

Committee of Ministers

The texts adopted by the Committee of Ministers in 2013 can be consulted on the following site: www.coe.int/t/cm

During 2013, the Committee of Ministers was chaired by Andorra until 16 May 2013, then by Armenia until 14 November 2013 and thereafter by Austria.

■ At its 123rd Ministerial Session (16 May 2013), the Committee reiterated its priority to implement the Interlaken, Izmir and Brighton Declarations, the aims of which are to ensure the long-term effectiveness of the supervisory mechanism set up under the European Convention on Human Rights. It adopted Protocol No. 15 amending the Convention, and opened it for signature on 24 June 2013. The Committee of Ministers also welcomed the measures already taken by States Parties to the Convention to implement the European Court of Human Rights' judgments and encouraged them to continue their efforts in this regard, providing special efforts where structural and systemic problems generating repetitive applications to the Court were concerned.

■ The Ministers also invited the Secretary General to present to it on a regular basis an overview of human rights, democracy and the rule of law in Europe, based on the findings of the monitoring mechanisms. This overview will be accompanied by proposals for action to be taken by the Organisation.

■ In the context of the follow-up to the Brighton Declaration, the Committee of Ministers adopted a "toolkit" to inform public officials about the States Parties' obligations under the European Convention on Human Rights and a *Guide to good practice in respect of domestic remedies*.

■ The Committee of Ministers met on three occasions to **supervise the execution of Court judgments**, and closed 780 cases. Regarding the group of cases *Mahmudov and Agazade v. Azerbaijan*, the Ministers expressed, *inter alia*, deep regret that the Parliament of Azerbaijan had adopted amendments to the Criminal Code and the Code of Administrative Offences of Azerbaijan that impose criminal penalties for defamation and insult on the Internet. It urged the Azerbaijani authorities to pursue their co-operation with the Venice Commission with a view to drafting the law on defamation.



123rd Session of the Committee of Ministers

on "Democracy, human rights and the rule of law in Europe: strengthening the impact of the Council of Europe's activities"

■ In the case of ***Sejdić and Finci v. Bosnia and Herzegovina***, the Committee, while noting the intensive efforts of the political leaders of Bosnia and Herzegovina to arrive at a consensual solution on the constitutional reform, firmly called upon all authorities of Bosnia and Herzegovina to ensure that the constitutional and legislative framework is immediately brought in line with the requirements of the European Convention on Human Rights so that the elections in October 2014 are held without any discrimination against those citizens who are not affiliated with any of the "constituent peoples".

■ Regarding ***A., B. and C. v. Ireland***, the Committee noted with satisfaction, *inter alia*, the decision of the authorities to implement the judgment through legislation and regulations. In the execution of the **Străin group of cases/Maria Atanasiu and others**, the Ministers' Deputies welcomed the determination shown by the Romanian authorities, which had allowed the adoption of a new law reforming the reparation mechanism for properties nationalised under the communist regime, with a view to ensuring its effectiveness and viability.

■ With regard to ***Garabayev v. Russia***, the Committee noted that several applications submitted by foreign nationals were currently pending before the Court concerning alleged violations of their rights and non-compliance with interim measures indicated by the Court in relation to their forcible transfer from the territory of the Russian Federation. In this context, it reiterated the call for the Russian authorities to adopt, without delay, the necessary measures to put an end to such incidents. In the case of ***Alekseyev v. Russia***, the Committee reiterated concerns in view of the developments in the law and practice in that country and of the adoption of regional laws in an increasing number of regions prohibiting the "promotion of homosexuality" among minors. It expressed serious concerns about the ongoing legislative work aimed at introducing at federal level a ban on the "promotion of homosexuality".



■ In the case of ***Kurić and Others v. Slovenia***, the Committee welcomed the fact that the Slovenian Parliament had adopted the Act on Compensation for Damage to Persons Erased from the Permanent Population Register and decided to transfer this case from enhanced to standard supervision procedure. The Committee also examined the case of ***Del Río Prada v. Spain***, noting that in response to that judgment the applicant was immediately released following a decision given by the *Audiencia Nacional*. Concerning recourse to the rules for the application of remissions of sentence, it noted that the practice of the criminal courts is now aligning with the Court’s findings and thus decided to classify this case under standard procedure. In the case of ***Hirst v. the United Kingdom (no. 2)***, the Committee urged the authorities to rapidly comply with the judgment by adopting legislation to ensure that future elections are held in compliance with the Convention.

■ In the case ***Lutsenko v. Ukraine***, the Committee, *inter alia*, recalled with satisfaction that the applicant had been set free in April and in particular strongly encouraged the Ukrainian authorities to make full use of the co-operation programmes, of which they are beneficiaries, with a view to putting rapidly in place the measures required in the Ukrainian justice system. In the case of ***Tymoshenko v. Ukraine***, the Committee urged the Ukrainian authorities to move forward in their reflection by thoroughly considering all available options with a view to rapidly ensuring that redress is provided to the applicant in an appropriate form, while taking note of the measures underway. Finally, the Committee examined the judgment in the case of ***Oleksandr Volkov v. Ukraine***, urging Ukraine to secure the applicant’s reinstatement as judge of the Supreme Court at the earliest possible date and underlining the findings of the Court regarding the serious systemic problems in the functioning of the Ukrainian judiciary.

■ Regarding the **death penalty**, the Committee of Ministers examined the situation in member states, and reiterated its appeal to the Russian Federation to take all necessary steps without delay to move from the current moratorium to *de jure* abolition of the death penalty, and to ratify Protocol No. 6 to the Convention. It took note of the information provided by Armenia and Poland on measures taken regarding the signature and/or ratification of Protocol No. 13 to the Convention and regretted that the other countries concerned had not yet responded to their invitation to provide further information on measures taken to this effect. Finally, it adopted several declarations in 2013 deploring executions in Japan and the United States, both observer states to the Council of Europe.

■ The Committee of Ministers held four **thematic debates** during the year, which gave rise to a number of conclusions. The debates were titled “Ways to improve the impact of the Council of Europe monitoring mechanisms”; “The role of human rights defenders and the Council of Europe’s interaction with civil society”; “The role of the Council of Europe in addressing the rise of extremism in evolving societies” and finally “Safety of journalists – Further steps for the better implementation of human rights standards”. With regard to the last debate, the Secretary General submitted to the Committee proposals for action aimed at enhancing the protection of journalists.



Committee of Ministers' meeting room

■ In the field of **media**, the Committee adopted a Declaration on Risks to Fundamental Rights stemming from Digital Tracking and other Surveillance Technologies. It also adopted decisions in relation to a report by the Secretary General on the implementation of its Declaration on measures to promote respect of Article 10 of the European Convention on Human Rights. It agreed that this work was to be given continued priority, in particular in relation to the rights of Internet users and Internet freedom and governance, protection of journalism and safety of journalists, and combating hate speech.

■ The Committee adopted a framework setting up and defining the arrangements for the financial participation of non-member states in Council of Europe conventions. The Committee decided to set up a Council of Europe Programme Office on **Cybercrime** in Bucharest, Romania.

■ With regard to **children**, in July the Committee of Ministers welcomed a progress review report on the Council of Europe Strategy for the Rights of the Child (2012-2015). As regards Roma, the Committee of Ministers examined and took note of the Second Progress Report (May 2011-April 2013) of the Secretary General on the follow-up to the Strasbourg Declaration on Roma and encouraged its continued implementation.

■ In 2013, on the basis of a report on the future of the **North-South Centre**, the Committee agreed that the Centre should continue to operate, setting it a deadline for the end of 2015 to implement, in the framework of its plan of activities, the guidelines set out in the aforementioned report. That deadline should also give more member and non-member states an opportunity to become members of the Centre. In September, the 2013 **Exchange on the religious dimension of intercultural dialogue** took place in Yerevan, on the theme "Freedom of religion in today's world: challenges and guarantees". In December, the Committee of Ministers adopted a Resolution confirming the establishment of the Enlarged Partial Agreement on Cultural Routes and a Resolution revising the rules for the award of the "Cultural Route of the Council of Europe" certification. The Committee amended the Resolution setting up the European Cinema Support Fund "**Eurimages**", thus enabling the partial agreement to be extended to include states that are not members of the Council of Europe. In the field of sport, negotiations on a possible Council of Europe convention against **manipulation of sports results** and, notably, match-fixing have continued.

■ In the field of **local democracy**, the Ministers' Deputies examined the annual activity report of the Centre of Expertise for Local Government Reform for 2012 and approved the Appendix to Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs).

■ As regards specific co-operation with member states, the Committee of Ministers approved a programme of assistance to support the parliamentary elections scheduled for June 2013 in Albania. With regard to **Armenia** and **Azerbaijan**, the Committee agreed that the monitoring of the honouring of commitments by these countries would henceforth take place within the regular work of their Rapporteur Group on Democracy and decided accordingly to end the special procedure that they had put in place in December 2010.

■ In March, the Committee of Ministers reviewed the state of implementation of the commitments made by **Bosnia and Herzegovina** on acceding to the Council of Europe. The Committee welcomed the honouring of all the commitments with regard to conventions and other positive developments such as the adoption of laws on state aid and censuses, the progress made in implementing the strategy for reform of the judicial system and the national strategy on war crimes. At the same time, the Committee called on the authorities of Bosnia and Herzegovina to increase the effectiveness of institutions at all levels (state, entities, local authorities); to put an end to all ethnic segregation issues in schools; to step up measures to combat discrimination on grounds of sexual orientation or gender identity; and to continue supporting the process designed to ensure that refugees and displaced persons enjoy an effective right of return.

■ In October, it adopted an action plan for **Georgia** aimed at providing assistance in the form of technical projects to the Georgian authorities for the period 2013 to 2015. Regarding the **Republic of Moldova**, the Committee of Ministers approved a confidence-building programme on both banks of the Nistru/Dniestr River for 2013 and 2014. The aim is to develop contacts and exchanges between people living on the two sides through activities in such fields as education, human rights training, inter-municipal co-operation, cultural heritage and the media. An action plan, intended to support democratic reforms in the Republic of Moldova up to 2016, was approved by the Committee of Ministers in November. With regard to co-operation with the **Russian Federation**, the Committee approved a new plan of activities for the Chechen Republic and took note of the results of the 2012 programme.

■ In February the Committee approved the Council of Europe's programme of activities in **Belarus** for the period 2013 to 2014. It also acceded to the request by **Belarus** for observer status with the Committee of Legal Advisers on Public International Law on the understanding that the matter will be followed in light of developments in Belarus with respect to Council of Europe values. The Committee has also pointed out that this decision should not be construed as an acknowledgement that the situation concerning respect for the principles of the rule of law in Belarus is satisfactory.

■ Regarding the **Programme and Budget 2014-2015**, the principle of zero nominal growth has been applied to the total of member states' contributions to the Ordinary Budget. In approving the budgetary decisions, the Ministers' Deputies also invited the Secretary General to prepare a document setting out the long-term budgetary sustainability and efficiency of the Organisation, as part of its continuing reform process.

■ A number of exchanges of views took place with pertinent personalities from **European Union** (EU) bodies, the Organization for Security and Co-operation in Europe (OSCE) and non-member states from neighbouring regions. Within the framework of preparation of the 123rd Session of the Committee of Ministers, the Ministers' Deputies examined a report on co-operation between the Council of Europe and the EU describing recent developments and confirming the strategic importance of the partnership between the two organisations. In 2013, significant advances were also made with regard to the negotiations at the technical level preparing for the accession of the EU to the European Convention on Human Rights, with the ad hoc negotiation group of the Steering Committee for Human Rights and the European Commission reaching an agreement on the text of a draft accession agreement in April.

■ In February, the Committee of Ministers held its annual exchange of views with experts from capitals on the work conducted within the framework of the **United Nations** (UN) on issues relating to human rights, in the presence of the President of the Human Rights Council of the United Nations, Ambassador Remigiusz Achilles Hencze.

■ Progress continued in 2013 in implementing the **policy of the Council of Europe towards neighbouring regions**, the Ministers' Deputies taking note in particular of interim reports on the implementation of co-operation priorities with Morocco, Tunisia and Jordan. They also decided to set up Council of Europe offices in Rabat and Tunis. In December, the Committee of Ministers approved priorities for co-operation with Kazakhstan for the period 2014 to 2015. Co-operation activities will be carried out in this context with a view to preparing the possible accession of Kazakhstan to the Council of Europe's conventions in the criminal field, in which it has expressed an interest.