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| **131st Session of the Committee of Ministers****(Hamburg, Germany, 21 May 2021)****Summary Report on co-operation between the Council of Europe and the European Union**  |

1. **Introduction: a new qualitative and quantitative step**

The 70th anniversary of the Council of Europe (CoE) in 2019 offered a new opportunity to stress the **importance of the partnership** between the CoE and the European Union (EU), the **two institutional incarnations of the ideal of peace in Europe**. In this context, at its 129th Session (Helsinki, 16-17 May 2019), the Committee of Ministers expressed its determination to further strengthen co-operation between the CoE and the EU, in accordance with the 2007 Memorandum of Understanding, in order to better protect and promote human rights, democracy and the rule of law in Europe.[[1]](#footnote-1)

The following reporting period, covering, exceptionally, two years (May 2019 - May 2021) further to the postponement of the May 2020 Ministerial Session due to the Covid-19 crisis, was, *inter alia*, marked by a **change of leadership** in both the CoE and various EU institutions. New leaders on both sides have stressed their **commitment to consolidating the relationship** between the CoE and the EU to better safeguard **democratic security on the continent** and a coherent and efficient **human rights protection system** in Europe. In that respect, on 11 December 2019, the CoE Committee of Ministers welcomed the intention of the Secretary General to deepen co-operation with the EU and to consider EU accession to the European Convention on Human Rights (ECHR) as one of the highest priorities.[[2]](#footnote-2)This followed a letter by which the EU informed the CoE Secretary General that it was ready to resume negotiations (see below). The reporting period was also marked by the **Covid-19 pandemic** which presented challenges to the usual co-operation modalities and also became a subject for consultations. The CoE Secretary General highlighted the Organisation’s benchmarking role for member states in times of emergency in order to secure the continuing protection of fundamental rights and freedoms.[[3]](#footnote-3) She also encouraged the relevant EU institutions to take into consideration CoE guidelines when dealing with the respect of common standards during the pandemic.

In practice, during these last two years, the strategic partnership with the EU was reinforced through its three pillars - political dialogue, legal co-operation and programmatic co-operation; and co-operation has reached another **qualitative step** with the **strengthening of the benchmarking role** of the CoE. It materialised through active EU participation in key CoE standard-setting activities on the one hand, and contributions by the Organisation to the preparation of new key EU strategic documents on the rule of law, human rights and democracy in the EU or beyond on the other. In addition, negotiations on EU accession to the ECHR resumed in 2020. Also, as in previous years, a substantial part of joint activities was carried out through Joint Programmes in CoE member states and in the neighbouring regions.[[4]](#footnote-4) Finally, the EU and the CoE increased co-operation on communication and visibility, notably launching a series of new animations illustrating the impact of the ECHR, as well as co-organising and, respectively, participating in visibility

events, joint campaigns and publishing a number of joint statements. On-line **high-level participation** in CoE and EU events reflecting the co-operation was also more systematic and more visible in media.

More generally, relevant CoE and EU organs have stepped up their co-operation to promote human rights, the rule of law and democracy in Europe and beyond. The **intensity and the scope** of the co‑operation have **increased**, covering an ever-larger number of issues addressing current challenges, such as, for instance, migration, freedom of the media, the protection of vulnerable persons and the fight against economic crime. The EU is more than ever the CoE’s **most important institutional partner** in political, financial and legal terms.

The “EU Priorities for co-operation with the CoE in 2020-2022”,[[5]](#footnote-5) adopted by the Council of the EU on 13 July 2020, illustrate the EU’s commitment to the CoE convention system and the ever-larger scope of the thematic co-operation. On the occasion of an online event for the launch of the new EU priorities document, held on 4 September 2020, interlocutors from both the EU and the CoE recalled that close co-operation was needed in order to, *inter alia*, ever better address increasing common challenges. It was also stressed that the 2020 European Commission (EC) Rule of Law Report and the resumption of the negotiations on EU accession to the ECHR were some of the most important developments for the CoE in the context of the co-operation. CoE representatives also considered that these EU priorities reflect, to a large extent, the priorities of the Organisation and that such strong EU commitment to co‑operation with the CoE was mutually beneficial. The inclusion of social rights and the CoE European Social Charter in the EU priorities was also welcome.

In this regard, it should be recalled that the “Strategic Framework of the CoE”presenting the Organisation’s key strategic priorities over the next four years, proposed by the CoE Secretary General to the Committee of Ministers, includes, *inter alia*, “the further strengthening of relations and synergy” with the EU and refers to EU accession to the ECHR as “a key priority for both” the CoE and the EU.[[6]](#footnote-6)

The **CoE Liaison Office** in Brussels and the **EU Delegation** in Strasbourg have significantly contributed to the developments of the partnership at all levels and its visibility and shall continue to play a key role in reinforcing this dynamic.

1. **Intensive political dialogue**

**High-level** political dialogue has involved all relevant EU and CoE institutions. This high-level dialogue, in the context of public events, was also more visible in media than in the past.

On 17 May 2019, addressing the Committee of Ministers in Helsinki on behalf of the EU, the EU Special Representative for Human Rights, MrEamon Gilmore, stressed that, “the EU regards the CoE as a key strategic partner […]”. He considered that, “security and prosperity depend to a large extent on effective multilateral institutions”. He also stressed that, “it is of vital importance that the CoE and the EU, as partners, stay committed and united to protect and promote our fundamental values. Our strategic partnership aims to address the common challenges facing Europe by ensuring coherence and complementarity between the CoE and the EU’s integration process and, ultimately, to consolidate a common legal space for human rights protection.”[[7]](#footnote-7)

Following the entry into office of the new CoE and EU leadership at the end of 2019, contacts were quickly established and it was confirmed that there was a shared will to maintain a close dialogue. The latterdeveloped notably on the occasion of a visit of the CoE Secretary General to Brussels on 5‑7 February 2020. Subsequently, with the Covid-19 pandemic, most meetings however switched to online. This dialogue, either in-person or online, included an exchange of views with the EU Political and Security Committee (PSC), meetings with the Croatian Presidency of the EU Council, the EC Executive Vice-President for the European Green Deal, Mr Timmermans, Vice-Presidents Jourová (“Values and Transparency”), Šuica (“Democracy and Demography”) and Schinas (“Promoting the European Way of Life”), Commissioners Dalli (“Equality”), Reynders (“Justice”) and Várhelyi (“Neighbourhood and Enlargement”), as well as meetings with the EU Special Representative for Human Rights Mr Gilmore, European Parliament (EP) President Sassoli, the Chairperson of the EP Committee on Foreign Affairs (AFET) Mr McAllister and a number of MEPs. As stressed by the Secretary General, her visit to Brussels in February 2020 has “strengthened the strategic partnership between the two organisations: a partnership

based on complementarity and mutual respect for each organisation’s unique characteristics and mandates.”[[8]](#footnote-8)

These regular high-level consultations addressed in particular democratic security in Europe, the functioning of the European human rights protection system and more specifically the current situation in a number of CoE member states, as well as common challenges, including the Covid-19 pandemic, migration-related issues, freedom of the media and safety of journalists, the fight against terrorism and radicalisation, the EC 2020 Rule of Law Report, violence against women and the development of Artificial Intelligence. These topics are also the focus of joint EU-CoE co-operation interventions, as mentioned below.

The CoE Parliamentary Assembly[[9]](#footnote-9) (PACE), the Congress of Local and Regional Authorities[[10]](#footnote-10) (the Congress), the CoE Commissioner for Human Rights and other CoE bodies also continued their high‑level political dialogue with EU representatives. The dialogue is also reflected in the statutory bodies of the CoE Enlarged Partial Agreement of the North-South Centre (NSC) where the EU plays a major role. On Human Rights Day 2020, PACE and the EP expressed their willingness to step up dialogue in 2021. In addition, Commissioner for Justice Reynders addressed the January 2021 PACE part session, stressing, in particular, the importance of the rule of law.

Consultations have also multiplied at a **more technical** level to prepare such high-level dialogue and allow for follow-up and deeper discussions, both on thematic and country-specific issues, including in relation to EU enlargement (e.g. the contribution to the EU enlargement package of annual reports) and the Eastern Partnership (EaP). As regards the latter, the CoE contributed to the EU consultation to define the future policy objectives of the EaP beyond 2020 embodied in a new set of deliverables.

1. **Legal co-operation: upholding democracy and a coherent human rights protection system in Europe**

As provided by the 2007 Memorandum of Understanding (MoU), “legal co-operation should be developed with a view to ensuring coherence between EU law and CoE standards”; “the EU regards the CoE as the Europe-wide reference source for human rights” and “the CoE will remain the benchmark for human rights, the rule of law and democracy in Europe”.

Against this background, legal co-operation has covered an ever-larger **spectrum** of CoE activities and reached a **new qualitative step** with the strengthening of the **benchmarking role** of the CoE.This evolution reflected an increased EU focus on **democracy, the rule of law** and **human rights**, and accordingly, the Organisation’s Secretariat contributed to the preparation of several, new key EU strategic documents with submissions on the rule of law, freedom of the media and safety of journalists, inclusion and integration of migrants and other topics.[[11]](#footnote-11) The objective of this co-operation is to ensure legal and policy coherence between the EU and the CoE, as well as to lay down the basis for further co-operation in the implementation of the different EU policies. The expansion of legal co-operation was also reflected in the various processes of **EU accession to/participation in CoE Conventions and bodies**,active EU participation in key CoE standard-setting activities and increased contacts on certain issues, such as artificial Intelligence, business and human rights, personal data protection, children’s rights (including fighting sexual violence against children), non-discrimination and violence against women. In addition, new areas of co-operation have recently been identified, in particular safety of journalists and media freedom, as well as human rights and the environment. Areas covered by legal co-operation also highlighted overarching efforts to develop more **sustainable and resilient democracies** in Europe and beyond. Accordingly, the online events for the launch of a new EU Action Plan on Human Rights and Democracy for 2020-2024, as well as the European Democracy Action Plan, organised by the EU in December 2020,

highlighted the importance of ever-closer co-operation when relevant. Increased co-operation is also expected in the area of social rights.

CoE and EU leaders also agreed to continue co-operation at **global level**, in particular in the framework of the UN Sustainable Development Goals (SDGs), thus strengthening multilateralism beyond Europe. On 10 October 2020, the Secretary General and HR/VP Borrell reiterated their strong opposition to capital punishment under all circumstances in a Joint Declaration to mark the European and World Day against the Death Penalty.

The regular **consultation meetings** between the EU’s Chair of the Article 36 Committee (CATS) and the CoE continued twice a year in order to exchange information and discuss the development of legal standards and policies on issues mostly related to law enforcement and judicial co-operation in **criminal matters**.

* **Rule of law-related matters in Europe**

In a reply to a Parliamentary Assembly recommendation adopted on 11 December 2019, the **Committee of Ministers**[[12]](#footnote-12) confirmed “in general, the importance of ensuring **coherence and complementarity** between the pan-European CoE and the EU as provided for in the 2007 MoU” and in particular “the need to ensure coherence of the human rights’ protection system in Europe in the context of EU rule of law initiatives”. The Committee of Ministers also noted that “the communication of the EC of 17 July 2019[[13]](#footnote-13) makes prominent references to the CoE”. It considered that “implications of the above-mentioned developments would require further reflections and exchanges in due time” and decided to “closely follow this issue”.

In practice, as concerns developments in EU member States, co-operation and contacts have increased in the context of **rule of law initiatives and assessments** from the EU institutions, in particular in the framework of the EC annual rule of law report.[[14]](#footnote-14) The CoE has continued to provide a valuable input in rule of law-related matters, in particular through the case law of the European Court of Human Rights (ECtHR) and the expertise provided by the Venice Commission (VC), GRECO, the European Commission for the Efficiency of Justice (CEPEJ), MONEYVAL, the Consultative Councils of European Judges (CCJE) and of European Prosecutors (CCPE), as well as directly through co-operation projects. A new e-learning course on **judiciary ethics** developed jointly by the Human Rights Education for Legal Professionals (HELP) Programme with relevant CoE entities/departments and the ECtHR will see the light of day in 2021. Along with the EC, contacts have also intensified between CoE bodies and other relevant EU institutions.

The EU also frequently refers to the Opinions of the VC in the framework of its monitoring of respect for the rule of law in its member States. Specific mechanisms have been set up within the EU/CoE Facilities to request VC expertise - Quick Response Mechanism (QRM) under the Partnership for Good Governance (PGG) and the Expertise Co-ordination Mechanism (ECM) under the Horizontal Facility (HF). The VC has overall provided a very significant number of Opinions regarding the EaP region and also the CoE neighbouring countries (see below).

More specifically, in the framework of the preparation of the EC 2020 Rule of Law Report, the CoE Secretariat, following an invitation from the EC, had appointed a contact person for the rule of law, and submitted a contribution to the Report. In her later contacts on this issue with EC President von der Leyen, Vice-President Jourová and Commissioner Reynders, the CoE Secretary General welcomed in particular the numerous references to the CoE in the EC 2020 Report, reflecting the main message of the 2007 MoU, according to which, “the CoE will remain the benchmark for human rights, the rule of law and democracy in Europe”. At a high-level videoconference on “Independence of justice and the rule of law”, held on 9 November 2020, CoE and EU representatives stressed the fruitful co‑operation established so far on relevant rule of law issues, and at a meeting with EC Vice-President Jourová on 3 December 2020, the Secretary General reiterated the CoE’s willingness to continue close co-operation in this field. She also

raised the issue of co-operation in the context of other relevant EU documents, notably the EC Democracy Action Plan, in particular as regards safety of journalists and the new Strategy to strengthen the application of the Charter of Fundamental Rights in the EU. It was agreed to seek further synergies. The Vice-President also confirmed the importance for the EC of being able to base its actions on the expert and independent conclusions of the CoE.[[15]](#footnote-15)

Furthermore, on 10 July 2019, the Committee of Ministers granted the EU observer status with [**GRECO**](https://www.coe.int/en/web/greco/home). It further noted that, “the vast majority of EU member States favours the EU’s full membership of GRECO.”[[16]](#footnote-16) Commissioner Reynders wrote a foreword to GRECO’s 2020 General Activity Report Report. On 24 July 2019, the CoE and the EC signed a contract for using the CoE’s expertise to assess the concrete implementation and effective application of the 4th Anti-**money Laundering** Directive in EU member States. Pursuant to this arrangement, the CoE carried out its first assessments of a number of EU member States as from late 2019 and throughout 2020.

CEPEJ continued to provide data on the **functioning of judicial systems** in the EU member States for the EC annual “EU Justice Scoreboard”. This exemplary co-operation is based on a multi‑year contract between the EC and the CoE (renewed in 2017 for a four-year period). Such an arrangement avoids duplication, confirms CEPEJ’s status as a common reference point for justice evaluation[[17]](#footnote-17) and increases its visibility, as well as the CoE’s.

These developments have again confirmed the benchmarking role of the CoE and its **unique expertise**, also as regards the Western Balkans and the EaP countries.

* **EU accession/participation in CoE Conventions and bodies**

**Accession or participation of the EU in relevant CoE treaties and bodies** remains a key element of co-operation. The participation of the EU in CoE instruments would significantly enhance coherence, as well as synergies between the EU and CoE monitoring and advisory bodies. It raises, however, a number of difficult legal issues to be addressed in a spirit of co-operation and complementarity.

**EU accession to the ECHR**, an obligation under the Lisbon Treaty, remains a priority for leaders of both organisations. On 11 December 2019, the Committee of Ministers took note of a letter from the EC addressed to the Secretary General of the CoE on 31 October 2019, informing her about the readiness of the EU to resume the negotiations on its accession to the ECHR. The Committee of Ministers also recalled that, “EU accession to the ECHR would reinforce our common values, improve the effectiveness of EU law and enhance the coherence of fundamental rights’ protection in Europe.”[[18]](#footnote-18) On 15 January 2020, the Committee of Ministers agreed on the format of negotiations, which have since resumed despite the Covid pandemic.[[19]](#footnote-19) As stressed by the Secretary General and EC Vice-President Jourová in a joint declaration on 29 September 2020, EU accession to the ECHR “will be an important milestone in the protection of human rights and fundamental freedoms across Europe”.

Concerning social rights, the CoE continues to regard EU accession to the **revised European Social Charter** to be an important objective,[[20]](#footnote-20) supported, *inter alia*, by the EP. Other proposals, with a view to developing further synergies between the CoE and the EU in the area of social rights, include using the results of the monitoring procedures under the Charter in the framework of the EU semester.[[21]](#footnote-21) In 2020, the CoE Secretariat also contributed to the EC consultation on the [Action Plan to implement the European Pillar of Social Rights](https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9705&furtherNews=yes).[[22]](#footnote-22)

With respect to EU accession to the CoE **Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul Convention), signed by the EU in 2017, the EP, in April 2019, noted the delay in the EU’s accession process and decided “to seek an opinion from the Court of Justice on the compatibility with the Treaties of the proposed accession of the EU to the Istanbul Convention and the procedure for that accession.”[[23]](#footnote-23) The case is pending at the time of this report. On 28 November 2019, the EP adopted a Resolution[[24]](#footnote-24) condemning “the attacks and campaigns against the Istanbul Convention”. Regular co-operation between the EC and the CoE aims at ensuring that the Istanbul Convention remains the benchmark across Europe as regards fighting violence against women, and that its positive impact at the national level is highlighted.

Regarding data protection, the CoE and EU respective frameworks contribute to the convergence towards a set of high data protection standards, and the EU institutions reiterated their support to the CoE **Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**, the only binding multilateral instrument in the area of data protection. In its communication to the EP and the Council of 24 July 2019, the EC insisted that, “This trend is truly global, running from South Korea to Brazil, from Chile to Thailand, from India to Indonesia. The increasingly universal membership of the CoE ‘Convention 108’ - recently modernised with a significant contribution from the EC - is another clear sign of this trend of upward convergence.”[[25]](#footnote-25) On 9 April 2019, the Council of the EU adopted a decision authorising EU member States to ratify, in the interest of the Union, the Protocol amending Convention 108 insofar as its provisions fall within the exclusive competence of the Union.[[26]](#footnote-26) On 27 January 2021, the joint statement issued by EC Vice-President Jourová, and Commissioner Reynders recalled that “this year’s Data Protection Day on 28 January marks the 40th anniversary of the CoE’s ‘Convention 108'. Greater EU support would be welcome to encourage further ratifications of Convention 108+ by EU member States, and thus pave the way for EU accession itself to this landmark instrument.

The EU also reiterated its support to the CoE **Convention on Cybercrime** (and Additional Protocols) as the best-placed and most relevant international instrument to combat cybercrime globally. Since being given a negotiating mandate in June 2019 with respect to the second Additional Protocol to the Budapest Convention on enhanced international co-operation and access to electronic evidence, currently being prepared by the CoE, the EU has played an active role in negotiations. When meeting EC Vice-President Schinas on 14 January 2020, the CoE Secretary General voiced concern regarding the UN General Assembly’s Resolution of 27 December 2019 signalling the start of work on a new convention against cybercrime. The list of initial co-sponsors of the Resolution had raised major concerns since this initiative threatens to create further international divisions in cyberspace, criminalise freedom of expression and lower rule of law and human rights safeguards.

In the field of sports, the EU supported the accession of EU member Statesto the CoE **Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events**. Efforts are also being made to address the current deadlock preventing EU member States from ratifying the **Convention on the Manipulation of Sports Competitions**, which entered into force on 1 September 2019.

Concerning **judicial co-operation in criminal matters** and more specificallythe **fight against terrorism and radicalisation**, the Committee of Ministers recalled that the EU could consider becoming a Party to the **CoE Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism** (CETS No. 198), signed by the EU on 2 April 2009, in order to strengthen the coherence of common action against money laundering and terrorist financing even more.[[27]](#footnote-27) In February 2020, the CoE Secretary General invited the EC, *inter alia*, to support the ongoing work of the CoE to develop a common definition of terrorism and to draw up standards relating to the collection and use of evidence collected on the battlefield. She also encouraged the widest possible use by the EU/EU member

States of the CoE 24/7 Network for Exchange of Police Information regarding Foreign Terrorist Fighters, as provided by the Additional Protocol to the Convention on the Prevention of Terrorism.

The EU is also a participant in the Committee of the Parties to the **Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse** (“Lanzarote Committee”/“Lanzarote Convention”). Co-operation is indeed essential since Directive 2011/93/EU of the EP and of the Council of 13 December 2011 on Combatting the sexual abuse and sexual exploitation of children and child pornography is largely based on standards of the Lanzarote Convention, and the Commission, in 2020, adopted a Strategy on a more effective fight against child sexual abuse. In addition, the “EU Priorities for co-operation with the CoE in 2020-2022” refers to the EU’s accession to the Lanzarote Convention, which would indeed be welcome.

As concerns the ethical and human rights aspects of **artificial intelligence (AI)**,a priority for both organisations,close co-ordination on related policies, standards and practices remains crucial. Both organisations also continue to co-ordinate their input vis-à-vis relevant regional and international **internet governance** fora.

CoE and EU leaders also agreed in Brussels to join forces when working on the **protection of the environment** through criminal law.

Concerning co-operation between the CoE and the **EU Agency for Fundamental Rights** (FRA), at their meeting on 4 March 2020 in Strasbourg, the CoE Secretary General and the FRA Director confirmed the fruitful co-operation established between the CoE and the FRA on the basis of their respective mandates, strengths and skills.[[28]](#footnote-28)

A new Handbook jointly produced by the ECtHR and the FRA was published in 2020 on European Law relating to asylum, borders and immigration. The newly launched EU Fundamental Rights Information System (EFRIS) resulted from co-operation between the FRA and the CoE, but also the UN and other human rights actors. The FRA is systematically consulted and engaged in the development of HELP courses on human rights.

The FRA is also one of the partner organisations in the Collaborative Platform on Social and Economic Rights.[[29]](#footnote-29) On 1 July 2020, the Committee of Ministers appointed the new CoE Independent Person and alternate to sit on the organs of the Agency.[[30]](#footnote-30)

* **Strengthening co-operation on democracy**

During her meeting with EC Vice-President Šuica in February 2020, the CoE Secretary General welcomed the appointment of an EU Commissioner specifically in charge of democracy and demography and the increased opportunities for co-operation with the EC in areas of mutual interest, such as challenges to democracy, youth, non-discrimination and children’s rights. She reiterated the readiness of the CoE to work closely with the EU to promote democracy in Europe and its neighbourhood. It should be noted that the EU and the CoE have regular exchanges on their respective work addressing common challenges to democracy such as disinformation, fake news, interference in elections and freedom of the press and media. On the occasion of her contacts with EC Vice-President Jourová on 3 December 2020, the Secretary General welcomed the adoption of the new EC European Democracy Action Plan the same day and stressed that this Action Plan provides opportunities to strengthen synergies, notably on safety of journalists and elections. The importance of co-operation was also raised on the occasion of the visibility “online event for the launch of the European democracy Action Plan” organised by the EU on 14 December 2020.[[31]](#footnote-31)

In the field of **gender equality**, the CoE Secretary General and EC leaders agreed to deepen co‑operation, notably to promote equality between women and men and the fight against violence against women in the EU and non-EU member States. Co-operation at operational level, notably in terms of exchanges of information, consultation on respective activities and identification of potential for more synergies, is also increasingly developing with the EC. In the context of its 2019 decisions on collective complaints about the gender pay gap and equal opportunities, the CoE European Committee of Social Rights referred extensively

to EU and EC legal and policy frameworks. A visibility “online event for the launch of a new EU Action Plan on Gender Equality and Women’s Empowerment in External Relations for 2021 - 2025”, organised by the EU on 30 November 2020, also highlighted the challenges and co-operation opportunities in this respect.

In the field of **anti-discrimination,** the CoE and the EC worked together to enhance future co-operation as regards the implementation of the EU Anti-Racism Strategy and the LGBTIQ Strategy, in particular action against discrimination and hate speech. In 2019 and 2020, the FRA, ECRI and ODHIR issued joint statements for the 21 March international day for the elimination of racial discrimination. On 8 September 2020, Commissioner Dalli held an exchange of views with the CoE Steering Committee on Anti-discrimination, diversity and inclusion (CDADI), which illustrated the potential and need for further co-operation. In addition, the new Special Representative of the CoE Secretary General on antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes has initiated contacts with the EC. Commissioner Dalli and the Secretary General confirmed their commitment to working together to counter discrimination of LGBTI persons at a high-level event held under the German CoE Chairmanship on Intersectionality and LGBTI Policies in Europe.

The co-operation between the EC and the CoE in the field of **Roma inclusion** has also been steadily and continuously growing in the past years. The CoE Secretary General and EC leaders agreed to increase co-operation for a better protection of the **rights of the child**, including **Roma children**. On 29 September 2020, on the occasion of the 13th EU Forum on the Rights of the Child held with EC Vice‑President Šuica, the CoE Secretary General stressed the importance of co-operation in the context of the preparation of respective strategies on this issue.**[[32]](#footnote-32)** Co-operation in this area is also ensured by regular partnership meetings between Children’s Rights Co-ordinators from each institution and their teams, also involving the FRA.

**Education** figures prominently in the “EU Priorities for co-operation with the CoE in 2020 – 2022”. Tangible results have been achieved based on common values and policies, including competences for a democratic culture, inclusive education and higher education. In the field of languages, this is primarily through the CoE’s European Centre for Modern Languages (ECML) in Graz where the focus is on the portability of language qualifications and on addressing the challenges of multilingual classrooms. On a policy level, the CoE, the EC and UNESCO co-operate closely to further the fair recognition of qualifications (ETS 165, the Lisbon Recognition Convention). The CoE and the EC also co-operate closely in the context of the European Higher Education Area (EHEA).[[33]](#footnote-33)

In the field of **youth**,in December 2020**,** partner institutions commended the high quality and innovative work of the EC-CoE Youth Partnership in 2020 as a successful example of co-operation. The Youth Partnership and its networks contributed substantially to the 3rd European Youth Work Convention in December 2020,[[34]](#footnote-34) a flagship event hosted by Germany in the overlap of its Presidencies of the CoE Committee of Ministers and of the Council of the EU. The partnership includes an important regional dimension (Eastern Europe and Southeast Europe).

* **Other highlights of the co-operation**

Co-operation also continued in the field of **migration**. The CoE Secretary General and EC Vice‑President Schinas meeting on 14 January 2020 agreed, *inter alia*, on the importance of the EU initiative to outline a new Pact on Migration and Asylum and underlined the commonality of challenges faced by their respective member States regarding migration, including asylum, detention, return and integration. In addition, the new CoE Special Representative of the Secretary General on migration and refugees initiated dialogue with the EU’s newly-appointed partners and intensified co-operation with the FRA, which resulted in a joint CoE/FRA note on Fundamental rights of refugees, asylum applicants and migrants at the European borders, issued in March 2020.

Activities successfully developed in the framework of the CoE Action Plan on Protecting Refugee and Migrant Children in Europe (2017 - 2019) and provide a further solid basis for co-operation. These include standards and projects aiming at fostering the protection and integration of migrants, such as the Committee of Ministers’ Recommendation on effective guardianship for unaccompanied and separated children in the context of migration, or the European Qualifications Passport for Refugees (EQPR). Further co-operation with respect to the integration of migrants and refugees is being considered, notably in the context of the “Intercultural Cities” programme. Co-ordinated by the SRSG on Migration and Refugees, the CoE put forward its written contribution to the European Commission Consultation on the preparation of an Action Plan on Integration and Inclusion in October 2020. National versions of HELP migration/asylum-related courses (covering the CoE and the EU as well as national legal orders) have also been developed, notably targeting Southern European countries. A further rolling out of those courses (including the course on alternatives to immigration detention or the course focusing on children) is crucial, not only for judges, prosecutors and lawyers, but also for law enforcement authorities.

With respect to migration, it should be recalled that the CoE works to prepare a codifying instrument on the existing international standards on the administrative detention of migrants. Possible avenues are being identified for the completion of this work in co-operation with the EU.

Regarding co-operation on **judicial training,** the CoE, through its HELP Programme, contributed substantially to the implementation of the EU Judicial Training Strategy. Since 2015, all topical HELP courses cover both the CoE and EU legal systems and jurisprudence of the ECtHR and the CJEU. In 2020, as e-learning spiked during the pandemic, the CoE became the top e-learning provider on human rights on the continent. The development of an e-learning module covering the interplay of the ECHR system and the EU Charter on Fundamental Rights may be beneficial for EU legal professionals who have to apply both systems at national level.

In the field of **bioethics**, in June 2020, the CoE’s Committee on Bioethics underlined its commitment to developing long-term strategic co-operation with actors in the field of bioethics, including the EC, in the implementation of its new [Strategic Action Plan on Human Rights and Biomedicine (2020 - 2025](https://www.coe.int/en/web/bioethics/-/human-rights-in-biomedicine-in-the-post-covid-19-period-action-plan-2020-2025)).[[35]](#footnote-35)

The EU is also exploring ways to enhance formalised co-operation with the CoE Development Bank.

1. **Consolidating the strategic approach to joint activities**

* **A more strategic framework**

The EU remains the **biggest donor** of the CoE technical co-operation activities, covering the EU Enlargement Region, countries of the EaP, EU member States, the Southern Mediterranean and Central Asia, as well thematic areas. In 2020, the global volume of the CoE-EU Joint Programme co‑operation reached 197.6 million EUR, with the annual receipts on these programmes accounting for 60.3% of annual receipts from all extra-budgetary resources.[[36]](#footnote-36)

To recall, in April 2014, through a Statement of Intent, the CoE and the EU agreed to **strengthen strategic** co-operation at both political and operational levels. In order to translate the strategic goals of the Statement of Intent into practice, and in addition to a number of country-specific and regional Joint Programmes**, four comprehensive multi-country and multiannual programmes** were developed. These four programmes (the first three are referred to as Facilities) enabled the upscaling and streamlining of co-operation in three geographical regions: countries covered by the **EaP** through the **PGG**, **South-East Europe and the EU Enlargement area** through the **Horizontal Facility**, the **Southern Neighbourhood** through the **South Programme** and **Central Asia** through the **Central Asia Rule of Law Programme**. These comprehensive programmes are implemented in successive phases, framing numerous projects, which focus, *inter alia*, on ensuring justice and the effectiveness of the ECHR, countering threats to the rule of law and promoting democratic governance. Particular attention is paid to the effective co-ordination among the key stakeholders in order to ensure efficient implementation, ownership and flexibility in response to emerging needs. This co-operative format proved its added value once again in the context of the pandemic, which required flexibility and reactivity to ensure continued implementation.

**Thematic** multilateral co-operation is represented by such important co-operation endeavours as GLACY +, a major undertaking in the field of action against cybercrime, implemented all over the world in co-operation with Interpol, as well as longstanding EU-CoE joint actions European Heritage Days and Youth Partnership and the programme “i-LEGEND - Intercultural Learning Exchange through Global Education, Networking and Dialogue”, implemented by the North-South Centre.

Since 2019, the co-operation between the CoE and DG REFORM (former Structural Reform Support Service - SRSS) has been streamlined through Framework Agreements, allowing for joint CoE/EU actions in **EU member States** to strengthen their capacity to prepare growth-sustaining and structural reforms related to the rule of law, human rights protection and efficient democratic governance.

Implementation of many programmes is ensured in through the **CoE Offices in the field**. It is carried out in close co-ordination with EU Delegations in order to avoid overlap and ensure synergies.

**Tangible results** have been reached so far through this fruitful strategic co-operation, in particular accession of CoE member States and non-member States to CoE Conventions.[[37]](#footnote-37)

* **Developments in 2019-2020**[[38]](#footnote-38)

In February 2020 in Brussels, the CoE Secretary General and Commissioner Várhelyi praised the excellent co-operation and agreed to **consolidate** it.

2020, however, was an unprecedented year with the **Covid-19 outbreak**. With regard to technical co‑operation, the CoE’s objective has been to ensure business continuity, while respecting national sanitary measures. This involved applying mitigating measures, where necessary, and focusing on activities in line with the restrictions linked to the sanitary situation. In general, rapidly adopted mitigation measures have allowed for continued programming, signature and implementation of Joint Programmes. Overall, around 85% of the project activities could be implemented using new implementation modalities and revising types of activities. A more intensive use of communication tools, including social media, contributed to increasing the visibility of the work and expectations with regard to results. The transversality of the CoE HELP Programme and the digitalised format of its methodology proved instrumental to the achievement of co-operation programmes/projects during the pandemic.

On 19 October 2020, the CoE and the EC signed a new **Financial Framework Partnership Agreement** (FFPA), a general agreement on contractual, administrative and financial aspects of EU‑CoE co-operation, which will remain in force for the duration of the EU Multiannual Financial Framework 2021 - 2027. The main purpose of the FFPA is to facilitate individual contract negotiations and to create an enabling environment for programme implementation. One of the salient features of the new agreement is the incorporation of the new Joint Communication and Visibility Guidelines which succeed the EU-CoE visibility arrangement of 2011.

The **Scoreboard meeting** on Joint Programme co-operation 2020 was organised in early 2021 through a videoconferencing platform, given the context of the pandemic. The video format enabled an outstanding level of participation where virtually all EC services/entities involved in EU-CoE programme co-operation could be represented. The participants took stock of the existing co-operation, expressed satisfaction with its results, discussed its challenges and prospects and overall praised its depth and outreach.

Following the completion of the first phase of the **PGG**, the second phase (total budget 17.5 million EUR - EU: 80% CoE: 20%) has provided tailor-made support to EaP countries since January 2019.The QRM has continued to be a useful instrument through which the CoE’s legal expertise is made available to support legislative reforms in the beneficiary countries in the areas of democratic institutions and fundamental rights, elections, referenda and political parties and constitutional and ordinary justice. The PGG mid-term implementation results were presented at the online event, “Improving the lives of citizens through better governance”, held in October 2020 with a significant outreach of 49,000 people.

The **bilateral** Joint Programme “EU and CoE working together to protect human rights in Ukraine” (3 million EUR for 24 months) signed in July 2019 has continued to provide support to the Ombudsperson/NPM in the areas of media freedom and the penitentiary.

The CoE continued to implement the **Horizontal Facility for the Western Balkans and Turkey** (Horizontal Facility). Specific novel features of the second phase (2019 - 2022; 41 million EUR – EU: 85%, CoE: 15%) include in particular a strengthened regional dimension and a reinforcing contribution to the flagship initiatives under the EU Strategy for the Western Balkans. The second phase of the Horizontal Facility allowed for the integration of some new features, such as including a new theme on freedom of expression and freedom of the media and fully involving Turkey by implementing country-specific actions.

The CoE and the EU also continued to work in close partnership with beneficiaries from **the Southern Mediterranean region** to advance democratic reforms in the framework of **the South Programme III**[[39]](#footnote-39) and the South Programme IV (total: 3.3 million EUR).[[40]](#footnote-40) The Programme covers nine beneficiaries of the Southern Mediterranean region (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine\*[[41]](#footnote-41) and Tunisia).TheSouth Programme IV has a stronger regional dimension which focuses on two thematic strands, i.e. preventing and combating violence against women and combating economic crime. Co-operation with the southern neighbourhood is completed by regional thematic and country-specific projects

The EU/CoE Joint Programme “**Central Asia Rule of Law Programme**” (2020 - 2023) was officially launched on 28 November 2019 in Kazakhstan and started on 1 January 2020, with a total budget of 8 889 000 EUR (EU: 90%, CoE: 10%). The Programme is an important tool aimed at assisting the countries of the region to conduct institutional and administrative reforms through a specific project developed by the Venice Commission.

In 2019 and 2020, the CoE and DG REFORM signed two Framework Agreements in order to streamline the co-operation assistance to **EU member States** (total budget of 8.888 892 EUR). This co‑operation is tailored to the needs of the EU member States to strengthen their capacity to prepare growth-sustaining and structural reforms related to the rule of law, human rights protection and efficient democratic governance.

With respect to **cybercrime**, the CoE and EU pursue the common goal of strengthening the rule of law in cyberspace on the basis of the Budapest Convention on Cybercrime and related instruments in the EaP region, South-East Europe and Turkey and the Southern Neighbourhood.

The CoE and EU have mutually involved each other in their respective processes towards new Strategies for the **Rights of the Child**. They are co-operating in the implementation of activities in priority areas, such as child participation.

The [**European Heritage Days**](http://www.europeanheritagedays.com/) are the most widely-celebrated participatory cultural event shared by the citizens of Europe. Launched in 1985 in France, the Programme has been organised as a joint initiative of the CoE and the EU since 1999.

The partnership between the EU and the CoE is also reflected in a significant number of **other** Joint Programmes in areas of expertise of the CoE (find all Joints Programmes in the information document “Joint Programmes between the CoE and the EU in 2020”).

1. **Conclusion**

Both organisations **closed ranks** to uphold the European human rights protection system and address the increasing and diverse challenges facing Europe in the fields of human rights, democracy and the rule of law, including the Covid-19 pandemic. These challenges led to an **unprecedented increase in the co-operation**, both in **qualitative and quantitative terms**. They have also, *inter alia*, further highlighted the **complementarity** of both European organisations on the continent.

The new leaders of both organisations **confirmed** their willingness to **deepen all pillars** of the strategic partnership in order to **consolidate human rights** (including in their social rights dimension), **the rule of law and democracy** in Europe and to ensure **coherence** between the two European projects. There was also an unprecedented EU high-level participation in CoE events, and *vice-versa*, as well as a significant increase in visibility events on CoE-EU co-operation.

Negotiations on **EU accession to the ECHR** will remain a key element of the co-operation in the months to come. In the meantime, co-operation should be strengthened in all **other relevant fields**, to ensure coherence and complementarity as provided in the 2007 MoU.

Co-operation between the CoE and the EU should continue to set an **example of effective multilateralism**.

1. <https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680947866> [↑](#footnote-ref-1)
2. “Establishment of a European Union mechanism on democracy, the rule of law and fundamental rights” - Parliamentary Assembly Recommendation 2151 (2019). (Reply adopted by the Committee of Ministers on 11 December 2019 at the 1363rd meeting of the Ministers’ Deputies). <https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680994082> [↑](#footnote-ref-2)
3. Notably [SG/Inf(2020)11](https://search.coe.int/cm/Pages/result_details.aspx?Reference=SG/Inf(2020)11" \o "Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis - A toolkit for member states) “A toolkit for member States”, 7 April 2020. [↑](#footnote-ref-3)
4. See [CM(2021)25-addfinal](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM(2021)25-addfinal). [↑](#footnote-ref-4)
5. “EU Priorities for co-operation with the CoE in 2020-2022”. [↑](#footnote-ref-5)
6. [SG/Inf(2020)34](https://search.coe.int/cm/Pages/result_details.aspx?Reference=SG/Inf(2020)34" \o "Strategic Framework of the Council of Europe), 23 November 2020. [↑](#footnote-ref-6)
7. 129th Session of the Committee of Ministers (Helsinki, 16-17 May 2019) - [Statement by the European Union](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680946193) [↑](#footnote-ref-7)
8. <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809c4ee9> [↑](#footnote-ref-8)
9. *Inter alia,* in the context of the preparation of its reports on “Ten years after the Lisbon treaty: strengthening CoE and EU co‑operation” (Rapporteur: Mr Corlatean, Romania, SOC) and “Legal aspects of the accession of the EU to the ECHR” (Rapporteur: Mr Corlatean, Romania, SOC); in EP events, webinars and other high-level events, such as the videoconference on the Independence of justice and the rule of law held on 9 November 2020. [↑](#footnote-ref-9)
10. On the basis of its 2018 Revised Co-operation Agreement with the European Committee of the Regions. [↑](#footnote-ref-10)
11. For example, contributions to the EC 2020 Rule of Law Report, the Strategies on the rights of the child, on Social Europe, on a more effective fight against Child sexual abuse and on Gender equality, as well as on the Action Plan on the Integration and inclusion and the Digital Services Act. [↑](#footnote-ref-11)
12. Reply to Parliamentary Assembly Recommendation 2151 (2019) adopted on 11 December 2019 at the 1363rd meeting of the Ministers’ Deputies <https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680994082> [↑](#footnote-ref-12)
13. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019DC0343&from=EN> [↑](#footnote-ref-13)
14. See in particular EC Communication of 30 September 2020 COM(2020)580-final “2020 Rule of Law Report, The rule of law situation in the EU”. [↑](#footnote-ref-14)
15. See [SG/Inf(2020)37](https://search.coe.int/cm/Pages/result_details.aspx?Reference=SG/Inf(2020)37" \o "Speaking Notes of the Secretary General to the 1391st meeting of the Ministers’ Deputies (8 December 2020)). [↑](#footnote-ref-15)
16. <https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680994082> [↑](#footnote-ref-16)
17. Overview of other CoE rule of law-related activities - <https://www.coe.int/en/web/dlapil/-/the-council-of-europe-s-role-in-promoting-and-strengthening-the-rule-of-law> [↑](#footnote-ref-17)
18. Reply adopted by the Committee of Ministers on 11 December 2019 at the 1363rd meeting of the Ministers’ Deputies <https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680994082> [↑](#footnote-ref-18)
19. Meetings held in June, September, October, and November 2020. [↑](#footnote-ref-19)
20. CoE, CDDH, Improving the Protection of Social Rights in Europe, Volume II, Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe (2019). [↑](#footnote-ref-20)
21. Olivier de Schutter, The European Pillar of Social Rights and the role of the European Social Charter in the European Union legal order, CoE (2019). [↑](#footnote-ref-21)
22. <https://www.coe.int/en/web/european-social-charter/-/contribution-to-the-european-commission-consultation-on-social-europe> [↑](#footnote-ref-22)
23. “European Parliament resolution seeking an opinion from the Court of Justice on the compatibility with the Treaties of the proposals for the accession by the European Union to the Council of Europe Convention on preventing and combating violence against women and domestic violence and on the procedure for that accession” adopted on 4 April 2019. [↑](#footnote-ref-23)
24. [Texts adopted - EU accession to the Istanbul Convention and other measures to combat gender-based violence - 28 November 2019 (europa.eu)](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0080_EN.html). [↑](#footnote-ref-24)
25. [Communication from the Commission to the European Parliament and the Council - COM(2019)374-final of 24 July 2019](https://ec.europa.eu/commission/sites/beta-political/files/communication_from_the_commission_to_the_european_parliament_and_the_council.pdf). [↑](#footnote-ref-25)
26. [Decision 2019/682 of the Council of the European Union of 9 April 2019](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019D0682). [↑](#footnote-ref-26)
27. Reply to Parliamentary Assembly Recommendation 2151 (2019) adopted on 11 December 2019 at the 1363rd meeting of the Ministers’ Deputies <https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680994082> . [↑](#footnote-ref-27)
28. See [SG/Inf(2020)7](https://search.coe.int/cm/Pages/result_details.aspx?Reference=SG/Inf(2020)7" \o "Speaking Notes of the Secretary General to the 1370th meeting of the Ministers’ Deputies (11 March 2020)). [↑](#footnote-ref-28)
29. [CoE-FRA-ENNHRI-EQUINET Collaborative Platform <br/> on social and economic rights](https://www.coe.int/en/web/european-social-charter/coe-fra-ennhri-equinet). [↑](#footnote-ref-29)
30. <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809eb868> [↑](#footnote-ref-30)
31. [Save the date: Online event for the launch of the European Democracy Action Plan - European External Action Service (europa.eu)](https://eeas.europa.eu/delegations/council-europe/89996/save-date-online-event-launch-european-democracy-action-plan_en) [↑](#footnote-ref-31)
32. The CoE Secretariat contributed to the 2020 EC consultation on the upcoming EU strategy on the rights of the child. See also [SG/Inf(2020)26](https://search.coe.int/cm/Pages/result_details.aspx?Reference=SG/Inf(2020)26" \o "Speaking Notes of the Secretary General to the 1385th meeting of the Ministers’ Deputies (7 October 2020)). [↑](#footnote-ref-32)
33. [European Higher Education Area and Bologna Process (ehea.info)](https://ehea.info/) [↑](#footnote-ref-33)
34. <https://www.eywc2020.eu/en/convention/news/> Final declaration of the 3rd European Youth Work Convention. [↑](#footnote-ref-34)
35. See also: <https://rm.coe.int/dh-bio-statement-vaccines-e/1680a12785> [↑](#footnote-ref-35)
36. For details, see document [CM(2021)25-add](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM(2021)25-add" \o "[131st Session] Co-operation between the Council of Europe and the European Union - Joint Programmes between the Council of Europe and the European Union in 2020 – Information document) “Joint Programmes between the Council of Europe and the European Union in 2020”. [↑](#footnote-ref-36)
37. For details, see document [CM(2021)25-add](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM(2021)25-add" \o "[131st Session] Co-operation between the Council of Europe and the European Union - Joint Programmes between the Council of Europe and the European Union in 2020 – Information document) “Joint Programmes between the Council of Europe and the European Union in 2020”. [↑](#footnote-ref-37)
38. Idem. [↑](#footnote-ref-38)
39. South Programme III “Ensuring Sustainable Democratic Governance and Human Rights in the Southern Mediterranean”, total budget: 3.334 million EUR (EU: 89.98%, CoE: 10.02%), March 2018 - February 2020. [↑](#footnote-ref-39)
40. South Programme IV “Regional Support to Reinforce Human Rights, Rule of Law and Democracy in the Southern Mediterranean”, total budget: 3.334 million EUR (EU: 89.98%, CoE: 10.02%), March 2020 - February 2022. [↑](#footnote-ref-40)
41. \*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. [↑](#footnote-ref-41)