



Council of the
European Union

Brussels, 22 January 2018
(OR. en)

5553/18

COSCE 4
CFSP/PESC 56
COHOM 8

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

No. prev. doc.: 5293/18 COSCE 2 CFSP/PESC 38 COHOM 6

Subject: EU priorities for cooperation with the Council of Europe in 2018-2019

Delegations will find attached EU priorities for cooperation with the Council of Europe in 2018-2019 as adopted by the Council on 22 January 2018.

**EU PRIORITIES FOR COOPERATION
WITH THE COUNCIL OF EUROPE IN 2018-2019**

I. INTRODUCTION

In a more connected and complex world, we are faced with new dynamics and challenges that have a real and increasing impact on Europe and its neighbours. These cross-border challenges do not respect frontiers and need cross-border solutions. Our security and prosperity depend to a large extent on effective multilateral institutions.

At a time when there are more crises and more divisions than before - and when the universality and indivisibility of human rights are increasingly challenged - it is even more important for partners to engage and cooperate with each other to overcome their differences and find common and stable solutions in their regions. In this context, expectations towards the European Union (EU) to ensure a continued democratic, stable and secure Europe, to promote and to defend rules based international system, and to help project a sense of stability with its neighbourhood, are increasing. To respond to these demands, the EU recognises the need to continue building effective partnerships, including with other regional and international organisations. Promoting cooperative regional orders are an essential part of the follow up to the Global Strategy for the EU's Foreign and Security Policy.

The EU and the Council of Europe (CoE) are built on the same ideas, spirit, ambitions and values which have taken root firmly in Europe: human rights, democracy and the rule of law. The EU and the CoE also share a common vocation for preserving these values and spreading them further. Our institutions perform different, yet complementary roles: each benefiting from the other's strengths, competences and expertise, while striving to avoid unnecessary overlap. Against this background, the EU will continue supporting the CoE, the European Court of Human Rights (ECtHR) and the CoE Conventions system as the principal instruments for defending human rights in Europe. In challenging times, the EU has a strong interest in working with the CoE and in capitalising on its expertise and experience, as illustrated by the essential advisory role of the Venice Commission. It is of vital importance that we, as partners, remain committed and united to protect and promote our core values.

In the years to come, cooperation¹ should go beyond efforts to preserve what we have achieved so far. Consolidated and intensified cooperation is as relevant as it ever was, and we need to strengthen European solidarity even more. In 2018-2019, the EU will continue to focus on a non-exhaustive number of areas, ensuring sustained financial support to the CoE in order to enable the organisation to continue to perform its mission. As for the themes, it will continue to focus on the following inter-linked and mutually reinforcing priorities:

- Human rights;
- Democracy;
- Rule of law.

¹ For years, the EU has been committed to political and legal cooperation as well as to cooperation through joint programmes and programmatic cooperation. The cooperation between the EU and the CoE was strengthened with the signature of the *Memorandum of Understanding* in 2007 and of the *Statement of Intent* for cooperation in 2014. Since 2012, the EU defines its priorities for the cooperation with the CoE, which proves to be an effective way of promoting an even more strategic approach to EU-CoE collaboration.

II. THEMATIC PRIORITIES

1. Human rights

The EU is based on a strong commitment to promoting and protecting **human rights**. **Here, the value of cooperation with the CoE is unquestionable, including in the following areas:**

a) Strengthening the respect of European Human Rights standards

- Cooperate to ensure that the CoE member states comply with and implement the judgements of the European Court of Human Rights;
- Continue cooperation and coordination with the Commissioner for Human Rights and other CoE mechanisms;
- Formulate coherent and effective responses to the shrinking space for civil society.

b) Council of Europe Conventions

- The EU's political commitment to the CoE's convention system remains strong with 54 Conventions being open to the EU accession; Accession to the **European Convention on Human Rights and Fundamental Freedoms** (ECHR) is a primary law obligation under Article 6(2) of the Lisbon Treaty and a way to improve consistency of human rights protection in Europe. The EU continues working, as a matter of priority, to find ways to address the remaining challenges to complete the accession.

c) Death penalty

- Raise awareness on the inadmissibility of the death penalty in all circumstances and for all cases, advocate for its abolition and against its reintroduction; Call for moratoria on execution with a view to abolition; Enhance cooperation between the EU and CoE in the global fight for these objectives, including in the UN context.

d) Torture and ill-treatment

- Strengthen cooperation on combatting torture, ill-treatment and other form of cruel, inhuman or degrading treatment or punishment including through improvement of access to and quality of justice and conditions of detention;

- Deepen dialogue on implementation of recommendations made by international preventive and monitoring bodies, e.g. the Committee for the Prevention of Torture.
- e) ***Human Rights Defenders***
- Support to and protection of Human Rights defenders, including through the EU guidelines on Human Rights Defenders;
 - Commemorate the 10th anniversary of the Declaration of the Committee of Ministers on the CoE action to improve the protection of human rights defenders, promote their activities and review the progress made; Aiming at establishing a CoE human rights defenders platform.
- f) ***Freedom of expression, association and of assembly***
- Promote freedom of expression both online and off-line: Protect the environment and freedom of journalism and safety of journalists and media workers; Promote pluralism and diversity of media;
 - Ensure access to information and promoting journalist platforms, including the platform to promote the protection of journalism and safety of journalists; Support adequate protection for whistle-blowers and reforms to give legal protection to journalists' right of non-disclosure of sources; Fight against intolerance, hate speech and 'dis-information';
 - Promote free access to information and communication technologies (ICTs) as well as online services in accordance with Article 10 of the ECHR;
 - Continue work towards strengthening the multi-stakeholder model for the governance of the Internet; Tackle extremist content on the internet and social media related to radicalization while respecting freedom of expression, including conducting counter-narratives.
- g) ***Fight against discrimination on any basis, 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 the Charter of Fundamental Rights of the EU and with the ECHR;

- Strengthen the protection and promote socio-economic integration of persons belonging to minorities, including Roma communities; Promote actions at a local level and cooperation with the European Roma Institute for Arts and Culture;
- Promote respect for diversity by protecting and promoting human rights of persons belonging to national minorities in accordance with applicable CoE norms and standards;
- Promote best practices and deepen awareness on freedom of religion or belief (FORB) for all, also through the implementation of the EU guidelines on the promotion and protection of FORB and supporting joint initiatives on FORB;
- Work jointly on the ongoing implementation of the EU guidelines to Promote and Protect the enjoyment of all human rights by LGBTI persons and the CoE Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity.

h) Children's rights

- Implement and promote the rights of the child through the UNCRC and its Protocols, the 10 Principles for integrated child protection mechanisms, the CoE Strategy for the Rights of the Child and human rights education and training, and revised EU guidelines on the rights of the child;
- Cooperate in the context of the CoE “Lanzarote Convention” on the Protection of Children against Sexual Exploitation and Sexual Abuse, including through online media, with a view to the EU joining the convention;
- Cooperate on violence against children to protect children from all forms of violence;
- Cooperate with the Special Representative of the Secretary General for migration and refugees, especially concerning the protection of migrant children.

i) Women's rights

- Continue the work on implementing the Istanbul Convention and cooperating in this context, in particular following the EU signature of the Convention in June 2017;

- Promote gender equality, women's and girls' rights, their empowerment and participation in line with the Council conclusions on gender equality 2016, and in the framework for gender equality in EU external relations 2016-2020; Promote participation of women in all spheres of life as a matter of full enjoyment of human rights and a necessary condition for sustainable socio-economic development and for better functioning of a democratic society.

j) *Social and economic rights*

- Continue regular dialogue and cooperation with the CoE on the interaction between the European Social Charter and the laws and policies of the EU taking into account the respective legal and political architectures and competences of the EU and the CoE, in particular in the context of the European Pillar of Social Rights;
- Foster inclusive education to promote equity and social cohesion, in particular the education of disadvantaged children and young people by ensuring their equal access to quality education and vocational training.

k) *Business and human rights*

- Strengthen cooperation to improve the implementation of fundamental social and economic rights and advance Business and Human Rights' issues; Reinforce regular dialogue and cooperation with the CoE to implement the recommendation CM/Rec(2016)3 on business and human rights;
- Develop training actions aimed at the setting up of specialised training curricula, sharing of best practices, and developing methodologies for legal professionals in the area of business and human rights, within the framework of HELP program.

2. Democracy

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

- Focus on 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 intercultural dialogue and interreligious dialogue in a human rights perspective as a vector of solidarity and cohesion; Promote dialogue on respect for identities and diversity, and a feeling of belonging to a community of values, especially in the context of the European Year of Cultural Heritage 2018.
- Cooperate on strengthening institutional frameworks for local and regional governance; Promote civic participation in decision-making and effective interaction of an active civil society with authorities.

3. Rule of law

a) Reform of the judiciary

- Strengthen cooperation between the EU and the Venice Commission, the European Commission for the Efficiency of Justice, the Consultative Council of European Judges, the Consultative Council of European Prosecutors, and the department for execution of judgements, also in line with the CoE Plan of Action on Strengthening Judicial Independence and Impartiality;
- Focus on capacity building and implementation of standards in order to ensure and strengthen the independence, quality and efficiency of judicial systems, including prison systems;
- Strengthen public trust in judicial systems by transparently communicating the results of the cooperation measures; Focus on civil-society's engagement in judiciary reform;
- Cooperate on measurements of a track record of real improvements on the ground, including justice surveys.

b) 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.

c) *Fight against organised crime*

- Ensure that financial flows feeding criminal activities are detected and blocked: highlight the importance of co-operation with MONEYVAL (Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism) and ensure that anti-money laundering measures are effectively implemented; Strengthen the cooperation to combat the financing of terrorism.
- Continue promoting CoE Convention on Action against Trafficking in Human Beings outside the EU; Promote exchange of information and best practices; Ensure close cooperation and coherence; Continue dialogue between EU Anti-Trafficking Coordinator and CoE.

d) *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;
- Ensure that all counterterrorism efforts are in line with human right standards;
- Intensify cooperation in the area of countering and preventing 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, and in addressing some of the root causes of violent radicalisation;
- Promote the CoE Convention 221 on Offences relating to Cultural Property (“Blood Antiquities”) and the accession to it by the CoE member states.

e) *Fight against cybercrime*

- Continue cooperation in the framework of the Budapest Convention on Cybercrime and its additional protocols; Ensure consistency between the 2nd additional protocol under negotiation and EU work on improving cross-border access to electronic evidence; Promote the Budapest Convention as a framework for international cooperation and capacity building.

f) Data protection

- Continue the negotiations on the future of the CoE Convention 108 on data protection, with a view to the EU joining the Convention;
- Enhance data protection legislation, regulations and policies in line with international and European data protection standards to secure the highest level of protection of individuals.

g) Fight against corruption

- Cooperate with GRECO on capacity building and implementation of standards in order to strengthen the fight against corruption.

h) Fight against sport manipulation

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

4. Cross-cutting issues

Among the priorities envisaged in the field of human rights, democracy and rule of law, in addition to specific ones outlined in this document, the following is highlighted:

- Throughout its relations with the CoE, the EU will continue to mainstream cooperation with **civil society**;
- Close cooperation with the **PACE** and the **Congress of Local and Regional Authorities** will continue, including on shrinking space for the civil society;
- The EU will continue to support the political dialogue pursued by the **Secretary General** with the CoE member states in order to protect and promote the convention based system;
- **Gender equality and women's empowerment** will be mainstreamed into all areas;
- The EU and the CoE will cooperate on **youth and children**, including on promoting effective youth policies, education and training as well as accelerating the implementation of the Youth, Peace and Security agenda;
- Dialogue will continue on **migration**, with a particular attention to addressing the needs of **migrants in vulnerable situations**: women at risk, children, people with disabilities, people who are discriminated against on any basis, victims of violence and of trafficking in human beings;

- In a context that continues to be characterized by permanent security threats, EU and CoE will make sure that **security** concerns are pursued in full respect for **international standards of human rights**;
- In cooperating with the CoE, complementarity and coordination with the EU **agencies or bodies**, such as the EU Agency for Fundamental Rights will be maintained. Complementarity with other international and regional organisations, UN and OSCE included, should be ensured and strengthened even further. This applies in particular to the implementation of the 2030 Agenda for Sustainable Development;
- The EU will also seek to increase the **visibility** of its support to the CoE and the level of its engagement including in relation to cooperation through joint projects and programmatic cooperation frameworks.

III. GEOGRAPHIC COOPERATION

The EU will continue to pursue its cooperation with the CoE, including through technical cooperation (Joint Programmes and partnership cooperation frameworks), in particular 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 CoE, cooperation will continue on the basis of joint EU-CoE needs assessment and the established framework for cooperation.

* 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