
1482nd meeting, 29 November 2023

Compilation of Notes on the Agenda

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1482nd meeting, 29 November 2023

1 General questions

1.2 Preparation of forthcoming meetings

Action

To approve the draft agenda of their meeting in December 2023.

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Financing assured: YES

DRAFT DECISION

The Deputies approved the draft agenda for their 1484th meeting (13 (9 a.m.) December 2023), as it appears in document CM/Del/Dec(2023)1482/1.2-app. <see Appendix to these Notes>

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Appendix

1484th meeting of the Ministers' Deputies (Strasbourg, 13 December 2023 (9 am))

Preliminary Draft Agenda

In application of the rules for the dispatch of reference documents and Notes on the Agenda, the deadlines are:

CM: 15 November 2023

Notes: 1 December 2023

1. **General questions**

- 1.1 Adoption of the agenda
CM/Del/OJ(2023)1484
- 1.2 Preparation of forthcoming meetings
CM/Notes/1484/1.2 of ...
- 1.3 Dialogue with the Secretary General and the Deputy Secretary General
SG/Com(2023)1484, SG/Inf(2023)...
- 1.4 Report of the Bureau
CM/Bur/Del(2023)1484
- 1.5 Communication by the Committee of Ministers' Presidency
- 1.6 4th Summit of Heads of State and Government of the Council of Europe (Reykjavík, Iceland, 16-17 May 2023) – Follow-up – Increasing transparency of Committee of Ministers' documents
DD(2023)387
- 1.7 75th anniversary of the Council of Europe
CM/Inf(2023)...

2. **Current political questions**

- 2.1 The Council of Europe and the conflict in Georgia
CM/Del/Dec(2023)1482/2.1, CM/Del/Dec(2023)1479/2.1, SG/Inf(2023)15
- 2.2 Situation in Cyprus
- 2.3 Consequences of the aggression of the Russian Federation against Ukraine
- 2.4 Council of Europe Action Plan for Ukraine 2018-2022 and its priority adjustments 2022 – Final report (1 January 2018 – 31 December 2022)
(Item to be prepared by the GR-DEM on 30.11.2023)
CM(2023)206
CM/Notes/1484/2.4 of ...
- 2.5 Evaluation report on the participation of civil society in co-operation activities
(Item to be prepared by the GR-DEM on 30.11.2023)
Evaluation report, Abridged evaluation report, Management response, Facts and figures
CM/Notes/1484/2.5 of ...
- 2.6 Other current political questions

3. **Parliamentary Assembly**

3.1 Written Questions by members of the Parliamentary Assembly to the Committee of Ministers

a. Written Question No. 787 by Ms Laura Castel: "Persecution of political parties in Europe"

CM/Notes/1484/3.1a of 22.11.2023

b. Written Question No. 788 by Ms Laura Castel: "Results of the investigation into the Melilla tragedy"

CM/Notes/1484/3.1b of 22.11.2023

c. Written Question No. 789 by Ms Laura Castel: "Declassification of documents concerning the Franco period and the democratic transition in Spain, in particular the coup d'état of 23 February 1981"

CM/Notes/1484/3.1c of 22.11.2023

3.2 Standing Committee (Vaduz, 28 November 2023) – Texts adopted

CM/Notes/1484/3.2 of ...

4. **Human rights**

H46-1 Kavala v. Türkiye (Application No. 28749/18): Situation of the applicant – Supervision of the execution of the European Court's judgments

DH-DD(2022)1079, DH-DD(2022)544, CM/ResDH(2021)432, CM/ResDH(2022)21, CM(2022)57-final, DH-DD(2023)793, DH-DD(2023)861, CM/Del/Dec(2023)1475/H46-39
CM/Notes/1484/H46-1 of ...

H46-2 Supervision of execution of judgments of the European Court of Human Rights – Adoption of final resolutions

CM/Notes/1484/H46-2 of ...

4.1 Exchange of views with Ms Mariana Katzarova, UN Special Rapporteur on the situation of human rights in Russia

4.2 European Social Charter – Follow-up to the decisions of the European Committee of Social Rights (ECSR) in the context of the collective complaints procedure **(Item to be prepared by the GR-SOC on 28.11.2023)**

a. Draft Resolution CM/ResChS(2023)... *Confédération française démocratique du travail (CFDT)*
v. France, Complaint No. 189/2020

CM(2023)196
CM/Notes/1484/4.2a of ...

b. Norwegian Association of Small and Medium Enterprises (SMB Norge) v. Norway, Complaint No. 198/2021 and Fellesforbundet for Sjøfolk (FFFS) v. Norway, Complaint No. 209/2022

CM(2023)197
CM/Notes/1484/4.2b of ...

4.3 European Social Charter – Governmental Committee of the European Social Charter and the European Code of Social Security – Abridged report concerning Conclusions 2021 of the European Social Charter (Revised) and Conclusions XXII-2 of the 1961 European Social Charter **(Item to be prepared by the GR-SOC on 28.11.2023)**

CM(2023)201
CM/Notes/1484/4.3 of ...

4.4 Framework Convention for the Protection of National Minorities

(Item to be prepared by the GR-H on 12.12.2023)

a. Draft Resolution CM/ResCMN(2023)... on the implementation of the Framework Convention for the Protection of National Minorities by Albania

CM(2023)203 of 20.11.2023
CM/Notes/1484/4.4a of ...

b. Draft Resolution CM/ResCMN(2023)... on the implementation of the Framework Convention for the Protection of National Minorities by Austria

CM(2023)205 of 20.11.2023
CM/Notes/1484/4.4b of ...

c. Draft Resolution CM/ResCMN(2023)... on the implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein

CM(2023)212 of 20.11.2023
CM/Notes/1484/4.4c of ...

d. Draft Resolution CM/ResCMN(2023)... on the implementation of the Framework Convention for the Protection of National Minorities by the Republic of Moldova

CM(2023)208 of 20.11.2023
CM/Notes/1484/4.4d of ...

e. Election of an expert to the list of experts eligible to serve on the Advisory Committee in respect of Serbia

CM(2023)215 of 23.11.2023
CM/Notes/1484/4.4e of ...

4.5 Evaluation of the Council of Europe's Programme on Combatting Violence against Women and Domestic Violence – Follow-up

(Item to be prepared by the GR-H on 12.12.2023)

CM(2023)213 of 20.11.2023
CM/Notes/1484/4.5 of ...

4.6 "Call for the immediate release of Osman Kavala" – Parliamentary Assembly Recommendation 2261 (2023)

CM/AS(2023)Rec2261-prov
CM/Notes/1484/4.6 of ...

6. ***Social cohesion***

6.1 European Directorate for the Quality of Medicines & HealthCare (EDQM) – Abridged report of the 19th meeting of the European Committee on Pharmaceuticals and Pharmaceutical Care (CD-P-PH) (19-20 September 2023) **(Item to be prepared by the GR-SOC on 28.11.2023)**

CM(2023)198
CM/Notes/1484/6.1 of ...

6.2 "Health and social protection of undocumented workers or those in an irregular situation" – Parliamentary Assembly Recommendation 2255 (2023) **(Item to be prepared by the GR-SOC on 28.11.2023)**

CM/AS(2023)Rec2255-provrev, DD(2023)389, DD(2023)391
CM/Notes/1484/6.2 of ...

8. Youth and sport

- 8.1 Partial Agreement on Youth Mobility through the Youth Card –
Appointment of the eight governmental members of the Board of Co-ordination
ResAP(2003)1
CM/Notes/1484/8.1 of ...

10. Legal questions

- 10.1 European Charter for Regional or Minority Languages
(Item to be prepared by the GR-J on 28.11.2023)
- a. Sixth report of the Committee of Experts in respect of Montenegro
CM(2023)187
CM/Notes/1484/10.1a of ...
- b. Fourth report of the Committee of Experts in respect of Poland
CM(2023)188
CM/Notes/1484/10.1b of ...
- c. Third report of the Committee of Experts in respect of Romania
CM(2023)189
CM/Notes/1484/10.1c of ...
- 10.2 Council of Europe Convention on the counterfeiting of medical products and similar crimes
involving threats to public health (CETS No. 211)
(Item to be prepared by the GR-J on 28.11.2023)
- a. Request by Cameroon to be invited to sign
GR-J(2023)23
CM/Notes/1484/10.2a of ...
- b. Request by Senegal to be invited to sign
GR-J(2023)24
CM/Notes/1484/10.2b of ...
- 10.3 Committee on Artificial Intelligence (CAI) –
Abridged report of the 7th plenary meeting (24-26 October 2023)
(Item to be prepared by the GR-J on 28.11.2023)
- CM(2023)199
CM/Notes/1484/10.3 of ...

13. Any other business

SCHEDULE OF MEETINGS OF THE COMMITTEE OF MINISTERS

2023

| No. | | Month | Dates | Days |
|------|----|----------|-------|---------------------------------------|
| 1482 | | November | 29 | Wednesday (9.30am) |
| | | | | |
| 1483 | DH | December | 5-7 | Tuesday, Wednesday, Thursday (9.30am) |
| 1484 | | | 13 | Wednesday (9am) |

2024

| No. | | Month | Dates | Days |
|--------------|---------------------------------|-----------|-------|---------------------------------------|
| 1485 | | January | 10 | Wednesday (9.30am) |
| 1486 | | | 17 | Wednesday (9.30am) |
| 1487 | | | 31 | Wednesday (9.30am) |
| | | | | |
| 1488 | | February | 7 | Wednesday (9.30am) |
| 1489 | | | 14 | Wednesday (9.30am) |
| 1490 | | | 21 | Wednesday (9.30am) |
| | | | | |
| 1491 | | March | 6 | Wednesday (9.30am) |
| 1492 | DH | | 12-14 | Tuesday, Wednesday, Thursday (9.30am) |
| 1493 | | | 20 | Wednesday (9.30am) |
| | | | | |
| 1494 (Vaduz) | | April | 5 | Friday |
| 1495 | | | 10 | Wednesday (9.30am) |
| 1496 | | | 24 | Wednesday (9.30am) |
| 1497 | | | 30 | Tuesday (9.30 a.m.) |
| | | | | |
| 1498 | | May | 7 | Tuesday (9.30am) |
| 133 | CM | | 17 | Wednesday |
| 1499 | | | 29 | Wednesday (9.30am) |
| | | | | |
| | | | | |
| 1500 | | June | 5 | Wednesday (9.30am) |
| 1501 | DH | | 1-13 | Tuesday, Wednesday, Thursday (9.30am) |
| 1502 | | | 19 | Wednesday (9.30am) |
| | | | | |
| 1503 | | July | 3 | Wednesday (9.30am) |
| 1504 | | | 10 | Wednesday (9.30am) |
| | | | | |
| 1505 | | September | 4 | Wednesday (9.30am) |
| 1506 | | | 11 | Wednesday (9.30am) |
| 1507 | DH | | 17-19 | Tuesday, Wednesday, Thursday (9.30am) |
| 1508 | | | 25 | Wednesday (9.30am) |
| | | | | |
| 1509 | | October | 9 | Wednesday (9.30am) |
| 1510 | | | 23 | Wednesday (9.30am) |
| | | | | |
| 1511 | | November | 6 | Wednesday (9.30am) |
| 1511bis | | | 13 | Wednesday |
| 1512 | Transfer of the Chairmanship | | 20 | Wednesday (9.30am) |
| 1513 | | | 27 | Wednesday (9.30am) |
| | | | | |
| 1514 | DH | December | 3-5 | Tuesday, Wednesday, Thursday (9.30am) |
| 1515 | | | 11 | Wednesday (9.30am) |

1482nd meeting, 29 November 2023

2 Current political questions

2.1 The Council of Europe and the conflict in Georgia

Reference documents

CM/Del/Dec(2023)1479/2.1, SG/Inf(2023)38

Action

To adopt the draft decision below.

It is recalled that the new consolidated report of the Secretary General on the conflict in Georgia was distributed in document SG/Inf(2023)38. The Deputies will have the opportunity to comment on this report.

Financing assured: YES

DRAFT DECISION

The Deputies took note of the Secretary General's 28th consolidated report on the conflict in Georgia, as it appears in document SG/Inf(2023)38.

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1482nd meeting, 29 November 2023

3 Parliamentary Assembly

3.1 Written Questions by members of the Parliamentary Assembly to the Committee of Ministers

a. Written Question No. 771 by Mr Søren Søndergaard: "Persistent violations of commitments to the aims of the Statute of the Council of Europe by Hungary and Poland"

Action – Item proposed for adoption without debate

To adopt the draft decision below.

1. At their 1420th meeting (8 December 2021), the Deputies instructed the Secretariat to prepare a draft reply to Written question No. 771 by Mr Søren Søndergaard, in the light of the comments made during this meeting.
2. Following this decision, the Secretariat prepared and distributed a draft reply in document CM/AS(2022)Quest771-prov. Delegations were invited to submit in writing their possible amendments to the Secretariat of the Committee of Ministers by 11 February 2022. At the expiry of this deadline, one delegation informed the Secretariat that it could not agree with the text proposed. Informal consultations have then been organised by the successive presidencies but these informal contacts did not lead to a consensus solution.
3. Under these circumstances, the Chair proposes, in accordance with the procedure of the Committee of Ministers for dealing with written questions from members of the Parliamentary Assembly (see document CM(2008)4-final), to address a letter to the President of the Parliamentary Assembly stating that "owing to a lack of consensus it has not been possible to adopt a reply" to Written Question No.771.

Financing assured: YES

DRAFT DECISION

The Deputies instructed the Chair to inform the President of the Parliamentary Assembly that, "owing to a lack of consensus it has not been possible to adopt a reply" to Written Question No. 771 by Mr Søren Søndergaard.

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3 Parliamentary Assembly

3.1 Written Questions by members of the Parliamentary Assembly to the Committee of Ministers

b. Written Question No. 786 by Mr Pieter Omtzigt: "Lack of action in Malta after the assassination of Daphne Caruana Galizia"

Item prepared by written procedure

Reference document
CM/AS(2023)Quest786-prov

Action – Item proposed for adoption without debate

No comments having been received within the given deadline, to adopt the draft reply to the above-mentioned written question.

Financing assured: YES

DRAFT DECISION

The Deputies adopted the reply to the above-mentioned written question, as it appears in document CM/AS(2023)Quest786-final. <CM/AS(2023)Quest786-prov>

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4 Human rights

H46-1 Kavala v. Türkiye (Application No. 28749/18): situation of the applicant

Supervision of the execution of the Court's judgments

Reference documents

DH-DD(2022)1079, DH-DD(2022)544, CM/ResDH(2021)432, CM/ResDH(2022)21, CM(2022)57-final, DH-DD(2023)793, DH-DD(2023)861, CM/Del/Dec(2023)1475/H46-39

Action - To adopt the relevant draft decisions

Mr Kavala was arrested on 18 October 2017 and placed in pre-trial detention. The European Court found that his arrest and pre-trial detention took place in the absence of evidence to support a reasonable suspicion he had committed an offence and pursued an ulterior purpose, namely, to silence him and dissuade other human rights defenders. It held that the government was to take every measure to put an end to the applicant's detention and to secure his immediate release.

A summary of the facts of this case and the execution process can be found in the Notes for the 1475th meeting, (September 2023) (DH).

At its 1419th meeting, the Committee adopted Interim Resolution CM/ResDH(2021)432, considering that by failing to ensure the applicant's immediate release, Türkiye was refusing to abide by the final judgment of the Court in the present case. At the 1423rd meeting (2 February 2022), the Committee adopted Interim Resolution CM/ResDH(2022)21, deciding to refer the above mentioned question to the Court.

On 11th July 2022 the European Court delivered its judgment at a public hearing and found "In response to the question referred to it by the Committee of Ministers... that Türkiye has failed to fulfill its obligation under Article 46 § 1 to abide by the *Kavala v. Turkey* judgment of 10 December 2019" (§ 174). In reaching this conclusion it stated that "...the measures indicated by Türkiye do not permit it to conclude that the State Party acted in "good faith", in a manner compatible with the "conclusions and spirit" of the *Kavala* judgment, or in a way that would make practical and effective the protection of the Convention rights which the Court found to have been violated in that judgment" (§ 173).

Taking into account the conclusions of the Court's Grand Chamber judgment under Article 46 § 4, the Committee has urged the competent Turkish authorities to eliminate all the negative consequences of the criminal charges brought against the applicant, in particular by ensuring that he is immediately released.

However, Mr Kavala remains detained. He was convicted by the Assize Court on 25 April 2022 and sentenced to aggravated life imprisonment. The Regional Court of Appeal upheld his conviction on 28 December 2022. He then appealed to the Court of Cassation which upheld his conviction on 28 September 2023, thus bringing to an end the domestic criminal proceedings against him. He appealed to the Constitutional Court on 9 June 2022 challenging the lawfulness of his detention (see DH-DD(2022)701), those proceedings are pending.

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Throughout, the Committee has closely examined the case. At its 1475th meeting (September 2023) (DH), at which the Committee welcomed the participation of the Turkish Deputy Minister of Justice, the Committee decided to continue discussing possible further measures available to it under Article 46 § 5 with a view to finding the most appropriate way to move forward in the implementation of the present judgments, in the event that Mr Kavala is not released.

On 12 October 2023 the Parliamentary Assembly of the Council of Europe adopted Recommendation 2261(2023) to the Committee of Ministers calling for the immediate release of Osman Kavala. It called on the Secretary General to take all the actions within her power to seek to secure the effective implementation of this judgment. It called on the Committee of Ministers to establish country monitoring in respect of the execution of judgments of the European Court of Human Rights by Türkiye under the 1994 Declaration process, and to engage in dialogue at the highest levels.

It is recalled that at its 1479th meeting, on 31 October 2023, the Committee acknowledged the importance and the urgency of the issues raised in the Parliamentary Assembly's Recommendation and agreed to reply at an upcoming meeting.

In light of the above, the Chair has prepared these draft decisions for the Deputies' consideration with a view to their adoption.

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| Financing assured: YES |
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DRAFT DECISIONS

The Deputies,

Deploring deeply that Mr Kavala has remained in detention since his arrest on 18 October 2017, despite the Committee's repeated and continued calls for his immediate release;

Recalling the European Court's findings in the *Kavala v. Turkey* judgment of 10 December 2019, that his arrest and pre-trial detention took place in the absence of evidence to support a reasonable suspicion he had committed an offence and pursued an ulterior purpose, namely to silence him and dissuade other human rights defenders, and that in consequence Turkey was required to take all necessary measures to put an end to the applicant's detention and to secure his immediate release;

Recalling further that in the exceptional circumstances of his continued detention, the Committee brought proceedings under Article 46 § 4 of the Convention in which the European Court concluded on 11 July 2022 that Türkiye had failed to fulfil its obligation under Article 46 § 1 to abide by the *Kavala v. Turkey* judgment of 10 December 2019, and noting that the Committee has never previously been called to supervise a case where an applicant remained detained despite such a conclusion;

Having regard to the decision of the Court of Cassation of 28 September 2023 upholding Mr Kavala's conviction and aggravated life sentence;

Insisting again on the immediate release of Mr Kavala and noting Recommendation 2261(2023) of the Parliamentary Assembly echoing that call;

Underlining that the Reykjavik Declaration adopted at the 4th Summit of the Council of Europe on 16 and 17 May 2023 emphasises the fundamental importance of the execution of the Court's judgments and the effective supervision of that process to ensure the long-term sustainability, integrity and credibility of the Convention system, along with a call by the Heads of State and Government to strengthen political dialogue in the event of difficulties in the implementation of judgments;

Recalling the steps taken so far to strengthen dialogue including high-level technical meetings with the authorities, the appointment of a Liaison Group of Ambassadors to assist the Chair in engaging with the Turkish authorities, contact with the authorities at the highest levels by consecutive Chairs of the Committee of Ministers, and the participation of the Turkish Deputy Minister of Justice at the Committee of Ministers 1475th (DH) meeting, and attaching great importance to the value of such exchanges as expressed by all concerned;

1. decided to intensify and deepen their dialogue with the Turkish authorities with a view to securing the implementation of the European Court's judgment;

2. welcomed in this regard the recent visit of the Secretary General to Türkiye;
3. urged the Turkish authorities to assure a follow up to this high-level exchange including through enabling a high-level technical mission in Türkiye, and a mission of the Liaison Group of Ambassadors, without delay;
4. remaining within the spirit of dialogue, co-operation and mutual assistance, decided to apply the mechanism of monitoring under the Declaration on Compliance with Commitments accepted by Member States of the Council of Europe to the *Kavala* case, in light of the recent intensification in dialogue and any developments in the applicant's situation;
5. invited the Secretariat to identify the modalities for the application of the mechanism in the present case for their consideration.

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4 Human Rights

4.1 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Election of members in respect of Armenia, Greece, Ireland, Italy, Latvia, Portugal and Romania

Item prepared by the GR-H at its meeting on 14 November 2023

Reference documents

CM(2023)194, AS/Bur(2023)56, AS/Bur(2023)30, AS/Bur(2023)37, AS/Bur(2023)55, AS/Bur(2023)51, AS/Bur(2023)54, AS/Bur(2023)53

Action

To elect members of the CPT in respect of Armenia, Greece, Ireland, Italy, Latvia, Portugal and Romania, in the light of the preliminary exchange of views held on the lists of candidates in the GR-H on 14 November 2023.

1. Article 5, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment provides as follows:

“The members of the Committee shall be elected by the Committee of Ministers of the Council of Europe by an absolute majority of votes, from a list of names drawn up by the Bureau of the Consultative Assembly of the Council of Europe; each national delegation of the Parties in the Consultative Assembly shall put forward three candidates, of whom two at least shall be its nationals.”

2. Article 5, paragraph 2, of the Convention provides that the same procedure shall be followed in filling casual vacancies.

3. Article 4 of the Convention provides that:

1. “The Committee shall consist of a number of members equal to that of the Parties.
2. The members of the Committee shall be chosen from among persons of high moral character, known for their competence in the field of human rights or having professional experience in the areas covered by this Convention.
3. [...]
4. The members shall serve in their individual capacity, shall be independent and impartial, and shall be available to serve the Committee effectively.”

4. The term(s) of office of the members of the CPT in respect of Armenia, Greece, Ireland, Italy, Latvia, Portugal and Romania will expire on 19 December 2023. Consequently, it is necessary to elect members of the CPT in respect of those seven countries.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

5. The Bureau of the Parliamentary Assembly has drawn up the lists of names for the seats in respect of those countries which are reproduced in document CM(2023)194. The curricula vitae of the candidates appear in documents AS/Bur(2023)56, AS/Bur(2023)30, AS/Bur(2023)37, AS/Bur(2023)55, AS/Bur(2023)51, AS/Bur(2023)54 and AS/Bur(2023)53.

6. In accordance with the decision taken by the Deputies at their 532nd meeting (March 1995, item 4.1), the Rapporteur Group on Human Rights (GR-H) held a preliminary exchange of views on this question on 14 November 2023. The conclusions of the exchange of views are reflected in the synopsis of the meeting (document GR-H(2023)CB10). The Chair of the GR-H will report orally on the outcome of the discussion.

7. It is recalled that, to be elected, it is necessary to obtain an absolute majority of the votes of the Deputies having the right to vote. All members of the Committee of Ministers are entitled to take part in the vote, which will be by secret ballot. Should none of the candidates on the list obtain the required majority, it would be necessary to hold a second round of voting. If a second round is held, the candidate placed in third position may be omitted, if the Committee so decides.

8. According to Article 5, paragraph 3, of the Convention, members of the CPT shall be elected for a period of four years. However, in pursuance of paragraph 4 of Article 5 of the Convention, in order to ensure that, as far as possible, one half of the membership of the Committee shall be renewed every two years, the Committee of Ministers may decide that the term or terms of office of one or more members to be elected shall be for a period other than four years but not more than six and not less than two years. At their 784th meeting (21 February 2002), the Deputies agreed, in the light of the objective set out in this provision of the Convention, to divide, for election purposes, members of the CPT elected in respect of the – then – 41 Parties to the Convention into two Groups “A” and “B” (cf. CM(2023)194, Appendix 2, the updated composition of Groups “A” and “B” following the Deputies decision dated 21 February 2002 and subsequent decisions taken at the 874th (3 March 2004), 888th (16 June 2004), 930th (15 June 2005), 969th (21 June 2006), 998th (13 June 2007) and 1196th (2 April 2014) meetings).

9. In accordance with these decisions, the terms of office of the members to be elected in respect of Armenia, Greece, Ireland, Italy, Latvia, Portugal and Romania (Group “B”) will run until 19 December 2027.

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| Financing assured: YES |
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DRAFT DECISION

The Deputies, having voted in accordance with Article 5, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and also having regard to the decisions taken at their 784th, 874th, 888th, 930th, 969th, 998th and 1196th meetings concerning the application of the procedure provided for in Article 5, paragraph 4, of the Convention, adopted Resolution CM/ResCPT(2023)...

Appendix 1

Draft Resolution CM/ResCPT(2023)...

Election of members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of Armenia, Greece, Ireland, Italy, Latvia, Portugal and Romania

*(Adopted by the Committee of Ministers on 29 November 2023
at the 1482nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 5.1 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereafter referred to as "the Convention"),

Having regard to Articles 1 and 4 of the Convention;

Considering that the terms of office of the members of the CPT in respect of Armenia, Greece, Ireland, Italy, Latvia, Portugal and Romania will expire on 19 December 2023;

Considering that, in the light of the foregoing, it is necessary to elect members of the Committee in respect of these seven countries;

Having regard to the lists of names drawn up by the Bureau of the Parliamentary Assembly, in accordance with the provisions of Article 5, paragraph 1 of the Convention, on the basis of proposals from the Representatives of Armenia, Greece, Ireland, Italy, Latvia, Portugal and Romania to the Parliamentary Assembly and forwarded to the Chairperson of the Ministers' Deputies by the Secretary General of the Parliamentary Assembly;

Having regard to the provisions of Article 5, paragraphs 3 and 4, of the Convention;

Having voted by secret ballot,

1. declares the following candidate elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 December 2023, for a term of office which will expire on 19 December 2027:

- (in respect of Armenia);

2. declares the following candidate elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 December 2023, for a term of office which will expire on 19 December 2027:

- (in respect of Greece);

3. declares the following candidate elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 December 2023, for a term of office which will expire on 19 December 2027:

- (in respect of Ireland);

4. declares the following candidate elected/re-elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 December 2023, for a term of office which will expire on 19 December 2027:

- (in respect of Italy);

5. declares the following candidate elected/re-elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 December 2023, for a term of office which will expire on 19 December 2027:

- (in respect of Latvia);

6. declares the following candidate elected/re-elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 December 2023, for a term of office which will expire on 19 December 2027:

- (in respect of Portugal);

7. declares the following candidate elected/re-elected as member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 December 2023, for a term of office which will expire on 19 December 2027:

- (in respect of Romania).

Appendix 2

Lists of candidates

ARMENIA

1. Ms Anahit Manasyan
2. Ms Sheila Paylan
3. Ms Inga Harutyunyan

GREECE

1. Mr Vasilis Tzevelekos
2. Ms Maria Varaki
3. Ms Sofia Galani

IRELAND

1. Mr Gautam Gulati
2. Mr Liam Herrick
3. Ms Jane Mulcahy

ITALY

1. Mr Fulvio Maria Palombino
2. Ms Arianna Briganti
Ms Elisabetta Zamparutti

LATVIA

1. Mr Imants Jurevičius
2. Ms Solvita Olsena
Ms Elina Šteinerte

PORTUGAL

1. Ms Vânia Esteves Costa Henriques Ramos
2. Mr Rómulo Augusto Marreiros Mateus
3. Mr José Manuel Lourenço Quaresma

ROMANIA

1. Mr Răzvan-Horatiu Radu
2. Ms Emilia-Ioana Lionte
3. Mr Daniel Petrescu

1482nd meeting, 29 November 2023

4 Human rights

4.2 United Nations

Preparation of the 2024 exchange of views (human rights questions) with the participation of experts from capitals

Item prepared by the GR-H at its meeting on 14 November 2023

Reference document
DD(2023)364

Action – Item proposed for adoption without debate

To adopt the draft decision below.

In view of the 2024 United Nations exchange of views (human rights questions) with the participation of experts from capitals, to be held during the 1488th meeting of the Deputies on 8 February 2024 (9.30 a.m.– 1 p.m.), the GR-H agreed to recommend that the Deputies adopt the draft decision below, without further debate.

Financing assured: YES

DRAFT DECISION

The Deputies agreed upon the following agenda for the United Nations 2024 exchange of views (human rights questions) with the participation of experts from capitals, to be held during their 1488th meeting on 8 February 2024 (9.30 a.m.– 1 p.m.):

- a. Address by the newly elected President of the United Nations Human Rights Council;
- b. Thematic discussion on “Torture and ill-treatment”.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

1482nd meeting, 29 November 2023

4 Human rights

4.3 “Safe third countries for asylum seekers”

Parliamentary Assembly Recommendation 2238 (2022)

Item prepared by the GR-H at its meeting on 14 November 2023

Reference document
CM/AS(2023)Rec2238-prov2

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| Action – Item proposed for adoption without debate |
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| To adopt the draft decision below. |
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The Rapporteur Group on human rights (GR-H) agreed to recommend that the Deputies adopt the draft decision below without further debate.

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| Financing assured: YES |
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DRAFT DECISION

The Deputies adopted the reply to the above-mentioned recommendation, as it appears in document CM/AS(2023)Rec2238-final. <cf. CM/AS(2023)Rec2238-prov2>

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

1482nd meeting, 29 November 2023

4 Human rights

4.4 “The Istanbul Convention: progress and challenges”

Parliamentary Assembly Recommendation 2247 (2023)

Item prepared by the GR-H at its meeting on 14 November 2023

Reference document
CM/AS(2023)Rec2247-prov

Action – Item proposed for adoption without debate

To adopt the draft decision below.

The Rapporteur Group on human rights (GR-H) agreed to recommend that the Deputies adopt the draft decision below without further debate.

Financing assured: YES

DRAFT DECISION

The Deputies adopted the reply to the above-mentioned recommendation, as it appears in document CM/AS(2023)Rec2247-final. <cf. CM/AS(2023)Rec2247-prov>

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

1482nd meeting, 29 November 2023

4 Human rights

4.5 Securing the long-term effectiveness of the system of the European Convention on Human Rights

Enhancing the tools available to the Committee of Ministers in the supervision of the execution of ECtHR judgments

Item prepared by the GR-H at its meeting on 14 November 2023

Reference documents

DH-DD(2023)793, GR-H(2023)11-rev, GR-H(2023)12, DD(2023)365, DD(2023)369

Action – Item proposed for adoption without debate

To adopt the draft decision below.

The Rapporteur Group on human rights (GR-H) agreed to recommend that the Deputies adopt the draft decision below without further debate.

The number of interventions received under Rule 9 of the Committee's Rules of Procedure for the supervision of the execution of judgments continues to increase. National human rights institutions (NHRIs), non-governmental organisations and applicants can provide a valuable input into the execution process, and also support the implementation of the Convention system more generally at national level. The publication of the indicative annual planning would enable such organisations, many of which have scarce resources, to plan ahead as regards their interventions.

Financing assured: YES

DRAFT DECISION

The Deputies, recalling the need to increase the efficiency and transparency of the supervision of execution of the judgments and decisions of the European Court, instructed the Secretariat to make public the indicative annual planning document approved by the Committee of Ministers at its December Human Rights meetings while making it clear that it is indicative only and may be subject to amendment.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

1482nd meeting, 29 November 2023

10 Legal questions

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

- a. Exchange of views with Mr Helmut TICHY, Chair of the CAHDI
- b. Abridged report of the 65th meeting (Strasbourg, 28-29 September 2023)

Item prepared by the GR-J at its meeting on 28 November 2023

Reference document
CM(2023)186

Action – Draft decision proposed for adoption without debate

To hold an exchange of views with the Chair of the CAHDI and to adopt the draft decision below.

The Rapporteur Group on Legal Co-operation (GR-J) agreed to recommend that the Deputies adopt the draft decision below without further debate.

Financing assured: YES

DRAFT DECISION

The Deputies took note of the abridged report of the 65th meeting of the Committee of Legal Advisers on Public International Law (CAHDI), as it appears in document CM(2023)186.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

1482nd meeting, 29 November 2023

10 Legal questions

10.3 European Commission for the Efficiency of Justice (CEPEJ)

Co-operation between the European Commission and CEPEJ for the European Union's "Justice Scoreboard" – Amendment for data transmission to Eurostat

Item prepared by the GR-J at its meeting on 28 November 2023

Reference document
GR-J(2023)27

Action – Item proposed for adoption without debate

To adopt the draft decision below.

The Rapporteur Group on Legal Co-operation (GR-J) agreed to recommend that the Deputies adopt the draft decision below without further debate.

Financing assured: YES

DRAFT DECISION

The Deputies instructed the Secretariat to conclude, with the relevant services of the European Commission, an amendment to the technical specifications of the existing contract with the latter for the transmission of data on the functioning of the European Union Member States' judicial systems in the framework of the European Union "Justice Scoreboard", to provide a framework for the transmission of certain data with a view to their publication by Eurostat.

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

1482nd meeting, 29 November 2023

11 Programme, Budget and Administration

11.1 Administrative Tribunal of the Council of Europe

Appointment of judges – call for candidatures

Action – Item proposed for adoption without debate

To fix the deadline for member States to submit candidates for two judges and two substitute judges of the Administrative Tribunal.

1. The term of office of the judges² of the Administrative Tribunal expires on 31 March 2024.
2. Article III of the Statute of the Administrative Tribunal of the Council of Europe (cf. Appendix 1 to these notes: Appendix to Resolution CM/Res(2022)65) foresees that the Tribunal shall be composed of three judges and three deputy judges. One judge, the Chair, and one deputy judge, the Deputy Chair, are appointed by the European Court of Human Rights. The other two judges and two deputy judges are appointed by the Committee of Ministers “among those who hold or have held high judicial office either in a member State of the Council of Europe or on an international court, or who are highly qualified jurists” (Article 3.2 of the Statute of the Tribunal).
3. The judges shall be persons of integrity and high moral character and must have a high level of expertise in administrative law, international administrative law, civil service law or labour law. They must be proficient in at least one of the official languages of the Council of Europe and be able to understand the other (Article 3.4 of the Statute of the Tribunal).
4. The three judges and three deputies are appointed for a four-year term of office, renewable once (Article 3.5 of the Statute of the Tribunal) and must be nationals of different member States (Article 3.1 of the Statute of the Tribunal). In pursuance of Article 2 of Resolution CM/Res(2022)65, judges whose term of office expires on 31 March 2024 may be appointed to one further, non-renewable term of four years by the Committee of Ministers or, as the case may be, the European Court of Human Rights.
5. The Registrar of the European Court of Human Rights will communicate to the Secretary of the Committee of Ministers in due course the names and the nationality of the judge and the deputy it is for the Court to appoint.
6. The Deputies will be invited to proceed in due time to the replacement or renewal, as appropriate, of the two judges and two substitute judges of the Administrative Tribunal to be appointed by the Committee of Ministers. To do so, the Deputies are invited to fix the deadline for member States to submit candidates for these posts. Detailed information on the call for candidatures is set out in Appendix 2 to these notes.

Financing assured: YES

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

² Currently: Ms Nina Vajić (Croatia) (Chair), Ms Lenia Samuel (Cyprus), Mr Thomas Laker (Germany) and as deputy judges: Mr András Baka (Hungary), Ms Françoise Tulkens (Belgium), Mr Christos Vassilopoulos (Greece).

DRAFT DECISIONS

The Deputies

1. fixed at 12 noon on 26 January 2024 the deadline by which member States may submit candidatures for the positions as judges of the Administrative Tribunal to be appointed by the Committee of Ministers;
2. agreed to appoint the two judges and two substitute judges of the Administrative Tribunal at the latest at their 1493rd meeting (20 March 2024).

Appendix 1: Statute of the Administrative Tribunal - Appendix to Resolution CM/Res(2022)65**ARTICLE I****The Tribunal**

There shall be an Administrative Tribunal of the Council of Europe ("the Tribunal") which shall exercise its functions in accordance with this Statute and with the Staff Regulations of the Council of Europe.

ARTICLE II**Jurisdiction**

2.1 The Tribunal shall have jurisdiction to hear appeals brought under Article 14 of the Staff Regulations and Article 18 of the Council of Europe Regulations on the Protection of Personal Data.

2.2 The Tribunal shall have jurisdiction to hear appeals brought against the Council of Europe Development Bank ("the Bank") under Article 14 of its Staff Regulations and Article 18 of the Council of Europe Development Bank Data Protection Regulations.

2.3 The jurisdiction of the Tribunal may be extended to cover appeals brought against other intergovernmental organisations in staff matters, should the competent authority of such an intergovernmental organisation so request. In such cases, an agreement covering modalities and administrative matters shall be concluded between the Council of Europe, represented by the Secretary General, and the intergovernmental organisation concerned. Subject to the specific regulatory framework applicable to the international organisation concerned, the provisions of this Statute shall apply to any appeals brought in accordance with this paragraph.

2.4 The Tribunal shall have jurisdiction to hear requests, submitted under Article 17 of this Statute, for rectification, interpretation, revision and execution of a judgment.

2.5 The Tribunal shall reach its decisions in accordance with the law applicable in the organisation against which the appeal is brought.

2.6 Any question as to the Tribunal's jurisdiction shall be decided by the Tribunal.

ARTICLE III**Composition of the Tribunal**

3.1 The Tribunal shall be composed of three judges and three deputy judges, all of different nationalities, and all nationals of a member State of the Council of Europe. There shall be at least one judge and one deputy judge of each gender.

3.2 One judge and one deputy judge shall be appointed by the European Court of Human Rights ("the Court") from among those who hold or have held high judicial office either in a member State of the Council of Europe or on an international court. The judge appointed by the Court shall be the Chair of the Tribunal. The other two judges and two deputy judges shall be appointed by the Committee of Ministers from among those who hold or have held high judicial office either in a member State of the Council of Europe or on an international court, or who are highly qualified jurists.

3.3 The judges of the Tribunal shall serve in their individual capacity, shall be impartial and shall not seek or accept instructions from any source. During their term of office, judges shall not engage in any activity which is incompatible with the requirements of independence and impartiality or with the demands inherent to their office. Judges may not be current or former staff members of the Council of Europe or serving judges of the Court.

3.4 Judges shall be persons of integrity and high moral character and must have a high level of expertise in administrative law, international administrative law, civil service law or labour law. They must be proficient in at least one of the official languages of the Council of Europe and be able to understand the other.

3.5 Judges and deputy judges shall be appointed for a term of four years, renewable once.

3.6 A deputy judge shall be designated by the Chair to replace a judge in the event of the judge's absence, temporary incapacity or recusal. In the event that the Chair of the Tribunal cannot sit, the deputy judge appointed by the Court shall replace the Chair. If the deputy judge appointed by the Court is also unable to sit, the Tribunal shall be chaired by the judge with the greatest seniority in office or, in the event of equal seniority, by the oldest judge. The judge replacing the Chair shall be replaced by a deputy judge, selected by the drawing of lots.

3.7 In the event of the resignation, death or permanent incapacity of a judge or deputy judge during a term of office, the Court or the Committee of Ministers, as the case may be, shall appoint a replacement to serve for the remainder of that term. A judge or deputy judge appointed in this manner may subsequently serve one complete term of office.

3.8 Judges and deputy judges shall remain in office until they are replaced and for a maximum of one year after the end of their term of office. Notwithstanding this maximum, they shall participate in the deliberations concerning any case in which they have heard the parties in oral proceedings or any request for interpretation of a judgment in which they have participated.

3.9 A judge of the Tribunal who is, or appears to be, in a situation of conflict of interest in a case shall recuse himself or herself. A request by a party for the recusal of a judge must be made as soon as the grounds for recusal become known and must state precisely the grounds on which it is based. It should, where applicable, be accompanied by supporting documents. The other two judges of the Tribunal shall rule on the request and, if it is accepted, the judge concerned shall be replaced.

ARTICLE IV

Functioning of the Tribunal and its Registry

4.1 The working languages of the Tribunal are English and French.

4.2 The Secretary General shall take the necessary administrative measures for the functioning of the Tribunal and its registry.

4.3 There shall be a Registrar and a Deputy Registrar of the Tribunal, who shall be staff members of the Council of Europe appointed by the Secretary General after consultation with the Chair of the Tribunal. In the exercise of their functions, the Registrar and Deputy Registrar shall be subject only to the authority of the Tribunal.

4.4 The expenses related to the functioning of the Tribunal and the judges' daily allowances shall be borne by the Council of Europe. The travel and subsistence expenses of the judges of the Tribunal shall be reimbursed in accordance with the rules in force at the Council of Europe and the rates fixed by the Committee of Ministers.

4.5 The Tribunal may decide that the Council of Europe shall reimburse the travel and subsistence expenses incurred by witnesses heard in a case, in accordance with the applicable rules in force and provided that such expenses are duly justified.

4.6 All costs and expenses arising from appeals brought before the Tribunal against the Bank or any intergovernmental organisation to which the jurisdiction of the Tribunal has been extended shall be duly calculated and borne by the organisation concerned.

ARTICLE V

Sessions of the Tribunal

5.1 A valid quorum of the Tribunal consists of a Chair and two judges or deputies.

5.2 Appeals before the Tribunal shall, in principle, consist of an oral procedure following the written procedure. Nevertheless, the Tribunal may, on its own initiative or at the request of one of the parties, decide to dispense with an oral hearing.

5.3 Hearings of the Tribunal shall be held in public, unless the Tribunal decides, on its own initiative or at the request of one of the parties, for justified reasons and in exceptional circumstances, to hold the hearing behind closed doors.

5.4 The Tribunal may, on its own initiative or at the request of one of the parties, decide that a hearing will be conducted by videoconference.

ARTICLE VI

Computation of time limits

The time limits provided for in this Statute shall run from the day following the day on which the relevant event occurred and shall expire at midnight (Paris time) on the last day of the time limit. Saturdays, Sundays and public holidays at the Council of Europe headquarters shall be taken into account when calculating a time limit. Where the last day of the time limit is a Saturday, a Sunday or a public holiday or non-working day at the Council of Europe headquarters, the time limit shall expire on the next working day. All time limits for the purposes of this Statute shall be suspended during any annual closure of the Council of Europe headquarters fixed by decision of the Secretary General.

ARTICLE VII

Admissibility

7.1 An appeal shall be admissible only where the administrative decision which it contests is final and where the appellant has exhausted all remedies available under the Staff Regulations, in the prescribed manner and within the applicable time limits. The appeal brought before the Tribunal must raise in substance the same grievance as that in respect of which such available remedies were sought.

7.2 Any appeal must be lodged within 60 days of the date of notification or publication of the decision of the Secretary General which is contested. This decision is the explicit or implicit rejection of the administrative complaint or, in cases falling under Article 14.6 of the Staff Regulations, the decision to impose a disciplinary sanction; the decision taken personally by the Secretary General; or the administrative decision implementing a general legislative measure adopted by the Committee of Ministers. With regard to the Bank, Articles 14.4 and 14.5 of the Council of Europe Development Bank Staff Regulations shall apply. If the decision has not been notified to the appellant or published, the 60 days shall run from the date on which the appellant learned of the decision.

7.3 In exceptional cases and for duly substantiated reasons, the Tribunal may declare admissible an appeal lodged outside the time limits laid down in this Article. The delay in question must, however, be reasonable having regard to the circumstances of the case.

7.4 The Tribunal shall declare inadmissible any appeal which is substantially the same as an appeal that the Tribunal has previously decided upon and contains no relevant new information.

7.5 The appellant must have a direct and existing interest in challenging the contested decision throughout the whole duration of the procedure.

ARTICLE VIII

Manifest inadmissibility

If the Chair of the Tribunal considers that an appeal or a request for rectification, interpretation, revision or execution under Article 17 of the present Statute is manifestly inadmissible, this shall be set out in a reasoned report to the judges of the Tribunal called upon to sit. If no objections are raised within the time limit fixed by the Chair, the report shall be transmitted to the appellant without delay together with the notification that the appeal or request has been declared inadmissible.

ARTICLE IX

Institution of proceedings

9.1 Appeals shall be submitted to the Tribunal in the manner prescribed in the Tribunal's Rules of Procedure. The appeal must contain all relevant information concerning the identity of the appellant and the contested administrative decision, as well as the grounds of the appeal.

9.2 The lodging of an appeal shall not suspend the execution of the contested decision. However, in accordance with Article 14.5 of the Staff Regulations, the Secretary General shall refrain from taking any further measure in respect of the appellant which, if the appeal were upheld, would make the redress sought impossible.

ARTICLE X

Case-processing

10.1 The Secretary General shall be represented before the Tribunal by a duly designated staff member of the Council of Europe or, where applicable, an external lawyer.

10.2 An appellant may be represented before the Tribunal by a person of their choosing.

10.3 When an appeal is validly lodged before the Tribunal, it shall be transmitted by the Tribunal to the Secretary General together with a time limit for the Secretary General to submit observations. The observations of the Secretary General shall be transmitted to the appellant.

10.4 The Chair of the Tribunal may decide, either on his or her own initiative or on a reasoned request by the appellant, that a second exchange of written submissions is necessary. If the Chair so decides, the appellant shall be invited to submit observations in reply, within a given time-limit. The observations in reply shall be transmitted to the Secretary General, who may submit a rejoinder within the time-limit set by the Chair. The Secretary General's rejoinder shall be transmitted to the appellant.

10.5 The Tribunal may, on its own initiative or at the request of one of the parties, order the production of documents or such other evidence as it deems necessary and/or decide to hear witnesses or expert testimony.

10.6 Any document communicated to the Tribunal by one party shall also be communicated to the other party without delay, subject to the confidentiality requirements inherent in certain documents.

ARTICLE XI

Intervention

11.1 The fact that an appeal has been lodged shall be published in such a manner as to permit interested persons to intervene timeously. The published notification shall include a brief summary of the facts and points of law on which the appeal is based.

11.2 Any person entitled to bring an appeal before the Tribunal under Article 14.10 of the Staff Regulations who establishes a sufficient interest in the resolution of a dispute submitted to the Tribunal may be authorised by the latter to intervene in the proceedings.

11.3 The Staff Committee may be authorised by the Tribunal to intervene in proceedings where it does not have standing to bring an appeal pursuant to Article 14.10.4 of the Staff Regulations, but where the appeal concerns the interests of the staff as a whole or a category of staff.

11.4 Submissions from an intervening party shall be limited to supporting the submissions of one of the parties. Intervention does not result in the extension of the effects of a judgment to the intervening party.

ARTICLE XII

Stay of execution

12.1 When a request for a stay of execution is filed under Article 14.8 of the Staff Regulations, the Secretary General shall, unless there are duly justified reasons, suspend the execution of the contested administrative decision until the Tribunal has ruled on the request.

12.2 The Chair, on behalf of the Tribunal, shall rule within 15 days on requests for a stay of execution, by giving a reasoned decision, which may be subject to certain conditions. The decision shall not rule on the merits of the appeal or the complaint. Decisions on a stay of execution shall not be subject to appeal.

12.3 If the request for a stay of execution is granted, the Secretary General shall suspend the execution of the contested administrative decision.

12.4 If granted, a stay of execution shall remain in force for the duration of proceedings before the Tribunal, unless the Chair, on behalf of the Tribunal and further to a reasoned request by the Secretary General, decides to lift the stay. Where a stay of execution has been granted by the Tribunal, but the person concerned does not lodge an appeal with the Tribunal within the time limits set out in Article 7 of the present Statute, the stay of execution shall lapse automatically upon expiry of the time limit.

ARTICLE XIII

Friendly settlement

13.1 The Tribunal may suspend the proceedings, upon receipt of a joint request from the parties, in order to allow them to explore the possibilities of a friendly settlement.

13.2 The Tribunal may, on its own initiative, recommend that the parties enter into discussions for the purpose of reaching a friendly settlement. If both parties accede to the Tribunal's recommendation, the proceedings shall be suspended. If an agreement is not reached as a result of the discussions, the proceedings shall resume.

13.3 The friendly settlement procedure is confidential. No opinion expressed, proposal made, or document drawn up for the purposes of seeking a friendly settlement may be relied on for any purpose by the Tribunal or either party.

13.4 The parties shall inform the Tribunal of any friendly settlement that is reached.

ARTICLE XIV

Judgments

14.1 The Tribunal shall, after establishing the facts, decide as to the law.

14.2 In disputes of a pecuniary nature, the Tribunal shall have unlimited jurisdiction. In all other disputes, it may annul the contested administrative decision. Where appropriate, it may also order the payment of compensation to the appellant for damages resulting from the contested administrative decision.

14.3 The Tribunal shall adopt its judgments by a majority vote. Judgments shall be in writing, shall address the factual and legal arguments put forward by the parties and shall state the grounds on which the Tribunal relied in reaching its decision.

14.4 The judgment shall be notified to each of the parties without delay and on the same date.

14.5 The Tribunal's judgments shall be published on its website, following deletion of any information likely to permit a member of the general public to identify the appellant or any witnesses mentioned therein.

14.6 Where a judgment of the Tribunal has been translated into the other official language and a discrepancy between the two language versions arises, the original version shall prevail.

14.7 In accordance with Article 14.7 of the Staff Regulations, judgments are final and binding on the parties as soon as they are notified and are not subject to appeal.

ARTICLE XV

Striking out cases

The Tribunal may decide to strike a case out of its list of cases, at any moment, if:

- a) the appellant withdraws the appeal;
- b) the appellant fails, without good reason, to provide information requested or to comply with set time limits; or
- c) a friendly settlement has been reached which resolves the dispute between the parties.

ARTICLE XVI

Execution of judgments

16.1 Judgments shall be executed within a reasonable time.

16.2 The Secretary General shall decide what measures shall be taken in order to execute the Tribunal's judgment. Where a judgment annulled the contested decision of the Secretary General, the latter may decide that it would not be in the interests of the Organisation to take the measures that the judgment would entail, and that compensation shall be paid to the appellant in lieu of such measures being taken. The amount of such compensation, which shall be fixed by the Tribunal, shall not exceed the equivalent of two years of the appellant's remuneration. The Tribunal may, however, in exceptional circumstances and when it considers it justified, order the payment of a higher amount of compensation. The Tribunal shall state its reasons for such an order.

16.3 The Secretary General shall inform the Tribunal, in writing, within 30 days of the date of notification of the judgment, of the measures taken or envisaged for its execution. This time limit shall be suspended in the event of a request for interpretation by either of the parties in accordance with Article 17.3 below.

16.4 The Secretary General's communication on execution measures shall be transmitted to the appellant by the Registry of the Tribunal. Should the appellant wish to contest the measures taken or envisaged, this must be done in writing to the Tribunal within 30 days of receipt of the aforementioned communication. The Tribunal shall decide on the complaint after first giving the Secretary General the opportunity to comment.

16.5 A decision by the Secretary General to pay compensation in lieu of taking other measures, in accordance with Article 16.2 above, shall not be open to contestation.

ARTICLE XVII

Requests for rectification, interpretation, revision and execution

17.1 The Tribunal may receive requests for rectification, interpretation, revision or execution of a judgment in the cases provided for in the following paragraphs. If any such request is found to be in fact or in law an appeal against the original judgment, that request shall be declared inadmissible in accordance with Article 8 of this Statute.

17.2 The Chair of the Tribunal may, at any time, either of his or her own motion or at the request of one of the parties, rectify any typographical or arithmetical error contained in its judgments.

17.3 In the event of uncertainty as to the meaning or scope of a judgment, either party may make a request for interpretation to the Tribunal, within 30 days of the notification of that judgment. If so requested, the Tribunal, composed insofar as possible of the same judges who adopted the judgment, shall issue an interpretative judgment, which clarifies the areas of uncertainty raised by the requesting party.

17.4 In the event of the discovery of facts which might by their nature have a decisive influence on a judgment already given, either party may make a request to the Tribunal for the revision of such judgment. A request for revision must be based on facts which, through no fault or negligence on the part of the party making the request, were unknown to that party and to the Tribunal at the time the judgment was delivered. The request for revision must be made within thirty days of the new facts being discovered and, in any event, within one year of the notification of the judgment concerned.

17.5 Where the Secretary General does not take, within a reasonable time, the measures communicated to the Tribunal pursuant to Article 16.3 above, or does not communicate measures to the Tribunal in terms of that Article, the appellant may request the Tribunal to order the Secretary General to execute the judgment and, if necessary, to stipulate the measures that the Secretary General shall take in order to do so.

ARTICLE XVIII

Costs and compensation

18.1 The Council of Europe shall pay to the appellant any compensation awarded by the Tribunal for damages suffered as a result of the contested administrative decision.

18.2 The Tribunal may, if it considers that an appeal constituted an abuse of process, order the appellant to reimburse all or part of the other party's costs incurred in the proceedings before the Tribunal.

18.3 In the event of a successful appeal, the Tribunal may decide that the Council of Europe shall reimburse, within reasonable limits and taking into account the nature and importance of the dispute, the costs actually incurred and duly substantiated by the appellant.

18.4 In the event of an unsuccessful appeal, the Tribunal may, if exceptional circumstances so justify, decide that the Council of Europe shall reimburse all or part of the costs incurred by the appellant. The Tribunal shall indicate the exceptional circumstances in its decision.

18.5 In the event of any appeal brought against the Bank or other intergovernmental organisations which have accepted the jurisdiction of the Tribunal, the Bank or the intergovernmental organisation concerned shall bear the payment of any compensation awarded by the Tribunal and the costs occasioned by such appeal.

ARTICLE XIX

Final provisions

19.1 The Tribunal shall adopt and may amend its Rules of Procedure, in accordance with this Statute, and following consultation with the Secretary General and the Staff Committee.

19.2 This Statute may be amended by resolution of the Committee of Ministers following consultation with the Tribunal.

Appendix 2: Information on the call for candidatures³ for appointment of judges of the Administrative Tribunal of the Council of Europe

The term of office of the judges of the Administrative Tribunal expires on 31 March 2024. The present call for candidatures concerns two judges and two substitute judges of the Administrative Tribunal to be subsequently appointed by the Committee of Ministers.

The Administrative Tribunal of the Council of Europe is the internal justice body which deals with cases brought by the Organisation's serving or former staff who challenge administrative decisions allegedly violating their rights as staff members or conditions of their appointment or service. Additionally, the following organisations recognised the jurisdiction of the Administrative Tribunal: Central Commission for the Navigation of the Rhine (CCNR), Hague Conference on Private International Law (HCCH), Intergovernmental Organisation for International Carriage by Rail (OTIF). The Tribunal is located in Strasbourg (France), where the Council of Europe has its headquarters.

The position of judge of the Tribunal entails legal drafting at the level of the highest judicial office within national or international jurisdictions and draws on extensive experience of judges in the fields of administrative law, international administrative law, civil service law or labour law.

Function: 2 judges and 2 substitute judges of the Administrative Tribunal of the Council of Europe.

Required qualifications: high judicial office either in a member State of the Council of Europe or on an international court, or who are highly qualified jurists" (*Article 3.2 of the Statute of the Administrative Tribunal of the Council of Europe*). The candidates are expected to possess judicial expertise and recognised competence in administrative law, international administrative law, civil service law or labour law.

Term of office: four years, renewable once (*Article 3.5 of the Statute of the Administrative Tribunal of the Council of Europe*).⁴ The term of office shall begin on 1 April 2024.

Independence: the judges of the Tribunal shall serve in their individual capacity, shall be impartial and shall not seek or accept instructions from any source. During their term of office, judges shall not engage in any activity which is incompatible with the requirements of independence and impartiality or with the demands inherent to their office. Judges may not be current or former staff members of the Council of Europe or serving judges of the Court (*Article 3.3 of the Statute of the Administrative Tribunal of the Council of Europe*).

Working languages: the official languages of the Tribunal shall be English and French (*Article 4.1 of the Statute of the Administrative Tribunal of the Council of Europe*). Due to the bilingual nature of the work in the Tribunal, an ability to clearly express oneself orally and in writing in either English or French – the languages in which Tribunal decisions are drafted – is essential. A proficient reading comprehension skill in the other official language is required.

Meetings: the Administrative Tribunal meets 5 or 6 times per year; each session lasts between 1 and 3 days, according to the workload.

Allowances: travel and subsistence expenses incurred by judges of the Tribunal shall be refunded according to the rules in force in the Council of Europe and at the rates fixed by the Committee of Ministers⁵ (*Article 4.4 of the Statute of the Administrative Tribunal of the Council of Europe*). They receive no remuneration.

Department/authority responsible for receiving candidatures: the Secretariat of the Committee of Ministers of the Council of Europe.

Deadline for receipt of candidatures: candidatures must reach the Secretariat of the Committee of Ministers by 26 January 2024 at 12 noon (Central European Time: CET) at the latest.

³ In conformity with CM/Bur/Del(2010)25-final harmonising the procedures for calls for candidatures, approved by the Deputies at their 1098th meeting (17 November 2010).

⁴ Judges whose term of office expires on 31 March 2024 may be appointed to one further, non-renewable term of four years.

⁵ Cf. CM/Del/Dec(2010)1089/11.3-app14.

Gender balance: Recommendation Rec(81)6 on the participation of women and men in an equitable proportion in committees and other bodies set up in the Council of Europe should be borne in mind when submitting candidates.

The admissibility deadline for candidatures for posts or functions open to all member States or to several of them to be filled by means of elections in the Committee of Ministers must be strictly complied with.

The deadline is deemed to have been met if the date on which the candidature was received at the Council of Europe, as attested by the stamp of the responsible department, is on, or before, the date of the stipulated deadline.

The candidature may also reach the Council of Europe, by electronic mail to the Secretariat of the Committee of Ministers (CM@coe.int). In this case, the date of the electronic mail will constitute a sufficient indication of compliance with the deadline. The Secretariat will provide the sender with an electronic receipt for the mail concerned. However, the original of the letter of candidature will have to reach the Council of Europe as soon as possible, and, at all events, prior to the holding of the election.

Any member State is at liberty to replace a candidature already submitted with another, prior to expiry of the deadline.

Nevertheless, the Committee of Ministers may decide, by a majority as provided by Article 20 (b) of the Statute, to prolong the deadline for receipt of candidatures in the case where a member State wishes to replace a candidature which has reached the Council of Europe by the stipulated deadline with another candidature after expiry of the deadline, provided that the State in question can put forward objective reasons for forgoing the initial candidature (death, illness, change to another function incompatible with the duties of the function concerned ...). The prolongation of the deadline would apply to all member States invited to submit candidatures.

1482nd meeting, 29 November 2023

12 Congress of Local and Regional Authorities of the Council of Europe

12.1 Congress of Local and Regional Authorities of the Council of Europe – 45th Session (24-26 October 2023) – Adopted texts

Reference document
Compendium of adopted texts

Action – Item proposed for adoption without debate

To adopt the draft decisions appearing below in respect of Declaration 7, Congress Recommendations 496 (2023) to 501 (2023) and Resolutions 492 (2023) to 496 (2023), adopted during the 45th Session of the Congress.

Financing assured: YES

DRAFT DECISIONS

The Deputies

1. took note of Declaration 7 – “The humanitarian situation in Karabakh and neighbouring cities and regions”;
2. concerning Recommendation 496 (2023) – “Monitoring of the application of the European Charter of Local Self-Government in Estonia”:
 - a. welcomed Recommendation 496 (2023);
 - b. agreed to bring it to the attention of the authorities of Estonia;
3. concerning Recommendation 497 (2023) – “Local elections in Albania (14 May 2023)”:
 - a. took note of Recommendation 497 (2023);
 - b. agreed to bring it to the attention of the authorities of Albania;
4. concerning Recommendation 498 (2023) – “Local and regional media: watchdogs of democracy, guardians of community cohesion”:
 - a. took note of Recommendation 498 (2023);
 - b. agreed to transmit it to the Steering Committee for Education (CDEDU), the Steering Committee on Media and Information Society (CDMSI), and to the Steering Committee for the Rights of the Child (CDENF), for information and possible comments, before 1 February 2024;
 - c. invited their Rapporteur Group on Democracy (GR-DEM) to prepare a draft reply for adoption at one of their future meetings;

¹ This document has been classified restricted at the date of issue; it will be declassified in accordance with Resolution Res(2001)6 on access to Council of Europe documents.

5. concerning Recommendation 499 (2023) – “Monitoring of the application of the European Charter of Local Self-Government in Ireland”:

- a. welcomed Recommendation 499 (2023);
- b. agreed to bring it to the attention of the authorities of Ireland;

6. concerning Recommendation 500 (2023) – “Monitoring of the application of the European Charter of Local Self-Government in the Slovak Republic”:

- a. welcomed Recommendation 500 (2023);
- b. agreed to bring it to the attention of the authorities of the Slovak Republic;

7. concerning Recommendation 501 (2023) – “Elections to the Council of Elders, City of Yerevan, Armenia (17 September 2023)”:

- a. took note of Recommendation 501 (2023);
- b. agreed to bring it to the attention of the authorities of Armenia;

8. took note of the following resolutions:

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| Resolution 492 (2023) | “Verification of new members’ credentials” |
| Resolution 493 (2023) | “Delivering on the Reykjavík Summit: revised Congress priorities, working procedures and structures” |
| Resolution 494 (2023) | “The plight of anti-war political activists and prisoners of conscience in Russia and in the temporarily occupied territories of Ukraine” |
| Resolution 495 (2023) | “European Urban Charter III (2023): Urban living in the era of transformations” |
| Resolution 496 (2023) | “Local and regional media: watchdogs of democracy, guardians of community cohesion” |

9. adopted the following reply to the texts adopted by the Congress of Local and Regional Authorities of the Council of Europe at its 45th Session (24-26 October March 2023):

“The Committee of Ministers took note of Declaration 7, Recommendations 497 (2023), 498 (2023), 501 (2023), as well as Resolutions 492 (2023) to 496 (2023) and welcomed Recommendations 496 (2023), 499 (2023) and 500 (2023) adopted by the Congress of Local and Regional Authorities of the Council of Europe at its 45th Session (24-26 October 2023)”.