



Resolution 2041 (2015)¹

Final version

European institutions and human rights in Europe

Parliamentary Assembly

1. The Parliamentary Assembly recalls its previous resolutions and recommendations concerning co-operation between the European Union and the Council of Europe, in particular [Resolution 2029 \(2015\)](#) on the implementation of the Memorandum of Understanding between the Council of Europe and the European Union, [Recommendation 2027 \(2013\)](#) on the European Union and Council of Europe human rights agendas: synergies not duplication, [Resolution 1836 \(2011\)](#) and [Recommendation 1982 \(2011\)](#) on the impact of the Lisbon Treaty on the Council of Europe and [Resolution 1756 \(2010\)](#) and [Recommendation 1935 \(2010\)](#) on the need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights.

2. The Assembly reaffirms that the European Convention on Human Rights (ETS No. 5) is the cornerstone of the human rights protection system in Europe and that any duplication of work in this area should be avoided.

3. The Assembly considers that the obstacles identified by the Court of Justice of the European Union in its Opinion 2/13 must be overcome as soon as possible, in line with the political commitments made by all sides, as also reflected in the Lisbon Treaty.

4. The Assembly notes that, since the entry into force of the Lisbon Treaty, the European Union has expanded its activities in areas traditionally covered by the Council of Europe, especially in the field of justice and home affairs, and it has taken various initiatives and action to promote and ensure respect for democracy, human rights and the rule of law, both inside and outside the European Union. This creates risks of overlap and unnecessary duplication of work, and even double standards, but also opportunities for co-operation and synergies.

5. The Assembly welcomes the synergies which have been developed recently between European Union and Council of Europe bodies, such as between the European Commission and the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) on the European Union Justice Scoreboard. It also welcomes the good co-operation with the European Union Fundamental Rights Agency.

6. The Assembly welcomes the increased commitment of the European Union to the core values common to both organisations – democracy, human rights and rule of law – and its efforts to strengthen its capacity to protect these values in its member States, as summed up in the European Commission Communication “A new EU Framework to strengthen the Rule of Law” of March 2014. It welcomes the European Union's willingness to make use of the Council of Europe's expertise in implementing this framework.

7. In view of the above, the Assembly invites the European Union to:

7.1. resume, without delay, negotiations on the accession of the European Union to the European Convention on Human Rights in light of Opinion 2/13 of the Court of Justice of the European Union and give high political priority to this issue;

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 6 March 2015 (see [Doc. 13714](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Michael McNamara).*

See also [Recommendation 2065 \(2015\)](#).



7.2. continue to explore, in a regular and structured way, possible synergies with the Council of Europe and to make use of the expertise of the latter's institutions and bodies, including the European Commission for Democracy through Law (Venice Commission), the Commissioner for Human Rights, the Parliamentary Assembly and relevant monitoring mechanisms;

7.3. in following up the European Commission's proposal "A new EU Framework to strengthen Rule of Law", inform the Council of Europe's relevant bodies of any subsequent developments and/or of other similar initiatives in this area and make use of its expertise, in particular as regards defining criteria for the existence of "systematic threats" to the rule of law;

7.4. continue to scrutinise its draft legislation to ensure its compatibility with its Charter of Fundamental Rights and make sure that all European Union institutions participating in the legislative process are involved in this scrutiny;

7.5. continue to protect and promote human rights in its external policies and, when so doing, make use of the expertise of the relevant Council of Europe bodies.

8. The Assembly also invites those member States of the Council of Europe which are also member States of the European Union to:

8.1. exercise their influence to re-open as rapidly as possible the negotiations on European Union accession to the European Convention on Human Rights and to give high political priority to this process;

8.2. exercise their influence in such a way as to avoid any unnecessary duplication of work in the field of democracy, human rights and the rule of law.

9. The Assembly is concerned about the lack of transparency of the decisions and actions of the European Commission and the European Central Bank taken in the context of dealing with the consequences of the economic and financial crises and of imposing austerity measures on certain member States that belong to the eurozone and that benefit from the European Union's financial aid. It is also concerned about the lack of democratic accountability of the recently established European Stability Mechanism. Referring to its [Resolution 1884 \(2012\)](#) on austerity measures – a danger for democracy and social rights and its [Resolution 2032 \(2015\)](#) on equality and the crisis, the Assembly reiterates its concerns about the impact of such measures on social and economic rights and the principle of equality.

10. The Assembly therefore calls on the European Union and its member States to:

10.1. assess the social impact of the austerity measures imposed on member States that belong to the eurozone and that receive financial assistance from European Union institutions (European Commission and European Central Bank) and/or the European Stability Mechanism;

10.2. ensure transparency and democratic and judicial control of decisions related to the conclusion of agreements on such financial assistance.

11. The Assembly also calls on member States to sign and/or ratify the European Social Charter (revised) (ETS No. 163), the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158) and the 1991 Protocol amending the European Social Charter (ETS No. 142, "Turin Protocol") which would allow for the election of the 15 members of the European Committee of Social Rights by the Parliamentary Assembly, if this has not yet been done, and implement the decisions of the European Committee of Social Rights, where applicable.