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CAHDI (2007) 16

**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**34th meeting
Strasbourg, 10-11 September 2007**

**DECISIONS OF THE COMMITTEE OF MINISTERS CONCERNING THE CAHDI AND
REQUESTS FOR THE CAHDI'S OPINION**

Document prepared by
the Secretariat of the CAHDI

1. CAHDI

1.a CM/Del/Dec(2007)993/3.2bE 16 April 2007

Parliamentary Assembly – Standing Committee (Paris, 16 March 2007)

Texts adopted

(2007 Session (Provisional compendium of texts adopted))

Decisions

The Deputies

1. concerning Recommendation 1788 (2007) – The United States of America and international law
 - a. decided to bring it to the attention of their governments;
 - b. agreed to communicate it to the Committee of Legal Advisers on Public International Law (CAHDI) for information and possible comments by 15 June 2007;
 - c. in the light of possible comments, invited their Rapporteur Group on Legal Co-operation (GR-J) to prepare a draft reply for adoption at one of their forthcoming meetings;

[...]

1.b CM/Del/Dec(2007)999bis/10.4E / 22 June 2007

Committee of Legal Advisers on Public International Law (CAHDI) –

Abridged report of the 33rd meeting (Strasbourg, 22-23 March 2007)

(CM(2007)40)

Decision

The Deputies took note of the abridged report of the 33rd meeting of the Committee of Legal Advisers on Public International Law (CAHDI), as it appears in document CM(2007)40.

1.c CM/Del/Dec(2007)1001/3.1bE / 09 July 2007

Parliamentary Assembly –

3rd part of the 2007 Session (Strasbourg, 25-29 June 2007)

Texts adopted

(2007 Session (Provisional Compendium of texts adopted))

Decisions

The Deputies

[...]

5. concerning Recommendation 1803 (2007) – “Prosecution of offences falling within the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY)”
 - a. decided to bring it to the attention of their governments;
 - b. agreed to communicate it to the to the Committee of Legal Advisers on Public International Law (CAHDI), to the European Committee on Crime Problems

- (CDPC) and to the Steering Committee on Human Rights (CDDH) for information and possible comments by 31 October 2007;
- c. in the light of possible comments, invited their Rapporteur Group on Legal Co-operation (GR-J) to prepare a draft reply for adoption at one of their forthcoming meetings;

[...]

9. adopted the following reply to the texts adopted by the Parliamentary Assembly at the 3rd part of the 2007 Session (25-29 June 2007):

“The Committee of Ministers took note of Recommendations 1799 to 1805 (2007) and Resolutions 1556 to 1567 (2007) adopted by the Parliamentary Assembly at its 3rd part of the 2007 Session (Strasbourg, 25-29 June 2007).

The Committee of Ministers brought Recommendations 1799 to 1805 (2007) to the attention of the governments of member states and entrusted them to the competent organs and/or committees of experts for information or comments and/or to Rapporteur Groups/Thematic Co-ordinators with a view to preparing draft replies for adoption at an early date.”

1.d CM/Del/Dec(2007)1002/10.1E / 11 July 2007

European Committee on Crime Problems (CDPC)

Draft Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

(CM/Del/Dec(2007)989/10.4, Opinion No. 263, CM(2007)112 rev and CM(2007)112 Addendum

Decisions

The Deputies

1. adopted the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, as it appears in document CM(2007)112 final;
2. took note of the declaration made by the European Community and the member states of the European Union;
3. decided to open the Convention for signature on the occasion of the 28th Conference of European Ministers of Justice (25-26 October 2007, Lanzarote, Spain) ;
4. took note of the Explanatory Report to the Convention as it appears in document CM(2007)112 Addendum;
5. agreed to invite the Committee of Legal Advisers on Public International Law (CAHDI) to examine the consequences of the so-called “disconnection clause” in international law and invited their Rapporteur Group on Legal Co-operation (GR-J) to elaborate ad hoc terms of reference for that purpose at its next meeting.

2. TERRORISM

2.a CM/Del/Dec(2007)999bis/10.5bE / 22 June 2007

Ad hoc meeting of chairs of relevant Council of Europe committees on terrorism (Strasbourg, 25 April 2007)
(CM(2007)94 add2)

Decisions

The Deputies

1. welcomed the holding of the Ad hoc meeting on terrorism of chairs of relevant Council of Europe committees on terrorism;

2. took note of the Council of Europe “road map” for the implementation of the United Nations Global Counter-Terrorism Strategy, as it appears in document CM(2007)94 add2, Appendix 3,¹ and decided to transmit it to the intergovernmental committees and monitoring bodies mentioned therein, asking them to take it into account in their work and to include into their meeting reports, where appropriate, information on the measures taken in this respect, as well as to the Parliamentary Assembly and the Commissioner for Human Rights for information.

2.b CM/Del/Dec(2007)999bis/10.5cE / 22 June 2007

Conclusions of the International Conference “Why terrorism? Addressing the conditions conducive to the spread of terrorism” (Strasbourg, 25-26 April 2007)
(CM(2007)94 add1 and CM(2007)94 add2)

Decision

The Deputies took note of the conclusions of the International Conference “Why terrorism? Addressing the conditions conducive to the spread of terrorism”, as they appear in document CM(2007)94 add1² and decided to transmit them to the intergovernmental committees and monitoring bodies mentioned in the Council of Europe “road map” for the implementation of the United Nations Global Counter-Terrorism Strategy, as it appears in document CM(2007)94 add2, Appendix 3, asking them to take it into account in their work, as well as to the Parliamentary Assembly and the Commissioner for Human Rights for information.

3. FOLLOW-UP TO THE THIRD SUMMIT (WARSAW, MAY 2005) AND MINISTERIAL SESSIONS

3.a GR-J(2007)5rev 24 April 2007

Message of the Committee of Ministers to committees involved in intergovernmental co-operation at the Council of Europe – Contributions from committees in the legal field on the implementation of the Warsaw Action Plan
Document prepared by the Chair of the GR-J after the Group’s meeting of 5 April 2007

The Ministers’ Deputies received replies from all the targeted committees in the legal field and in accordance with their decision, these replies were examined by the competent subsidiary group of the Committee of Ministers (the Rapporteur Group on Legal Cooperation

¹ N.B. Appendix I to the present document.

² N.B. Appendix II to the present document.

(GR-J)) and forwarded to the Follow-up Committee on the Third Summit (CM-SUIVI3), with a view to the elaboration of a comprehensive report on the implementation of the Action Plan for the 117th Ministerial Session.

The GR-J appreciated the efforts made to provide exhaustive answers in line with the indications of the Deputies' Message. It regretted, however, that the presentation of the contributions was not uniform, both in the way in which they were structured and in terms of their length. This was to some extent reflected in the different character of the committees: steering committees, ad hoc groups with a precise mission, etc. There were also transversal groups like the Committee of Experts on Terrorism (CODEXTER). In addition, a committee established by a convention had also reported. Despite this disparity, the procedure for the elaboration of replies was satisfactory, the plenary committees having adopted them.

It was underlined by the GR-J that its examination of the contributions received in reply to the Deputies' Message, was a separate exercise to the examination of the programme of activities of the Organisation for 2008. The Group noted, however, that the contributions could be useful also in that context. The Rapporteur Group also welcomed that the replies received were rich in substance.

Generally, it observed that the committees concerned were all dealing with subjects belonging to the hard core of Council of Europe activities and were all active in the priority fields of the Action Plan.

The GR-J finally underlined that all the groups and committees concerned should be encouraged to consider how their work co-ordinated with that of other bodies of the Organisation, with a view to increase synergies and avoid duplication, in particular within the framework of the implementation of the Warsaw Action Plan.

The evaluation of the Committee of Experts on Terrorism (CODEXTER) was considered satisfactory. The GR-J noted its successful work promoting the early entry into force of the Council of Europe Convention on the prevention of terrorism. The Committee's work on national counter-terrorism profiles and its cooperation with other regional organisations was also appreciated. The GR-J recognises the importance of the work of CODEXTER in the on-going review of whether there exist any lacunae in international law in combating terrorism.

The GR-J considered that with respect to standard-setting activities in the field of bioethics, the Steering Committee on Bioethics (CDBI) should remain the competent body within the Council of Europe. The quality of the work already carried out by the Committee was underlined, as well as the relevance of the future activities referred to in its report.

The important and useful role of the Committee of Legal Advisers on Public International Law (CAHDI) as a forum for reflection and exchange of views on sometimes very technical issues relating to international law was stressed. The essential role played by the European Commission for the Efficiency of Justice (CEPEJ), in the evaluation of national judicial systems and in providing targeted assistance to member states, was also emphasised.

The GR-J furthermore appreciated the activities of the European Committee on Crime Problems (CDPC) and of the European Committee on Legal Co-operation (CDCJ), which were rich and varied, while reflecting precisely the Warsaw priorities. Reference was made to their standard-setting activities in a wide variety of fields covered by the Action Plan either explicitly or in the context of the follow up to Conferences of Ministers of Justice. Their contributions to the activities carried out in the fight against terrorism, on assistance to crime victims, on standards for good administration, on freedom of movement and on the European prison rules were mentioned, together with a number of other activities.

With respect to the Steering Committee on Local and Regional Democracy (CDLR), the GR-J considered that it made a valuable contribution to the development of local democracy. The decision taken by the Conference of European Ministers responsible for Local and Regional Government to give strategic guidelines in its field of activity for future activities to be undertaken by the Council of Europe and by individual member states was highlighted as an example of a good practice to be followed in other fields of activity.

3.b CM(2007)66 final 11 May 2007

117th Session of the Committee of Ministers (Strasbourg, 10-11 May 2007) – Conclusions of the Chair

Under the Chairmanship of the Minister for Foreign Affairs of San Marino, Mr Fiorenzo Stolfi, the 117th Committee of Ministers session, two years on from the Third Summit of Heads of State of Government of the Council of Europe (Warsaw, May 2005), had follow-up to the Summit as its central theme.

In considering the question on the basis of reports prepared by their Deputies, the Ministers concentrated on the following political priorities:

- relations between the Council of Europe and the European Union
- consolidation of the Council of Europe human rights protection system
- follow-up to other priorities resulting from the Warsaw summit, with special attention given to Council of Europe activities in the field of intercultural dialogue and to the implementation of Chapter V of the Action Plan on the process of the Organisation's structural reform.

Before the 117th Session, on the evening of 10 May, a meeting took place of the High-level group entrusted with examining the follow-up to the report prepared by Jean-Claude Juncker, Prime Minister of Luxembourg, at the request of the Heads of States and Governments. The report prepared by the High-level group was subsequently presented to the Session.

The Session itself was preceded by the accession ceremony of the Republic of Montenegro as the 47th member state of the Council of Europe. The Ministers warmly welcomed their colleague from the Republic of Montenegro, Mr Milan Roćen.

The question of relations between the Council of Europe and the European Union was prominent in the discussions. The Ministers praised the efforts of the San Marino Chair which had been primordial to the success of the negotiations and the signature of the Memorandum of Understanding between the Council of Europe and the European Union and stressed that it was now vital that all partners concerned implemented it through concrete action.

The Ministers also examined the report on the follow-up to be given to the Juncker report, which was considered a most valuable source of inspiration for the shaping of enhanced relations between the Council of Europe and the European Union. The approach of Jean-Claude Juncker which clearly puts forward the added value inherent in partnership, and in complementarity of the mandates, instruments and advantages of each organisation was endorsed. Responding to one of the Juncker report's recommendations, they decided to revise the procedure concerning the appointment of the Secretary General in order to enhance the visibility of the work conducted by the Council of Europe, along the lines suggested in the Juncker report. It was agreed that work on follow-up to the Juncker report would be continued and kept under regular review at ministerial level, on the basis of updated reports to be prepared by the High-level group.

The crucial importance of consolidating the control mechanism of the European Convention on Human Rights was discussed by the Ministers, in the light of the report prepared by the Group of Wise Persons and in reviewing the implementation of the Declaration on sustained action to ensure the effectiveness of the European Convention on Human Rights at national and at European levels. The Ministers decided on the way in which the Council of Europe should develop its activities in this field in the coming months. The strong hope was expressed that the Russian Federation would shortly join all other States Parties by ratifying Protocol No 14 without delay to allow for its rapid entry into force.

The Ministers also welcomed the priority attention being given to the aim of formulating a coherent and long-term policy for the promotion of intercultural dialogue through the preparations of a White Paper on intercultural dialogue and in this context were pleased that agreement had been reached to hold the "Council of Europe annual exchanges on the religious dimension of intercultural dialogue" in 2008 on an experimental basis.

Welcoming the establishment of the Enlarged Partial Agreement on Sport, the Ministers also took note with satisfaction of the support expressed by a good number of other member States with the intention to participate in the Partial Agreement in the coming months.

The Ministers also took note that the Convention on the Prevention of Terrorism will enter into force on 1 June 2007. They reaffirmed the importance of this instrument in the international fight against terrorism. The importance for the revised Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism as well as the Convention on Action against Trafficking in Human Beings to enter into force was also noted. Consequently, those states that had not yet signed or ratified these conventions were encouraged to do so as soon as possible.

The Ministers' decisions and conclusions on the range of issues which were on their agenda appear in the session Communiqué.

The Ministers also welcomed the emphasis placed by the San Marino Chairmanship on activities which had served to advance the priority areas determined by the Warsaw Summit, including those addressed during the 117th session.

In particular, the Ministers expressed their appreciation as to the usefulness of the Colloquy organised during the San Marino Chairmanship on Future Developments of the European Court of Human Rights in the light of the Wise Persons' report, held in San Marino on 22 and 23 March, in which representatives of the Court and other concerned bodies of the Council of Europe, representatives of member and observer states, eminent legal experts and representatives of non governmental organisations, civil society and the academic world took part.

This event allowed for a high level and open exchange of views on the various measures included in the Group of Wise Person's report, with a view to ensuring the long-term efficiency of the control mechanism of the European Convention on Human Rights, having regard to the provisions of Protocol No 14 and the decisions taken by the Ministers in 2004. The two days of the Colloquy provided guiding elements and clearly identified priorities for the reform process of the activities of the Court in the short term as well as in the longer term.

The Ministers gave their support to the San Marino Chairmanship in its efforts to promote intercultural dialogue, particularly through the European Conference on the Religious Dimension of Intercultural Dialogue held in San Marino on 23 and 24 April 2007. The event provided an opportunity to discuss the implications of religious and cultural diversity in Europe with a view to promoting diversity as a source of mutual enrichment, *inter alia*, by

fostering inter-cultural and inter-religious dialogue as prescribed in the Warsaw Action Plan. The Conference was attended by a large and varied number of participants, including representatives from those religions traditionally present on the European continent (Christians, Muslims and Jews). The participants highlighted the importance of inter-religious dialogue between public authorities at all levels (local, national and supranational) and religious communities and, in this framework, they considered that “good practices” of member States deserved particular attention. The conclusions of the Conference appear in the “San Marino Declaration”, adopted by the participants on 24 April 2007.

The Ministers also noted the San Marino’s initiative of holding on 26 January 2007, in San Marino, a training and information seminar for law professionals on “the right to a fair trial: Article 6 of the European Convention on Human Rights”. Themes addressed during the Seminar included the interpretation and implementation of the European Convention on Human Rights by national courts, the independence and impartiality of judges, the case-law of the European Court in cases concerning minors and state measures for their protection; and several aspects of criminal proceedings.

Finally, the organisation by the Chairmanship of San Marino of an International Conference on the cultural and identity-related aspects of the Italian language in small states and geographical entities of limited size, held in Strasbourg on 15 March 2007, was noted with interest. The Conference provided an opportunity to have an in-depth discussion on the importance of the use of a common language by populations living in different cultural contexts and with their own cultural identity.

At the close of the session, the Minister for Foreign Affairs of Serbia, Mr Vuk Drašković, presented to his colleagues the priorities of the new Serbian chairmanship of the Committee of Ministers for the six months to come. Mr Fiorenzo Stolfi officially handed over to Mr Drašković.

3.c CM/Del/Dec(2007)998/1.7E / 15 June 2007

117th Session of the Committee of Ministers (Strasbourg, 10-11 May 2007) – Follow-up (CM(2007)PV prov and (CM(2007)PV add, CM/Inf(2007)25, CM(2007)66 final, CM/Del/Dec(2007)995/1.5 and CM/Del/Dec(2007)996/1.5)

Decisions

The Deputies

1. noted that the Follow-up Committee on the Third Summit (CM-SUIVI3) had completed its mandate and instructed their relevant Rapporteur Groups/Thematic Co-ordinators to ensure the continued follow-up to the Summit according to the distribution of responsibilities reflected in document CM(2007)104;

2. with a view to the preparation of the report to be presented to the 118th Ministerial Session in May 2008, invited the committees involved in intergovernmental co-operation at the Council of Europe and the Secretary General to pursue their efforts already underway in streamlining the work of the Council of Europe and in implementing in particular the criteria contained in document CM(2006)101 final, in order to contribute to the fundamental objective of preserving and promoting human rights, democracy and the rule of law in line with the Warsaw Declaration and Action Plan, and to examine, on the same basis, the progress achieved;

[...]

4. ACCESSION BY MONTENEGRO

CM/Del/Dec(2007)994bis/2.1aE / 14 May 2007

**Activities for the development and consolidation of democratic stability
- Montenegro – Request for accession to the Council of Europe**

(CM/Del/Dec(2006)967/2.3b, CM/Del/Dec(2007)994/2.1, GR-DEM(2007)CB6, CM(2006)104rev, CM(2006)106, DD(2007)275)

Decisions

The Deputies

1. adopted Resolution CM/Res(2007)7 inviting the Republic of Montenegro to become a member of the Council of Europe, as it appears at Appendix 3³ to the present volume of Decisions;

2. having regard to their decision to invite the Republic of Montenegro to become a member of the Council of Europe and to the declaration by that state of its intention to succeed to those conventions to which the State Union of Serbia and Montenegro had been a Party or Signatory and to consider itself bound, as from 6 June 2006, to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols No. 1, 4, 6, 7, 12, 13 and 14 thereto and to the European Convention on the Suppression of Terrorism,

- a. decided that the Republic of Montenegro is to be regarded as a Party to the European Convention on Human Rights and its Protocols No. 1, 4, 6, 7, 12, 13 and 14 thereto with effect from 6 June 2006;
- b. decided that the Republic of Montenegro is to be regarded as a Party to the European Convention on the Suppression of Terrorism with effect from 6 June 2006;
- c. decided that the Republic of Montenegro is to be regarded as a State Signatory to the European Social Charter Revised (ETS No. 163), the European Charter of Local Self-Government (ETS No. 122) and to the amending Protocol to the European convention on the Suppression of Terrorism (ETS No. 190);

3. confirmed in principle decisions concerning the monitoring of the commitments of the Republic of Montenegro, to be undertaken under the auspices of GR-DEM, once the Republic of Montenegro had joined the Council of Europe:

“i. entrusted their Rapporteur Group on Democracy (GR-DEM) with the task of regularly reviewing the honouring of obligations and commitments as undertaken by Montenegro in the context of its accession to the Council of Europe. This should be done on the basis of relevant information provided by the Secretariat on the progress achieved (and/or difficulties encountered) in the implementation of the co-operation programmes, as well as all other relevant information provided by the authorities of Montenegro and international institutions active in the country;

ii. on the basis of the conclusions of this regular review (and at any other moment, in case of urgency), targeted visits to Montenegro, by representatives (or a group of representatives) of the Committee of Ministers at Deputies' level could be carried out;

³ N.B. Appendix III to the present document.

these visits would be complemented by information and assistance missions of the Secretariat”;

4. invited the Secretariat to contact the authorities of the Republic of Montenegro to finalise the draft post-accession co-operation programme;

5. agreed to fix the date for the ceremony for the accession of the Republic of Montenegro at 11 May 2007.

5. RELATIONS BETWEEN THE COUNCIL OF EUROPE AND THE EUROPEAN UNION

5.a CM/Del/Dec(2007)996/1.5E / 25 May 2007

117th Session of the Committee of Ministers (Strasbourg, 10-11 May 2007) – Follow-up (CM(2007)PV prov and CM(2007)PV add, CM/Inf(2007)25, CM(2007)66 final and CM/Del/Dec(2007)995/1.5)

Decisions

The Deputies, on the basis of the 117th Ministerial Session Communiqué, the discussions held and the decisions taken by the Ministers on that occasion,

On relations between the Council of Europe and the European Union,

1. welcomed that the Memorandum of Understanding between the Council of Europe and the European Union had been signed by the European Union on 23 May 2007⁴;

2. agreed to transmit the Memorandum of Understanding to the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the European Court of Human Rights, the Commissioner for Human Rights, the European Commission for Democracy through Law (Venice Commission), to the steering and ad hoc committees involved in intergovernmental co-operation at the Council of Europe as well as to the relevant monitoring mechanisms of the Organisation;

3. invited their Rapporteur Group on External Relations (GR-EXT) to follow the implementation of the Memorandum of Understanding and to prepare the work of the high-level follow-up group to the Juncker report with a view to the examination of these issues at future Ministerial Sessions;

[...]

⁴ N.B. Appendix IV to the present document.

5.b CM/Del/Dec(2007)999bis/1.6aE / 22 June 2007

Co-operation between the Council of Europe and the European Union Agency for Fundamental Rights

Draft Agreement between the Council of Europe and the European Community (GR-EXT(2007)8 rev)⁵

Decisions

The Deputies

1. approved the text of the draft Agreement between the European Community and the Council of Europe on co-operation between the European Union Agency for Fundamental Rights and the Council of Europe, as it appears in document GR-EXT(2007)8 rev;
2. agreed to resume consideration of this item at one of their forthcoming meetings after completion of internal procedures on the side of the European Community, with a view to authorising the Secretary General to sign the final text of the Agreement on behalf of the Council of Europe.

5.c CM/Del/Dec(2007)1001/1.7E / 09 July 2007

Co-operation between the Council of Europe and the European Union Agency for Fundamental Rights – Appointment of an independent person to sit on the organs of the Agency

(GR-EXT(2007)10 rev, CM/Del/Dec(2007)999bis/1.6b)

Decisions

The Deputies, having regard to the Regulation establishing the European Union Agency for Fundamental Rights and the draft Agreement between the European Community and the Council of Europe on co-operation between the Agency for Fundamental Rights of the European Union and the Council of Europe, as approved at the 999bis meeting of the Ministers' Deputies,

1. agreed to put forward the six candidatures presented by member states before the deadline of 27 June 2007 (see document GR-EXT(2007)10 rev), in accordance with the decision taken at the 999bis meeting of the Ministers' Deputies;
2. approved the procedure for the appointment of an independent person to sit on the organs of the Agency, and his/her alternate, as it appears at Appendix 2 to the present volume of Decisions;
3. having voted in accordance with the agreed procedure, on the basis of the list of candidates drawn up in accordance with decision 1 above:
 - a. appointed the following candidate as the independent person to sit on the organs of the European Union Agency for Fundamental Rights:

- Mr Guy DE VEL;

⁵ N.B. Appendix V to the present document.

b. appointed the following candidate as alternate member to sit on the organs of the European Union Agency for Fundamental Rights:

- Mr Rudolf BINDIG;

4. agreed to invite the appointed independent person to attend the first meeting of the Management Board of the Agency to be held on 12 and 13 July 2007;

5. agreed to invite the appointed independent person, and, where appropriate, his alternate to inform the Deputies about the development of the Agency's work, the expenses being borne by the Council of Europe;

6. invited the Secretary General to provide the appointed person, and his alternate, with all the information and assistance they may need or request on the Council of Europe's activities and to inform the Deputies about the development of the co-operation with the Agency.

6. OTHER

6.a CM/Del/Dec(2007)994bis/1.2E / 14 May 2007

Communication from the Secretary General and the Deputy Secretary General – Staff matters

Decisions

The Deputies

1. approved the revised Council of Europe Secretariat General organisation chart as it appears at Appendix 2 to the present volume of Decisions and noted that it would come into immediate effect, including:

- the creation of a Directorate General of Human Rights and Legal Affairs as a result of the merger of the two previous Directorates General I and II, encompassing the following administrative entities: Intergovernmental and Policy Directorate, Co-operation Directorate, Monitoring Directorate, Venice Commission, and took note that this Directorate General would be run by the current Director General of Human Rights;
- the creation of a Legal Advice and Public International Law Directorate directly attached to the Secretary General;
- the creation within the Directorate General of Political Affairs (henceforth Directorate General of Democracy and Political Affairs) of a Directorate of Democratic Institutions by bringing together the existing Directorate of Co-operation for Local and Regional Democracy (currently within DGI) and the Department of Democracy (already in DGPA), and took note that the newly created Directorate would be run by the current Director of Co-operation for Local and Regional Democracy;
- the direct attachment of the Directorate of External Relations to the Secretary General who shall present his report to the Committee of Ministers yearly before the Ministerial Session;
- the fact that the European Audiovisual Observatory will be attached to the Directorate General of Education, Culture and Heritage, Youth and Sport (previously attached to the Directorate General of Human Rights);

[...]

6.b CM/Del/Dec(2007)996/13.2E / 25 May 2007

Death penalty – Decision to submit a Statement of Interest in support of the European Union’s *amicus curiae* brief in a case before the United States Supreme Court (formerly before the Court of Criminal Appeals of the State of Texas) concerning a Mexican national sentenced to death

(CM/Del/Dec(2004)894/13.1, CM/Del/Dec(2005)911/13.1, CM/Del/Dec(2005)935/13.1)

Decision

The Deputies, following on from the decisions taken at their 894th (9 September 2004, item 13.1), 911th (12 January 2005, item 13.1) and 935th (13 July 2005, item 13.1) meetings, approved the following text to be submitted to the appropriate authorities in the context of the *amicus curiae* brief to be submitted by the European Union to the Supreme Court of the United States of America in respect of the case of Medellin (formerly before the Court of Criminal Appeals of the State of Texas):

“Memorandum by the Council of Europe

The Council of Europe, an international organisation composed of 47 European states committed to the rule of law and respect for human rights, associates itself with the *amicus curiae* brief submitted by the European Union in support of Mr Jose Medellin’s petition before the United States Supreme Court.

It is of the opinion that the right of detained foreign nationals to be informed, without delay, of the right to consular access, as set out in Article 36 of the Vienna Convention on Consular Relations, is an individual right and one which is also protected under customary international law. If a foreign national is convicted without being informed of this right, that individual must be allowed to apply to a court to challenge the conviction and the sentence, in reliance on Article 36, paragraph 1. Courts must conduct such a review even if their procedural rules would otherwise preclude review.

Furthermore, it is of the opinion that respect for judgments of the International Court of Justice by states that are party to litigation is a basic requirement of the rule of law at the international level, as expressed in Article 94 of the United Nations Charter.”

APPENDIX I

**THE UNITED NATIONS COUNTER-TERRORISM STRATEGY - PLAN OF ACTION
COE ROUTER**

Chapter/Paragraph	CoE Committee/institution	Observations ⁶
I – Measures to address the conditions conducive to the spread of terrorism		
1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism;	SG ⁷ / PACE / BCDH ⁸ / CAHDI	
2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world;	CDCULT / CDED / ECRI/ CDESR / CDEJ / CDESR	Cf. White Paper on Inter-Cultural Dialogue and International Conference “Why Terrorism? Addressing the Conditions conducive to the Spread of Terrorism”
3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations;	ECRI / CDCULT / CDED / CDEJ / CDMC / CDESR / CAHDI	
4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our respective obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct;	CODEXTER / CM ⁹	CETS 196

⁶ Where appropriate refer to the list of reference documents appended to the agenda for the meeting.

⁷ Within the remit of Council of Europe Secretariat General.

⁸ Office of the Council of Europe Commissioner for Human Rights.

⁹ Committee of Ministers and in particular GR-J and its Chair as *Focal point Terrorism*

5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all;	SG	
6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists;	CDCS / CDEJ / ECRI / CODEXTER / CDMG	
7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance to support sustained economic and social development;	TCP ¹⁰ / CAHDI	
8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms to provide assistance to victims.	CODEXTER / CDPC / CDCJ	Cf. CETS 116, CETS 196, Guidelines on Victims of Terrorism, CM Rec (2006)8, <i>Country Profiles</i> drawn up by CODEXTER
II – Measures to prevent and combat terrorism		
1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;	CODEXTER / CAHDI	
2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens;	CDPC / PC-OC/ CCPE/ CCJE / CAHDI	

¹⁰ Accomplished in particular through the Target Cooperation Programmes.

3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements and to strengthen cooperation between law enforcement agencies;	CDPC / PC-OC / CCPE / CCJE	
4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism;	CODEXTER	
5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money-laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials;	CDPC / MONEYVAL	
6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime and to the three protocols supplementing it, and implementing them;	TCP	
7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum-seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in section II, paragraph 1, above;	CDCJ / CODEXTER / CDMG	Current consideration by CODEXTER of "False identity as a challenge to immigration authorities"; CM Rec (2005) 7 Cf. CDMG's Committee of experts on countries of emigration (MG-PE) and Committee of experts on the minimum rights of irregular migrants (MG-AD)
8. To encourage relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing mandates, the United Nations Office on Drugs and Crime and the International Criminal Police Organization, to facilitate its provision;	SG / CM / CODEXTER	
9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of international efforts to enhance the fight against terrorism;	-	

10. To encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them;	MONEYVAL	CETS 198
11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the biocrimes database contemplated by the International Criminal Police Organization. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, the scientific community, civil society and Governments, into a common programme aimed at ensuring that biotechnology advances are not used for terrorist or other criminal purposes but for the public good, with due respect for the basic international norms on intellectual property rights;	SG / CODEXTER / PACE	CM Rec (2007) 1; PACE Res 1367 (2004)
12. To work with the United Nations with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to: (a) Coordinate efforts at the international and regional levels to counterterrorism in all its forms and manifestations on the Internet; (b) Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard;	(a) CODEXTER / CDPC / T-CY / CDDH (b) TCP	Current consideration by CODEXTER of the Use of Internet for terrorist purposes and Cyberterrorism
13. To step up national efforts and bilateral, subregional, regional and international cooperation, as appropriate, to improve border and customs controls in order to prevent and detect the movement of terrorists and prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, and nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect;	CODEXTER / CDPC / PC-OC	Current consideration by CODEXTER of "False identity as a challenge to immigration authorities" CM Rec (2005) 7

14. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations, such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization;	SG / TCP	At UN request, CoE participates in the CTC onsite visits to UN members which are also members of the CoE
15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization/United Nations special notices concerning people subject to this sanctions regime;	CAHDI / PACE / VC ¹¹	CoE contributed to with an expert report submitted to the UN. In addition, at UN request's CAHDI's restricted data base on implementation of UN sanctions and respect for human rights was released to UN Security Council members on a restricted basis
16. To step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool, as appropriate, in particular by sharing relevant information;	-	CM Rec (CM Rec (2007) 1
17. To invite the United Nations to improve coordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency coordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary cooperation and assistance in the event of a terrorist attack using weapons of mass destruction;		Developments followed by CODEXTER

¹¹ Venice Commission.

18. To step up all efforts to improve the security and protection of particularly vulnerable targets, such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to this effect.	CODEXTER	Cf. Observation II.12.
III. - Measures to build State's capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard		
1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security;	SG	CoE / SG cooperates actively with UNODC in the provision of technical assistance and follows developments within the UN system; likewise it participates in the special meetings of the CTC with international organisations and in the CTC onsite visits to evaluate compliance with UN Sec Council Resolution 1373. The <i>Country Profiles</i> database set up by CODEXTER has proven useful in this respect.
2. To take advantage of the framework provided by relevant international, regional and subregional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area;		
3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter-terrorism;		
4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter-terrorism, relevant specialized agencies, relevant international, regional and subregional organizations and the donor community, to develop States' capacities to implement relevant United Nations resolutions;		
5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence in the counterterrorism efforts of the United Nations system;		
6. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and subregional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers;		

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions;		
8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism;		
9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities and to respond effectively in the event of an attack using such materials;		
10. To encourage the World Health Organization to step up its technical assistance to help States to improve their public health systems to prevent and prepare for biological attacks by terrorists;		
11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions at the national, regional and international levels;		
12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their cooperation, work with States to identify any national shortfalls in areas of transport security and provide assistance, upon request, to address them;		
13. To encourage the United Nations to work with Member States and relevant international, regional and subregional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.		
IV – Measure to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism		
1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the “Protection of human rights and fundamental freedoms while countering terrorism”;	-	Cf. Guidelines on Human Rights and Terrorism, ECRI General Policy Rec.

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law;	CAHDI / CDDH / CPT / VC	<i>Idem</i>
3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies;	CAHDI	Operation of the European Observatory of Reservations to International Treaties
4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice systems, and we encourage them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime;	CDDH / CDPC / CCJE/CCPE/ CODEXTER / CPT / VC / TCP	Cf. General observation to III.1-13.
5. To reaffirm the important role of the United Nations system in strengthening the international legal architecture by promoting the rule of law, respect for human rights and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism;	CAHDI / VC	PACE texts
6. To support the Human Rights Council and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism;	CDDH / BCDH	
7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on the human rights obligations of States and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national lawenforcement agencies, at the request of States;	CDDH / BCDH	TCP

<p>8. To support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support the efforts of States and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations and reporting on these issues.</p>	<p>CODEXTER / CAHDI / CDDH</p>	<p>Cf. Special rapporteur statement about the CoE Convention on the Prevention of Terrorism: “a sound response which would respect human rights”</p>
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APPENDIX II

INTERNATIONAL CONFERENCE "WHY TERRORISM?" ADDRESSING THE CONDITIONS CONDUCTIVE TO THE SPREAD OF TERRORISM" CONCLUSIONS (STRASBOURG, 25-26 APRIL 2007)

1. At the initiative of the Committee of Experts on Terrorism (CODEXTER), the Council of Europe organised an international conference entitled "*Why Terrorism? Addressing the conditions conducive to the spread of terrorism*" in Strasbourg on 25-26 April 2007. The Conference built upon Article 3 of the Council of Europe's Convention on the Prevention of Terrorism (due to enter into force on 1 June 2007), Section 1 of the Action Plan of the United Nations Global Counter-terrorism Strategy (September 2006), the Report of the High Level Group of the Alliance of Civilizations (November 2006) and the Madrid Agenda of the Club of Madrid (March 2005).
2. This conference brought together 150 experts and policy-makers from member and observer states of the Council of Europe, and representatives of international organisations, non-governmental organisations and academia, including the United Nations, the Alliance of Civilizations, the European Union, OSCE, Interpol, the Club of Madrid, the East-West Institute, UNESCO, the World Conference of Religions for Peace, Pax Romana and the Centre for the Study of Terrorism and Political Violence.
3. The event was a discussion-orientated forum for exchanging information, experience and ideas with a view to understanding the conditions conducive to the spread of terrorism and finding ways and means to prevent individuals from turning to terrorism.
4. From the outset, participants stressed the importance of discussing the issues at stake on the basis of a comprehensive approach encompassing all policy areas directly influencing the diversity of cultural practices and identities. In reaction to the persistent terrorist threat in the world, they stressed the need for a multidisciplinary approach to combating terrorism, combining cultural with political, economic, legal and social methods.
5. On the basis of the interventions on the first day, the participants held an open debate on the challenges of addressing the conditions conducive to the spread of terrorism, which include, but are not confined to:
 - alienation and problems of identity of often uprooted people;
 - rapid socio-political change creating hardship and degradation which are exploited by political entrepreneurs with a violent agenda;
 - larger political conflicts which seem to defy a just solution;
 - the abuse of religion for justification and mobilisation;
 - selective historical narratives which portray terrorism as a just response to humiliation and victimisation;
 - the abuse of freedom of speech and freedom of the press for the incitement of violence;
 - the existence of double standards of morality.
6. On the second day the participants looked at initiatives aimed at promoting integration and diversity, particularly through inter-cultural dialogue, as well as the role of religion and inter-religious dialogue. They proceeded to analyse the need for responsible, ethical and accountable foreign policy and governance, as well as the importance of democracy and human rights protection, in particular freedom of expression and association, to allow legal channels for the expression of grievances. The final session reviewed the debate about root causes in the UN and in academia and considered a set of recommendations on the prevention and control of terrorism.

7. At the close of the conference, the participants agreed on the following conclusions.¹²

CONCLUSIONS

1. Participants reaffirmed the condemnation of all acts of terrorism irrespective of their motivation, whenever and by whomever committed.
2. Participants expressed their support for mobilisation towards concerted action as suggested by the Alliance of Civilizations in order to address the widening rifts between and within societies. They underlined the need to strengthen mutual respect among peoples of different cultural and religious traditions, based on recommendations in the fields of education, youth, media and migration policies; placing particular emphasis on Western-Muslim relations.
3. Participants emphasised that diverse, multicultural societies are an essential and invaluable achievement of civilisation. In this context, they welcomed the Council of Europe's "White paper on intercultural dialogue" initiative aimed at providing a comprehensive set of policy principles, recommendations and best practices in all areas concerned, and UNESCO's initiatives on cultural diversity.
4. Participants agreed that intercultural dialogue can help finding positive responses to the challenges posed by cultural diversity. They called for additional initiatives promoting intercultural dialogue at all levels and by all stakeholders concerned, based on the shared values of human rights, democracy and the rule of law. They emphasised that intercultural dialogue needs a supportive and coherent political environment aiming at greater social justice, characterised by a strong role for civil society as well as a cultural and media industry that promotes dialogue.
5. Participants called for all states to promote progressive integration combined with conditions under which all members of diverse, multiethnic and multicultural societies can express their cultural identity, subject to protection by international law.
6. Participants called for states to fully respect all human rights, including the freedom of religion and belief, in taking measures against terrorism and stressed that human rights are not an obstacle to an effective fight against terrorism but a crucial element for an effective counter-terrorism strategy.
7. In this respect participants welcomed the entry into force of the Council of Europe Convention on the Prevention of Terrorism, which has been recognized as an example of a sound response which would respect human rights, and called upon states to become Parties to it as soon as possible.
8. Participants stressed that incitement of discord among religions and hatred against people of a different creed, race or country is dangerous and inadmissible. Religious institutions and organisations should contribute actively to the peaceful settlement of conflicts.
9. Participants underlined that recourse to terrorism in the name of religion is considered by the vast majority of religious leaders and believers as a distortion of and disrespect for religion and that no act of terrorism can be justified on religious grounds

¹² These conclusions do not necessarily reflect the official policy of the governments and international organisations participating in this Conference.

10. Participants expressed their resolve against attempts to qualify specific national, regional or local cultures or religions as inherently terrorist or conducive to terrorism. No culture, religion or belief is entirely immune against extremist misinterpretation and abuse for terrorist aims.

11. Participants called for states to promote mutual tolerance by supporting initiatives for inter-religious dialogue involving, where appropriate, non-governmental organisations and other elements of civil society with a view to preventing tensions that might contribute to the commission of terrorist offences at international, national and local levels.

12. Participants agreed that education about the diversity of religious practices and freedom of religion or belief also contributes to the goals of peace, social justice, and mutual respect among peoples. Such teaching is part of the education for democratic citizenship and can help to combat intolerant ideologies or practices and to promote freedom of expression, respect for pluralism and greater acceptance of diversity.

13. Participants debated the role foreign policy, democratic principles and accountable government play in the prevention of conditions conducive to the spread of terrorism, welcoming the call for a global democratic response to the threat of terrorism, as put forward in the Madrid Agenda (11 March 2005) by the Club of Madrid, calling on the international community and states to:

- rapidly conclude the Comprehensive Convention on International Terrorism;
- strengthen regional organisations so that measures to combat terrorism are tailored to local needs and benefit from local knowledge and networks;
- efficiently address structural inequality and lack of human rights.

14. Participants agreed that measures by states to combat terrorism must be consistent with the requirements of democracy, the rule of law, respect for human rights and fundamental freedoms, as well as with the principles of social justice. Such measures must be directed exclusively at the perpetrators of terrorist acts, not against national, ethnic or religious communities as such.

15. Participants noted the importance of avoiding, both at international and national level, double standards or arbitrary judgement based on political, ethnic or religious grounds when interpreting acts and manifestations of terrorism in various regions of the world.

16. With regard to addressing the conditions conducive to the spread of terrorism, participants called on states:

- to endeavour to increase international co-operation in all these areas;
- to maintain open political systems, thereby allowing grievances to be expressed through legitimate means;
- to mitigate the risk factors that may increase the attractiveness of extremist ideologies;
- to counteract extremist ideologies;
- to promote public awareness regarding the existence, causes and gravity of and the threat posed by terrorist offences, and to consider encouraging the public to provide factual, specific help to its competent authorities thus contributing to the prevention of such acts, and fostering a public-private partnership; and
- to continue reflecting on the development of existing and new avenues for addressing the conditions conducive to the spread of terrorism, taking into account the conclusions of this conference.

17. Participants appreciated the efforts of the Council of Europe in facilitating the exchange of information and views among the international community, Council of Europe

member states and observers, thereby providing assistance to its member states in preparation for the entry into force of the Council of Europe Convention on the Prevention of Terrorism, with special regard to Article 3.

18. Participants called upon the Council of Europe decision-making bodies to ensure the follow-up of this conference and its conclusions.

APPENDIX III

RESOLUTION CM/RES(2007)7 INVITING THE REPUBLIC OF MONTENEGRO TO BECOME A MEMBER OF THE COUNCIL OF EUROPE

(Adopted by the Committee of Ministers on 9 May 2007
at the 994bis meeting of the Ministers' Deputies)

The Committee of Ministers,

Having regard to the Statute of the Council of Europe;

Considering the wish expressed by the Republic of Montenegro to become a member of the Council of Europe;

Having regard to the declaration of succession of the Republic of Montenegro, by the letter of 6 June 2006, in respect of the conventions to which the State Union of Serbia and Montenegro had been a Party or Signatory, confirmed by the letter of 23 March 2007, and to the decision by the Committee of Ministers according to which the Republic of Montenegro is, with retroactive effect from 6 June 2006, the date of the declaration of succession, Party to the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols No. 1, 4, 6, 7, 12, 13 and 14 thereto and to the European Convention on the Suppression of Terrorism;

Having, in accordance with the provisions of Statutory Resolution (51) 30 A, consulted the Parliamentary Assembly, which has expressed a favourable opinion (Opinion No. 261 (2007));

Observing that the Republic of Montenegro complies with the conditions laid down in Article 4 of the Statute;

In the light of the commitments entered into by the Republic of Montenegro and the assurances for their fulfilment given by the President, the Prime Minister and the Speaker of Parliament in their letter of 4 May 2007, in reply to the letter by the Chairman of the Committee of Ministers of the Council of Europe of 3 May 2007, with a view to membership of the Council of Europe;

Reaffirming both the commitment by the Committee of Ministers to provide Council of Europe support and assistance to the Republic of Montenegro and its determination to ensure through an appropriate monitoring procedure that the obligations and commitments linked to the accession of the Republic of Montenegro are honoured;

Having regard to the Financial Regulations,

Resolves:

- i. to invite the Republic of Montenegro to become a member of the Council of Europe and accede to the Statute;
- ii. to fix at three the number of representatives of the Republic of Montenegro in the Parliamentary Assembly;
- iii. to determine the Republic of Montenegro's various proportionate financial contributions to the Council of Europe according to the appendix to this resolution of which it forms an integral part;

Instructs the Secretary General to notify the Government of the Republic of Montenegro of these decisions and to make all necessary arrangements for their implementation.

Appendix to Resolution CM/Res(2007)7

1. The Committee of Ministers, in accordance with Resolution (94) 31 on the method of calculating the scale of member states' contributions to Council of Europe budgets, fixes the proportion of the contribution of the Republic of Montenegro to the ordinary budget, extraordinary budget (part relating to fire security and cabling works), the Pensions and the European Youth Foundation budget at 0.1172% for 2007.
2. The Committee of Ministers, in accordance with Resolution (86) 30, fixes the proportion of the Republic of Montenegro's contribution to the extraordinary budget (part relating to the New General Building) at 0.1014% for 2007.
3. The amount which the Republic of Montenegro is to contribute to the Working Capital Fund, calculated in accordance with the same percentage as for the ordinary budget, is €3 395 which is added to the Fund's present total.
4. In accordance with Resolution Res(2002)3, the Republic of Montenegro, through its accession to the Council of Europe, becomes a full member of the European Commission for Democracy through Law. Its contribution to the budget of this Enlarged Agreement amounts to 0.12 %.

APPENDIX IV

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNCIL OF EUROPE AND THE EUROPEAN UNION

PREAMBLE

The Council of Europe and the European Union,

1. Seeking to achieve greater unity between the states of Europe through respect for the shared values of pluralist democracy, the rule of law and human rights and fundamental freedoms as well as through pan-European co-operation, thus promoting democratic stability and security to which European societies and citizens aspire;
2. Recognising the unique contribution of the Convention for the Protection of Human Rights and Fundamental Freedoms, of the European Court of Human Rights, as well as of other Council of Europe standards and instruments for the protection of the rights of individuals, and taking into account the importance of the Charter of Fundamental Rights of the European Union, as well as Article 6.2 of the European Union Treaty;
3. Recalling the Declaration and Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe in Warsaw in May 2005, and in particular the decision to create a new framework for enhanced co-operation and political dialogue, on the basis of the guidelines set out in Chapter IV of the Action Plan;
4. Bearing in mind the strategic vision contained in the report on the relations between the Council of Europe and the European Union prepared in his personal capacity and at the request of the Heads of State and Government by Jean-Claude Juncker, Prime Minister of Luxembourg;
5. Seeking to intensify co-operation and ensure co-ordination of action on issues of mutual interest;
6. Considering their comparative advantages and specific characteristics and building upon existing good relations;
7. Bearing in mind that the Heads of State and Government at the Third Summit of the Council of Europe in Warsaw decided that all activities of the Council of Europe must contribute to its fundamental objective, i.e. preserving and promoting human rights, democracy and the rule of law, and adopted an Action Plan which defines areas where the role of the Council of Europe as an effective mechanism for pan-European co-operation should be enhanced;
8. Deciding to establish a new framework for enhanced co-operation and political dialogue,

Have reached the following understanding:

PURPOSES AND PRINCIPLES OF CO-OPERATION

9. The Council of Europe and the European Union will develop their relationship in all areas of common interest, in particular the promotion and protection of pluralistic democracy, the respect for human rights and fundamental freedoms, the rule of law, political and legal co-operation, social cohesion and cultural interchange. In doing so, they will follow the guidelines adopted by the Third Summit in Warsaw which called for the building of a Europe without dividing lines.
10. The Council of Europe will remain the benchmark for human rights, the rule of law and democracy in Europe.
11. On the basis of enhanced partnership and complementarity, the Council of Europe and the European Union will take all the necessary measures to promote their co-operation by exchanging views on their respective activities and by preparing and implementing common strategies and programmes for the priorities and areas of shared interest set out below.
12. The co-operation will take due account of the comparative advantages, the respective competences and expertise of the Council of Europe and the European Union – avoiding duplication and fostering synergy –, search for added value and make better use of existing resources. The Council of Europe and the European Union will acknowledge each other's experience and standard-setting work, as appropriate, in their respective activities.

13. They will extend their co-operation to all areas where it is likely to bring added value to their action.

SHARED PRIORITIES AND FOCAL AREAS FOR CO-OPERATION

14. The Council of Europe and the European Union reaffirm their commitment to establish close co-operation based on their shared priorities and, where possible, to strengthen their relations in areas of common interest such as:

- human rights and fundamental freedoms;
- rule of law, legal co-operation and addressing new challenges;
- democracy and good governance;
- democratic stability;
- intercultural dialogue and cultural diversity;
- education, youth and promotion of human contacts;
- social cohesion.

15. Other areas of shared priorities and common interest may be defined on the basis of mutual consultations.

Human rights and fundamental freedoms

16. The Council of Europe and the European Union will base their co-operation on the principles of indivisibility and universality of human rights, respect for the standards set out in this field by the fundamental texts of the United Nations and the Council of Europe, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, and the preservation of the cohesion of the human rights protection system in Europe.

17. The European Union regards the Council of Europe as the Europe-wide reference source for human rights. In this context, the relevant Council of Europe norms will be cited as a reference in European Union documents. The decisions and conclusions of its monitoring structures will be taken into account by the European Union institutions where relevant. The European Union will develop co-operation and consultations with the Commissioner for Human Rights with regard to human rights.

18. While preparing new initiatives in this field, the Council of Europe and the European Union institutions will draw on their respective expertise as appropriate through consultations.

19. In the field of human rights and fundamental freedoms, coherence of Community and European Union law with the relevant conventions of the Council of Europe will be ensured. This does not prevent Community and European Union law from providing more extensive protection.

20. Early accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms would contribute greatly to coherence in the field of human rights in Europe. The Council of Europe and the European Union will examine this further.

21. Co-operation between the Council of Europe and the European Union will include the protection of persons belonging to national minorities, the fight against discrimination, racism, xenophobia and intolerance, the fight against torture and ill-treatment, the fight against trafficking in human beings, the protection of the rights of the child, the promotion of human rights education and freedom of expression and information.

22. The European Union Agency for Fundamental Rights strengthens the European Union's efforts to ensure respect for fundamental rights within the framework of the European Union and Community law. It respects the unity, validity and effectiveness of the instruments used by the Council of Europe to monitor the protection of human rights in its member states. The concrete co-operation between the Council of Europe and the Agency will be the subject of a bilateral co-operation agreement between the Council of Europe and the Community.

Rule of law, legal co-operation and addressing new challenges

23. The Council of Europe and the European Union will endeavour to establish common standards thus promoting a Europe without dividing lines, without prejudice to their autonomy of decision.

24. Bearing this in mind, legal co-operation should be further developed between the Council of Europe and the European Union with a view to ensuring coherence between Community and European Union law and the standards of Council of Europe conventions. This does not prevent Community and European Union law from adopting more far-reaching rules.

25. To this end and to the extent necessary the Council of Europe and the European Union will consult each other at an early stage in the process of elaborating standards.

26. The Council of Europe and the European Union will continue to strive to develop appropriate forms of co-operation in response to the challenges facing European society, and to enhance the security of individuals, particularly as regards combating terrorism, organised crime, corruption, money laundering and other modern challenges, including those arising from the development of new technologies.

Democracy and good governance

27. The Council of Europe and the European Union will draw on each other's expertise and activities to promote and strengthen democracy and good governance, and to foster gender equality as well as greater participation of women in the decision-making process in public life.

28. They will make full use of the Venice Commission's expertise. They will co-operate through the Forum for the Future of Democracy in order to promote democracy, citizen's participation, democratic development and good governance. They will consider the application of new technologies in this context.

29. They will explore ways of working more closely in the field of regional and transfrontier co-operation. They will endeavour to promote local democracy in view of the contribution which it can make to the achievement of their shared objectives. They should make good use of the Council of Europe Congress of Local and Regional Authorities and the Committee of Regions of the European Union, as well as the Centre of Expertise on Local Government Reform.

Democratic stability

30. Bearing in mind the common aim of promoting and strengthening democratic stability in Europe, the Council of Europe and the European Union will increase their common efforts towards enhanced pan-European relations, including further co-operation in the countries participating in the European Union's Neighbourhood Policy or the Enlargement process, with due regard to the specific competences of both institutions and in conformity with Council of Europe member states' observance of their obligations and commitments.

31. This co-operation, in order to promote democracy and citizens' participation, will also include states aspiring for membership of the Council of Europe.

32. To reinforce co-operation in the areas mentioned in this chapter, they will have regular exchanges of views and will develop, where appropriate, mutually supportive and reinforcing activities as well as joint programmes as set out in paragraph 52 below.

Intercultural dialogue and cultural diversity

33. The Council of Europe and the European Union will co-operate in order to develop intercultural dialogue and cultural diversity with a view to promoting respect for human rights and mutual understanding among cultures in Europe. This dialogue is an important element in the fight against all forms of discrimination, racism and xenophobia.

34. The European Union will examine its participation in the inter-institutional open platform of co-operation for intercultural dialogue initiated by the Council of Europe and UNESCO at the Faro Ministerial Conference.

35. The Council of Europe and the European Union will promote ideas and values fostering cultural diversity both among their respective member states as well as in relevant international fora. In this spirit, the Council of Europe will promote the ratification and implementation of the UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions by its member states. The Council of Europe and the European Union will promote its ratification and implementation by their international partners.

Education, youth and the promotion of human contacts

36. The Council of Europe and the European Union will co-operate in building a knowledge-based society and a democratic culture in Europe, in particular through promoting democratic citizenship and human rights education. They will support the Bologna process aimed at establishing a higher education area by 2010, as well as education networks and student exchanges at all levels.

37. The Council of Europe and the European Union will strengthen their co-operation in the youth field by developing and taking part in programmes and campaigns to empower young people to participate actively in the democratic process and by facilitating youth exchange.

38. They will encourage exchanges of good practices concerning freedom of movement, in order to improve people-to-people contacts between Europeans throughout the continent.

Social Cohesion

39. The Council of Europe and the European Union will co-operate in the field of social cohesion on the basis of the Council of Europe Social Charter and the relevant European Union texts.

40. On the basis of their respective frameworks, they will support the efforts by member states to exchange good practices on social cohesion and solidarity – in particular in combating violence, poverty and exclusion and in protecting vulnerable groups - and to develop more efficient policies in this field.

ARRANGEMENTS FOR CO-OPERATION

41. The Council of Europe and the European Union, within their respective policy frameworks, will consult regularly and closely, both at political and technical levels, on matters within the shared priority areas described above.

42. They should further continue to develop joint activities and co-operate through specialised Council of Europe structures, processes and initiatives as well as appropriate institutions of the European Union.

43. Such co-operation should include:

- reinforced dialogue on policy issues to identify joint priorities and develop common strategies with a medium or long-term perspective;
- regular exchanges of information and development of common views and initiatives;
- further co-ordination of operational activities in priority areas;

- enhanced consultation between networks/bodies with activities in the same priority or focal areas;
- partnership with those states benefiting from activities, programmes and other common initiatives carried out in this framework;
- joint activities and events.

Meetings and mechanisms for strengthening co-operation

44. The Council of Europe and the European Union will pursue their regular "Quadripartite" meetings devoted to the most important aspects of co-operation and strategic issues. Ways of enhancing the parliamentary contribution to this process will be examined. In addition, ad hoc consultations at a high political level could be held on topical matters of common interest.

45. More frequent consultations aimed at the reinforcement of political dialogue between, on the one hand, the Presidency/Troika of the European Union and, on the other hand, the Chairmanship and Vice-Chairmanship of the Committee of Ministers and Secretary General of the Council of Europe may take place on an informal basis in the Ministers' Deputies and at the level of the Political and Security Committee (PSC).

Inter-institutional co-operation

46. The European Parliament and the Parliamentary Assembly of the Council of Europe are invited to reinforce their co-operation in order to further strengthen the parliamentary dimension of interaction between the Council of Europe and the European Union, in accordance with the Agreement to be signed by the respective Presidents.

47. The Council of Europe's Human Rights Commissioner, the Committee for the Prevention of Torture, the European Commission against Racism and Intolerance and the other specialised bodies of the Council of Europe, as well as the relevant European Union institutions are especially invited to reinforce their co-operation.

48. The Council of Europe and the European Union will further co-operate by using the opportunities provided by existing partial agreements and conferences of specialised ministers.

49. The Committee of the Regions of the European Union and the Congress of Local and Regional Authorities of the Council of Europe are invited to increase co-operation, building on their agreement of 13 April 2005.

50. The contribution of civil society to achieving the objectives shared by the Council of Europe and the European Union will also be encouraged.

Institutional presence

51. The Council of Europe and the European Union will consider how best to enhance and strengthen their presence in Brussels and Strasbourg respectively.

Joint Programmes

52. In line with the Joint Declaration on co-operation and partnership between the Council of Europe and the European Commission signed on 3 April 2001, ongoing co-operation will be reinforced in the framework of the joint programmes, which could include regional thematic programmes. The Council of Europe will continue to provide for consultations with Council of Europe beneficiary member countries. Consultations involving the European Commission, the Secretariat of the Council of Europe and as a general rule the Council of Europe member countries concerned will continue to be organised to discuss the priorities of co-operation. Member and observer states which are donors will be invited to take part in this co-operation and its evaluation.

VISIBILITY OF THE PARTNERSHIP

53. The Council of Europe and the European Union commit themselves to improving co-operation in the area of communication with the aim of increasing awareness and understanding of their shared values and of their partnership among both the general public and specialised audiences. They will consult on the calendar of their respective awareness-raising campaigns and will consider the possibilities of organising joint events.

54. The Council of Europe and the European Union will take all necessary measures to maximise the visibility of their joint action, especially of the joint programmes, for the citizens of their member states, with a special emphasis on the countries benefiting from this co-operation.

FOLLOW-UP

55. The Council of Europe and the European Union will regularly evaluate the implementation of the present Memorandum of Understanding. In the light of this evaluation, it will be decided by common agreement, not later than 2013, to revise, if necessary, the Memorandum of Understanding with a view to including new priorities for their co-operation.

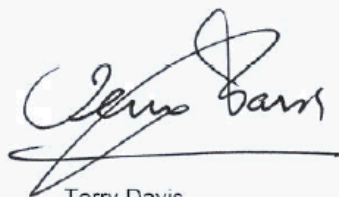
Signed in two copies (English and French) on

11 May 2007 Strasbourg

For the Council of Europe



Fiorenzo Stolfi
Chairman of the Committee of Ministers




Terry Davis
Secretary General

Signed in two copies (English and French) on

23 May 2007 in Strasbourg

For the European Union



President of the Council of the European Union



European Commission

APPENDIX V

DRAFT AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE COUNCIL OF EUROPE ON COOPERATION BETWEEN THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS AND THE COUNCIL OF EUROPE

As approved at the 999bis meeting of the Ministers' Deputies, 29 May 2007

THE EUROPEAN COMMUNITY AND THE COUNCIL OF EUROPE (hereinafter referred to as "the Parties"),

WHEREAS the Council of the European Union adopted, on 15 February 2007, Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights (hereinafter referred to as the 'Agency');

WHEREAS the objective of the Agency is to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights;

WHEREAS the Agency shall refer in carrying out its tasks to fundamental rights within the meaning of Article 6 (2) of the Treaty on European Union, including the rights and freedoms guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950;

WHEREAS the Council of Europe has acquired extensive experience and expertise in intergovernmental cooperation and assistance activities in the field of human rights, having also established several human rights monitoring and control mechanisms, as well as the Council of Europe Commissioner for Human Rights;

WHEREAS, in pursuing its activities, the Agency shall take account, where appropriate, of activities already carried out by the Council of Europe;

WHEREAS the Agency shall, in order to avoid duplication and in order to ensure complementarity and added value, coordinate its activities with those of the Council of Europe, particularly with regard to its annual work programme and to cooperation with civil society; whereas close links should now be established between the Agency and the Council of Europe in accordance with Article 9 of Council Regulation (EC) No 168/2007;

WHEREAS the Representatives of the Member States of the European Union, meeting within the European Council on 16 and 17 December 2004 agreed that the Agency will play a major role in enhancing the coherence and consistency of the EU Human Rights Policy;

WHEREAS the Guidelines on the relations between the Council of Europe and the European Union, adopted at the Third Council of Europe Summit of Heads of State and Government (Warsaw, 16-17 May 2005) refer to the Agency as an opportunity to further increase cooperation with the Council of Europe and to contribute to greater coherence and enhanced complementarity;

WHEREAS the Memorandum of Understanding between the Council of Europe and the European Union, concluded on 23 May 2007, contains a general framework for the cooperation in the area of human rights and fundamental freedoms and highlights the role of

the Council of Europe as the benchmark for human rights, the rule of law and democracy in Europe;

WHEREAS, in accordance with the Memorandum of Understanding, the Agency respects the unity, validity and effectiveness of the instruments used by the Council of Europe to monitor the protection of human rights in its member States;

WHEREAS it is for the Council of Europe to appoint an independent person to sit on the Agency's Management Board and on its Executive Board,

HAVE AGREED AS FOLLOWS:

I. Use of terms

1. For the purposes of this Agreement:

a) the term "Council of Europe intergovernmental committees" shall mean any committee or body set up by the Committee of Ministers, or with its authorisation, by virtue of Articles 15 (a), 16 or 17 of the Council of Europe Statute;

b) the term "Council of Europe's human rights monitoring committees" shall mean the European Committee of Social Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Commission against Racism and Intolerance, the Committee of experts of the European Charter for Regional or Minority Languages, the Advisory Committee of the Framework Convention for the Protection of National Minorities and any other such independent bodies that the Council of Europe might set up in the future;

c) the term "Agency" shall comprise the bodies referred to in Article 11 of Council Regulation (EC) No 168/2007 within their respective areas of competence.

II. General cooperation framework

2. This Agreement establishes a cooperation framework between the Agency and the Council of Europe in order to avoid duplication and ensure complementarity and added value.

3. Regular contacts shall be established at the appropriate level between the Agency and the Council of Europe. The Director of the Agency and the Council of Europe Secretariat shall each appoint a contact person to deal specifically with matters relating to their cooperation.

4. As a general rule, Council of Europe Secretariat representatives shall be invited by the Agency's Executive Board to attend meetings of the Agency's Management Board as observers. This shall not extend to particular agenda items for which, on account of their internal nature, such attendance would not be justified. Such representatives may also be invited to other meetings organised by the Agency's Management Board, including those referred to in Article 6 (1) of Council Regulation (EC) No 168/2007.

5. Representatives of the Agency shall be invited to attend, as observers, meetings of those Council of Europe intergovernmental committees in which the Agency has expressed an interest. Upon invitation by the relevant committee, representatives of the Agency may attend meetings or exchanges of views organised by Council of Europe human rights monitoring committees or committees set up under partial agreements as observers.

Representatives of the Agency may also be invited to participate in exchanges of views organised by the Committee of Ministers of the Council of Europe.

6. Cooperation shall cover the whole range of the Agency's activities, both present and future.

III. Exchange of information and data

7. Without prejudice to the rules on data protection in force for the Agency and Council of Europe respectively, the Agency and the Council of Europe shall provide each other with information and data collected in the course of their activities, including access to online information. Information and data thus provided may be used by the Agency and the Council of Europe in the course of their respective activities. These provisions do not extend to confidential data and activities produced or undertaken.

8. The Agency shall take due account of the judgments and decisions of the European Court of Human Rights concerning the areas of activity of the Agency and, where relevant, of findings, reports and activities in the human rights field of the Council of Europe's monitoring and intergovernmental committees, as well as those of the Council of Europe's Commissioner for Human Rights.

9. Whenever the Agency uses information taken from Council of Europe sources, it shall indicate the origin and reference thereof. The Council of Europe shall proceed in the same way when using information taken from Agency sources.

10. The Agency and the Council of Europe shall ensure, by means of their networks, the widest possible dissemination of the results of their respective activities on a reciprocal basis.

11. The Agency and the Council of Europe shall ensure regular exchanges of information about activities proposed, under way or completed.

IV. Methods of cooperation

12. Regular consultations shall be held between the Agency and the Council of Europe Secretariat, with the aim of coordinating the Agency's activities, in particular carrying out research and scientific surveys as well as drafting conclusions, opinions and reports, with those of the Council of Europe in order to ensure complementarity and the best possible use of available resources.

13. Such consultations shall notably concern:

- the preparation of the Agency's annual work programme;
- the preparation of the Agency's annual report on fundamental rights issues covered by the areas of the Agency's activity;
- cooperation with civil society, in particular association of the Council of Europe with the establishment and functioning of the Agency's Fundamental Rights Platform.

14. On the basis of such consultations, it may be agreed that the Agency and the Council of Europe shall conduct joint and/or complementary activities on subjects of common interest, such as the organisation of conferences or workshops, data collection and analysis or the setting up of shared information sources or products.

15. Cooperation between the Agency and the Council of Europe may be further promoted through grants awarded by the Agency to the Council of Europe. The 2004 Framework Administrative Agreement between the European Commission and the Council of Europe on

the application of the financial checks clause to operations administered by the Council of Europe and financed or co-financed by the European Community shall apply.

16. Temporary exchanges of staff between the Agency and the Council of Europe may be effected by agreement between the Secretary General of the Council of Europe and the Director of the Agency in so far as the relevant applicable staff regulations allow.

V. Appointment by the Council of Europe of an independent person to sit on the Agency's Management and Executive Boards

17. The Committee of Ministers of the Council of Europe shall appoint an independent person to sit on the Management and Executive Boards of the Agency, together with an alternate member. The Council of Europe appointees shall have appropriate experience in the management of public or private sector organisations and knowledge in the field of fundamental rights.

18. The Council of Europe shall notify the Agency and the European Commission of the appointments made.

19. The person appointed by the Council of Europe to the Management Board shall be invited to participate in the meetings of the Executive Board. His or her views shall be duly taken into account, especially to ensure complementarity and added value between the activities of the Agency and those of the Council of Europe. He or she shall have a right to vote in the Executive Board as regards the preparation of decisions of the Management Board on which he or she may vote in accordance with Article 12 § 8 of Council Regulation (EC) No 168/2007.

VI. General and final provisions

20. Nothing in this agreement may be interpreted as preventing the Parties from pursuing their respective activities.

21. This Agreement abrogates and replaces the Agreement of 10 February 1999 between the European Community and the Council of Europe for the purpose of establishing, in accordance with Article 7 (3) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, close cooperation between the Centre and the Council of Europe.

22. This Agreement shall enter into force upon signature by the duly authorised representatives of the Parties.

23. This Agreement may be modified by mutual agreement between the Parties. The Parties shall evaluate the implementation of this Agreement not later than 31 December 2013 with a view to revising it if necessary.