

Recommendation 1920 (2010)¹

Final version

Reinforcing the effectiveness of Council of Europe treaty law

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 1732 \(2010\)](#) on reinforcing the effectiveness of Council of Europe treaty law, considers that one of the Council of Europe's main functions is to draw up standards on human rights and the rule of law that together form a coherent body of European conventions. It therefore asks the Committee of Ministers to:

1.1. approve an action plan to secure the early ratification by all member states of the core Council of Europe treaties, as defined in the appendix to the Assembly resolution, with the fewest possible reservations;

1.2. urge member states to withdraw their reservations, derogations and restrictive declarations concerning Council of Europe treaties, particularly the European Convention on Human Rights (ETS No. 5), and instruct the Committee of Legal Advisers on Public International Law (CAHDI) to intensify its existing efforts in this area to reduce the use of such clauses;

1.3. agree on a programme of action for new conventions to be drawn up, as a matter of priority, over the next five years;

1.4. instruct the Steering Committee for Human Rights (CDDH), the European Committee on Legal Co-operation (CDCJ) and the European Committee on Crime Problems (CDPC), in close co-operation with the Council of Europe's Legal Advice Department and the Treaty Office, to examine the binding legal instruments within their respective areas of authority, with a view to identifying:

1.4.1. treaties that are still relevant but require updating;

1.4.2. treaties that are obsolete and should be abrogated;

1.4.3. treaties which have lost their relevance and have not come into force within a certain number of years of their adoption and which should be withdrawn;

1.5. in the light of changes in European law within the European Union, particularly the advent of framework decisions or community acts, consult the CAHDI on the possible adoption by the Council of Europe of pan-European model acts to supplement its treaties.

2. The Assembly is also concerned about the possible effects of the increased use, at the request of the European Union, of so-called disconnection clauses in Council of Europe treaties. To ensure the coherence of Council of Europe treaty law, and to avoid establishing new dividing lines in Europe, it asks the Committee of Ministers to draw up strict guidelines to control this practice, based on the work of the CAHDI. The Assembly also urges the European Union to accede to the Council of Europe's conventions, in particular the European Convention on Human Rights, as provided for in the Lisbon Treaty.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 21 May 2010 (see [Doc. 12175](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Prescott).*

