assembly Recommendation 1681 (2004) on a campaign to combat domestic violence against women in Europe ;*

h. *confirm the importance of sustainable development for securing a better quality of life for European citizens. The Council of Europe should continue its activities aimed at preserving the environment and biodiversity through the implementation of integrated policies at pan-European level ;*

i. *continue the work arising from the 2nd Summit's "education for democratic citizenship" initiative and that planned under the umbrella of the 2005 European Year of Citizenship through Education. Education should make a significant contribution to European integration and democratic development. A European framework convention on education for democratic citizenship and human rights should be drawn up. This should clarify the principles of democratic citizenship, and its lifelong learning aspects and practice, and stress the need for a more organic relationship between the school system and NGOs and local government ;*

j. *declare the willingness to co-operate with and make its expertise available to other international organisations which wish to create similar structures in other parts of the world ;*

k. *consider whether the time is now ripe for the Council of Europe, as a pan-European forum, to play a decisive role in the domain of economic co-operation, including in the intergovernmental field, in joint projects with the United Nations and its subsidiary bodies and in conformity with the Council of Europe's statutory mandate to facilitate the "economic and social progress" of its members and the calls made in Assembly Resolutions 995 (1993), 1036 (1994) and 1052 (1995) ;*

l. *strengthen the country by country and thematic monitoring procedures used by the Council of Europe to ensure that states honour the commitments entered into and the obligations arising from membership of the Organisation, and in particular put the emphasis, in monitoring, on the exchange of information on positive experiences and making maximum use thereof ;*

m. *whilst welcoming the significant progress in complying with Council of Europe standards made since the 2nd Summit and at the same time recognising that there still remains a need, notably but not exclusively for the benefit of newer member states, for country-specific assistance programmes and activities, take the decision to evaluate more systematically the effective use made by beneficiary countries of the assistance provided and to ensure, more generally, that assistance is provided in the light of objective needs, notably those identified in the framework of the monitoring mechanisms of the Council of Europe, including the human rights mechanisms; in this context, the importance of multilateral, intergovernmental co-operation as a tool for promoting Europe-wide implementation of existing and developing standards should also be underlined ;*

n. *recognise the particular significance for the European Court of Human Rights, and the entire pan-European system of human rights protection, of the European Union's (EU) accession to the European Convention on Human Rights (ECHR), which would ensure a unified policy of human rights across Europe ;*

o. *welcome, therefore, the recent adoption of, on the one hand, the Constitutional Treaty by the European Union and, on the other, Protocol No. 14 to the ECHR by the Council of Europe, as the strongest expression to date of the political commitment on both sides towards EU accession to the ECHR and, accordingly, call on the EU to prepare, together with the Council of Europe, the necessary legal measures with the aim of ensuring that the EU's accession can take place immediately after entry into force of the Constitutional Treaty, whilst ensuring that the essential features of the ECHR control system will also apply to the EU once it is a contracting party ;*

p. reorganise the institutional system of the Council of Europe and to strengthen all its main bodies, and in particular :

reinforce the Parliamentary Assembly and provide it with the right to initiate legislation, in particular to submit to the Committee of Ministers for consideration or joint discussion draft normative instruments prepared by the Assembly or at its request. The Assembly should be much more involved in the standard-setting process. It should also be provided with sufficient resources to enable it to actively engage in dialogue with national parliaments ;

the work of the Council of Europe's Committee of Ministers needs to be much more open and transparent. Its agenda should be drawn up in such a way as to make it interesting and appealing to the media. The Committee of Ministers' relations with the media should be overhauled and the meetings of specialised ministers should be far more frequent and the discussions more intense. Ideally, concrete decisions should be submitted to them for consideration and their work should be given much greater substance. The practice of holding joint meetings between the Council of Europe's Committee of Ministers and specialised ministers from member states should be introduced. Such an arrangement would help to generate synergies, encourage co-operation and stimulate the integration process on a Europe-wide scale ;

better use the tremendous potential offered by the Congress of Local and Regional Authorities of the Council of Europe. The summit could voice its support for the Congress as an effective champion of local self-government and a forum for discussing topical issues relating to local and regional development. The Congress should be entrusted with the task of implementing confidence-building measures and promoting interethnic peace ;

q. reconsider an initiative put forward a few years ago calling for the setting up within the Council of Europe of a court of general jurisdiction. For the Council of Europe in its current form, such a proposal is of little relevance. With the sharp increase in the Council of Europe's standard-setting activities, the shift in focus to pan-European lawmaking and stocktaking of Council of Europe conventions and resolutions, however, the need for such a body is beginning to make itself felt ;

r. promote a model for European society, and in particular :

draw up a European public service charter with standards guaranteeing citizens equal and free access to basic public services : education, health, transport, telecommunications ;

draw up a European convention on the civil service establishing standards relating to ethics and job security ;

set up, in liaison with the European Union, a special programme to train and retrain university teachers to teach the standards of the Council of Europe, starting with a pilot project in the Russian Federation ;

strengthen the Organisation's analytical and predictive role in the field of legal norms and social trends, in association with qualified personalities – economists, philosophers and sociologists – renowned for their work on the new patterns of social life likely to emerge as a result of globalisation ;

stress the importance of promoting intercultural and inter-religious dialogue and a constant struggle against xenophobia in Europe, as well as the necessity for additional efforts to integrate migrant workers in European society ;

continue to assist member states in formulating and implementing a successful social cohesion strategy for the twenty-first century with a specific focus on the fight against poverty and insecure life situations and ill-health ;

support the proposal by the Council's intergovernmental sector to set up a "think tank" and express its wish to be involved in the activities of that group. This body should put forward a new vision for a socially cohesive Europe, and devise responses to such contemporary challenges as globalisation or the ageing of the population – without losing the essential achievements of the European social economic model ;

s. provide sufficient budgetary means for the proper implementation of the decisions and objectives agreed upon during the summit ;

t. enhance the transparency of the activities of the Council of Europe for the 800 million people living in its member states, and involve national institutions for the protection of human rights and non-governmental organisations more closely in its work.