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

Reply to Recommendation¹: Recommendation 2140 (2018)
Committee of Ministers

1. The Committee of Ministers informs the Parliamentary Assembly that the following reply was adopted by a majority as provided by Article 20 (d) of the Statute.
2. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2140 \(2018\)](#) on “Unlimited access to member States, including ‘grey zones’, by Council of Europe and United Nations human rights monitoring bodies”.
3. The Committee of Ministers recalls that the Council of Europe’s treaties are applicable on the whole territory of each Contracting Party. In particular, all Council of Europe member States are legally bound to guarantee, not only in theory but also in practice, the rights and freedoms protected by the European Convention on Human Rights to all individuals in accordance with Article 1 of the Convention.
4. It is a core task of the Council of Europe to promote and protect the fundamental rights of all individuals in Europe. The Committee of Ministers highlights in particular the role played by the European Court of Human Rights, the Secretary General, the Commissioner for Human Rights as well as the relevant Council of Europe monitoring bodies.
5. As expressed in the Declaration adopted on the occasion of the 70th anniversary of the Council of Europe at the 129th Ministerial Session in Helsinki, on 17 May 2019, the Committee of Ministers remains concerned by confrontations and unresolved conflicts that affect certain parts of the continent, and member States shall work together for reconciliation and political solutions in conformity with the norms and principles of international law.
6. At its 129th Session, the Committee of Ministers considered the report of the Secretary General “Ready for future challenges – Reinforcing the Council of Europe” and, taking into account the human rights issues at stake and the particular characteristics of each conflict, it reiterated the fundamental role of the Commissioner for Human Rights, as laid out in Resolution [Res\(99\)50](#), who shall have full and free access to all member States. In addition, the Committee of Ministers, referring to Article 3 of the European Convention on Human Rights, underlining the essential role of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), also in emergency situations, recalled that the CPT shall have unlimited access to places where persons are deprived of their liberty, including the right to move inside such places without restriction and the right to interview in private persons deprived of their liberty. Having examined the follow-up to be given to these decisions, the Ministers’ Deputies agreed at their 1347th meeting to forward them to the Commissioner for Human Rights and the CPT for consideration.

1. Adopted at the 1364th meeting of the Ministers’ Deputies (15 January 2020).



7. Also, in its decision on “Securing the long-term effectiveness of the system of the European Convention on Human Rights” adopted at its 129th Session, the Committee of Ministers noted with concern that the Convention system continues to face significant challenges, linked to several factors including the situation in unresolved conflict zones.

8. Moreover, the Committee examines the situation of applicants affected by unresolved conflicts in connection with its supervision of the execution of judgments of the European Court of Human Rights. In this context, the Committee of Ministers recalls that the Court has the possibility, in accordance with Article 38 of the European Convention on Human Rights, to undertake investigations with a view to establishing the facts. It is further recalled that on 30 May 2018, to follow up the Copenhagen Declaration and the 128th Session of the Committee of Ministers, the Ministers’ Deputies invited the CDDH “to include in its report, ‘Contribution to the evaluation provided for by the Interlaken Declaration’, which is expected by the end of 2019, (...) iii) proposals on ways to handle more effectively cases related to inter-State disputes, as well as individual applications arising out of situations of inter-State conflict, without thereby limiting the jurisdiction of the Court, taking into consideration the specific features of these categories of cases, *inter alia* regarding the establishment of facts”.

9. The Committee of Ministers will continue to follow closely this matter.