

Committee of Ministers

The texts adopted by the Committee of Ministers in 2017 can be consulted at: www.coe.int/t/cm/

The Committee of Ministers acts as the main decision-making body of the Council of Europe. It is made up of member states' foreign ministers or their permanent diplomatic representatives in Strasbourg.

During 2017, the Committee of Ministers was chaired by Cyprus until 19 May, then by the Czech Republic until 15 November and thereafter by Denmark.

The Committee of Ministers held its 127th Ministerial Session in Nicosia on 19 May 2017 during which it considered topical issues requiring special attention by the Organisation, such as the fight against terrorism and migration.

Regarding the **fight against terrorism**, the Committee of Ministers welcomed the Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221), opened for signature in Nicosia, and called for its swift signature and ratification by the largest possible number of both member and non-member states. The Ministers also adopted Revised Guidelines on the protection of victims of terrorist acts. They also welcomed the progress made in the implementation of the 2016-2017 Council of Europe Action Plan on the Fight against Violent Extremism and Radicalisation Leading to Terrorism. Concerning **migration**, the Committee of Ministers adopted a Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019).

The Committee of Ministers took note of the Secretary General's fourth annual report, "State of democracy, human rights and the rule of law – Populism – How strong are Europe's checks and balances?"; and tasked the Ministers' Deputies to give it appropriate follow-up. The Ministers also held two informal working sessions on the themes "Building trust in democracies in Europe: addressing the challenges of racism, xenophobia, social exclusion, extremism and populism", and "Fighting terrorism: strengthening the pan-European response".

The Committee of Ministers also adopted a series of decisions regarding ways of securing the long-term effectiveness of the system of the European **Convention on Human Rights** (ETS No. 5, the Convention). In particular, it called on the States Parties to the Convention which have not yet signed and/or ratified Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 213) to do so as soon as possible, and to consider signing and/or ratifying Protocol No. 16 providing for advisory opinions (CETS No. 214). It reiterated, *inter alia*, the importance of efficient domestic implementation of the Convention and of the judgments of the European Court of Human Rights (the Court) and of state action in all areas covered by the different recommendations adopted by the Committee of Ministers with respect to these issues. It encouraged the Court's continuous review and development of its working methods, including its determination to develop new tools to reduce the backlog of non-repetitive, well-founded cases.



127th Session of the Committee of Ministers in Cyprus. Group photo of the foreign affairs ministers from the Council of Europe's 47 member states with, at the centre, **Nicos Anastasiades**, President of Cyprus and **Thorbjørn Jagland**, Secretary General of the Council of Europe (Nicosia, 19 May 2017)

■ The year 2017 saw a continuation of efforts, both at European and national level, to enhance the **execution of the judgments of the European Court of Human Rights**. The Committee of Ministers closed its supervision of a record number of cases, including over 300 revealing structural problems and at the basis of some 3 000 repetitive cases. The Ministers were, however, compelled to set infringement proceedings in motion against a member state for the very first time, owing to the refusal of the Republic of Azerbaijan to execute the Ilgar Mammadov judgment relating to the continued detention of the applicant on the basis of fundamentally flawed criminal proceedings. More detailed information on the Committee of Ministers' supervision of the execution of judgments is available in its "Annual Report 2017", available as of April 2018. The Ministers also held exchanges of views with the President of the European Court of Human Rights and the Commissioner for Human Rights.

■ The situation in several member states of the Council of Europe continued to be of particular concern to the Ministers. In May, they adopted a series of decisions regarding the situation in the Autonomous Republic of Crimea and the city of Sevastopol (**Ukraine**). In particular, they reaffirmed their commitment to the principle of peaceful settlement of disputes, to the independence, sovereignty and territorial integrity of Ukraine within internationally recognised borders, and to the respect for human rights and fundamental

freedoms. The Committee of Ministers called on the Russian Federation to uphold all of its obligations under applicable international humanitarian law, international human rights law, including the European Convention on Human Rights, and the Council of Europe principles and standards, as well as to take all measures necessary to respect human rights in Crimea. It reiterated its call for full and unrestricted access to the Crimean peninsula for all human rights bodies of the Council of Europe to enable them to carry out their monitoring activities unimpeded and in accordance with their mandates, so as to urgently address a deteriorating situation in terms of human rights and fundamental freedoms. It invited the Secretary General to continue the dialogue with all parties concerned to this end.

■ In November, the Committee of Ministers adopted further decisions on Ukraine, welcoming the steps taken by Ukraine in its reform agenda and the progress achieved in areas crucial to respect for human rights, the consolidation of democratic institutions and the rule of law. It also encouraged the continuation of the reform process, so as to ensure that Ukraine's domestic legislation and practice are fully in line with the standards of the Council of Europe. It also highlighted certain specific challenges that Ukraine needs to address.



■ In May, following the presentation by the Secretary General of his 15th “Consolidated report on the conflict in **Georgia**”, the Committee of Ministers adopted a series of decisions. It reiterated the unequivocal support of the Council of Europe member states for the sovereignty and territorial integrity of Georgia within its internationally recognised borders. It also reiterated that any illegal act aimed at changing the status of the Georgian regions will have no legal effect and called upon the Russian Federation to stop and reverse this process and to comply with its obligations and commitments under international law. The Ministers expressed profound concern that the human rights situation in the Georgian regions of Abkhazia and South Ossetia had further deteriorated. They called on the authorities exercising effective control to take a number of measures on these issues. In November, the Ministers held a further discussion on the Secretary General’s 16th “Consolidated report on the conflict in Georgia”. Many of the concerns and issues remained the same as for the previous report.

■ In March, the Committee of Ministers held an exchange of views with Mr Bekir Bozdağ, Minister of Justice of **Turkey**, on the situation in this country and on the co-operation between the Council of Europe and Turkey. In 2017, the Ministers regularly discussed measures taken by the Turkish authorities under the state of emergency decree-laws adopted following the failed coup attempt in July 2016, and was kept informed about Council of Europe activities in this respect.

■ Concerning co-operation with other member states, the Committee of Ministers took note of the report on the state of implementation of the commitments entered into by Azerbaijan (from June 2015 to May 2017). It welcomed the progress made by Azerbaijan in some areas, while expressing serious concern regarding other areas, in particular the situation of civil society, underlining the importance of the role of human right defenders, journalists and political activists. It reiterated its call to Azerbaijan to fulfil its commitments as a member state of the Council of Europe, in particular under Article 46, paragraph 1, of the European Convention on Human Rights, as regards the case of Ilgar Mammadov. With respect to technical co-operation, the Ministers noted with satisfaction the final report on the implementation of the Council of Europe Action Plan for Azerbaijan 2014-2017 and instructed the Secretariat to prepare a new action plan.

■ The Committee of Ministers also took note of and welcomed the progress made in the implementation of the Council of Europe Action Plan for **Bosnia and Herzegovina** 2015-2017. It also approved the Council of Europe Action Plan for the Republic of Moldova 2017-2020, which aims to provide assistance to the **Republic of Moldova**.

Meeting of the Committee of Ministers
(Strasbourg, 15 November 2017)



■ Significant developments took place in other priority areas in 2017. Through various decisions and declarations throughout the year, the Committee of Ministers reaffirmed its unequivocal opposition to the death penalty – including any reintroduction initiatives – in all places and in all circumstances, and reiterated the objective of creating a death-penalty-free zone in Europe. It reiterated its call on the Russian Federation, as the only member state which has not yet abolished the death penalty, to take, without delay, all the necessary steps to transform the existing moratorium into a *de jure* abolition of the death penalty and to ratify Protocol No. 6 to the European Convention on Human Rights concerning the abolition of the death penalty (ETS No. 114). It also encouraged those states which have not yet signed and/or ratified Protocol No. 13 to the European Convention on Human Rights, concerning the abolition of the death penalty in all circumstances (ETS No. 187) (Armenia, Azerbaijan and the Russian Federation) to do so rapidly. Furthermore, the Committee of Ministers deeply deplored and condemned executions carried out and death sentences pronounced in the United States and in Japan, two Council of Europe observer states, as well as in Belarus. In November, the Ministers endorsed the Secretary General's proposals on strengthening and restructuring the Council of Europe's advocacy action in relation to the draft resolution on a moratorium on the use of the death penalty to be adopted by the United Nations General Assembly.

■ Several legal instruments and other texts were adopted during the year, including the Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (CETS No. 222), opened for signature in November 2017. The Ministers also adopted several recommendations, which can be consulted on the Committee of Ministers' web site. In September, it adopted a declaration on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe and took note of a guide to good practices on the same subject.

■ With regard to Roma and Travellers¹, the Committee of Ministers authorised the Secretary General to sign the revised draft statute and the act of establishment of the European Roma Institute for Arts and Culture (ERIAC). It also took note of the Secretary General's report on the implementation of the Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019), of the first report on the implementation of the Council of Europe Strategy for the Rights of the Child (2016-2021), and of the third activity report of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Lanzarote Committee).

¹ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies.



■ The **2017 Exchange on the religious dimension of intercultural dialogue** took place in November on the theme of “Migrants and refugees; challenges and opportunities – What role for religious and non-religious groups?”

■ The Committee of Ministers continued to focus on co-operation with other international bodies in 2017. With regard to the **European Union**, it held an exchange of views with Ms Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy, and Mr Jyrki Katainen, Vice-President of the European Commission, on the Commission’s *White Paper on the Future of Europe*.

■ In February, the Ministers held their annual exchange of views on the United Nations (on human rights questions) with experts from the member states. It reviewed co-operation between the two organisations in the human rights field in 2016 and discussed the major themes for the Human Rights Council in 2017.

■ With regard to the Organization for Security and Co-operation in Europe (**OSCE**), the Co-ordination Group between the two organisations held two meetings in 2017 to review co-operation. The Committee of Ministers also held an exchange of views with Ambassador Florian Raunig, Head of the Task Force of the OSCE Austrian Chairmanship. In October, an exchange of views was held with Mr Peter Maurer, President of the International Committee of the Red Cross.

■ Several positive developments took place with regard to Council of Europe policy towards its neighbouring regions. The Committee of Ministers expressed satisfaction that the 2015-2017 Neighbourhood Partnerships with **Jordan, Morocco and Tunisia** had been successfully implemented and requested that new documents relating to partnership with these countries be prepared for the period 2018-2021. It also agreed to extend the implementation of the Neighbourhood Co-operation Priorities for **Kazakhstan, the Kyrgyz Republic and Palestine**² beyond 2017.

■ Finally, in June, the Committee of Ministers adopted a series of decisions concerning the allegations of corruption within the Parliamentary Assembly. It welcomed the Assembly’s decision to establish an independent external investigation body to look into these allegations and urged member states’ full co-operation, in accordance with applicable national law, with this investigation body.

2 This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member states on this issue.



127th Session of the Committee of Ministers in Cyprus, transfer of the chairmanship between Cyprus and the Czech Republic - **Lubomír Zaorálek**, Minister for Foreign Affairs of the Czech Republic and **Ioannis Kasoulides**, Minister for Foreign Affairs of Cyprus and Chair of the Committee of Ministers (Nicosia, 19 May 2017)



Transfer of the chairmanship between the Czech Republic and Denmark. **Anders Samuelson**, Minister for Foreign Affairs of Denmark, new Chairmanship of the Committee of Ministers, and **Lubomír Zaorálek**, Minister for Foreign Affairs of the Czech Republic.