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"I/A" ITEM NOTE

From: Political and Security Committee

To: Permanent Representatives Committee/Council

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Subject: EU priorities for cooperation with the Council of Europe in 2016-2017

1. On 14 December 2015 the Working Party on OSCE and the Council of Europe agreed to the text of draft EU priorities for cooperation with the Council of Europe in 2016-2017.
2. The Political and Security Committee endorsed this text on 15 December 2015.
3. The Council is therefore invited, subject to confirmation by the Permanent Representatives Committee, to adopt as an "A" item the EU priorities for cooperation with the Council of Europe in 2016-2017, as they appear in the Annex.

Draft**EU priorities for cooperation with the Council of Europe in 2016-2017****I. Introduction**

Cooperation between the EU and the Council of Europe (CoE) continues on the basis of shared values of human rights, democracy and rule of law. The complementarity, coherence and added value of this multi-faceted cooperation have become apparent since the signature of the Memorandum of Understanding (MoU) between the EU and the CoE in 2007. In 2017, the EU and CoE will celebrate ten years of cooperation on the basis of the MoU.

The EU's accession to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) will deepen this cooperation further. The Court of Justice's opinion of 18 December 2014 on the draft agreement of EU accession to the ECHR will however require important changes which presents challenges to the accession process. However, accession to the ECHR remains an EU Treaty obligation and consideration of how to respond to Opinion 2/13 is an ongoing priority. Furthermore, the EU's political commitment to the CoE's convention system is strong. The EU should therefore strengthen its commitment to accede to a number of selected conventions and these priorities identify a number of such conventions.

EU cooperation with the CoE has achieved important and concrete results during the last years and the EU, for its part has promoted a more strategic approach to EU-CoE collaboration, notably by the setting of priorities for the years 2012-2013 and 2014-2015. The introduction of formal priorities has fostered a more focused, coordinated and transparent EU approach in cooperating with the CoE, which is also reflected in the present priorities for the years 2016-2017. These priorities are without prejudice to the priorities set out in the different programming cycles of the EU financial assistance.

Over the next two years (2016-2017), the EU will continue to focus on a limited number of non-exclusive geographic and thematic areas¹, in most cases following up on the work started with the current EU Priorities (2014-2015) for cooperation. Flexibility will remain an underlying element of our ever deepening political, legal and technical cooperation in order to respond to emerging crises. In this context, cooperation will centre on: 1°) political cooperation: regular and frequent high level and working level dialogues, 2°) legal cooperation: strengthening coherence between EU law and CoE legal standards, and 3°) cooperation through joint programmes and programmatic cooperation in EU partner countries. The partnership also builds upon the Statement of intent for the cooperation in the EU enlargement region and the Eastern Partnership and Southern Mediterranean countries (EU Neighbourhood region) signed between the European Commission and the CoE in April 2014.

In addition, as stipulated in the EU Strategic Framework on Human Rights and Democracy, the EU will work closely together with the CoE on common areas of interest. The new Action Plan on Human Rights and Democracy 2015-2019 identifies many priority areas where the Council of Europe is already working intensely. The strengthening of cooperation with regional organisations especially on exchange of best practices for human rights and democracy, including the Council of Europe, is foreseen by the Action Plan. A targeted cooperation provides an added value and ensures complementarity in pursuit of common goals.

The EU will also continue to promote a strategic, focused and structured cooperation in Council of Europe fora. In line with the established working practice, thematic and geographic themes that are foreseen to be debated in CoE groups should, where feasible, be prepared in advance (in particular within the COSCE Group, in accordance with its mandate. CoE experts may be invited, where relevant). In addition awareness for the CoE's instruments and standards should continue to be raised.

¹ The implementation of priorities will involve action both at the level of the EU itself and, in the area falling within their responsibility, its Member States.

II. Priorities for cooperation

1. Geographic cooperation

The EU will pursue its cooperation with the CoE notably in the candidate countries and potential candidates and the Eastern Partnership countries under the European Neighbourhood Policy (ENP) which are all, except Belarus and Kosovo* CoE members, as well as with relevant Southern partner countries under the ENP. Cooperation with the CoE will also cover Russia and Central Asia. The areas for focused cooperation will be those identified as a result of political dialogue and highlighted as priorities in the annual Enlargement country reports and ENP reports.

In countries neighbouring the Council of Europe, cooperation will continue on the basis of joint EU-CoE needs assessment and the established framework for cooperation.

2. Thematic cooperation

The thematic areas for cooperation in 2016-2017 include:

2.1 Human Rights:

a. Strengthening the respect of European Human Rights standards:

- Enforcement of the ECHR system in Council of Europe member countries. Continue reinforced cooperation/coordination with the Commissioner for Human Rights.
- Invigorating support to/cooperation with Human Rights defenders, including the implementation of the EU guidelines on Human Rights Defenders.
- Combatting torture and ill treatment, as well as the death penalty.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

b. Freedom of expression and of assembly:

- Freedom of expression in all its dimensions.
- Special focus on media freedom, access to information and media pluralism, and promotion of journalists' platforms and an enabling environment for journalists, and media workers.
- Information Society: freedom of expression on the internet and in other new communication technologies; internet governance (including specific issues of data protection and of protection of children, 'safe internet').
- Fight against intolerance/hate speech.
- Tackle terrorist content on the internet and social media including conducting counter-narratives.

c. Fight against discrimination, promote and protect the human rights of persons belonging to minorities and vulnerable groups

Promote awareness of the CoE European Commission against Racism and Intolerance (ECRI) activities and the implementation of its recommendations on all forms of anti-discrimination, in line with Article 21 of the Charter of Fundamental Rights of the European Union and with Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Roma

- Socio-economic integration of Roma communities with special attention to education, employment, health care and housing.
- Special focus on Roma women and children and on actions at local level.

Freedom of religion or belief (FORB)

- Freedom of religion or belief for all remains an important dimension of cooperation, including the promotion of best practices and the deepening of awareness.
- Cooperation will focus on implementation of the EU guidelines, and in supporting joint initiatives on FORB.

The Rights of the Child

- Implementation and promotion of the rights of the child through the UNCRC and its protocols, and the 10 Principles for integrated child protection mechanisms, and the Council of Europe Strategy for the Rights of the Child, as well as human rights education and training.
- Cooperation in the context of Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse with a view to the EU joining the convention.

LGBTI

- Support actions aiming at combating all forms of discrimination on grounds of sexual orientation and gender identity and strengthen cooperation between the two organisations on the basis of complementarity.
- Cooperation will focus on implementation of the EU guidelines to Promote and Protect the enjoyment of all human rights by LGBTI persons and the Council of Europe Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender equality.

Women's rights

- Cooperation in particular in the context of the Istanbul Convention on preventing and combating violence against women and domestic violence with a view to the EU joining the convention.
- Promote gender equality, women and girls' rights, their empowerment and participation, in line with the Strategic engagement for gender equality 2016-2019, the framework for gender equality in EU external relations 2016-2020 and the Council of Europe Gender Equality Strategy (2014-2017).

Trafficking in human beings

- Cooperation in particular in the context of supporting states to improve the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. EU's accession to this convention should remain the long term objective.
- Continue regular dialogue between EU Anti-Trafficking Coordinator and CoE.
- Promote exchange of information and best practices and promote the CoE Convention outside of EU.

d. Social and economic rights

- Strengthen cooperation with a view to improving the implementation of fundamental social and economic rights and advance Business and Human Rights' issues in CoE member countries.
- Reinforce regular dialogue and cooperation with CoE on the interaction between the European Social Charter and the laws and policies of the European Union, taking into account the respective legal and political architectures and competences of the EU and CoE.
- Fostering the education of disadvantaged children and young people, by ensuring that education and training systems address their needs.

2.2 Democracy:

Pursue dialogue between CoE and EU on democratisation processes and the development of democratic culture in our societies:

- Focus on areas such as: constitutional reform (including through the Venice Commission), democratic governance (including participatory democracy and elections), education for democratic citizenship and human rights and measures to boost ownership of local actors.
- Promote the intercultural dialogue and inter-religious dialogue in a human rights perspective as a vector of solidarity and cohesion.
- Local and regional democracy: cooperate on strengthening institutional frameworks for local governance.
- Promote efforts on prevention and combatting discrimination, creation of links and confidence building between communities in conflict and post-conflict situations.
- Promote civil participation in decision-making and effective interaction of an active civil society with authorities.
- Cooperation on prevention of radicalisation and de-radicalisation methods.
- Promote effective policies and cooperation for integrating migrants and refugees and managing diversity at the local level.

2.3 Rule of Law:

a. Reform of the Judiciary

- Special focus on capacity building and implementation of standards in order to create efficient judicial systems and an independent, professional and accountable judiciary and well-functioning criminal justice system (including law enforcement and prison systems).
- Strengthen public trust in judicial systems, including the views of the users of the judicial systems when drawing up policies.
- Focus on the civil-society dimension of judiciary reform.

b. Data protection

- Finalisation of the works on the modernisation of the Council of Europe Convention on data protection (Convention 108) with a view to the EU joining the convention.
- Support the worldwide promotion of this Convention.

c. Fight against corruption

- The EU participation in the Group of States against corruption (GRECO) could contribute to more co-ordinated anti-corruption policies in Europe and strengthen the impact of the EU's and GRECO's respective anti-corruption endeavours in particular in the context of the EU Anti-Corruption Report published every second year since 2014.
- The analysis of the implications of the EU's full participation in GRECO is still ongoing; participation remains the long term objective.

d. Judicial cooperation in civil and criminal matters

- Strengthen judicial cooperation by evaluating the implementation of CoE instruments and by exploring possibilities for further accessions by key countries.

e. Fight against organised crime

- Shared priority of EU and CoE to ensure that financial flows feeding criminal activities are detected and blocked. Hence, importance of co-operation with MONEYVAL and ensuring that anti-money laundering measures are effectively implemented, also in view of evolving standards. Moreover, in light of the heightened risks posed by terrorism, cooperation to combat the financing of terrorism should continue to be strengthened.

f. Prevention and fight against terrorism

- Cooperate in the prevention of terrorism in the context of the Convention on the prevention of terrorism and its additional protocol.
- Fight against terrorism in the context of the EU Strategy against terrorism and the Convention on the prevention of terrorism and its additional protocol.
- Intensify cooperation in the area of countering violent extremism in the context of the EU Strategy for Combating Radicalisation and Recruitment to Terrorism and the CoE Action Plan against Violent Extremism and Radicalisation leading to Terrorism.

g. Fight against cybercrime

- Shared priority for CoE and the EU, in particular in the context of the Budapest Convention on Cybercrime and the EU cyber security strategy as well as the European Agenda on Security.
- Promote the Budapest Convention as a framework for international cooperation and capacity building.

h. Fight against sport manipulation

- Cooperation on countering the threats to the integrity of sport, including the manipulation of sports competitions.

3. Cross-Cutting Issues

Fostering democratic security will require an intensification of our actions and cooperation in all above priority fields in a complementary manner. Efforts need to continue to deepen the effectiveness and the culture for human rights, rule of law and democracy, also on the basis of already existing findings of the CoE monitoring mechanisms, the judgments of the European Court of Human Rights and the Secretary General's annual reports on the status of "Democracy, Human Rights and the Rule of Law".

Current and emerging challenges such as migration, terrorism and radicalisation will need to be addressed also within EU-CoE cooperation.

The EU will continue to streamline cooperation with civil society throughout all relations with the CoE. The cooperation will endeavour to address the extremely worrying development of the shrinking of space for civil society in a number of member states of the CoE.

In cooperating with the CoE, complementarity and coordination with EU agencies or bodies, such as the EU Agency for Fundamental Rights will be maintained. In addition complementarity with other international and regional organisations (UN and OSCE in particular) should be ensured to the extent possible. This applies in particular to the implementation of the universally applicable 2030 Agenda for Sustainable Development.

The EU seeks visibility for EU support - in particular in relation to cooperation through joint projects and programmatic cooperation frameworks - to be efficiently and regularly ensured by the CoE. The EU and the CoE will maintain close coordination and complementarity on the assistance provided to partner countries.