

## **CDDH comments on Parliamentary Assembly Recommendation 2065(2015) “European institutions and human rights in Europe”**

### **CDDH: 83<sup>rd</sup> meeting - 17/19 June 2015 CDDH(2015)R83**

1. On 18–19 March 2015, the Ministers’ Deputies communicated PACE Recommendation 2065(2015) to the CDDH for information and possible comments. The CDDH discussed it at its 83<sup>rd</sup> meeting (17–19 June 2015) and decided to make the following comments.

2. With regard to the negotiations on European Union accession to the European Convention on Human Rights (para. 1.1 of Recommendation 2065(2015)), the CDDH recalls its related comments on PACE Recommendation (2060)2015 “The implementation of the Memorandum of Understanding between the Council of Europe and the European Union” in this respect, in particular that it is currently for the European Union to assess, in the first place, which steps should be taken next with regard to this accession in light of Opinion 2/13 of the Court of Justice of the European Union of 18 December 2014. The CDDH agrees with the Parliamentary Assembly that all necessary action should be taken to ensure that negotiations are resumed as quickly as possible. The CDDH also reiterates its readiness to assist in the European Union accession to the European Convention on Human Rights within the limits of its competences. It encourages the Committee of Ministers to express political support for finalising the accession negotiations, and to take such actions as may be appropriate to avoid any unnecessary delay in doing so.

3. The CDDH agrees with the Parliamentary Assembly on the importance to “streamline and structure co-operation and dialogue with European Union institutions and agencies, at all levels, so that such co-operation and dialogue is conducted on a regular basis by relevant bodies of the Council of Europe” (para. 1.2 of the Recommendation 2065(2015)). In this regard, it considers that the reply by the Committee of Ministers to PACE Recommendation 2060(2015) “The implementation of the Memorandum of Understanding between the Council of Europe and the European Union” already contains numerous aspects which could be reiterated in a reply to Recommendation 2065(2015). In particular, reference to its 125<sup>th</sup> Session (Brussels, 19 May 2015), when the Committee of Ministers took note with satisfaction of the increase in co-operation between the Council of Europe and the European Union could be made (para. 2 of the reply to Recommendation 2060(2015)). The increase in structure and political nature of the dialogue could equally be recalled here (*ibid*), as well as the importance of maintaining regular institutionalised dialogue (para. 4 of the reply to Recommendation 2060(2015)). Finally, reference could also be made to the development of appropriate synergies between Council of Europe monitoring mechanisms and bodies and new mechanisms to be set up by the European Union (para. 9 of the reply to Recommendation 2060(2015)). As far as Recommendation 2065(2015) makes reference to the European Commission’s proposal “A new EU Framework to strengthen the rule of law” (para. 1.3), the CDDH considers that the Committee of Ministers

should underline the taking into account of the Memorandum of Understanding of the two organisations, in particular with regard to the need to avoid duplications (para. 8 of the reply to Recommendation 2060(2015)).

4. With regard to paragraph 2 of Recommendation 2065(2015), the CDDH recalls its current work on a feasibility study on the impact of the economic crisis on human rights in Europe and notes the recent high-level Conferences on the (revised) European Social Charter in Turin (17–18 October 2014) and Brussels (12–13 February 2015).

Recommendation 2065(2015)

Final version

## **European institutions and human rights in Europe**

Parliamentary Assembly

1. Referring to its [Resolution 2041 \(2015\)](#) on European institutions and human rights in Europe, the Parliamentary Assembly calls on the Committee of Ministers to:

1.1. take all necessary action to ensure that negotiations on European Union accession to the European Convention on Human Rights (ETS No. 5) are resumed as quickly as possible, and to report back to the Assembly on the state of play of this process;

1.2. streamline and structure co-operation and dialogue with European Union institutions and agencies, at all levels, so that such co-operation and dialogue is conducted on a regular basis by relevant bodies of the Council of Europe;

1.3. examine the possible impact of the European Commission’s proposal “A new EU Framework to strengthen Rule of Law” on European Union co-operation with the Council of Europe and follow any developments concerning the implementation of this proposal and/or any other similar initiatives taken by European Union institutions in this area.

2. Moreover, referring to its [Resolution 1884 \(2012\)](#) on austerity measures – a danger for democracy and social rights and [Resolution 2032 \(2015\)](#) on equality and the crisis, the Assembly reiterates its concerns about the impact on social and economic rights of the austerity measures taken following the conclusion of financial assistance agreements by certain States belonging to the eurozone with the European Commission and/or the European Central Bank. It therefore calls on the Committee of Ministers to undertake, in co-operation with the Council of Europe’s Commissioner for Human Rights, an expert study to prepare a catalogue of “criteria for the imposition of austerity measures”, in compliance with requirements of the European Social Charter (revised) (ETS No. 163), as determined by the European Committee of Social Rights.