

**Committee on the Honouring of Obligations and Commitments by  
Member States of the Council of Europe (Monitoring Committee)**

The strategies and tools of the Council of Europe to ensure the respect  
of human rights, rule of law and democracy obligations in the resolution  
of conflicts

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Europe

**Speaking Notes**

The title for this high level exchange of views “The strategies and tools of the Council of Europe to ensure the respect of human rights, rule of law and democracy obligations in the resolution of conflicts” covers key questions that came out of the Reykjavik Summit earlier this year when the European leaders, on the basis of our inspiration, reiterated their commitment to securing and strengthening the three fundamental, interdependent and inalienable principles for which our Organisation stands for: democracy, rule of law and human rights.

During that summit in Reykjavik, our leaders reconfirmed the strongly held belief that democracy, based upon a state of rule of law and respect for fundamental human rights, is the only manner through which our member-States can ensure that all citizens can live in a harmonious, peaceful, and free society.

In other words, they reconfirmed that properly functioning democratic and rule of law institutions in the member-states, and full respect for Human Rights, are not only essential for the well-being of their citizens, but also for the proper functioning of the rules based on international and multinational order, on which basis our organisation is founded.

The Heads of State and government therefore solemnly reiterated in Reykjavik in our presence their resolve to meet their obligations under international law – including the Statute of our organisation and the conventions they are signatory of - and to prevent and resist democratic backsliding in Council of Europe member states including in situations of emergency, crisis, and armed conflicts. In order to do so they pledged to enhance their shared commitments and obligations as member states of the Council of Europe.

These are hefty and laudable pledges, but they will now have to be transformed into concrete action. The proof of the pudding, as they say, will be in the eating. I therefore very much welcome the initiative of our Monitoring committee to organise this exchange of views with the aim of furthering our reflections on this process, especially considering that both our monitoring system as well as that of other bodies - inside and outside of the Council of Europe - have not yet been able to prevent and counter democratic backsliding and interstate conflicts so far.

The developments of the strategies and tools of the Council of Europe to ensure the respect of human rights, rule of law and democracy obligations in the resolution of conflicts, but I would add, more importantly, for the prevention of conflicts, is a task of all statutory bodies of this organisation. Only if we work closely together can this challenge be met. As I already highlighted in my report to PACE on *“The Assembly’s vision on the Strategic priorities for the council of Europe”*, while each of the statutory organs of the Council of Europe should be able to pursue decisive action on its own, where possible they should try to work to reinforce each other’s actions in concert and look for synergies based on the added advantage that each of our bodies have.

The thinking process on these crucial issues has in fact already started in the Assembly for some time and some of its ideas have been formulated in my already mentioned report on *“The Assembly’s vision on the Strategic priorities for the council of Europe”*, and also in my report on the *“Role and Mission of the parliamentary Assembly: main challenges for the future”* as well as in Ms Fiona O’Loughlin’s report on *“the Reykjavik Summit of the Council of Europe: United around values in face of extraordinary challenges”*. It would go far beyond the scope of today’s exchange of views, and beyond my speaking time as well, to outline all the ideas and role of the Assembly that were developed in this report, but I would like to mention just a few:

- First, It is a matter of priority to improve monitoring in line with paragraph 22 of the Resolution on Strategic priorities. I quote: "*The Assembly reiterates its call, backed by the Committee of Ministers at its session in Helsinki (May 2019), for a stronger and more structured co-ordination between the monitoring activities of the Assembly, the Committee of Ministers, the Secretary General and the Commissioner for Human Rights, as well as of the various specialised monitoring and advisory bodies and mechanisms of the Organisation, without prejudice to their independence. More broadly, the Assembly considers that it would be beneficial to examine more efficient ways of co-ordinating monitoring activities with other international organisations, including the United Nations, in order to achieve better synergy, avoid unnecessary duplication and alleviate the reporting burden for member States. It stands ready to engage in a constructive institutional dialogue on this matter and will evaluate its own monitoring activities*".

Second, promoting the convention-based system and negotiations and agreements on areas of common interest. The Council of Europe, and the Assembly in particular, should embrace a forward-looking vision and react to new challenges at the early stage anticipating their possible impact on democracy, human rights and the rule of law. It should stay ahead of developments and keep up with societal changes. Thanks to its conventions and standard-setting role, the Council of Europe remains a cornerstone of the rules-based multilateral legal order in Europe.

- Third, I would like to mention ensuring that this legal order is accompanied by monitoring mechanisms which allow for its effective implementation.
- Fourth point to raise, Ensuring the authority of the European Court of Human Rights and the execution of its judgments and interim measures. The European Convention on Human Rights should be safeguarded and strengthened. One of the main challenges are recent attempts to undermine the authority of the European Court of Human Rights and their elimination should be considered another top priority for all sectors of the Organisation.
- Fifth, Promoting activities aimed at reversing the trend of backsliding of democracy observed in a number of member states. We should pay particular attention to enhancing citizens` trust in democratic processes and encourage civil participation in public decision-making.

These are only five examples and I could mention many more;

In the context of this meeting, I should underscore that a key instrument of the Assembly to ensure the respect of human rights, rule of law and democracy obligations is its monitoring capacity, especially through its monitoring committee and the mechanisms it has at its disposal. As is the case for the convention-based monitoring bodies, our monitoring is not about policing and control. Far from that, it is about an honest and constructive dialogue between member States with a view to helping each other to live up to our ideals,

promises, and obligations. Even if this sometimes means to be critical or to disagree.

There is however another key aspect of our monitoring capacity that we have often overlooked and underdeveloped, namely its capacity to function as an early warning system. And indeed, one of the main conclusions of the Reykjavik Summit was the need for the Council of Europe to strengthen and develop its early warning capacity, with the hope and intention to prevent conflicts and breakdown of the international rules-based order as was what happened when the Russian Federation invaded Ukraine.

As emphasised in the report on “*The role of the Council of Europe in preventing conflicts, restoring credibility of international institutions and promoting global peace*” by Ms Lesia Vasylenko as well as in the opinion of Mr Kern on this report, conflicts are *often* if not *the* result of, or at least *preceded by* a dysfunctioning of the democratic and rule of law institutions and an increase in number and in frequency of violations of the obligations under the statute of our organisation. These are tell-tale signals, not that a conflict is about to happen, but that conditions are emerging in which a conflict can break out. And as Mr Kern outlined in his opinion, this committee has done a remarkable job with providing unequivocal early warnings for conflicts and breakdowns in the rules based international order in our past reports. However, while the committee did produce these warnings and alerted the members of the Assembly and the public at large, they did not lead to the required reaction and follow by the Assembly or the Council of Europe at large. In Resolution 2525 (2023), the Assembly therefore decided to “*strengthen the capacity of the Monitoring Committee and Political Affairs Committee, in particular in terms of early*

*warning, in line with the conclusions of the 2023 Council of Europe Summit, and to consider mechanisms to ensure that due account is taken of such early warnings”.*

I therefore welcome the decision of the Committee to explore how it can strengthen this early warning component of its work – of which this exchange of views is part – and also investigate how it can ensure that these early warnings indeed receive the required attention and follow up by the Assembly as well as other bodies of the Council of Europe. However, for such mechanisms to be effective it is necessary that the Monitoring Committee indeed follows all member-states of the Council of Europe with regard to their membership obligations and not only those that have become more recently members of our Organisation. The Committee made an important step in this direction when it was decided to prepare reports on the honouring of membership obligations in member States that are not under a full monitoring procedure or engaged in a post-monitoring dialogue. However, in order for this to be truly effective, the Committee should investigate how it can improve this aspect of its work, in particular with regard to strengthening its reactivity and ability to quickly respond to developments in member States that are not under a full monitoring procedure, nor engaged in a post-monitoring dialogue or subject to periodic reviews of their obligations to the Council of Europe. I understand this is indeed on the agenda of the committee. I hope to be able to contribute to these reflections with my experience.

However, if warnings are given they need to receive an appropriate reaction by the Assembly and other parts of the Council of Europe. Until now I am sorry to say that this has not taken place consistently and coherently as unfortunately underscored by the tragic unprecedented escalation of Russia's aggression towards Ukraine into a full-scale military invasion. As noted by Mr Kern, the Assembly, and indeed the Council of Europe as such needs to develop a clear toolkit for assisting co-operation and increasing pressure on States when they are found to be lacking in their honouring of their membership obligations.

Three criteria, in my view, are crucial in developing such a toolbox. First of all, the tools and responses should be **flexible** in scope and effect to allow for proportionality as well as timely and effective implementation. We should document best practises but also be ready to be creative and develop new mechanisms.

Secondly such tools should be **credible**. While we should foster dialogue, we should pursue compliance. We should at all times seek dialogue and cooperation with a view to ensuring that States live up to their membership obligations in the field of democracy, rule of law and human rights. But at the same time, for such dialogue to work, we should be able and willing to react decisively in the event of prolonged and willing violations of membership obligations. Only when we are credible can we assure long term compliance.



And that brings me to the third criteria, our tools should be **coherent** not only with regard to the different violations and member States, but also among the different statutory bodies of the Council of Europe. And here I return to what I have said at the start of my intervention: while each of the statutory organs of the Council of Europe should be able to pursue decisive action on its own, where possible they should try to work together to reinforce each other's actions in concert and look for synergies based on the added advantage that each of our bodies have. I have made this coherence - and the close cooperation between Assembly and Committee of Ministers, while respecting the sovereign independence of each of these bodies - , one the of the hallmarks of my Presidency of the Assembly. This close co-operation is especially important in the field of ensuring compliance of member States with their obligations towards the Council of Europe. Here we do actually have very important mechanisms at our disposal that reflect this philosophy of mutual reinforcement, namely the joint procedure. Since it has been created in 2019, it has never been used, but we should not be hesitant to do so. There have been increasing calls to look at a possible use to deal with some worrisome developments that challenge the credibility of our organisation. These calls have been employed in Resolutions adopted in our October part-session of this year, in cases where authorities of Türkiye and Azerbaijan do not live up to their commitments. Our two bodies should start a reflection on how this procedure could be used, with the required flexibility, and privileging cooperation and dialogue, to ensure compliance with our obligations. Only then will any early warning system be truly effective. We live in dangerous times - and we have to do better to make Europe a less dangerous and more secure continent.

I thank you for your attention.