

## **EUROPARÅDET**

Christiansborg, den 24. februar 2005

Til

delegationens medlemmer og stedfortrædere.

Der indkaldes hermed til delegationsmøde **onsdag den 2. marts 2005 kl. 14.45** i værelse **1-008**.

### **Dagsorden:**

#### **1. Meddelelser fra formanden**

#### **2. Fordeling af komitépladser**

Der vedlægges en oversigt over den hidtidige komitéfordeling samt Europarådets egen beskrivelse af de forskellige komiteers arbejde.

Der vedlægges endvidere beskrivelser af de politiske grupper i Den Parlamentariske Forsamling.

#### **3. Nominering af tre kandidater til Europarådets komité mod tortur**

Der vedlægges brev af 13. december 2004 fra generalsekretæren for Den Parlamentariske Forsamling samt kopi af brev af 28. juni 2001 vedrørende den seneste indstilling

#### **4. Drøftelse af tidspunkt for redegørelses/forespørgselsdebat i løbet af foråret**

Der vedlægges brev af 2. februar 2005 fra præsidenten for Den Parlamentariske Forsamling vedr. Det Tredje Topmøde.

Endelig vedlægges ambassadør Niels-Jørgen Nehrings notat af 11. januar 2005 om Det Tredje topmøde.

#### **5. Eventuelt**

Med venlig hilsen

Mette Vestergaard,  
delegationssekretær.

## **Europarådet:**

### **Medlemmer:**

1. Hanne Severinsen (V)
2. Morten Messerschmidt (DF)
3. Pia Christmas-Møller (KF)
4. Kim Mortensen (S)
5. Morten Østergaard (RV)

### **Stedfortrædere:**

1. Jens Hald Madsen (V)
2. Søren Espersen (DF)
3. Helle Sjelle (KF)
4. Poul Henrik Hedeboe (SF)
5. Rune Lund (EL)

**Formand:** Hanne Severinsen (V)

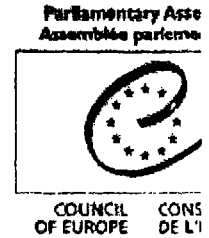
**Næstformand:** Kim Mortensen (S)

## Fordeling på komiteer frem til valget den 8/2 2005

### Candidatures of members of the Danish delegation for committees:

<b>Committee</b>	<b>Representative</b>	<b>Substitute</b>
Political Affairs Committee	Hanne Severinsen	Elisabeth Arnold
Committee on Economic Affairs and Development	Lars Kramer Mikkelsen	Troels Lund Poulsen
Committee on Migration, Refugees and Demography	Søren Søndergaard	Troels Lund Poulsen
Committee on Culture, Science and Education	Per Dalgaard	Lars Kramer Mikkelsen
Committee on Environment and Agriculture	Inger Støjberg	Troels Lund Poulsen
Committee on Legal Affairs and Human Rights	Pia Christmas-Møller	Lene Garsdal
Social, Health and Family Affairs Committee	Troels Lund Poulsen	Jesper Langballe
Committee on Equal Opportunities for Women and Men	Per Dalgaard	Inger Støjberg
Committee on Rules of Procedures and Immunities	Lene Garsdal	Hanne Severinsen

# Parliamentary Assembly Assemblée parlementaire



Provisional edition

## Revision of the terms of reference of Assembly committees

Resolution 1425 (2005)<sup>[1]</sup>

1. The Parliamentary Assembly adopts the revised terms of reference of the Assembly committees as reproduced in the appendix to the present Resolution. The latter will come into force on its adoption.
2. The Assembly also decides that the reports currently being prepared (including those stemming from orders adopted by the Assembly) which are not covered by the present revised terms of reference of Assembly committees should be submitted within two years from the entry into force of this Resolution.
3. The present Resolution supersedes Resolution 1176 (1998) and the appendix to Resolution 1235 (2000).

### APPENDIX

#### to the draft Resolution

Draft revised terms of reference of Assembly committees

#### A. GENERAL TERMS OF REFERENCE APPLICABLE TO ALL ASSEMBLY COMMITTEES

1. Committees may examine any matter within their specific terms of reference (Rule 44.1 of the Rules of Procedure) and, possibly, table information reports on these matters (Rule 49.6).
2. Committees shall only prepare reports for debate in the Assembly:
  - on matters referred to them (Rule 24);
  - when so instructed by texts adopted by the Assembly (taking account of Rule 23.1.b);
  - when stipulated by the Assembly's Rules of Procedure;
  - when mandated to do so by their specific terms of reference.
3. Committees shall examine the action taken on texts adopted by the Assembly on the basis of their reports (Rule 44.2).
4. Committees may organise conferences and other events on matters within their specific terms of reference and which are linked to their work programme, subject to availability of funds.
5. Committees are entitled to establish and are responsible for developing working relations with:
  - the competent bodies (committees, etc.) of national parliaments of member states;
  - the competent bodies (committees, etc.) of European Parliamentary Assemblies (European Parliament, OSCE Parliamentary Assembly, CIS Interparliamentary Assembly and others) and of the Interparliamentary Union (IPU);

- subject to decision by the Bureau of the Assembly, the competent bodies (committees, etc) of national parliaments holding observer or special guest status;
- subject to decision by the Bureau of the Assembly, the competent bodies (committees, etc) of national parliaments of non-member States;
- the relevant rapporteur groups, working groups and liaison committees of the Ministers' Deputies and rapporteurs of the Ministers' Deputies;
- the relevant Council of Europe structures and bodies such as the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner for Human Rights, the Council of Europe partial agreements, the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture (CPT) and the relevant intergovernmental expert committees.

6. Committees shall follow the activities of the Committee of Ministers in the fields covered by their specific terms of reference.

7. Committees are entitled to be represented in the Assembly's delegations to the relevant European Conferences of Specialised Ministers and to follow their activities.

8. Committees are entitled to establish and are responsible for developing working relations with the European and international non-governmental organisations which carry out activities within these committees' specific terms of reference (Rule 44.5).

## **B. SPECIFIC TERMS OF REFERENCE OF ASSEMBLY COMMITTEES**

### **I. - POLITICAL AFFAIRS COMMITTEE (AS/Pol)**

Number of seats: 83

Evolution: The committee is the successor to the General Affairs Committee established in 1949. Its title was changed to Political Committee in 1957 and to Political Affairs Committee in 1968.

#### **Terms of reference:**

1. The committee shall consider the general policy of the Council of Europe, i.e. all political matters which fall within the competence of the Council of Europe. It shall, if necessary, report on urgent political situations and crises in Council of Europe member states.

2. The committee shall in particular consider:

- (i) requests for membership of the Council of Europe;
- (ii) requests for granting observer status with the Council of Europe and with the Parliamentary Assembly, subject to the provisions of Rule 60 of the Assembly's Rules of Procedure;
- (iii) requests for special guest status with the Parliamentary Assembly (in accordance with Rule 59.3 of the Rules of Procedure);
- (iv) questions relating to the functioning and development of democratic institutions in Europe;
- (v) major political challenges to modern society;
- (vi) the prevention and settlement of crises and conflicts in, between, or having an impact on, Council of Europe member and observer states.

3. The committee shall consider activities of and co-operation of the Council of Europe with other European and international organisations, in particular the European Union, the OSCE and the United Nations.

4. The committee shall consider the situation in States which are not members of the Council of Europe in the light of the fundamental values of the Council of Europe, make proposals, and subject to approval by the Bureau, take political action to promote these values.
5. The committee may propose to the Bureau the conclusion of co-operation agreements with parliaments of non-member states.
6. The committee shall share the Assembly representation in the European Commission against Racism and Intolerance (ECRI) and in the Council for Democratic Elections of the European Commission on Democracy through Law (Venice Commission).

## II. - COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS (AS/Jur)

Number of seats: 83

Evolution: The committee was established in 1949 with the title "Legal and Administrative Questions" and known from 1956 until the end of 1989 as the "Legal Affairs Committee".

### Terms of reference:

1. The committee shall consider all legal and human rights matters (including proposals for and the preparation of statutory opinions on draft Council of Europe Conventions) which fall within the competence of the Council of Europe.
2. The committee shall in particular consider:
  - (i) human rights, fundamental freedoms and the rule of law in the member states of the Council of Europe;
  - (ii) judicial institutions (as well as ombudspersons and national human rights institutions), the police, detention centres and prisons in the member states of the Council of Europe;
  - (iii) the rights of national and other minorities;
  - (iv) questions of discrimination on any ground such as sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status with the exception of discrimination on the grounds of gender to be considered by the Committee on Equal Opportunities for Women and Men;
  - (v) all matters concerning the human rights treaties and mechanisms of the Council of Europe, notably the European Convention on Human Rights and its protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as other international instruments;
  - (vi) criminal law and criminology, the treatment of offenders and conditions of detention;
  - (vii) legal and human rights issues of the fight against terrorism.
3. The committee shall give an opinion on the law, legal practice and the observance of human rights and fundamental freedoms of applicant states for membership of the Council of Europe to assess compliance with Council of Europe standards.
4. The committee shall promote Council of Europe standard-setting legal instruments in the field of respect for human rights, fundamental freedoms and the rule of law in non-member states.
5. The committee shall be in charge of interviewing all candidates for posts of judges to the European Court of Human Rights and the Council of Europe Commissioner for Human Rights before their election by the Assembly. It shall also examine the curriculum vitae of candidates to the European Committee for

the Prevention of Torture.

6. The committee shall follow the activities of and maintain working relations with the relevant European and international organisations such as the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Commission on International Trade Law (UNCITRAL), the OSCE (notably the Office for Democratic Institutions and Human Rights – ODIHR and the High Commissioner on National Minorities), Hague Conference on Private International Law (HCCH), the International Law Commission and the International Institute for the Unification of Private Law (UNIDROIT).

7. The committee shall follow the activities of the European Ombudsmen Conference.

8. The committee shall participate in the work of the Council of Europe Group of States against Corruption (GRECO) and of the European Commission on Democracy through Law (Venice Commission).

9. The committee shall represent the Assembly in and follow the work of the relevant intergovernmental expert committees of the Council of Europe.[2]

10. The committee shall share the Assembly representation in the European Commission against Racism and Intolerance (ECRI).

### III. - COMMITTEE ON ECONOMIC AFFAIRS AND DEVELOPMENT (AS/Ec)

Number of seats: 83

**Evolution:** The committee was established in 1949 as the Committee on Economic Questions. Its title was changed in 1956 to "Economic Committee" and again in 1968 to "Committee on Economic Affairs and Development" in order to clarify that it was the committee responsible for developing countries. This change was also intended to meet the concerns of the authors of a motion for a resolution (Doc. 2179) to set up a new general committee on the developing countries.

#### **Terms of reference:**

1. The committee shall consider all matters relating to economic co-operation, growth and development.

2. The committee shall in particular consider:

(i) economic development and co-operation across Europe, including employment policies, and the economic and development policies of the European Union especially as they affect members states of the Council of Europe which are outside the European Union;

(ii) world-wide economic co-operation and development;

(iii) development co-operation between industrialised and developing countries ("North-South" co-operation);

(iv) European transport policies;

(v) developments in European energy policy, in particular energy co-operation;

(vi) tourism development.

3. Following special agreements, the committee shall prepare annual reports on the activities of the Organisation for Economic Co-operation and Development (OECD) and the European Bank for Reconstruction and Development (EBRD). These shall be debated in the Assembly following presentations by the Secretary General of OECD and the President of the EBRD. For the preparation of the reports and debates the committee maintains relations with OECD and EBRD and with parliaments of non-member states participating in these debates.

4. The committee shall report on all budgetary and financial matters. The committee prepares in particular the Assembly's annual opinions on the Council of Europe's draft budget and on Assembly expenditure, considers the budgetary and financial aspects of future activities proposed by the Assembly and examines questions related to the Assembly's budgetary competences.

5. The committee shall consider questions concerning the Council of Europe's role in the co-ordination of conditions of service in the European international organisations and in the establishment of a European civil service.

6. The committee shall follow the activities of and maintain working relations with the relevant European and international organisations such as the European Investment Bank (EIB), the European Free Trade Area (EFTA), the United Nations Economic Commission for Europe (UNECE), the Bretton Woods Institutions (the International Monetary Fund and the World Bank), the World Trade Organisation and other institutions (European Civil Aviation Conference (CEAC), International Air Transport Association). In the case of the Bretton Woods Institutions, the committee shall prepare a report on their activities in principle every three years.

7. The committee, together with the Committee on Culture, Science and Education and the Bureau of the Assembly, shall follow the activities of the Council of Europe North-South Centre.

#### IV. - SOCIAL, HEALTH AND FAMILY AFFAIRS COMMITTEE (AS/Soc)

Number of seats: 83

Evolution: The committee was appointed in 1949 and until 1988 it was known as the Committee on Social and Health Questions. It was then renamed at its own request to reflect its increasing preoccupation with matters relating to children, young people and the family.

##### Terms of reference:

1. The committee shall consider matters and future trends relating to social welfare, labour, public health, the family and vulnerable groups of the population. It shall evaluate, on behalf of the Assembly, the implementation by the member states and development of the European Social Charter and other relevant Council of Europe conventions.

2. The committee shall in particular consider:

(i) ways of improving social cohesion within the member states, the contribution which social cohesion can make to political stability and ways to strengthen the European social model as a basis for a stable and socially prosperous Europe;

(ii) social aspects of employment and unemployment policy, including the social aspects of globalisation and hospitable framework conditions for social dialogue;

(iii) social policies affecting children, the elderly, people with disabilities and ways of increasing solidarity between the generations;

(iv) questions relating to health, including the development of concerted European health policies and the fight against drug trafficking and abuse as well as the new ethical questions raised by biomedicine.

3. The committee shall have regular contacts with representatives of employers and employees of industry in Europe, in particular with the European Trade Union Confederation (ETUC) and the Union of Industrial and Employers' Confederations of Europe (UNICE).

4. The committee shall follow the activities of and maintain working relations with the relevant European and international organisations such as the World Health Organisation (WHO), the International Labour Organisation (ILO), OECD and UNICEF.

5. The committee shall represent the Assembly in and follow the work of the relevant intergovernmental expert committees of the Council of Europe.[3]



**V. - COMMITTEE ON MIGRATION, REFUGEES AND POPULATION (AS/Mig)**

Number of seats: 83

**Evolution:** During the Ordinary Sessions of the Assembly in 1950 and 1951, two special committees were appointed to study refugee questions. In December 1951 the Assembly decided that the problems which confronted these two committees were sufficiently important and lasting to justify the creation of another general committee. The committee was named the Committee on Population and Refugees and was appointed for the first time at the opening of the ordinary session in 1952. In 1979 (Resolution 685), the committee was given the title "Migration, Refugees and Demography" in order to reflect its growing concern with general migration problems. In 2003 the word "demography" was replaced by "population" to better take into account its major activities in a transparent manner.

**Terms of reference:**

1. The committee shall consider all relevant matters relating to migration, refugee and population policy issues. It shall work and propose actions for closer European co-operation in these fields as well as, when relevant, with non-European countries.

2. The committee shall in particular consider:

(i) questions relating to migration and refugees in Europe and in other parts of the world, including the problem of asylum-seekers and internally displaced persons as well as close co-operation between countries of origin, transit and destination;

(ii) population trends in Europe and in other parts of the world and the social and economic effects of those trends;

(iii) community relations in multicultural societies, including the situation and integration of migrant workers and their social, economic and political rights;

(iv) humanitarian law and humanitarian issues.

3. The committee shall follow the activities of and maintain working relations with the relevant European and international organisations such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Global Commission on International Migration (GCIM), the United Nations Population Fund (UNFPA), the International Committee of the Red Cross (ICRC), the International Organisation for Migration (IOM), the International Labour Organisation (ILO) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

4. The committee shall represent the Assembly in and follow the work of the relevant intergovernmental expert committees of the Council of Europe.[4]

**VI. - COMMITTEE ON CULTURE, SCIENCE AND EDUCATION (AS/Cult)**

Number of seats: 83

**Evolution:** The committee's name results from the merger of the Committee on Culture and Education and the Committee on Science and Technology in 2001. The Committee on Culture and Education was appointed in 1949 as the Committee on Cultural and Scientific Questions. Resolution 326 (1966) established a separate Committee on Science and Technology with specific terms of reference. The Committee on Cultural and Scientific Questions became at that time the "Cultural Committee". In 1968, the Cultural Committee was renamed to become the "Committee on Culture and Education".

**Terms of reference:**

1. The committee shall consider issues relating to culture in Europe and shall encourage cultural co-operation in Europe and between Europe and other parts of the world, in particular the Mediterranean area. Culture and cultural co-operation include the fields of science, education, the arts, heritage, media, youth and sport, but in no order of priority.

2. The committee shall in particular consider:
  - (i) the preservation of Europe's cultural heritage;
  - (ii) education and youth policy;
  - (iii) the media, including in particular questions of media ethics;
  - (iv) issues relating to freedom of expression and the role of the artist and censorship, development of respect for and tolerance of differing cultures, including minority cultures within the member states;
  - (v) sport;
  - (vi) scientific research;
  - (vii) the impact of scientific and technological developments in society.
3. The committee shall, on behalf of the Assembly, decide on the annual Council of Europe Museum Prize.
4. The committee shall follow the activities of and maintain working relations with the relevant European and international organisations such as UNESCO, OECD, the European Cultural Foundation, the European Science Foundation, the European Parliamentary Technology Assessment Network (EPTA).
5. The committee, together with the Committee on Economic Affairs and Development and the Bureau of the Assembly, shall follow the activities of the Council of Europe North-South Centre. It shall also follow the activities of the European support fund for the co-production and distribution of creative cinematographic and audiovisual works "Eurimages".
6. The committee shall represent the Assembly in and follow the work of the relevant intergovernmental expert committees of the Council of Europe.[5]
7. The committee shall share representation in the European Commission against Racism and Intolerance (ECRI).
8. The committee shall represent the Assembly in the Council of Europe's Committee for Works of Art.

#### **VII. - COMMITTEE ON THE ENVIRONMENT, AGRICULTURE AND LOCAL AND REGIONAL AFFAIRS (AS/Ena)**

Number of seats: 83

**Evolution:** This committee results from the merger (2001) of the Committee on the Environment, Regional Planning and Local Authorities and the Committee on Agriculture, Rural Development and Food.

The Committee on the Environment, Regional Planning and Local Authorities was established in 1952 as a special committee on Municipal and Regional Affairs. It became a general committee in 1956. The subject of regional planning was added in 1968; the environment was added to the committee's title in 1986.

The Committee on Agriculture, Rural Development and Food was first created in 1951 as a special committee. It became a general committee in 1956. Its title was changed to "Committee on Agriculture and Rural Development" in 1994 and was renamed "Committee on Agriculture, Rural Development and Food" by the Assembly in April 2000.

**Terms of reference:**

1. The committee shall consider all matters relating to the environment, regional planning, agriculture, food and consumer protection as well as those relating to local and regional government.
2. The committee shall in particular consider:
  - (i) issues related to sustainable development from local to global level (protection of the environment, regional planning, natural resources' management) as well as sectoral policies (transport, energy, etc.) as they contribute to a sustainable environment and a well-balanced spatial planning;
  - (ii) issues relating to agricultural policies, rural development, fisheries, forestry, food and issues of consumer protection;
  - (iii) issues relating to local and regional authorities, such as local and regional democracy and self-government, transfrontier and interregional co-operation and urban planning and policies.
3. The committee shall, on behalf of the Assembly, select the candidates for, and the winners of, the Europe Prize and the other awards (European Diplomas, Flags of Honour and Plaques of Honour) for local authorities.
4. The committee shall follow the activities and maintain working relations with the Congress of Local and Regional Authorities of the Council of Europe.
5. The committee shall follow the activities of and maintain working relations with the relevant European and international organisations such as the OECD, the Food and Agriculture Organisation (FAO), the United Nations Environment Programme (UNEP), the United Nations Economic Commission for Europe (UNECE) and the International Centre for Advanced Mediterranean Agronomic Studies (ICAMAS).
6. The committee shall follow the activities of the relevant European organisations and associations of local and regional co-operation.
7. The committee shall represent the Assembly in and follow the work of the relevant intergovernmental expert committees of the Council of Europe.[6]

#### **VIII. – COMMITTEE ON EQUAL OPPORTUNITIES FOR WOMEN AND MEN (AS/Ega)**

Number of seats: 51

Evolution: Established by Resolution 1144 (1998).

##### **Terms of reference:**

1. The committee shall consider questions of equal opportunities for women and men and gender issues.
2. The committee shall, in particular, consider:
  - (i) equal opportunities for women and men and activities, policies and legislation related thereto in Council of Europe member and observer states, as well as in the Council of Europe itself and in its bodies;
  - (ii) questions of discrimination on the grounds of gender;
  - (iii) violence against women, including gender-related crimes such as "honour crimes" and "femicides";
  - (iv) trafficking in women;

- (v) sexual and reproductive health issues related to women's rights and freedoms.
3. The committee shall follow-up on the compliance of the Council of Europe, its bodies, its member and observer states with the recommendations of the Parliamentary Assembly relating to equal opportunities for women and men.
  4. The committee shall maintain relations with and participate in the meetings of the European network of parliamentary committees responsible for equal opportunities for women and men (NCEO).
  5. The committee shall follow the activities of and maintain working relations with the relevant European and international organisations such as the United Nations Development Fund for Women (UNIFEM), the United Nations Economic Commission for Europe (UNECE), the Commission on the Status of Women (CSW), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR).
  6. The committee shall follow the activities of UN World Conferences on Women and their preparatory conferences at the European level.
  7. The committee shall represent the Assembly in and follow the work of the relevant intergovernmental expert committees of the Council of Europe.[7]

#### **IX. – COMMITTEE ON RULES OF PROCEDURE AND IMMUNITIES (AS/Pro)**

Number of seats: 51

**Evolution:** The Committee was established in 1949 with the name "Committee on Rules of Procedure and Privileges". The subject "privileges" was removed in 1956. The words "and Immunities" were added to the committee's title in 1998.

#### **Terms of reference:**

1. The Committee shall ensure that the Assembly's Rules of Procedure are applied properly and that they – as well as the ancillary texts to the Rules - remain consonant with the Assembly's practice. It shall consider proposed amendments to the Rules, in accordance with Rule 65 of the Rules of Procedure.
2. The committee shall, in particular:
  - (i) advise the Bureau of the Assembly (following its request) on all matters of procedure or report to the Assembly or the Standing Committee on questions of interpretation or modification of the Rules of Procedure;
  - (ii) report to the Assembly on any contested credentials of Representatives and Substitutes, in accordance with Rule 7.2 of the Rules of Procedure, and give its opinion on any challenge of still unratified credentials and requests for annulment of previous ratifications of credentials on substantive grounds in accordance with Rules 8.3 and 9.2 of the Rules of Procedure;
  - (iii) report to the Bureau on any contested credentials of members of special guest delegations, after a joint meeting with the Political Affairs Committee, in accordance with Rule 59.6 of the Rules of Procedure;
  - (iv) consider questions relating to the privileges and immunities of members of the Assembly including those connected to the General Agreement on Privileges and Immunities of the Council of Europe of 2 September 1949 (Paris Protocol);
  - (v) consider requests for waiver of immunity referred to it under Rule 64 of the Rules of Procedure;
  - (vi) consider questions of the right of representatives and substitutes to participate in meetings and of the reimbursement of travel costs by national parliaments or governments;

(vii) keep under review the Assembly's committee structure and the functioning of the Assembly's system of committees and report on proposals for the setting up of new committees.

3. The committee shall, upon instructions from the Bureau of the Assembly, update the terms of reference of Assembly committees.
4. The committee shall consider questions of an institutional character referred to it by the Assembly or its Bureau.
5. The committee shall follow the evolution at European and international level of legal instruments concerning privileges and immunities of parliamentarians.

#### **X. – COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES OF THE COUNCIL OF EUROPE (Monitoring Committee) (AS/Mon)**

Number of seats: 83

Evolution: Established by Resolution 1115 (1997)

##### **Terms of reference**

1. The committee is responsible for seeking to ensure:
  - (i) the fulfillment of the obligations assumed by the member states under the terms of the Council of Europe Statute, the European Convention on Human Rights and all other conventions concluded within the Organisation to which they are parties;
  - (ii) the honouring of the commitments entered into by the authorities of member states on their accession to the Council of Europe.
2. The committee may propose to the Assembly to initiate a monitoring procedure when a member state is not fulfilling its obligations or not honouring its commitments.
3. The committee shall also consider applications to open a monitoring procedure originating from:
  - (i) the general committees of the Assembly by reasoned written application to the Bureau;
  - (ii) not less than ten members of the Assembly representing at least two national delegations and two political groups, through the tabling of a motion for a resolution or recommendation;
  - (iii) the Bureau of the Assembly.
4. The committee may also be instructed to carry out a monitoring procedure by decision pursuant to a text adopted by the Assembly or the Standing Committee.
5. The committee shall report to the Assembly once a year on the general progress of the monitoring procedures and at least once every two years on each country being monitored.
6. Once a post-monitoring dialogue with a member state has been decided by the Assembly, the committee shall pursue this dialogue on the follow-up given by the authorities of that state to the steps recommended by the Assembly in its adopted texts closing the monitoring procedure or on any other issues arising from that state's obligations. It shall subsequently report to the Bureau of the Assembly.
7. The committee shall follow the activities of and maintain working relations with the subsidiary bodies of the Committee of Ministers which are competent to monitor member states' obligations and commitments and with the relevant international institutions.

8. The committee shall share the Assembly representation in the Council for Democratic Elections of the European Commission on Democracy through Law (Venice Commission).

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[1] *Assembly debate* on 28 January 2005 (8<sup>th</sup> Sitting) (see Doc. 10379, report of the Committee on Rules of Procedure and Immunities, rapporteur: Mrs Brasseur). *Text adopted by the Assembly* on 28 January 2005 (8<sup>th</sup> Sitting).

[2] As of 31 December 2004 these committees are the following: the Steering Committee on Legal Cooperation (CDCJ), the Steering Committee on Crime Problems (CDPC), the Steering Committee on Human Rights (CDDH) and the Steering Committee on the Mass Media (CDMM).

[3] As of 31 December 2004 these committees are the following: the European Committee on Social Cohesion (CDCS), the European Health Committee (CDSP) and the Steering Committee on Bioethics (CDBI).

[4] As of 31 December 2004 these committees are the following: the European Population Committee (CDPO), the Specialist Group on Roma/Gypsies (MG-S-ROM), the European Committee on Migration (CDMG) and the ad hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR).

[5] As of 31 December 2004 these committees are the following: the Steering Committee for Education (CDED), the Steering Committee on Higher Education and Research (CDESR), the Steering Committee for Culture (CDCULT), the Steering Committee for Cultural Heritage (CDPAT), the Steering Committee for the Development of Sport (CDDS), the European Steering Committee for Youth (CDEJ), the Steering Committee on the Mass Media (CDMM) and the Steering Committee on Bioethics (CDBI).

[6] As of 31 December 2004 these committees are the following: the Council for the Pan European biological and landscape diversity strategy (STRA-CO), the Committee for the activities of the Council of Europe in the field of biological and landscape diversity (CO-DBP), the Standing Committee of the Convention on the conservation of European Wildlife and natural habitats, the Standing Committee of the European Convention on the protection of animals kept for farming purposes, the Steering Committee on local and regional democracy (CDLR) and the Public Health Committee (CD-P-SP).

[7] As of 31 December 2004 the committee concerned is the Steering Committee for Equality between Women and Men (CDEG).

**GRPSOC**

# **GROUPE SOCIALISTE**

*Assemblée Parlementaire Conseil de l'Europe  
Strasbourg*

Menu

## **I. AIMS AND TASKS OF THE SOCIALIST GROUP**

The aim of the Socialist Group is the realisation of the fundamental principles of the democratic socialism within the Organisation and the member states of the Council of Europe

The Socialist Group will at all times be the cause of human rights and of the promotion of peace and social justice. It is committed to supporting free trade unions, the principle of social co-operation as well as fighting all threatening and harmful changes in the environment. Its aim is to create the appropriate conditions to save these aims particularly from a political and organisational point of view. The Socialist Group must seek to ensure that a candidate enjoying its confidence takes part in every election concerning the bodies of the Council of Europe.

## **II. MEMBERSHIP**

The Socialist Group consists of members and associate members. Others may be invited to its meetings as guests.

### **A. MEMBERS**

1. The members of the Socialist Group shall consist of the members of the Parliamentary Assembly (representatives and substitutes) who belong to a party having official status (member, associate or observer) with the Socialist International.
2. If, in its national parliament, such a party has formed a common parliamentary group with others, paragraph II.A.1 shall apply to all members of this parliamentary group at the party's request

### **B. ASSOCIATE MEMBERS**

1. Members of the Parliamentary Assembly belonging to a party other than described in paragraph II.A.1, or belonging to no party, may become associate members of the Socialist Group.
2. Each request for associate membership shall be examined by the Bureau and by the members of the Socialist Group of the same national delegation. If no such members exist, the request shall be submitted for an option to the national party(ies) having official status with the Socialist International.
3. The plenary Assembly of the Socialist Group shall decide on the acceptance of each associate member by a simple majority, in event of an option in favour by the Bureau and existing group

members of the same national delegation or the national party. Otherwise a two-thirds majority is required.

4. Associate members shall have the right to participate in the activities of the Socialist Group, the right to speak in the plenary Assembly of the Group and the right to vote in matters described in paragraph III.A.5, sub-paragraphs e-h and j-m of this Statute.

### *C. GUESTS*

1. Members of special guest delegations to the Parliamentary Assembly coming from parties as described in paragraph 2.A. of this Statute shall have the right to take part in Group activities and in all meetings of the plenary Assembly of the Socialist Group.

2. Members of special guest delegations coming from other parties or belonging to no party shall take part in meetings of the plenary Assembly subject to its agreement.

3. One representative of the Socialist International, one of the Party of European Socialist and one of the International Union of Socialist Youth/IUSY or European Community Organisation of Socialist Youth/ECOSY, shall have the right to take part in all meetings of the Plenary Assembly. The Socialist Group will meet the subsistence and European travel expenses for the IUSY/ECOSY representative.

4. Subject to agreement of the competent organ of the Group, other non-members of the Parliamentary Assembly may be invited to activities, seminars, working groups, and for special items on the agenda of meetings of the Bureau and the plenary Assembly of the Group.

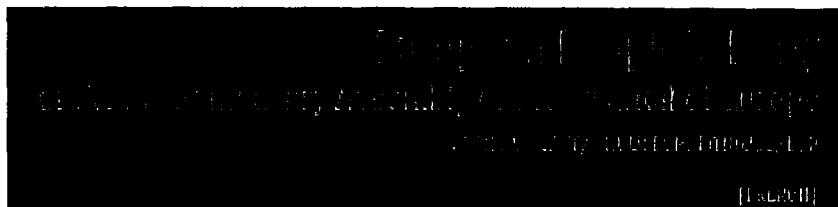
### *D. SUSPENSION AND EXCLUSION FROM THE GROUP*

1. If the conduct of a member of the Socialist Group repeatedly violates the standards decided by the Socialist Group, he/she may temporarily be suspended from his/her work within the Group; this decision shall be taken by the plenary Assembly who may approve by a three-quarters majority of the members present. The Bureau of the Group shall inform the party involved about that decision. If a member continues to behave in a manner contrary to the standards of conduct decided by the Group, he/she can be excluded from the Group. The plenary Assembly decides by a three-quarters majority of the members present. This decision is only valid if the question has been included in the agenda of the meeting.

2. The same provisions shall apply to associate members and guests, in accordance with paragraph II.C.1, with the proviso that in the plenary Assembly a two-thirds majority is required.

Invitations to guests in accordance with paragraphs II.C.1 and 4 can be adopted by a simple majority





## RULES OF PROCEDURE

### A. OBJECTIVES, NAME, HEADQUARTERS

#### §1. Objectives

- The Group of the European People's Party/Christian Democrats in the Parliamentary Assembly of the Council of Europe is promoting the co-operation in Europe in a democratic and social framework, based on individual freedom, linked to the concept of Christian responsibility and according to the principles and the values of morality,

#### §2. Name

- The name of the group is the following one: Group of the European People's Party/Christian Democrats in the Parliamentary Assembly of the Council of Europe, in his abbreviated form: EPP/CD named as "Group" in the following paragraphs.

#### §3. Headquarters

The Group has its headquarters in Strasbourg.

### B. MEMBERSHIP

#### §4. Conditions for membership

- 1) All members of the Parliamentary Assembly being a member of a memberparty of the European Union of Christian Democrats (EUCD) and of the European People's Party (EPP) are entitled to become members of the Group.
- 2) Every new member of the Parliamentary Assembly who is willing to fulfil his mandate in the Council of Europe in accordance with the above-mentioned values indicated in §1 of these Rules of Procedure could become a member of the Group.

#### §5. Procedure of admission

- 1) Members of the Parliamentary Assembly in being part of a memberparty of the EUCD or the EPP are automatically members of the Group, unless they explicitly disconnect themselves from the group or if they affiliated themselves to another political group of the Parliamentary Assembly.
- 2) Insofar as a member of the Parliamentary Assembly would like to be admitted to the Group and being not a member of one of the parties

represented in the EUCD or the EPP, the approval of the majority of the members of the Group is requested.

It is also necessary to have a procedure of consultation with the competent organs of the EUCD and the EPP.

If the applicant comes from a state where exists already a memberparty of the EUCD and/or of the EPP, it will be necessary that the representatives of this party will. give their approval to this admission.

#### §6. Guest

The Group could decide to invite members of the Parliamentary Assembly as guests to his group meetings. The guests, are allowed to take the floor but are not allowed take part in the elections or the votes.

#### §7. Rights of the member.

All the members have the right to take part in the activities of the Group, in the votes and the elections which are taking place within the Group.

### **C. ORGANS**

#### §8. Group organs

The organs of the Group are:

- 1) the Plenary Assembly
- 2) the Enlarged Bureau
- 3) the Bureau

#### §9. Composition of the Plenary Assembly

The Plenary Assembly is made up by all the members of the Group. The meeting takes place at least ones at each Ordinary part Session of the Parliamentary Assembly.

#### §10. Competencies of the Group

- 1) The Plenary Assembly proceeds on the following issues concerning as well as the Parliamentary Assembly matters as decisions concerning external affairs to the Council of Europe. The Plenary Session prepares the decisions to be taken on the basis of the reports presented to the Parliamentary Assembly and elaborates their own proposals.
- 2) The Plenary Assembly proceeds also on the co-operation between other political groups within the Parliamentary Assembly of the Council of Europe and with those represented in other European institutions.

3) The Plenary Assembly elects the members of the Bureau:

- the Chairma
- the ten Vice-chairmen
- the Treasurer

4) The Plenary Assembly examines the reports of the Bureau and of the Treasurer and takes the appropriate decision concerning these issues. The Plenary Assembly votes the annual budget of the Group.

5) The Plenary Assembly elects two Auditors who have to notify the results of their verifications.

6) The Plenary Assembly proceeds, if necessary, to the dissolution of the Group.

#### §11. Composition of the Enlarged Bureau

1) The Enlarged Bureau of the Group consists of members of the Bureau and one representative belonging to each national delegation which is not represented at the Bureau of the Group.

2) The enlarged Bureau can invest the members of the Group with particularly missions. These members are therefore belonging to the Enlarged Bureau with non-voting rights.

#### §12. Competencies of the Enlarged Bureau

1) All political questions and issues concerning the organisations of the Group falls within the competencies of the Enlarged Bureau insofar as such questions are not in the domain of the Plenary Assembly.

2) The Enlarged Bureau meets during each Ordinary part Session of the Parliamentary Assembly, in order to prepare the plenary sittings of the Parliamentary Assembly.

#### §13. Composition of the Bureau

1) The Bureau consists of the Chairman, ten Vice-chairmen, the Treasurer, two Auditors and the Secretary General who is appointed by the Enlarged Bureau on the proposal of the Chairman.

2) The members of the Bureau are not allowed to be substituted by someone else.

#### §14. Competencies of the Bureau

- 1) The Bureau is in charge of the Group. It fulfils the decisions taken by the Plenary Assembly and the Enlarged Bureau.
- 2) The Group is represented concerning external affairs, by the Chairman and the Secretary General.
- 3) The Treasurer manages the finances of the Group in consent to the Bureau.
- 4) The current affairs of the Group are dealt with by the Secretary of the Group who is working in close co-operation with the Chairman of the Group.

#### §15. Elections

- 1) The members of the Group are elected for two years. The election should take place during the first part of the Ordinary Session.
- 2) The election of each member of the Bureau requires an individual ballot.

#### §16. Group organs

- 1) The Chairman is convening the organs of the Group.
- 2) The Chairman or one of ten vice-chairmen is chairing the Group meetings. During the re-election of the Bureau, the presidency is exerted by the eldest member of the Group.

### **D. PROCEDURES**

#### §17. Quorum

- 1) The election can only be valid, if the members of the Group has been convened at least two weeks in advance before the meeting scheduled and has received the Order of the Day.
- 2) Within the Bureau and the Enlarged Bureau, at least half of the members having the right to vote, must be present in order to ensure that the election is valid.

#### §18. Majorities required

Concerning the matters where the present regulations has not foreseen other arrangements the decisions are adopted by a simple majority of the votes cast. If the votes are equal, the proposal is considered to be rejected.

The modifications of the present rules requires the absolute majority of the members of the Plenary Assembly having the right to vote. The dissolution requires the majority of the three quarters of the votes.

#### §19. Votes

- 1) The votes may take place by acclamation, by show of hands, or by secret ballot if three members present are requiring so.
- 2) During a vote, each member has the right to abstain, if he wishes to do so.

#### §20. Elections

- 1) The election of the members of the Bureau shall take place on secret ballot paper. However, if there is only one candidate for one function, the election could take place by acclamation or by show of hands, as far as no objection shall be raised.
- 2) The majority of the votes cast is required for each elections. As far as the majority is not reached, a second ballot should take place between the two candidates who have achieved the biggest number of votes cast.  
  
If several candidates obtained the same amount of votes as the candidate being in the second place, they are comprised in the second ballot.
- 3) If at the outcome of the second ballot no one of the candidates obtained the relative majority, they have to draw lots.
- 4) Abstentions and votes null and void are not taken into account for the calculation of the majority.

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Back

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

# THE STATUTE OF THE EUROPEAN DEMOCRAT GROUP

## 1. The Group

1. This is the statute of the European Democrat Group of the Council of Europe, referred to as "the Group" hereafter. It represents the constitution and rules for the Group.

## 2. The Purpose

1. The Group is a centre-right coalition of colleagues whose objectives include respect for individual liberty and human rights and responsibilities under the rule of law, pluralist democracy and the support of a free market economy. These objectives are defined in the Aims of the Group which every member is required to support.

2. The Group pursues its objectives through influencing the work of the Council of Europe and assisting the co-operation of its members.

3. The Group seeks co-operation with the European Democrat Union, and like-minded centre-right groups in this and other parliamentary organisations.

## 3. The Members

1. The Group is a political group formed by the representatives and substitutes of the Council of Europe's Parliamentary Assembly.

2. The Group, on the recommendation of the Bureau, shall admit new members on application who accept the purpose and Aims of the Group. Membership can be given:

- a) to individual representatives and substitutes and
- b) through confirming it to all representatives and substitutes of a named party.

3. Applicants for membership are required to accept the Aims of the Group. Applications must be accompanied by a statement of principles and policies of the party and also the Curriculum Vitae of an individual candidate, which will be considered by the Bureau which makes a recommendation to the Group.

If this recommendation is opposed by any member, the Group will decide on each application by secret ballot.

A two-thirds majority is necessary for membership.

4. If an applicant's party is not a member of the European Democrat Union [EDU], it is recommended that an application be made. The Group will inform the EDU of each application made to it.

5. On accepting the Aims of the Group, each applicant is granted Associate membership of the Group. This status enables participation in the work of the Group without the right to vote.

6. The Group can invite to its meetings members of the special guest and observer delegations to the Council of Europe as observers. Observers may take the floor but do not have the right to vote.

## The Organisation of the Group

### 4. The Bureau

1. The Group's Bureau consists of:
  - Chairman

- Senior Vice-Chairman
- Treasurer
- Vice-Chairmen
- Honorary President
- Chief Whip.

2. The Group elects the Bureau at the beginning of the Assembly's annual session. Should a seat fall vacant, a replacement for the remaining term shall be elected at the Group's next meeting.

3. The election of the Bureau shall be held by secret ballot.

4. When a member cannot attend the meeting of the Bureau he can send a substitute from his national delegation notifying the Secretary in advance.

#### **5. The Working Party of the Bureau**

1. The Group elects four members from the Bureau to serve with the Chairman, Senior Vice-Chairman, the Treasurer and the Chief Whip as the Working Party of the Bureau. The Chairman has the right to nominate four candidates for the election of the Working Party.

2. The Working Party prepares the meetings of the Bureau and the Group.

3. The Working Party of the Group shall:

- follow developments of the Council of Europe
- present an annual report of the work of the Group and budget to the Group
- keep in contact with other political groups
- normally meet before each part-session to discuss relevant matters and to prepare its opinion for submission to the Group at its meeting(s).

#### **6. The Chairman**

The Chairman of the Group is elected for one year. He can be re-elected annually without restriction.

#### **7. The Senior Vice-Chairman and the Treasurer**

1. The Senior Vice-Chairman and the Treasurer are elected for one year. They can be re-elected annually without restriction.

2. Should the post of Chairman fall vacant, the Senior Vice-Chairman shall act in his capacity until a new Chairman is elected.

3. The Treasurer

- draws up the budget of the Group and follows its implementation.
- presents the accounts and the auditors' report for the approval of the Group in the first part-session of the calendar year, and
- controls the main accounts of the Group and sees that the assets are securely invested.

#### **8. The Vice-Chairmen**

Every national delegation in the Group may nominate one Vice-Chairman who also acts as the whip for his national delegation. Those national delegations to which the Chairman, Senior Vice-Chairman and the Treasurer belong are not entitled to a Vice-Chair unless their numbers in the Group exceed 15 members. This shall constitute the number of Vice-Chairmen. The term of office of a Vice-Chairman is one year and he can be re-nominated without restriction.

#### **9. The Auditors**

The Group shall elect two auditors for the current year. A member of the Bureau cannot act as an auditor.

#### **10. The meetings of the Group**

The Group shall meet at least once during every part-session. A letter of convocation shall be sent by

the Chairman at least 14 days before the part-session to the members of the Group. It shall indicate the scheduled meetings and include the list of items that are to be discussed.

The Group can also be convened to urgent meetings without respecting the time limit set above.

#### **11. Voting**

When a vote is taken, each member shall have one vote. In the event of a tie the Chairman of the Group shall have the casting vote with the exception of elections where a ballot has to be taken.

### **Miscellaneous Provisions**

#### **12. Languages**

The working languages of the Parliamentary Assembly can be used in the Group meetings. The documents are produced in both or exceptionally in only one official language.

#### **13. The Honorary President**

The Group can appoint an Honorary President as recognition for his or her service to the Group. That appointment may be re-confirmed each year.

#### **14. The Secretariat**

The Secretary of the Group shall be nominated by the Bureau, subject to the authorisation of the Group. Additional personnel may be engaged with the agreement of the Working Party of the Bureau, the Chairman or the Secretary when provided for in the budget.

#### **15. Amendments**

This statute may be amended at a meeting of the Group when supported by at least two thirds of the members present and provided that the issue has been mentioned in the convocation notice.

Adopted at the Group's meeting on 26<sup>th</sup> September 2001



# History of the LDR Group

## History of the LDR Group

The history of all political Groups in the Council is relatively recent. It was not until after the celebration of the Council of Europe's 25th anniversary in 1964 that the Rules of Procedure of the Consultative Assembly (its name was not changed to Parliamentary Assembly until 1974) discreetly mentioned that members now had the possibility of forming political groups. There are two main reasons why all political groupings encountered serious difficulties in establishing themselves in the Council of Europe and are a relatively recent phenomenon, namely the complexity of the original structure of the Council of Europe and dominant role which, from the outset, the Rules of Procedure of the Parliamentary Assembly assigned to the national delegations.

Today any school textbook will tell us that the Council of Europe was founded on May 1949. What has since been forgotten are the passionate debates which preceded its foundation. There was a clash between two apparently contradictory theses. Belgium and France wanted a European Union whose central body would be a parliament with its own members appointed by the member States, whereas the United Kingdom was pressing for the creation of a 'diplomatic club' composed of government representatives. Ultimately both theses were adopted. What emerged was the Council of Europe, an institution for co-operation between States, with a permanent secretariat and two organs: the Committee of Ministers and the Parliamentary Assembly. However, the founding States gave precedence to the sovereignty of the member States and left the Council of Europe, as its name suggests, with only a consultative role. This arrangement offered parliamentarians very little scope for exercising their power to shape policy in the Council of Europe and therefore continued to make the national parliaments the focus of their political activity.

Moreover, the role and importance of the national delegations in the Assembly remained for many years an obstacle to strengthening the power of the political groups. For example, national delegations were given the privilege of appointing members to the individual committees and of nominating candidates for the Vice-Presidency of the Assembly. Although the political groups have been referred to in the Assembly's Rules of Procedure since 1964, it was not until summer 1995 that the Council of Europe responded to pressure from the Clerk of the Assembly and the Secretary General to give the political groups official status.

The rapid expansion of the Council of Europe has brought new responsibilities for the political groups. Between 1990 and 1995 alone, the Council of Europe was enlarged to include Albania, Andorra, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia and Slovenia and additional delegations with special guest status regularly take part in the sessions in Strasbourg. The political groups have shown that they have the potential to play an effective introductory role, especially with regard to parliamentarians from the new member States as well as for those with guest status. While the Council of Europe currently comprises 36 member States, the policy of the Assembly, with its 248 members and an equal number of substitutes, is formulated principally in conjunction with the five political groups: Socialist Group (145 members), Federation of Christian Democrat Parties of Europe (EPP) (123 members), Liberal, Democratic and Reformers' Group (LDR) (91 members), European Democratic Group (EDG) (82 members) and the Group of = the Unified European Left (UEL) (15 members). The rules of Procedure have also taken account of the growing importance of the political groups. The Ad Hoc Committee of chairmen of Political Groups which assists the President of the Assembly in reaching decisions was created in March 1993. Since January 1995 the Group Chairs have had the right to sit and vote in the Bureau and the Standing Committee of the Assembly.

The earliest minutes of Liberal Group meetings in the archives date from 1974. At that time Frederik Portheine (Netherlands) was leader of the Group which comprised 30 members, no more than 13 of whom attended the meetings. It was customary for Liberal Group members to hold only one meeting during the week of the Strasbourg part-session. In those days the Bureau was composed of the Chairman and the Secretary General. In August 1978 a secretary was appointed who today is still responsible for dealing with administrative matters. In autumn 1980, Manfred Vohrer (Germany) was elected to succeed Frederik Portheine. Having acted as Secretary General of the Group since becoming a member of the Council of Europe in 1973, he was well qualified to take over the post of Chair. In 1983 Manfred Vohrer decided not to stand for re-election and left the

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## NEXT SESSIONS

The next sessions of the Parliamentary Assembly and the LDR Group will take place from 25 until 29 April 2005 and from 20 until 24 June 2005.

## LINKS

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[IFLRY](#)  
[Council of Europe](#)  
[Parliamentary Assembly](#)  
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German Bundestag. Bjorn Elmquist (Denmark) was elected by the Group to succeed him. Under Bjorn Elmquist's chairmanship, membership increased significantly in the space of a few years, rising from 35 to 50 members. At the end of 1990 Bjorn Elmquist lost his seat in the Folketing. In May 1991 the Group elected Daniel Tarschys (Sweden) as its new Chair. A leading expert on east European questions, the high esteem in which he was held both within the Assembly and by central and east Europeans led to a further increase in Group membership. Since his election as Secretary General of the Council of Europe on 12 April 1994, the Group has been led by Sir Russell Johnston (United Kingdom).

Until the mid-1980s the Group's official name was 'Liberal Group'. As the word 'liberal' does not have the same connotations in all languages, the new Group members in particular called for additions to the name which would make the Group's political ideals universally and unequivocally recognizable. After lengthy discussion, it was finally agreed that the Group should be called the 'Liberal, Democratic and Reformers' Group'. This title makes it clear that the Group's members are not only convinced democrats but that all party decisions are based on democratic principles. Being reformers distinguishes the Liberals fundamentally from revolutionaries. Technological progress maintains society in constant flux so that individuals' attitudes to society are also changing. In order to approximate as closely as possible to the unobtainable goal of social justice, Liberals - in contrast to revolutionaries - seek to strike a balance between the interests of society and individual aspirations by means of legislative reform.

The history of the Group would not be complete without mentioning here a man who, by a happy coincidence, joined the Assembly at just the right time. Hardly any other parliamentarian has had a greater and more lasting influence on the Council of Europe as a whole. The LDR Group is still proud today that Peter Sager was a Liberal. A former member of Swiss National Council, Peter Sager was a member of the Council of Europe from 1984 to 1991. As founder and director of the Swiss Ost-Institut in Berne, he saw it as his principal task in life to combat all forms of totalitarianism. Those members of the Socialist Group in the Assembly whose position resembled too closely that of communism were the first to realise that he took this task seriously, that he was, in addition, a fearless protagonist of pluralist democracy and that he could not be blinded or misled by any form of propaganda. As a result he was quickly branded a mindless communist-hater. Yet, despite this, he quickly won an amazing degree of respect in the Assembly. When Michael Gorbachev took office as General Secretary in the Soviet Union in 1985 and the signs of glasnost and perestroika became clearer, Peter Sager emerged as a powerful optimist and eloquent advocate of opening the Council of Europe to the countries of central and eastern Europe. His thesis was that the Council of Europe was the only body with which the countries of central and eastern Europe could co-operate once they had decided to throw off communism. As an intergovernmental institution, the Council of Europe possessed the structures needed gradually to familiarise countries new to democracy with political pluralism, the principle of the rule of law, the laws of the market economy and respect for human rights. When Michael Gorbachev, the first east European Head of State to address the Assembly, set out, in one of the most memorable speeches ever given in Strasbourg, his concept of a Common European Home wherein conflict would no longer be settled through force or the threat of force and where all peoples would be free to choose their social system at their own discretion without having to face interference from an ally, the way was clear for closer co-operation between the Council of Europe and the countries of eastern Europe. What should this co-operation take, as these countries could not become members over night? Peter Sager found an ingenious solution in the creation of 'special guest status', which Belarus, Bosnia-Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Russia and Ukraine, who are candidates for membership, currently enjoy.

As the third largest Group, the Liberals have a major voice in the appointment of the President of the Assembly and the Secretary General. Originally the Presidency rotated every three years: a Socialist was followed by a Christian-Democrat who in turn was followed by a Liberal. Under this system there have been three Liberal Presidents, each separated by a period of six years:

1960 - 1963 Per Federspiel Denmark

1969 - 1972 Olivier Reverdin Switzerland

1978 - 1981 Hans J. de Koster Netherlands

Following the appointment of a member of the conservative European Democratic Group, rather than a Socialist, to succeed Hans J. de Koster, the Presidency now rotates between four political groups on the basis of an agreement drawn up and signed in spring 1986 by the Socialists, the Christian-Democrats and the conservative European Democrats and acceded to in 1994 by the LDR Group. The agreement provides for a rotation system whereby the President continues to be chosen from the larger groups

(Socialists and Christian Democrats) at six year intervals and from the smaller groups (LDR and European Democrats) at 15 year intervals. Under this agreement, a Liberal president (1999 - 2002) will lead the Assembly into the new millennium.

The most notable success in the history of the group has undoubtedly been the election in 1994 on the first ballot, by a very slim majority, of Daniel Tarschys to a five-year term of office as Secretary General of the Council of Europe. It is becoming increasingly difficult for candidates from the smaller groups to win against candidates from the larger parties. Although the LDR is mainly composed of inveterate individualists, its success in the election demonstrates that these individualists stand together and are capable of fighting for a common goal. They are especially strong and unyielding when it comes to defending democratic freedom and respect for human rights. For that reason parliamentarians from the new democracies are especially welcome in the LDR Group.

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*Council of Europe*  
*Parliamentary Assembly*

*The Secretary General*

Strasbourg, 13 December 2004

Dear Chairperson,

The term of office of the member of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) in respect of Denmark, Mr Ole Vedel RASMUSSEN, will expire on 3 October 2005.

In conformity with article 5-1 of the "European Convention for the prevention of torture and inhuman or degrading treatment or punishment" (CPT), your parliamentary delegation is invited to put forward three candidates to fill the seat falling to your country in this Committee. May I add that, according to article 5-3, Mr RASMUSSEN may be re-elected.

The procedure for the election of CPT members is provided for in the enclosed articles 4 and 5 of the Convention. The members are elected by the Committee of Ministers of the Council of Europe by an absolute majority of votes for, in principle, a period of four years from a list of names drawn up by the Bureau of the Parliamentary Assembly.

The members of the Committee shall be chosen from among persons of high moral character, known for their competence in the field of human rights or having professional experience in the areas covered by this Convention. They shall serve in their individual capacity, shall be independent and impartial, and shall be available to serve the Committee effectively.

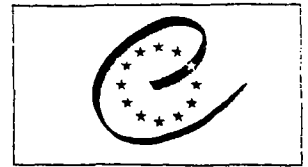
Parliamentary Assembly Order No. 530 (1997) (enclosed) invites the Bureau when drawing up lists of candidates for the CPT to pay particular attention to the criteria of professional background, gender and age in order to ensure a more balanced composition of the Committee and, in particular, a greater participation of prison specialists and forensic scientists as well as an increased number of women among its members. In this connection, may I draw your attention to the 14th General Report on the CPT's activities, which provides further details on the current membership of CPT (extract enclosed).

1.

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Chairperson of the Parliamentary Delegation of Denmark  
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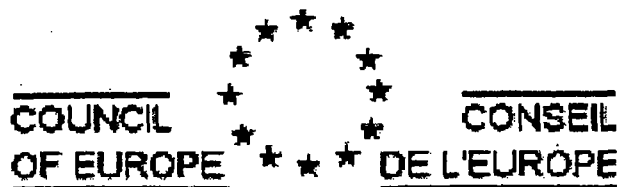
COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

*European Treaty Series - No. 126*

**EUROPEAN CONVENTION  
FOR THE PREVENTION  
OF TORTURE AND INHUMAN  
OR DEGRADING TREATMENT  
OR PUNISHMENT**

**Strasbourg, 26.XI.1987**

Text amended according to the provisions of Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152), which entered into force on 1 March 2002.



Assemblée parlementaire  
Parliamentary Assembly

## RECOMMENDATION 1323 (1997)<sup>[1]</sup>

### on strengthening the machinery of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

1. The Assembly recalls its Recommendation 1257 (1995) on the conditions of detention in Council of Europe member states and reaffirms its support for the highly valuable work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the committee" or "CPT").
2. Under the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the convention"), the CPT is empowered to examine the treatment of persons deprived of their liberty. It implements its essentially preventive function through visits to any place where such persons are held and, where necessary, the making of recommendations designed to strengthen their protection.
3. In 1993, two additional protocols to the convention were opened for signature:
  - i. Protocol No. 1 will open the convention to non-member states of the Council of Europe;
  - ii. Protocol No. 2 provides for the orderly renewal of the committee's members and the possibility for them to be re-elected twice.
4. The ratification of the convention by an ever-increasing number of states from central and eastern Europe represents a growing challenge for the CPT which has a significant role to play in improving conditions of detention in these countries. By including the ratification of the convention among the commitments undertaken by member states upon their accession to the Council of Europe, the Assembly

scientists, as well as an increased number of women among its members; the criterion of availability should also be emphasised in order to ensure the committee's effectiveness;

vi. make the office of member of the Parliamentary Assembly of the Council of Europe incompatible with that of CPT member;

vii. promote co-operation between the CPT and the Assembly, in particular its Committee on Legal Affairs and Human Rights and its Committee on the Honouring of Obligations and Commitments by Member States;

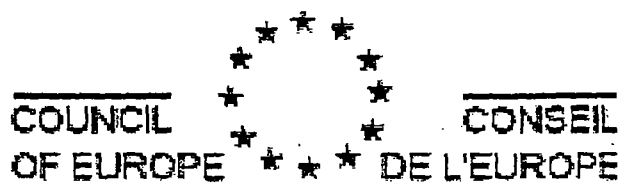
viii. give favourable consideration to any request for further increase of the human and budgetary resources of the CPT;

ix. invite the authorities of states parties to the convention, as well as states which intend to ratify it in the near future, to promote awareness, at national and local level, of the CPT's activities, tasks and powers.

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[1] Assembly debate on 21 April 1997 (9th Sitting) (see Doc. 7784, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jaskiernia).

Text adopted by the Assembly on 21 April 1997 (9th Sitting).



Assemblée parlementaire  
Parliamentary Assembly

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**ORDER No. 530 (1997)<sup>1</sup> on strengthening the machinery of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

1. The Assembly refers to its Recommendation 1323 (1997).
2. It invites its Bureau, when drawing up lists of candidates for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):
  - i. to pay particular attention to the criteria of professional background, gender and age, in order to ensure a more balanced composition of the committee and, in particular, a greater participation of prison specialists and forensic scientists, as well as an increased number of women among its members;
  - ii. to emphasise the criterion of availability in order to ensure the committee's effectiveness;
  - iii. to ask all candidates to undertake formally, should they be elected as member of the CPT, to resign as member of the Parliamentary Assembly of the Council of Europe.
3. It calls upon the national parliamentary delegations to have particular regard to the above-mentioned criteria when nominating candidates for the CPT.
4. It instructs its Bureau to return the list of candidates to the national delegations for re-examination if the above-mentioned criteria have not been taken into account.
5. For the purpose of facilitating and harmonising the selection of candidates for membership of the CPT, the Assembly invites its Bureau to establish, in co-operation with its Committee on Legal Affairs and Human Rights, a model curriculum vitae to be transmitted to all national delegations and completed by each candidate they nominate.
6. The Assembly instructs its Committee on Legal Affairs and Human Rights:
  - i. to follow closely the CPT's work;
  - ii. to co-operate closely with the CPT and transmit to it without delay any information regarding the conditions of detention in a member state, and, whenever useful, to invite CPT representatives to its working meetings;



**Chairman of the Danish Delegation  
to the Parliamentary Assembly of the Council of Europe**  
Parliament of Denmark

The Secretary General of the Parliamentary Assembly of the Council of Europe

28. June 2001  
Ref.No. 2313

Dear Mr Haller

Referring to your letter of 30 January 2001 regarding the Danish candidatures for the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT), I herewith enclose CV's of the three candidates.

The Danish delegation has agreed to fix the priority of the candidates in the following order:

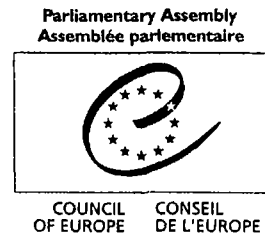
1. Mr Ole Vedel Rasmussen
2. Mrs Karin Helweg-Larsen
3. Mr Torben Ishøy

Yours sincerely,

Hanne Severinsen  
Head of the Danish delegation

# Parliamentary Assembly Assemblée parlementaire

The President  
Le Président



Strasbourg, 2 February 2005

Dear Speaker,

The Council of Europe's Third Summit of Heads of State and Government will take place in Warsaw on 16 – 17 May 2005.

This event coincides with the 60<sup>th</sup> anniversary of the end of the Second World War, the horrors of which led to the creation of our Organisation in 1949.

It also comes some 15 years after the fall of the iron curtain, which enabled the Council of Europe to become, with its 46 member states, the pan-European organisation it was intended to be from the beginning.

The Summit should provide our Organisation with a clear political mission for the years to come.

Furthermore, it should define its role in relation to its partner organisations, the United Nations, the OSCE and, in particular, the European Union.

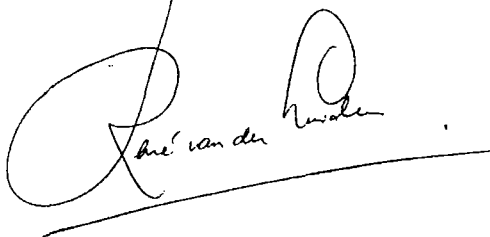
Last week our Assembly adopted Recommendation 1693, which contains our contribution to the preparation of the Summit.

Our Assembly calls on the national parliaments of our member states to organise debates on the Third Summit in order to give it political impetus and to ensure that the Summit has the necessary political impact.

I should be most grateful if such a debate could be held in your Parliament.

I look forward to receiving your reaction and to our future cooperation.

Yours sincerely,



René van der Linden  
President of the Parliamentary Assembly  
of the Council of Europe

cc. Chairpersons of national delegations to the PACE



Provisional edition

## The Third Summit

Recommendation 1693 (2005)<sup>1</sup>

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 60<sup>th</sup> anniversary of the end of the Second World War and the 15<sup>th</sup> 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,

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<sup>1</sup> *Assembly debate* on 26 January 2005 (5<sup>th</sup> Sitting) (see Doc. 10381, report of the Political Affairs Committee, rapporteur: Mr Kosachev, Doc. 10391, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bruce, Doc. 10417, opinion of the Committee on Economic Affairs and Development, rapporteur: Mr Kirilov, Doc. 10395, opinion of the Social, Health and Family Affairs Committee, rapporteur: Mrs Azevedo, Doc. 10435, opinion of the Committee on Migration, Refugees and Population, rapporteur: Mr Wilkinson, Doc. 10421, opinion of the Committee on Culture, Science and Education, rapporteur: Mr Legendre and Doc. 10404, opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Cliveti). *Text adopted by the Assembly* on 26 January 2005 (5<sup>th</sup> Sitting).

heritage, arts, science, media, youth and sport) as well as migration and demographic change and environmental protection, based on respect for the principle of sustained development.

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. In addition, the Assembly

calls on the Committee of Ministers, national governments and parliamentarians to ensure that civil society is informed and consulted about the upcoming Third Summit.

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. to proclaim the strategic aim to create a single pan-European area of free movement of nationals of Council of Europe member states as an essential element of a Europe without dividing lines;
  - h. make the commitment to continue to fight against all forms of violence, including domestic violence and trafficking in human beings;

- i. emphasise the need to promote sustainable development through integrated policies for the environment and regional development;
  - j. confirm the importance of sustainable development for securing a better quality of life for European citizens. The Council of Europe should continue its activities aimed at preserving the environment and biodiversity through the implementation of integrated policies at pan-European level;
  - k. 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;
  - l. 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;
  - m. 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;
  - n. 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. studying good practices and drafting a road map aimed at achieving the goal to create a single European area of free movement of nationals of Council of Europe member states;
  - F. protection of private property and reconciliation of the interests of the welfare state with those of the business community;
  - G. 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. confirm the importance of sustainable development for securing a better quality of life for European citizens. The Council of Europe should continue its activities aimed at preserving the environment and biodiversity through the implementation of integrated policies at pan-European level;
- i. 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;



j. 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;

k. 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);

l. 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;

m. 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;

n. 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;

o. 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;

p. 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;

q. 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;

r. 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;

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

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;

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

t. enhance the transparency of the activities of the Council of Europe for the 800 million people living in its member states, and enhance the inclusion of national institutions for the protection of human rights and non-governmental organisations in the work of the Council of Europe.

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11. januar 2005

## Europarådets tredje topmøde

I.

Europarådets kommende topmøde den 16. – 17. maj 2005 i Warszawa vil finde sted ét år efter EU's store udvidelse. Den egentlige dagsorden for mødet bliver Europarådets placering i denne nye virkelighed. Allerede nu tegner det billede sig, at forholdet til medlemslandene uden EU-medlemskabs perspektiv, især til Rusland kommer yderligere i centrum. Rusland har spillet offensivt ud med krav om, at kontrollen med efterlevelse af menneskerettigheder, demokrati og retssamfund tones ned på bekostning af et bredere samarbejde, og at dobbeltarbejde i forhold til andre organisationer undgås. De gamle medlemslande er ikke uenige i det sidste. Men de finder det afgørende, at rollen som implementerende organisation på det centrale værdigrundlag bliver fastholdt, bl.a. for at Europarådet fortsat kan tjene som et instrument i konsolideringen af de nye demokratier. Topmødets store udfordring bliver at finde en balance mellem de vestlige værdikrav og et tilstrækkelig interessant samarbejds-perspektiv for Rusland.

Mens de to tidligere topmøder, i 1993 og 1997, skulle tilpasse organisationen til det store indtag af nye medlemslande med svagere demokratiske strukturer, er formålet med det tredje topmøde mindre oplagt og resultaterne mindre forudsigelige.

Med den seneste udvidelse udgør EU-landene et flertal på 25 af Europarådets i alt 46 medlemslande. Virkningerne heraf har knapt nok vist sig endnu. Men der er næppe tvivl om, at restgruppen, og især landene uden et EU-perspektiv, vil komme til at fremstå yderligere eksponeret. Forholdet til disse lande, og i særdeleshed til Rusland vil præge de kommende års diskussioner om, hvor Europarådet skal bevæge sig hen.

Rusland blev medlem af Europarådet i 1996. Ikke mange gjorde sig illusioner om landets demokratiske niveau, men strategien, støttet af det daværende danske formandskab, var, at påvirkningsmulighederne var størst indefra.

Ligesom i andre internationale relationer har Rusland inden for det seneste par år anlagt en mere selvbevidst og offensiv linje i Europarådet. Tiden er efter russisk opfattelse ikke længere til at betragte medlemsstaterne som "mere eller mindre udviklede eller som lærere og elever". Konkret har man sat en stopper for Europarådets tilstedeværelse i Tjetjenien og presset på, for at monitoreringsarbejdet bliver mindre landespecifikt. Til gengæld har Rusland med henvisning til Europarådets statut, argumenteret for, at formålet med samarbejdet rækker langt videre end til demokrati, retssamfund og menneskerettigheder.

Men i modsætning til f.eks. OSCE, hvor en lignende politik støttes af en række lande fra det tidligere Sovjetunionen, står Rusland i Europarådet ret alene. De lande, som kunne dele de russiske synspunkter ved, at Rusland i modsætning til dem selv kan opnå realpolitisk motiverede indrømmelser.

Overfor Ruslands bredere opfattelse af Europarådet som et forum for national interessevaretagelse står de gamle medlemslandes forestilling om Europarådet som en normsættende organisation, især på menneskerettighedsområdet og med sin styrke i at overvåge implementeringen af disse normer. Alle erkender den opdragende funktion, som Europarådets normsæt har haft og har for de såkaldte nye demokratier. Ingen vil heller bestride, at en række af disse lande gennem medlemskab af Europarådet også kvalificerede sig til EU. Men vandene skilles, når det diskuteres, hvilke konsekvenser der skal drages af, at dynamikken i denne dobbelte udvidelsesproces nu i det væsentlige er udtømt:

Skal udgangspunktet tages i, at Europarådet som den eneste egentlige pan-europæiske organisation i dag er i en enestående position til at etablere sig et område for regelsamarbejde på et bredt felt, naturligvis med EU som en mere avanceret indercirkel, og som et forum for politisk dialog mellem alle de europæiske stater? Eller må Europarådet tværtimod indstille sig på en rolle, svarende til før 1989? For en række gamle medlemslande falder denne argumentation om "tilbage til basis" sammen med mere dagligdags overvejelser om budgetter og om at undgå dobbeltarbejde i forhold til andre internationale aktører, i første række EU og OSCE.

Da de Gaulle i 1960'erne betegnede Europarådet som "den sovende skønhed ved Rhinen", sigtede han til, at EF-samarbejdet allerede havde taget den politiske dynamik ud af Europarådet, men nok også til, at de ideer, som begge organisationer blev bygget på, fortsat og mest entydigt blev forvaltet af Europarådet. Følelsen af at være offer for en gøgeunge trives i Europarådet, også efter den politiske glansrolle, organisationen kom til at spille gennem 1990'erne. Ved festlige lejligheder minder man

om, at Europarådet var det første resultat af de europæiske samlingsbe-  
stræbelser efter anden verdenskrig, og at hymnen og flaget, som EU i  
dag smykker sig med, begge stammer herfra.

På det mere jordnære plan arbejder de to organisationer sammen på  
mange niveauer. Europarådets konventioner har ofte tjent som inspirati-  
on for EU, og ca. 20 af dem er i dag transformeret til EU-lovgivning. I  
vurderingen af, hvorvidt lande, der søger om at blive medlemmer af EU,  
opfylder de politiske Københavnskriterier lægges der betydelig vægt på  
den monitorering, der foretages af Europarådet. Tilsvarende spiller Eu-  
roparådets monitorering og opfølgende assistance sammen med EU's  
politik overfor naboerne i øst og sydøst, i en række tilfælde i skikkelse af  
fælles programmer.

EU's tiltrædelse af Menneskerettighedskonventionen, som forudset i  
forfatningstraktaten, skal forhindre en uheldig konkurrence mellem  
domstolene i Strasbourg og Luxembourg, når grundrettighedschartret  
bliver bindende. Men kredse i Europarådet tillægger dette skridt en vide-  
regående betydning. De ser det som indledningen til en proces af institu-  
tionaliseret arbejdsdeling mellem de to organisationer, hvor EU tiltræder  
en række af Europarådets konventioner og hvor Europarådet tilsvarende  
formelt inddrages i EU's politikker. Og overser derved nok på hvor for-  
skelligt niveau, de to organisationer befinder sig.

Til sammenligning er Europarådets forhold til OSCE enklere. Fra hvert  
sit udgangspunkt og med asymmetriske medlemskredse og strukturer har  
de to organisationer, især igennem de senere år i betydeligt omfang op-  
dyrket de samme arbejdsmarker. En proces, der skal søge at klarlægge  
samarbejdsmuligheder og pege på veje til at undgå unødigt dobbeltarbej-  
de er igangsat. Topmødet er tiltænkt en rolle som dynamo i denne for-  
bindelse.

Konsolideringen af de nye demokratier vil også i de kommende år være  
en påtrængende opgave, der kalder på alle gode kræfter. Europarådets  
konkurrencefordel ligger ikke mindst i den udviklede tradition for at  
kontrollere implementering af indgåede forpligtelser. Instrumentariet  
spænder fra retlige mekanismer som Menneskerettighedsdomstolen til  
politiske som Den Parlamentariske Forsamling. Herigennem opretholdes  
en kritisk dialog, hvori der konkret og forholdsvis udramatisk påpeges  
mangler i forhold til demokrati, retssamfund og overholdelsen af menne-  
skerettigheder og følges op med rådgivning og anden assistance.

Disse aktiviteter suppleret med de mange, mere eller mindre uafhængige  
kontrol- og opfølgingsmekanismer ved siden af det mellemstatslige ar-  
bejde udgør efterhånden en broget arbejdsmark. Kritikere fra både øst  
og vest har ret i, at aktiviteterne i dag er spredt så voldsomt ud, at effek-

ten på mange områder, den gode kvalitet til trods, er for begrænset. For lidt af for meget. Men den "naturlige" vestlige reaktion herpå: tilbage til basis, altså koncentration om kerneopgaverne især på menneskerettighedsområdet, rummer det problem, at organisationen i russisk optik mister relevans.

Klemmt mellem på den ene side af EU og på den anden af Rusland bliver topmødets udfordring at finde en balance mellem bekræftelsen af Europarådets kernekompetencer som implementerende organisation på det centrale værdigrundlag og et tilstrækkelig interessant samarbejdsperspektiv for Rusland.

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