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Communication by the French Presidency of the Committee of Ministers

(not delivered)

**French Presidency of the Committee of Ministers of the Council of Europe
(17 May 2019 – 27 November 2019)**

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Only the French version is authentic

The Council of Europe is celebrating its 70th anniversary this year. In his address to the Parliamentary Assembly on 1 October, the President of the Republic pointed out that the Council of Europe is the fruit of courage and commitment and the story of a struggle against all that had happened in the past, after centuries of conflict. It has brought about many advances which we must take care to safeguard.

As we are all aware, our Organisation has gone through a difficult period. The French Presidency of the Committee of Ministers has worked hard to ensure that the Parliamentary Assembly and the Committee of Ministers took the necessary decisions to enable the Council of Europe to preserve the pan-European dimension which makes it so unique. The process has not been easy – some very strong views were expressed, sometimes with great feeling.

Our overriding objective was to ensure the protection of the fundamental rights of over 800 million Europeans. Overcoming the crisis did not involve anyone winning or anyone being defeated. The only winners were European citizens. Russia's readmission to the Assembly does not call into question the established position of France, which does not recognise the illegal annexation of Crimea.

On 1 October, the President of the Republic stressed that Russia's return to the Assembly was "not a gesture of complacency [but] a decision involving requirements. Requirements for Russia to fully respect its obligations and fulfil its duties towards the Council of Europe. Requirements for our organisation to be stronger and more effective in such situations, to act with more predictability, responsiveness and credibility."

France has maintained and continues to maintain dialogue with Russia on a number of areas of concern such as the situation of human rights defenders and the implementation of the Minsk agreements.

Through all its component entities, the Council of Europe must also conduct demanding dialogue with Russia and with other States. The Congress has a part to play in this regard and we welcome the debates scheduled this week regarding the situation of local democracy in Russia.

These difficult decisions mean that we can look towards the future. We must now focus our efforts on enabling our Organisation to respond rapidly and appropriately to the new and not so new challenges facing us.

One major change should help us in this connection: since 18 September, we have a new Secretary General. The French Presidency would like to take this opportunity to assure her again of its full support. It

also commends the work done by Mr Jagland, who helped raise the Organisation's profile again and took major steps to prepare it for tackling the new challenges.

At national and, indeed, at local and regional level, we are witnessing a rise in intolerance and xenophobia throughout Europe. We see the dangers which populism can involve. And we are witnessing a decline in public trust in political institutions and democratic processes.

The work of this Organisation and all the bodies and institutions that operate within it is more necessary than ever to tackle the setbacks to fundamental rights and the challenges facing us. Our various bodies must do work of a complementary nature, with the same priorities. We must also continue to examine how we operate and our priorities and continue to reform and innovate.

The French Presidency would like to thank the Congress for its contribution to the Helsinki Ministerial Session and notes with interest its willingness to be involved in implementing the decisions taken there. The Committee of Ministers welcomes the Congress's intention to reform its structures, operating methods and priorities. As the Chair of the Committee of Ministers, we hope that the draft Statutory Resolution amending the Congress Charter will be adopted shortly, following final legal clarifications.

With this written communication, the French Presidency wishes to address three issues. Firstly, co-operation between the Congress and the Committee of Ministers. Secondly, the priorities of the French Presidency which are of particular interest to the Congress. Thirdly, recent developments concerning local democracy in France.

Co-operation between the Congress and the Committee of Ministers

The key role played by the Congress in monitoring the application by member States of the European Charter of Local Self-Government on the ground is recognised and respected. It is very important to the member States and the Committee of Ministers, which is following with interest the discussions being held this week on the reports concerning local and regional democracy in the Russian Federation and in Bosnia and Herzegovina.

The importance of the Congress's expertise in observing municipal and regional elections must also be underlined. In this regard, the French Presidency would commend the key role which the Congress played in the observation of the municipal elections in Turkey on 31 March 2019, as well as its analysis and its role in the rerun of the elections in Istanbul. The address by the mayor of Istanbul to the Congress during the session has been most enlightening in this respect.

We also take note of the monitoring activity in progress in Turkey, the first part of which was conducted from 1 to 3 October, while the second part will be carried out next week. In addition, the Committee of Ministers has taken note of the recent election observation in the Republic of Moldova and of the preliminary findings.

It is also important to mention the local and regional dimension of the co-operation programmes and plans of action adopted by the Committee of Ministers. These programmes help the member States to bring their legislation and practice into line with European standards.

The French Presidency is pleased that the Congress is seeking to incorporate the United Nations Sustainable Development Goals in its strategy and its activities. Local authorities are vital players in implementing these goals and have a part to play in persuading the public of the need to achieve the goals.

Priorities of the French Presidency

The world is going through a period of upheaval, creating new challenges for fundamental rights. The French Presidency is eager for the Council of Europe to continue playing a pioneering role so that citizens can find their bearings amid all the changes under way.

With this in mind, France has selected three priorities for its Presidency: preserving and consolidating the European system of human rights protection; promoting equality and living together; meeting the new challenges facing human rights and the rule of law.

- a) Our first priority is to strengthen the system of human rights protection developed by the Council of Europe, with the Convention and the European Court of Human Rights at its core

The French Presidency has been eager to continue the efforts to preserve the independence and authority of the European Court of Human Rights. To this end, on 12 and 13 September we gathered in Paris the Chief justices of the member States' Supreme Courts and the European Court of Human Rights, in order to have a "dialogue between judges" in the full sense of the term. The Convention must be implemented in the same way in all the member States and feed through to the national level, in line with the principle of subsidiarity.

As a great believer in social Europe, France has sought to strengthen the protection of social rights. While the European Social Charter and the revised European Social Charter constitute the "Social Constitution of Europe", it is regrettable that only 15 states have so far ratified the 1995 Protocol on collective complaints. Mindful of this fact, we have worked hard to modernise the monitoring and control mechanisms and recently held a seminar to discuss reform options. It is now for the Committee of Ministers to really take this process forward. Local authorities, through the Congress, have a role to play here, because when citizens encounter problems of a social nature, they often turn to local authorities for solutions that are worthy of a just society concerned to preserve its cohesion.

In this the 30th anniversary year of the United Nations Convention on the Rights of the Child, the role played by local and regional authorities in this area is crucial. At a conference which will be organised on 13 and 14 November jointly with the French Presidency, the Council of Europe will conduct a mid-term review of its Strategy for the Rights of the Child (2016-2021). The French Presidency hopes that the discussions held will feed into the work of the Congress and assist it in its efforts to raise awareness in Europe's cities and regions.

- b) The French Presidency is also determined to promote equality and living together.

Europe is currently seeing a resurgence of racism, intolerance and multiple forms of discrimination.

Again, it is often at the local level that authorities have to deal with the problems arising from tensions. States have a role to play, of course, but it is also at the local level that solutions must be found to foster integration and promote tolerance between citizens from different cultural, ethnic or religious backgrounds and with different sexual orientations.

The French Presidency had the pleasure of hosting the conference held at the end of September in Paris to mark the 25th anniversary of the European Commission against Racism and Intolerance (ECRI). Among other things, this conference afforded an opportunity to adopt an ambitious new roadmap emphasising the need to continue the fight against racism, anti-Semitism and intolerance. ECRI has set itself the goal of updating its General Policy Recommendations on discrimination against persons of the Muslim and Jewish faiths, working on digital challenges and drafting a new recommendation on LGBTI rights.

On this last point, numerous instances of homophobic discrimination and attacks have been reported, including in European Union member States, all of which France unreservedly condemns. The Congress has an important role to play because some of this discrimination originates at local level. The setting-up of "LGBTI-free zones" by local authorities in several European countries is particularly worrying, for example, and we would urge the Congress to tackle this issue. We would also encourage it to participate in the Committee of Ministers' informal exchange of views on discrimination against LGBTI people on 5 November.

At the heart of the fight to foster living together, there is also the fight against violence against women. In France, the President of the Republic has made equality between women and men the "Great National Cause" of his five-year term. A genuine national consultation has been launched in France on the effort to combat violence against women in order to identify measures and good practices that can reduce the number of women who are murdered. This consultation involves the local level in particular because it is at this level that certain measures must be implemented.

At international level, France is pursuing a feminist foreign policy in both multilateral and bilateral forums, but also through our official development assistance. In recent months, the French authorities have been particularly active. Through the "Biarritz Partnership for Gender Equality", the G7 countries have committed themselves to implementing laws promoting equality between women and men as part of a legislative package reflecting best practices.

The French Presidency of the Committee of Ministers continues to conduct, in conjunction with other partners, a campaign for the ratification and universalisation of the Istanbul Convention. The Congress must participate in the campaign to defend the Istanbul Convention in order to clear up the misunderstandings surrounding it. The French Presidency has also organised several international meetings, including a conference on the key role played by the police in combating domestic violence. On this occasion, the Council of Europe's new campaign against sexism was presented and the Congress could help to disseminate this at local level.

France attaches great importance to the way history is taught and its direct impact on relations between European peoples. Instead of perpetuating antagonism, history teaching must promote a sense of common belonging. With this in mind, the Presidency has proposed setting up an observatory for history teaching. We hope that the gathering of education ministers on 26 November will provide an opportunity to agree in principle on its creation. The support of your Congress will help us to implement this project.

- c) Our third priority is to adapt the Council of Europe to the challenges posed by the new technologies

Digital technology has changed our societies. Internet has become an essential means of connecting people, disseminating information and enabling them to participate in democratic processes. It is a useful vehicle for deepening democracy, including at local and regional level. The development of artificial intelligence offers considerable opportunities but also involves risks. The role of the Council is to ensure the protection of human rights and fundamental freedoms in the digital age.

The Conference of Ministers of Justice held in Strasbourg on 14 and 15 October provided political impetus to this subject and showed that the Council of Europe is working on issues of particular interest to citizens. The World Forum for Democracy, which will be held in a few days' time and at which members of the Congress are welcome, will focus specifically on the relationship between information and democracy. These issues are at the heart of the concerns of European citizens. This is a matter that concerns us all. Moreover, during this session, the Chamber of Local Authorities is holding a debate on "Smart cities and cybersecurity".

Lastly, local and regional democracy in France has recently undergone a number of changes that may be of interest to the Congress which can be briefly tackled here.

Local and regional authorities are crucial to maintaining a strong social fabric. In France, recent events have shown the key role of local elected officials, particularly the role of mayors, in responding to citizens' concerns. In the words of the Prime Minister, "mayors are the public face of day-to-day life in the Republic."

However, through the Great National Debate held in France at the initiative of the President of the Republic, it became clear that this key role of local elected officials was not fully appreciated. Local elected officials are essential if we wish to transform our countries. "Without local elected officials, democracy is nothing more than an empty shell," our Prime Minister said. A draft law is currently being discussed in Parliament on engagement in local life and ensuring that public action is conducted at grass-roots level. This bill seeks to offer a response to the issues raised during the Great National Debate by strengthening the rights of elected representatives and extending local freedoms. Greater emphasis is placed on mayors and indeed

the whole municipal level, putting them back at the heart of local democracy. The proposed measures, if adopted, will provide elected officials with additional means to enforce their decisions.

In France, the network of local and regional authorities offers a unique space for both representative and participatory democracy, where every citizen can take part in public affairs and decision-making. This local and regional organisation has evolved since the 1980s and is by no means static. In this respect, the law of 1 August 2019 adapting the organisation of new municipalities to the diversity of territories makes it easier to merge municipalities on the basis of the free will of local elected representatives and the population. It represents an indisputable strengthening of local democracy.

Finally, the law of 2 August 2019 on the attributions of the “European Collectivity of Alsace” testifies to a fruitful institutional dialogue between the State and local and regional authorities. It acknowledges the specific characteristics of Alsace and assigns it a leading role in the field of cross-border co-operation, in line with the broader dynamics of the Treaty of Aachen between France and Germany.

This year, we are celebrating the 70th anniversary of this Organisation. We are assessing the great value of all that the Council of Europe has achieved. But we must also look to the future and respond to the challenges we face.

This is a challenge that requires the commitment of all the Organisation’s entities, including the Congress. It is by working together that we can make the Council of Europe better able to ensure the protection, in practice, of the fundamental rights of 830 million Europeans.