

# ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

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Resolution 1783 (2011)<sup>1</sup>

## Follow-up to the reform of the Council of Europe

Parliamentary Assembly

1. The Parliamentary Assembly declares its commitment to a relevant and effective Council of Europe that is a natural guarantor of “soft” security in a Europe based on the fundamental values and principles of democracy, respect for human rights and the rule of law. It regards the Council of Europe as the institution which sets reference standards and as the privileged framework for political co-operation in the greater Europe in the context of achieving greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.

2. The Assembly welcomes the fact that a group of eminent personalities has started a series of discussions on the modern understanding of European identity and values in the framework of a long-term strategy for the Council of Europe.

3. In its [Opinion 279 \(2010\)](#) on the budgets and priorities of the Council of Europe for the 2011 financial year, the Assembly expressed its support for the first wave of measures introduced by the Secretary General of the Council of Europe to reform the Organisation, revitalise it and make it more political, more flexible and more geared to the needs of European citizens.

4. The Assembly now awaits the Secretary General's proposals for the second phase of reform, which should cover strategic aims for the forthcoming decade. As a statutory organ vested, together with the Committee of Ministers, with overall responsibility for the future of the Council of Europe, the Assembly expects to be fully informed and consulted on the political decisions which the Secretary General intends to propose.

5. The decline in the member states' commitment to the Council of Europe is worrying. It is being reflected, *inter alia*, in a persistent refusal by the Committee of Ministers to give the Organisation a budget commensurate with its tasks, whereas parallel structures duplicating the Council of Europe's mechanisms and instruments are being generously funded within the European Union.

6. In this context, the Assembly considers that a Council of Europe summit should be held to give the Organisation fresh political impetus, make its member states more responsible towards it and, if need be, redefine its current role.

7. While welcoming the decision by the Committee of Ministers to move to a biennial budgetary process, the Assembly can only express its regret again that the Council of Europe's budgetary crisis is forcing the Organisation to reduce operational activities that are intended to help member states to implement reforms and to comply with their commitments and obligations. It fears that the growing imbalance between convention-based and operational activities will further aggravate the downward trend in the Council of Europe's political relevance that the reform is intended to reverse. The Assembly is convinced that the Organisation needs to change the way it works and to offer operational responses to member states' needs as one of the fundamental challenges for the reform process. In this context, it asks member states to reinvest in the Organisation's activities the savings achieved on its functioning thanks to reform.

8. The Assembly supports the reform started by the Secretary General. It believes that the reform should not result in a further reduction in the fields of competence and the political role of the Council of Europe, restricting it to purely technical functions and to a subordinate position. It supports the idea, expressed by the Chair of the Committee of Ministers' Working Party on Institutional Reforms, that the Council of Europe's core business does not and should not exclude “enabling factors” in so far as they contribute to the realisation of the Council of Europe's core values of democracy, the rule of law and human rights. In this context, a stable democracy which respects human rights is inconceivable without culture, education and social cohesion, and cannot ignore the problems related to migration, as the Strasbourg Declaration on Roma has recently shown. The three core pillars (democracy, human rights and the rule of law) must therefore reflect this approach. This does not, however, mean that the Council of Europe should not concentrate the necessarily limited resources at its disposal on subjects deemed to be matters of political priority.

9. The Assembly commits itself to exploring all possibilities for reforming its own methods and procedures and, in so doing, contributing to the broader reform process.

10. The Assembly also underlines the crucial role of the Council of Europe in fostering the common pan-European legal space through the promotion of legally binding instruments. The Assembly considers that the Council of Europe must remain the preferred place for dialogue between the authorities and between peoples at European level as well as an important pan-European forum for analysis and anticipation of destabilising tendencies which jeopardise the cohesion of society, for the sharing of national experience, for the establishment of standards, for enhancing universal values, for the

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1. Assembly debate on 25 January 2011 (4th Sitting) (see [Doc. 12458](#), report of the Political Affairs Committee, rapporteur: Mr Mignon; and [Doc. 12487](#), opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Mr Chope). Text adopted by the Assembly on 25 January 2011 (4th Sitting). See also [Recommendation 1951 \(2011\)](#).

dissemination of good practices and for the search for common answers to the problems which concern Europe as a whole. It should also continue to play a privileged role in the dialogue with neighbouring states.

11. The Assembly supports the Secretary General's objective of making the Council of Europe a more efficient instrument capable of transforming its potential into operational decisions and providing practical and speedy answers to member states for the challenges facing them. To this end, it declares itself in favour of:

11.1. greater synergy between the Organisation's organs, institutions and mechanisms;

11.2. a functional grouping of the structures which support the various monitoring and steering mechanisms set up in the context of Council of Europe conventions, in order to make them more effective.

12. The increasing congestion at the European Court of Human Rights, which is jeopardising the continuity of the European justice system in the field of human rights protection, is a subject of great concern to the Assembly. It is following the Interlaken Process closely and is preparing to make its contribution towards finding courageous political solutions. In this context, the Assembly:

12.1. points out that the situation at the Court is a consequence of the systemic problems of member states' domestic justice systems, and that the main effort should therefore relate to remedying the deficiencies of national justice mechanisms; it therefore calls for efforts to be made, in co-ordination between the Committee of Ministers and the Assembly, so as to strengthen assistance programmes aimed at those member states that are the source of the greatest numbers of applications to the Court;

12.2. takes note of the introduction by the Committee of Ministers of a mechanism for preliminary assessment of the candidates for the position of judge by a panel of experts, before a national list is forwarded to the Assembly. In turn, it resolves to consolidate its own procedure for the election of judges, particularly with a view to the accession of the European Union to the European Convention on Human Rights (ETS No. 5).

13. As regards the current reform process, which also addresses the structures of the Congress of Local and Regional Authorities of the Council of Europe, its activities and working methods, the Assembly believes that:

13.1. the reform of the Congress must be in line with the objectives of the overall reform of the Council of Europe. In particular, it must allow better co-ordination and coherence between the activities of the Congress and other organs and bodies of the Organisation;

13.2. Congress activities should represent an added value for the Council of Europe and practical usefulness for the local and regional

authorities of the member states, and avoid duplicating the work done in other bodies, especially in the sphere of human rights;

13.3. the current practice whereby members of the Congress participate in its activities at the Council of Europe's expense is difficult to justify and should be stopped.

14. The Assembly takes note that discussions are in progress about the holding of conferences of specialised ministers of the Council of Europe. In this context:

14.1. it reiterates its belief that specialised ministers, who deal directly with large numbers of societal problems, should play a more active role in defining the priorities of the Council of Europe. The conferences must above all meet a real political need;

14.2. it believes that the idea of organising sessions of the Committee of Ministers at the level of specialised ministers merits an in-depth examination;

14.3. it resolves to invite, when appropriate, specialised ministers of member states of the Council of Europe to address plenary sittings.

15. In the context of the consideration of the reform of the Forum for the Future of Democracy, the Assembly wishes to reiterate its proposal concerning the need to strengthen the Council of Europe's democracy pillar by grouping together the various relevant activities on this subject within a Strasbourg democracy forum, as a generic structure. It also expresses the wish that a new youth parliament might be convened in Strasbourg in the framework of this forum, in association with the European Parliament, without setting up a new structure.

16. The Assembly draws attention to the need for the Council of Europe to ensure synergy between decision makers at the highest level, citizens and civil society.

17. The entry into force of the Lisbon Treaty has brought new opportunities for strengthening the partnership between the Council of Europe and the European Union, and has opened up the prospect of accession by the European Union to the European Convention on Human Rights, as well as to other Council of Europe conventions and mechanisms. In this context, the Assembly:

17.1. strongly encourages the European Union to take full advantage of these opportunities so as to move towards a truly united Europe on the basis of the same values and drawing on the same standards;

17.2. suggests that a detailed study be conducted on the division of competences between the Council of Europe and the European Union, as well as other major European organisations;

17.3. emphasises that a veritable strategic partnership between the European Union and the Council of Europe should be an important element of the latter's reform and calls on the Secretary General to work to this end;

17.4. for its part, resolves to increase substantially its co-operation with the European Parliament, *inter alia* through the informal joint European Parliament/Parliamentary Assembly body which is to be established to co-ordinate the communication of information, particularly in the context of the accession of the European Union to the European Convention on Human Rights;

17.5. emphasises the benefits which may also come from closer relations between the political groups of the two European parliamentary assemblies.

18. The Assembly reiterates its firm intention to follow closely the next phases of the Organisation's reform and to make an even greater contribution, through all its activities, to ensuring that the Council of Europe remains a reference institution in its fundamental fields of competence and a driving force for multidimensional pan-European co-operation in other sectors of its activities.

19. The Assembly resolves to examine, periodically and in detail, the Council of Europe's activities and programmes in order to assess their political relevance, and requests to be consulted on the choice of priorities as well as on decisions not to renew certain activities.