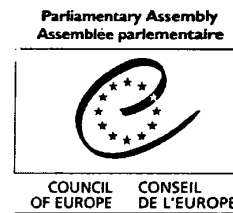


Parliamentary Assembly Assemblée parlementaire



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The Third Summit

Report
Political Affairs Committee
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Summary

The Third Council of Europe Summit of Heads of State and Government, which will be held in Warsaw on 16-17 May 2005, is expected to address the challenges which Europe will face in the forthcoming years. It should also position the Council of Europe in the European institutional landscape and provide it with a clear plan of action.

The Parliamentary Assembly recommends to include on the Summit's agenda a number of issues which it considers of utmost relevance and importance for the Council's future action with a view to building a democratic, united Europe without dividing lines.

I. Draft recommendation

1. The Parliamentary Assembly welcomes the Committee of Ministers' decision to hold the Third Council of Europe Summit of Heads of State and Government in Warsaw on 16-17 May 2005, at the invitation of the Polish Government. It recalls that the two previous Summits have been a main thrust in the process of integration of the European continent and a number of crucial decisions have been taken on such occasions.
2. The decision to convene the Summit is justified. The objectives set by the First Summit in Vienna in 1993, namely "bringing together on an equal footing and in permanent structures all European countries meeting requirements of democracy, the rule of law, and respect for human rights" has effectively been accomplished.
3. The mandate given by the Second Summit held in Strasbourg in 1997, "strengthening democratic stability in the member states and setting up mechanisms for monitoring procedures of compliance with membership's obligations and commitments undertaken upon accession", has also been implemented and relevant mechanisms are operational.
4. The Third Summit taking place in a changing Europe should address the challenges which Europe will be facing and underscore the Council of Europe's relevance for the continent. It should provide the Organisation with a clear political mandate for the coming years and position it in the European institutional landscape. It should also commit sufficient resources to carry out this mandate.
5. The date of the Third Summit symbolically coinciding with the 60th anniversary of the end of the Second World War and the 15th anniversary of the beginning of democratic transformation in Central and Eastern Europe, thus provides a timely opportunity to stress the unity of Europe based on shared values without dividing lines.
6. These common values concern, first and foremost, human rights, democracy and the rule of law. Promoting and ensuring respect of these values in Europe is the core statutory mission of the Council of Europe which remains as relevant today as it was in 1949. The Summit should reaffirm the commitment of all member states to these common values and recognise that they are the areas of excellence of the Organisation, as reflected in the unique role it plays on the Continent in the fields of standard-setting, monitoring, awareness-raising and assistance to member states. In view of continuing challenges to these values – of which terrorism is a prominent example – this role needs to be strengthened further and more resources need to be made available for it. The core mission of the Council of Europe cannot be dissociated from important areas such as social cohesion and culture in the broad sense (including education, heritage, arts, science, media, youth and sport) as well as migration and demographic change.
7. It is particularly important to avoid any form of division between "old" and "new" member states of the Council of Europe. The same standards should be applied to and implemented by all member states.
8. A codex of key Council of Europe conventions should be elaborated. It should contain concrete deadlines for signature or ratification by those countries which have not done so before the Summit. The various monitoring procedures should be reviewed in order to apply them in a comparable and transparent manner to all member states and their results should be brought together in a comprehensive manner.
9. The Council of Europe's assistance programmes should be based on the conclusions of these monitoring procedures and integrated in its intergovernmental work programme; they should be transparent and available to all member states.
10. The promotion of pluralist democracy, which includes involving the civil society and monitoring the state of democracy in Council of Europe member states, should remain one of the main objectives of the Organisation's action. An independent body should be set up whose task would consist of evaluating the state of democracy in the member states, publishing reports on a regular basis and proposing measures to be taken.

11. The geographical enlargement, including the long-term perspective, and the increase in the range of activities and competences of the European Union, carry important consequences for the European institutional architecture. The unique position of the Council of Europe as the only strictly pan-European organisation provides an exceptional opportunity for strengthening political dialogue between the European Union member and non-member states on the basis of common values partnership and mutual interest.

12. The European Union should consider the Council of Europe as a privileged framework to develop and implement its neighbourhood policy with its partners. In addition, to promote the creation of a single European legal space, the European Union should be invited to accede to all Council of Europe Conventions open to it. The Council of Europe should also establish appropriate instruments to enable the European Union to accede to other conventions, such as the European Cultural Convention.

13. The Assembly welcomes the recent discussions between the Council of Europe and the OSCE aimed at enhanced co-operation and co-ordination between both Organisations but stresses the importance of closely involving the Parliamentary Assemblies of both Organisations. The Assembly reiterates its support for the adoption of a Memorandum of Understanding based on these principles.

14. The action of the Council of Europe aimed at strengthening democracy and human rights as well as linguistic and cultural diversity and social cohesion corresponds to the innovative promotion of human security, an essential concern of the United Nations. Moreover, many of its activities such as those on national minorities and promoting intercultural and interreligious dialogue are essential to conflict prevention. Consequently, the Council of Europe should declare itself willing to act as a regional organisation within the meaning of Chapter VIII of the United Nations Charter and its specialist organisations.

15. Moreover, the Organisation's action should be oriented in a way to develop partnerships with the countries of Europe's immediate neighbourhood with a view to pursuing common goals and fruitful co-operation on all matters within the competence of the Council of Europe.

16. The Assembly is convinced that the Third Summit will give fresh political impetus to the Organisation. The Assembly presents this contribution for the general reflection on the content and possible results of the Summit and expects that its recommendations will be reflected in the final documents of the Summit.

17. The Assembly calls on national parliaments of Council of Europe member states to organise debates on the Third Summit in order to give political impetus to the run-up to the Summit and to ensure that the Summit generates the necessary political impact.

18. The Assembly recommends that the Committee of Ministers include the following elements for consideration by Heads of State and Government:

i. in the draft Declaration:

a. affirm the unity of Europe as embodied by the Council of Europe based on shared values to which human rights, democracy and rule of law are central and which also find expression in the areas of social cohesion and cultural co-operation;

b. express the desire to preserve and reinforce the unique position of the Council of Europe in the European institutional architecture on account of its excellence and unparalleled mechanisms in the area of the promotion and protection of human rights, first and foremost the European Court of Human Rights;

c. strengthen the Council of Europe's convention system by the establishment of a codex of key conventions and by setting deadlines for their ratification by all Council of Europe member states which have not yet done so;

d. emphasise the importance of the promotion and observance of basic democratic principles and guidelines which may enable better functioning and development of democratic institutions and civil society burdened by new difficult tasks and challenges. Their point of reference should be first of all the citizen. These principles are especially centred on:

- A. freedom of association,
- B. the decentralisation of power and strengthening of regional and local government,
- C. the new orientation of political parties which should in their electoral efforts base themselves on co-operation and support of civil society,
- D. equal participation of women and men in decision-making,
- E. freedom of expression and independent and responsible media,
- F. a coherent system of civic education,
- G. an institutionalised system of checks and balances of powers, including through independent courts;

e. declare the resolve of the Council of Europe member states to strengthen human rights protection and the fight against all forms of racism, xenophobia and discrimination; in this context, welcome the entry into force, on 1 April 2005, of Protocol No. 12 to the European Convention on Human Rights containing a general prohibition of discrimination and call on all member states who have not yet done so to sign and ratify this Protocol;

f. include a strong commitment to the effect that the Committee of Ministers must fully assume its political responsibility for contributing proactively to the solution of human rights problems in member states, alongside the Parliamentary Assembly's efforts in this field, and for ensuring political support and follow-up to the work of the independent human rights mechanisms;

g. make the commitment to continue to fight against all forms of violence, including domestic violence;

h. apply the same standards to all member states, in particular with regard to the monitoring mechanisms and procedures and ensure that they are implemented by all;

i. include a solemn commitment by member states to resolve existing conflicts between them and within their borders by peaceful means, in accordance with Council of Europe values and the United Nations Charter;

j. reaffirm that education for democratic citizenship based on the rights and responsibilities of citizens and the values of the Council of Europe will remain a priority for the Organisation's future activities;

k. commemorate formally the sufferings of many Europeans resulting from forced population movements and ethnic cleansing during the last century with a decision in principle to create a centre of European remembrance for the victims of such evils;

ii. in the Plan of Action, the Summit should:

a. confirm the Council of Europe's unique mission to achieve greater unity between European states through the promotion and protection of common values, first and foremost those of human rights, democracy and the rule of law, in a collective framework where all the democratic countries of Europe are united, co-operate on an equal footing and are equally accountable; to this end, commit the member states to:

A. strengthening the role and capabilities of the Council of Europe in general in its core areas of excellence, notably the promotion and protection of human rights, whilst recognising that the further realisation of a common democratic and legal space where these shared values flourish also depends on the targeted contribution of Council of Europe activities in the areas of social cohesion, cultural co-operation and the promotion of cultural diversity and intercultural and interreligious dialogue, as well as equality between women and men, in particular via gender mainstreaming;

B. more specifically, through budgetary and other measures, firstly, strengthening further, and enhancing the synergies between, the Council of Europe's unique mechanisms for the protection and monitoring of human rights, including social rights and minority rights, as well as the fight against racism and intolerance, with the European Convention on Human Rights (ECHR) and the European Court of Human Rights as the Organisation's paramount achievement; secondly, initiating a Europe-wide programme to promote professional training so as to improve further the implementation of European human rights standards at the national level and thereby, in particular, relieve the excessive workload of the Court; and thirdly implementing fully and without delay the broad package of ECHR reform measures adopted in May 2004 and ratifying Protocol No. 14 as a matter of urgency;

C. using more fully the Organisation's potential as a framework for developing collective responses to new challenges, including action against terrorism including its financing and responses to challenges resulting from the growing cultural diversity of European societies which require a strong affirmation of the values of the Council of Europe and co-operation to promote their concrete translation into national policies. On the first point, the Assembly expects the Summit to charge the Council of Europe with preparing a comprehensive anti-terrorism convention and other measures designed to counter the terrorist threat. To this end, the Summit could adopt a special statement, supplementing the Political Declaration and the Plan of Action;

b. clearly define the Council of Europe's position in the European architecture and the procedures governing its co-operation with the European Union, the OSCE, NATO, the United Nations and its subsidiary bodies and sub-regional mechanisms, including by a commitment to strive to ensure that the action of partner organisations complements and does not duplicate that which forms part of the core mission of the Council of Europe;

A. the Summit should take a decision in principle to hold a European Summit in 2006-2007 involving all the European and Euro-Atlantic organisations. The aim of such a Summit could be to combine efforts to bring the European peoples closer together, to create a single area in terms of social welfare and economic prosperity, to improve general security across Europe and to make fuller and more consistent use of the opportunities afforded by a united Europe in resolving the common problems facing humanity;

B. in order to prepare the European Summit, a Committee of wise persons could be established with a wide mandate to provide the Council of Europe and partner organisations with advice concerning their own future development and a type of structured relationship between them necessary to acquire synergy and avoid duplication as well as overlapping of their activities while making optimum use of the complimentary nature of their work;

C. recommend the Council of Europe and partner organisations to fully exploit and reinforce the possibilities for communication and co-ordination with all institutions involved in the European construction process;

D. strengthen the Council of Europe's role as the forum in which all European nations have an opportunity to co-operate on an equal footing. It may assign the Council of Europe with new tasks of serving as the multilateral neighbourhood policy elaboration and implementation body and as a tool for fostering institutional ties between the European Union member and non-member countries and their integration in the fields of competence of the Council of Europe;

E. invite the European Union to accede to the Statute of the Council of Europe and to open an office in Strasbourg ensuring closer contact with the Council of Europe and take the necessary steps to allow for this;

F. propose the Parliamentary Assembly's inclusion, together with the European Parliament, in the Quadripartite meetings between the European Union and the Council of Europe;

- G. reinforce and rationalise co-operation and co-ordination between the OSCE and the Council of Europe, in the light of their specific tasks and respective advantages, so that the international community may convey consistent messages, drawing up for these purposes a general outline agreement;
 - H. update the 1952 co-operation agreement between the Council of Europe and Unesco to make the Council of Europe the regional organisation for cultural co-operation at both governmental and parliamentary levels;
 - I. support co-operation between European countries and other regions of the world, giving particular priority to the southern Mediterranean and Central Asia;
- c. emphasise the standard-setting activities of the Council of Europe and its work on normative instruments which, if ratified, would be equally binding on the European Union and non-member states of the European Union and – in light of the experience of the drafting process of the Council of Europe Convention on action against trafficking in human beings – re-examine the current and future modalities of negotiations on draft legal instruments, so that the two organisations' mutual goal of a common legal area fully respecting and promoting the human rights of all can be reached;
- d. create a European Migration Agency with the aim of defending human rights and dignity whilst monitoring all aspects of migration and the situation of migrants including a dialogue with non-member countries of the Council of Europe (Assembly Recommendation 1655 (2004))
- e. define for the Council of Europe new priority areas of standard-setting, reflecting the changing needs, new issues facing the continent of Europe and indispensable strengthening of democratic institutions. The standard-setting work should particularly apply to:
- A. improvement of application by model guidelines of such democratic instruments as petitions, popular initiatives and referendums in particular at local level as well as rules of procedure for parliamentary bodies and methods of parliamentary consultations of the public;
 - B. protection of good practice in activities of political parties by the elaboration of a Code of Good Practice for them and guidelines on how political parties could be financed;
 - C. questions of internal security, co-operation between police forces and judicial bodies, migration control and visa-free travel;
 - D. ensuring economic freedoms common to the Greater Europe – freedom of movement of labour, goods, services and capital – on a Europe-wide scale and promoting policies to foster economic growth to improve Europe's competitiveness in a globalised economy.
 - E. protection of private property and reconciliation of the interests of the welfare state with those of the business community;
 - F. protection of the right to women's effective participation in elections by the elaboration of a charter for electoral equality, as recommended in Recommendation 1676 (2004) on women's participation in elections
- f. create an intergovernmental committee following the pattern of the Venice Commission or ECRI which would be asked to present reports on a regular basis and to propose measures to be taken with a view to promoting desirable reforms of democracy as well as monitoring the state of democracy in Council of Europe member states.
- g. decide to conduct a pan-European campaign against domestic violence in 2006, in co-operation with European and national players such as the European Commission, the European Parliament, associations and NGOs, as recommended in Assembly Recommendation 1681 (2004) on a campaign to combat domestic violence against women in Europe

- h. continue the work arising from the Second Council of Europe Summit's "education for democratic citizenship" initiative and that planned under the umbrella of the 2005 European Year of Citizenship through Education. Education should make a significant contribution to European integration and democratic development. A European framework convention should be drawn up on education for democratic citizenship and human rights. This should clarify the principles of democratic citizenship, and its lifelong learning aspects and practice, and stress the need for a more organic relationship of the schools system with NGOs and local government;
- i. declare the willingness to co-operate with and make its expertise available to other international organisations which wish to create similar structures in other parts of the world;
- j. consider whether the time is now ripe for the Council of Europe, as a pan-European forum, to play a decisive role in the domain of economic co-operation, including in the intergovernmental field, in joint projects with the United Nations and its subsidiary bodies and in conformity with the Council of Europe's statutory mandate to facilitate the "economic and social progress" of its members and the calls made in Assembly Resolutions 995 (1993), 1036 (1994) and 1052 (1995);
- k. strengthen the country by country and thematic monitoring procedures used by the Council of Europe to ensure that states honour the commitments entered into and the obligations arising from membership of the Organisation and in particular put the emphasis in monitoring on the exchange of information on positive experiences and making maximum use thereof;
- l. whilst welcoming the significant progress in complying with Council of Europe standards made since the Second Summit and at the same time recognising that there still remains a need, notably but not exclusively for the benefit of newer member states, for country-specific assistance programmes and activities, take the decision to evaluate more systematically the effective use made by beneficiary countries of the assistance provided and to ensure, more generally, that assistance is provided in the light of objective needs, notably those identified in the framework of the monitoring mechanisms of the Council of Europe, including the human rights mechanisms; in this context, the importance of multilateral, intergovernmental co-operation as a tool for promoting Europe-wide implementation of existing and developing standards should also be underlined;
- m. recognise the particular significance for the European Court and the entire pan-European system of human rights protection of the European Union's accession to the European Convention on Human Rights which would ensure a unified policy of human rights across Europe;
- n. welcome, therefore, the recent adoption of, on the one hand, the Constitutional Treaty by the European Union and, on the other, Protocol No. 14 to the ECHR by the Council of Europe as the strongest expression to date of the political commitment on both sides towards EU accession to the ECHR and, accordingly, call on the EU to prepare, together with the Council of Europe, the necessary legal measures with the aim of ensuring that the EU's accession can take place immediately after entry into force of the Constitutional Treaty, whilst ensuring that the essential features of the ECHR control system will also apply to the EU once it is a Contracting Party;
- o. reorganise the institutional system of the Council of Europe and to strengthen all its main bodies, and in particular:
 - A. reinforce the Parliamentary Assembly and provide it with the right to initiate legislation and in particular to submit to the Committee of Ministers for consideration or joint discussion draft normative instruments prepared by the Assembly or at its request. The Assembly should be much more involved in the standard-setting process. It should also be provided with sufficient resources to enable it to actively engage in dialogue with national parliaments;
 - B. the work of the Council of Europe's Committee of Ministers needs to be much more open and transparent. Its agenda should be drawn up in such a way as to make it interesting and appealing to the media. The Committee of Ministers' relations with the media should be overhauled and the meetings of specialised ministers should be far more frequent and the discussions more intense. Ideally, concrete decisions should be submitted to them for consideration and their work should be given much greater substance. The

practice of holding joint meetings between the Council of Europe's Committee of Ministers and specialised ministers from member states should be introduced. Such an arrangement would help generate synergies, encourage co-operation and stimulate the integration process on a Europe-wide scale;

C. better use the tremendous potential offered by the Congress of Local and Regional Authorities of the Council of Europe. The Summit could voice its support for the Congress as an effective champion of local self-government and a forum for discussing topical issues relating to local and regional development. The Congress should be entrusted with the task of implementing confidence-building measures and promoting inter-ethnic peace;

p. reconsider an initiative put forward a few years ago calling for the setting-up within the Council of Europe of a court of general jurisdiction. For the Council of Europe in its current form, such a proposal is of little relevance. With the sharp increase in the Council of Europe's standard-setting activities, the shift in focus to pan-European lawmaking and stocktaking of Council of Europe conventions and resolutions, however, the need for such a body is beginning to make itself felt;

q. promote a model for European society, and in particular:

A. draw up a European public service charter with standards guaranteeing citizens equal and free access to basic public services: education, health, transport, telecommunications;

B. draw up a European Convention on the civil service establishing standards relating to ethics and job security;

C. set up, in liaison with the European Union, a special programme to train and retrain university teachers to teach the standards of the Council of Europe, starting with a pilot project in the Russian Federation;

D. strengthen the Organisation's analytical and predictive role in the field of legal norms and social trends, in association with qualified personalities - economists, philosophers and sociologists renowned for their work on the new patterns of social life likely to emerge as a result of globalisation;

E. stress the importance of the promoting intercultural and inter religious dialogue and a constant struggle against xenophobia in Europe as well as additional efforts to integrate migrant workers in European society;

a. continue to assist member states in formulating and implementing a successful social cohesion strategy for the 21st century – with a specific focus on fight against poverty and precarious life-situations.

G. support the proposal by the intergovernmental sector of the Council to set up a "think tank" and expresses its wish to be involved in the activities of that group. This body should put forward a new vision for a socially cohesive Europe, and devise responses to such contemporary challenges as globalisation or population ageing – without losing the essential achievements of the European social economic model;

r. provide sufficient budgetary means for the proper implementation of the decisions and objectives agreed upon during the Summit.

II. Explanatory memorandum by Mr Konstantin Kosachev

I. Introduction: from the First to the Third Summit

1. The Rapporteur strongly believes that the Council of Europe was, and still is, the conscience of Europe, the custodian of its democratic values and traditions. The Council of Europe encompasses almost all the countries of Europe. It is designed to promote their greater unity, giving a pan-European dimension to the process of integration.
2. The Council's influence extends far beyond its borders. Numerous non-European countries gravitate towards it. The changes taking place both in Europe and elsewhere make no difference in this respect. The fact is that peoples, states and ordinary citizens all stand to benefit from a stronger, more efficient Council of Europe, closely attuned to their needs and requirements. The forthcoming Council of Europe Summit should be geared to these ends.
3. Meetings of Heads of State and Government, held on a regular basis, have long been a driving force in the development of the European continent. At the summits of the OSCE and NATO key decisions have been taken on issues facing their member States. Without annually held formal and informal summit meetings, the existence of the European Union would have been unthinkable. The Council of Europe's decision to convene a Third Summit is fully in line with this general trend. It is timely and justified, on condition of course that the agenda and fundamental summit documents are carefully prepared.
4. Following the Assembly's first proposal in January 1999, as well as Recommendation 1568 (2002), in November 2002 the Committee of Ministers took the decision of principle to hold a third Council of Europe Summit of Heads of State and Government. Since then, the venue and the dates of the Summit have been agreed, the ad hoc working party to prepare the Third Summit has been established, and much consideration has been devoted to the agenda and possible results of the Summit.
5. The Parliamentary Assembly has been sharing concern for the successful outcome of the Summit since the early stage of preparation. On the instruction of the Bureau, the Secretary General of the Parliamentary Assembly has transmitted to the Committee of Ministers the list of texts adopted by the Parliamentary Assembly (2000-2004) relevant to items proposed for discussion at the Summit (See Appendix). The present report will further seek to contribute in a substantial way to the general reflection on possible content and results of the Summit.
6. The Third Summit of Heads of States and Governments of the Council of Europe to be held in Warsaw on 16-17 May 2005, follows two others held in Vienna, in 1993, and in Strasbourg, in 1997.
7. The First Summit, which took place soon after the democratic changes in Central and Eastern Europe, 1993 had a tremendous impact on the development of the European continent. It paved the way for reform of the European Court of Human Rights and mandated the Council of Europe to develop instruments for protecting the rights of national minorities. Consent was effectively obtained for the Council to expand, thus changing the face of the European continent.
8. The results of the Second Council of Europe Summit held in Strasbourg in 1997 were no less momentous. The Second Summit outlined an Action Plan to strengthen democratic stability in the member states, set up mechanisms for monitoring procedures of compliance with membership's obligations and commitments undertaken upon accession, and gave a new impetus to human rights protection, including the decision to set up a Human Rights Commissioner for Europe.
9. The Third Summit of Heads of State and Government is likewise expected to produce clear, practical decisions. It must set the course for the future development of the Council of Europe, indicate how and in what direction the process of pan-European construction is to move in the years ahead and adapt the organisation itself, its working methods and agenda to the new requirements. The Council of Europe has a duty to help our countries and peoples respond to the new challenges facing them.

10. Major developments have taken place in the world since the First and the Second Summits. The European Union and the NATO have also increased their membership, changing drastically the political map of Europe. Continued globalisation has provided numerous new opportunities. At the same time, however, global problems including poverty, growing gap between the wealthy ones and the poor ones, bad governance, bloody internal and international conflicts remain unsolved and their number has been increasing.
11. The entire democratic world has come up against enormous problems of extreme complexity and intensity. These problems require firm joint and co-ordinated action. There can be no monopoly of truth and infallibility. We do not have the right to adopt unilateral or self-interested approaches. Together, without exception, we must join forces to combat international terrorism, which has acquired shocking new forms in recent years. Dialogue between civilisations has to be backed up by co-ordinated action against the extremist forces that stir up war among themselves. Astute and adept efforts are needed to resist organised crime, drug trafficking, new-generation pandemics and epidemics, reckless destruction of the environment and the moral, ethical and aesthetic decline of humanity.
12. In the coming years Europe will have to prove again and again that its model of socio-economic development, based on the ideals of freedom, democracy and protection of human rights, is preferable. In economic competition with the American colossus and the rapidly developing countries of South East Asia, it is important for it to achieve a high level of competitiveness, without foregoing social and democratic achievements. To do this, we need to pool our resources and potential. What is needed is a political culture, common to the whole of Europe and not just individual parts thereof, based on mutual respect, equality, joint solution seeking and conscientious fulfilment of any agreements entered into. It is important to speed up the process of building a common European legal, human rights and democratic area and no less important to firmly underpin it with comprehensive economic co-operation and economic freedoms, such as the freedom of movement of workers, goods, services and capital.
13. Another question which needs to be considered by the Summit has to do with the future construction of Europe itself. In view of the enlargement of the European Union, the Council of Europe is called upon to play a determining role in ensuring that Europe evolves into a continent without dividing lines. The Council of Europe must not only serve as a bridge between the European Union and the rest of Europe, it must also become an instrument for genuine unity, by creating a continent-wide legal, human rights, cultural and educational area. It can make a substantial contribution to the legal framework for creating a common market stretching from the Atlantic to Vladivostok. The forthcoming Summit must take account of this.
14. The Council of Europe's future activities must also, however, reflect the fact that the process of democratising and modernising eastern Europe that began in the 1990s is now largely complete. The Council of Europe has fulfilled its mission of assisting the new democracies in the implementation of European standards. Now the European Court of Human Rights can continue what has been started, in the usual manner, deploying its characteristic legal and technical methods. The Council of Europe needs to seek new directions. It is important for it to identify new working methods, while at the same time giving greater emphasis to those it has so widely and successfully used in previous decades.
15. The Rapporteur hopes that the summit of heads of state and government will define these problems clearly and precisely and come up with a forward-looking programme of measures to enable the Council of Europe to tackle them. The Council of Europe faces greater challenges today. They require fresh thinking on resources and long-term goals, on the role it should play in promoting a model of society for Europe in the 21st century. Such thinking is expected from the Third Summit.
16. The Political Declaration must set out the strategic and, at the same time, fairly specific tasks to be undertaken by the Council of Europe in order to achieve the broad aim of building a Europe without dividing lines. The Plan of Action should identify the ways and means of accomplishing individual tasks. In the Assembly's view, it is essential that overall, the Council of Europe be provided with a well-balanced set of goals and mechanisms for achieving them.

II. The Summit of European unity

17. The countries of Europe and the entire democratic world have come up against enormous problems of extreme complexity and intensity. These problems require firm joint and coordinated action. There can be no monopoly of truth and infallibility. We do not have the right to take unilateral and self-interested approaches. Dialogue between civilisations has to be backed up by the combating of extremist forces that stir up war between them.

18. The date of the Summit symbolically coincides with two events which have marked the modern history of Europe: the 60th anniversary of the end of the Second World War, and the 15th anniversary of the beginning of democratic transformation in Central and Eastern Europe. The Council of Europe, as the only strictly European Organization whose membership is based on acceptance of certain principles and values, is well placed to promote democratic stability and unity throughout the continent. The Third Summit provides an excellent opportunity for all Council of Europe member States to reaffirm their commitments to building one Europe without dividing lines.

19. In the coming years Europe will have to prove again and again that its model of socio-economic development, based on the ideals of freedom, democracy and protection of human rights, is preferable. In economic competition with other rapidly developing regions of the world it is important for it to achieve a high level of competitiveness without foregoing social and democratic achievements. To do so we need to unite our resources and potential.

20. It is necessary to form a political culture, general to the whole of Europe and not just individual parts of it, of mutual respect, equality, common seeking of solutions and conscientious fulfilment of the tasks agreed upon. It is important to accelerate the construction of a common European legal, human rights and democratic area and no less important to firmly underpin it with comprehensive economic co-operation and economic freedoms, such as the freedom of movement of workers, goods, services and capital.

21. It is planned that along the lines of the two previous events, the Third Summit will adopt a political Declaration setting out a coherent project for the European continent, a Plan of Action identifying specific new tasks to be undertaken in the forthcoming years, a chapter defining relations with main partners and neighbours. Side events might include opening for signature of a legal instrument.

III. Plan of action for the years to come

22. The Rapporteur is of the opinion that terrorism in its different forms will remain one of the most urgent and important issues on the international agenda. The Council of Europe, being a pan-European organization, should to play a crucial role in the international co-operation aimed at combating terrorism. The Summit provides a good opportunity to stress the Council's role in this area, and to agree on the main lines of the future action.

23. Once again, standard-setting through work on regulatory instruments that would be binding on both the European Union and eastern Europe alike has to be of paramount importance in the Council of Europe's activities for the Summit of Heads of State and Governments of member States. These instruments need to ensure the rapprochement, harmonisation, unification and compatibility of domestic legislation on the scale of the continent.

24. Furthermore, as a follow up to previous Assembly work on democratic institutions, recommendations could be made to the Committee of Ministers for the Third Summit to adopt concrete measures aimed at promoting desirable models of democracy and monitoring the state of democracy in Council of Europe member states. These measures might include the creation of a special (intergovernmental) committee following the pattern of the ECRI for example, which would be asked to present reports on a regular basis.

25. In addition to preparing conventions and creating the corresponding structures, the Council of Europe could take on the task of devising model laws and law codes, codes of ethics, self-regulatory instruments etc. A codex of Council of Europe core conventions could be elaborated. The Council of Europe has the necessary highly qualified staff concentrated within its secretariat, and a broad network of European experts working with it. The Council has accumulated considerable experience in this area.

26. Moreover, it would be worth giving some thought to how the Council could benefit, in its standard-setting work, from the possible support of the public services of the European Union and other organisations in Europe. There are already examples of this. Such an approach would enable the European Union and the remaining part of Europe to work together on future standard-setting instruments of pan-European scope and significance.

IV. Relations with main partners and neighbours

27. Since 1 May 2004, the European Union has encompassed 25 Council of Europe member States. In two years' time that number will grow to 27, and the enlargement process will clearly not stop there. Further additions could be certain small States maintaining particularly close relations with the European Union. Before our very eyes the Council of Europe is turning into an organisation made up of the EU area plus eastern Europe and Transcaucasia. This is bound to have a massive impact on its functioning.

28. The geographical enlargement (including the long-term perspective) as well as increase in the range of activities and competences of the European Union imply important consequences for the European institutional architecture in general, and for the Council of Europe in particular. It is in the Council's own interest to clearly define its mandate and its relations with other European organizations in order to avoid duplication and unnecessary overlapping of activities.

29. *Partnership between the Council of Europe and the European Union*

- a. strengthening political dialogue within the Council of Europe, particularly between member states on the one hand and non-member states of the EU on the other;
- b. inviting the EU to start work with the Council of Europe with a view to the EU's accession to the European Convention of Human Rights;
- c. inviting the EU to consider the Council of Europe as a unique framework to develop and implement its neighbourhood policy with its partners ;
- d. inviting the EU to make better use of specialised CoE bodies like European Commission for Democracy through law (Venice Commission), European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Group of States against Corruption (GRECO) or European Commission against Racism and Intolerance (ECRI);
- e. instructing the Committee of Ministers to negotiate an agreement on setting up improved channels of communication with all EU institutions, and in particular to arrange for a permanent presence of EU Commission in Strasbourg;
- f. instructing the Committee of Ministers to step up project co-operation;

30. *Complementarity with the OSCE*

- a. agree on the enhanced co-operation and coordination with the OSCE, fully associating the PACE and the OSCE Parliamentary Assembly, and to instruct the Committee of Ministers to endorse it in a Memorandum of Understanding;

31. *Relations with CoE neighbouring countries*

- a. expand relations with the countries of the Mediterranean and Central Asia with a view to institutionalizing them on the basis of common goals;
- b. intercultural dialogue

32. Relations with new democracies

- a The activity of the Council of Europe has to be considered in terms of the future and the fact that the process of democratisation and modernisation of eastern Europe that began in the 1990s is on the whole complete. The Council of Europe has fulfilled its mission of assisting the new democracies in the implementation of European standards. Now the European Court of Human Rights can continue what has been begun in the usual manner, deploying its characteristic legal and technical methods. The Council of Europe needs to seek new directions. It is important for it to identify new working methods, while also laying heavy emphasis on those it has so widely and successfully used in previous decades.
- b The forms of monitoring used by the Council of Europe concerning the honouring by States of the obligations entered into and arising from their membership of the Organisation are losing their effectiveness. They create a false picture of a two- or three-speed Europe. There is too much parallelism, duplication, politicisation or focus on minor issues. The Summit could make a decisive step towards rationalising monitoring, giving it a coordinated and more technical approach and subordinating it to the Council of Europe's standard-setting and preparatory work.
- c The Summit must consider whether programmes of technical assistance to new democracies as they now stand should be abolished or changed. They must be made substantially more effective, made fully transparent and geared to involving all Council member countries in their implementation. Programmes of assistance must therefore be integrated into the Council's collegial forms of work. One good example is the Venice Commission, whose expert appraisals are open, public and accessible to all, as are the allocation of tasks between those responsible for the expert appraisals and discussion of the findings in plenary sessions with the participation of representatives of the interested parties.

V. Debates in the national parliaments

33. In order to ensure the political importance of the decisions to be taken at the Summit, and to ensure that the Summit generates the necessary political interest, the Rapporteur proposes that following the debate in the Assembly, national delegations arrange for debates in their own parliaments.

APPENDIX ¹

List of texts adopted by the Parliamentary Assembly (2000-2004) relevant to items proposed for discussion at the third Summit of the Council of Europe

I. Fighting terrorism

Recommendation 1534 (2001), Resolution 1258 (2001): Democracies facing terrorism;

Recommendation 1549 (2002): Air transport and terrorism: how to enhance security?;

Recommendation 1584 (2002): The need for intensified international co-operation to neutralise funds for terrorist purposes;

Recommendation 1550 (2002), Resolution 1271 (2002): Combating terrorism and respect for human rights;

Recommendation 1644 (2004): Terrorism: a threat to democracies;

Resolution 1367 (2004): Bio-terrorism: a serious threat for citizens' health;

II. Ending trafficking of human beings and organs

Recommendation 1526 (2001): A campaign against trafficking in children to put a stop to the east European route: the example of Moldova;

Recommendation 1545 (2002): Campaign against trafficking in women;

Resolution 1337 (2003), Recommendation 1610 (2003): Migration connected with trafficking in women and prostitution;

Recommendation 1611 (2003): Organ trafficking in Europe;

III. Protecting children

Recommendation 1443 (2000): International adoption: respecting children's rights;

Recommendation 1460 (2000): Setting up a European ombudsman for children;

Resolution 1215 (2000): Campaign against the enlistment of child soldiers and their participation in armed conflicts;

Recommendation 1583 (2002): Prevention of recidivism in crimes against minors;

Recommendation 1551 (2002): Building a 21st century society with and for children: follow-up to the European strategy for children;

Resolution 1307 (2002): Sexual exploitation of children: zero tolerance;

Recommendation 1601 (2003): Improving the lot of abandoned children in institutions;

¹ This list was transmitted by the Secretary General of the Assembly on the instruction of the Bureau of the Assembly to the Working Group of the Committee of Ministers on the preparation of the 3rd Summit, in June 2004, and refers to the elements under consideration, at the time, for the Action Plan).

IV. Promoting a healthy and sustainable environment

Recommendation 1614 (2003): Environment and human rights;

Recommendation 1637 (2003): Pan-European environmental co-operation: the Council of Europe's role after the Kyiv Ministerial Conference and the Johannesburg Summit;

Resolution 1318 (2003): Globalisation and sustainable development;

Resolution 1350 (2003): OECD and the world economy;

Recommendation 1653 (2004): Environmental accounting as a sustainable development tool;

V. Facilitating movement of people and contacts

Recommendation 1587 (2002): Residence, legal status and freedom of movement of migrant workers in Europe: lessons from the case of Portugal;

Resolution 1298 (2002): Ensuring a prosperous future for the Kaliningrad Region: the need for European solidarity;

Recommendation 1648 (2004): Consequences of European Union enlargement for freedom of movement between Council of Europe member states;

Recommendation 1655 (2004): A European migration observatory/agency;

VI. Promoting a multi-cultural society

Recommendation 1438 (2000), Resolution 1344 (2003): Threat posed to democracy by extremist parties and movements in Europe;

Recommendation 1543 (2001): Racism and xenophobia in cyberspace;

Recommendation 1566 (2002): European cultural co-operation and the future role of the Assembly;

Resolution 1313 (2003), Recommendation 1590 (2003): Cultural co-operation between Europe and the south Mediterranean countries;

Resolution 1345 (2003): Racist, xenophobic and intolerant discourse in politics;

Recommendation 1616 (2003): The Council of Europe's North-South Centre and its contribution to development co-operation in the 21st century;

VII. Fully integrating people with disabilities

Recommendation 1592 (2003): Towards full social inclusion of persons with disabilities;

VIII. Enhancing human rights protection and rule of law in Europe

Recommendation 1439 (2000), Resolution 1210 (2000), Recommendation 1479 (2000), Resolution 1228 (2000): Charter of Fundamental Rights of the European Union;

Recommendation 1458 (2000): Towards a uniform interpretation of Council of Europe conventions: creation of a general judicial authority;

Resolution 1327 (2003): So-called "Honour crimes";

IX. Protection of women's rights

Recommendation 1450 (2000): Violence against women in Europe;

Recommendation 1523 (2001): Domestic slavery;

Recommendation 1582 (2002): Domestic violence against women;

Recommendation 1686 (2004): Human mobility and right to family reunion

X. Fighting corruption

Resolution 1214 (2000): Role of parliaments in fighting corruption;

Recommendation 1507 (2001): Europe's fight against economic and transnational organised crime: progress or retreat?;

XI. Promoting good governance

Resolution 1209 (2000): Democracy and economic development;

Resolution 1264 (2001), Recommendation 1595 (2003), Resolution 1320(2003): Code of good practice in electoral matters;

Recommendation 1500 (2001): Participation of immigrants and foreign residents in political life in the Council of Europe member states;

Recommendation 1516 (2001): Financing of political parties;

Resolution 1308 (2002): Restrictions on political parties in the Council of Europe Member States;

Resolution 1289 (2002), Recommendation 1567 (2002): Parliamentary scrutiny of international institutions;

Resolution 1353 (2003), Recommendation 1629 (2003): Future of democracy: strengthening democratic institutions;

Recommendation 1625 (2003): Policies for the integration of immigrants in Council of Europe member states;

XII. A Europe of complementarity

Recommendation 1476 (2000): United Nations at the turn of the new century;

Resolution 1290 (2002), Recommendation 1568 (2002): Future co-operation between European Institutions;

Recommendation 1578 (2002): The Council of Europe and the new issues involved in building Europe;

Recommendation 1579 (2002): The enlargement of the European Union and the Kaliningrad Region;

Resolution 1339 (2003), Recommendation 1613 (2003) rev: The Council of Europe and the Convention on the future of Europe;

Resolution 1314 (2003): Contribution of the Council of Europe to the constitution-making process of the European Union;

Resolution 1365 (2004), Recommendation 1647 (2004): Economic aspects of European Union enlargement: the crucial years ahead;

Resolution 1373 (2004), Recommendation 1659 (2004): Strengthening of United Nations;

XIII. Social cohesion

Recommendation 1524 (2001): Council of Europe Development Bank: toward a Europe of greater social cohesion;

XIV. Health/Social Security

Recommendation 1626 (2003): The reform of health care systems in Europe: reconciling equity, quality and efficiency;

Recommendation 1661 (2004): Future of social security in Europe;

XV. Science/Culture/Education

Recommendation 1465 (2000): "Europe, a common heritage" – a Council of Europe campaign;

Recommendation 1512 (2001): Protection of the human genome by the Council of Europe;

Recommendation 1586 (2002): The digital divide and education;

Resolution 1352 (2003): Human stem cell research;

Resolution 1355 (2003), Recommendation 1634 (2003): Tax incentives for cultural heritage conservation;

XVI. Freedom of media

Recommendation 1506 (2001): Freedom of expression and information in the media in Europe;

Recommendation 1589 (2003): Freedom of expression in the media.

Reporting Committee: Political Affairs Committee.

Reference to Committee: Doc. 10272 , Reference 3001 of 08.10.04

Draft Recommendation unanimously adopted by the Committee on 22 January 2005

Members of the Committee : MM. Roman **Jakic** (Chairperson), Mikhail **Margelov** (Vice-Chairperson), Michael Spindelegger, (Vice-Chairperson), Abdülkadir Ates (Vice-Chairperson), Mrs Manuela Aguiar, MM. Giuseppe Arzilli, David Atkinson, Claudio Azzolini, Miroslav **Beneš**, Radu-Mircea Berceanu, Gerardo Bianco, Haakon Blankenborg, Bokeria, Luc Van den Brande, Mrs Beáta Brestenská, MM. Jonas Čekuolis, Enrique Curiel Alonso, Noel Davern, Michel **Dreyfus-Schmidt**, Mrs Ina Druviete, Mr Adri Duivesteijn, Mrs Josette **Durrieu**, MM. Mikko **Elo**, Charles **Goerens**, Daniel Goulet, Andreas **Gross**, Klaus-Jürgen Hedrich, Jean-Pol Henry, Joachim Hörster, Tadeusz **Iwinski**, Elmir Jahić, Ljubiš Jovašević, Lord **Judd**, **Ivan** Kalezić, Oleksandr Karpov, Petro Koçi, Konstantin **Kosachev**, Yuriy Kostenko, Göran **Lindblad**, René van der Linden, Tony Lloyd, Younal Loutfi (alternate: Evgeni **Kirilov**), Göran Magnusson, Dick Marty, Frano Matušić, José Medeiros Ferreira, Evangelos Meimarakis (alternate: Elsa **Papadimitriou**), Murat **Mercan**, Jean-Claude Mignon, Marko **Mihkelson**, Mrs Natalia Narochnitskaya, Mrs Miroslava **Nemcova**, MM. Zsolt Németh, Boris Oliynyk, Theodoros Pangalos, Mrs Eleonora Petrova-Mitevaska, Mrs Sólveig Petursdottir, Mrs Clara Pintat Rossell, MM. Christos Pourgourides, Gordon Prentice (alternate: Lord **Kilclooney**), Dumitru Prijmireanu, Ghiorghi Prisacaru, Gabino Puche, Lluís Maria de Puig, Jeffrey Pullicino Orlando, Umberto Ranieri, Michael Roth, Jan Rzymelka, Adrian Severin, Mrs Hanne Severinsen, MM. Samad **Seyidov**, **Leonid Slutsky**, Zoltán Szabó, Mehmet Tekelioğlu, Tigran **Torosyan**, Latchezar **Toshev**, Mrs Marianne Tritz, MM. Vagif Vakilov, Andrzej **Wielowieyski**, Mrs Renate Wohlwend, Mrs Gisela Wurm, Mr Marco Zacchera.

Ex-officio: MM. Eörsi, Einarsson, **Russell-Johnston**

N.B. : The names of the members who took part in the meeting are printed in bold

Head of the Secretariat : Mr Perin

Secretaries to the Committee: Mrs Nachilo, Mr Chevtchenko, Mr Dossow