



Recommendation 2140 (2018)¹

Unlimited access to member States, including “grey zones”, by Council of Europe and United Nations human rights monitoring bodies

Parliamentary Assembly

1. The Parliamentary Assembly recalls its [Resolution 2240 \(2018\)](#) on unlimited access to member States, including “grey zones”, by Council of Europe and United Nations human rights monitoring bodies.
2. The Assembly calls on the Committee of Ministers to hold an urgent discussion whenever a Council of Europe human rights monitoring body is denied access, or allowed access only on conditions that are politically unacceptable or incompatible with the body’s mandate, to all or part of a member State’s territory. Such a discussion should aim at finding rapid, effective solutions to such situations, where appropriate by applying diplomatic pressure on the responsible authorities, including, where applicable, through the State exercising effective control over a territory and its *de facto* authorities.
3. The Assembly also calls on the Committee of Ministers to consider the introduction within the Council of Europe of a presumption that all member States consent to visits by Council of Europe and United Nations human rights monitoring bodies in circumstances where there is reason to believe that there are serious violations of fundamental human rights and dignity such as threats to life, torture, inhuman or degrading treatment or denial of basic humanitarian needs. Such a presumption could be rebuttable in exceptional circumstances, for instance where denial of access is necessary for reasons relating to national defence, public safety or serious local public disorder. It would, however, be for the State concerned to raise such objections upon being informed of a monitoring body’s intention to visit in circumstances that invoke the presumption of consent.
4. The Assembly further calls on the Committee of Ministers to undertake a detailed, systematic review of the state of co-operation between Council of Europe and United Nations human rights monitoring mechanisms, in co-operation with the United Nations, with a view to enhancing co-ordination and maximising synergies. Such a review should include exploration of the possibilities for reinforcing the overall human rights monitoring of “grey zones” (States’ territories that are under the control of *de facto* authorities) within Council of Europe member States, including through joint activities of bodies responsible for monitoring comparable human rights issues, whilst respecting the particularities of those bodies’ mandates, composition, structures and working methods. This review could also engage with relevant monitoring mechanisms of other international organisations, including the Organization for Security and Co-operation in Europe.

1. *Assembly debate* on 10 October 2018 (33rd Sitting) (see [Doc. 14619](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Frank Schwabe). *Text adopted by the Assembly* on 10 October 2018 (33rd Sitting).

