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From: Political and Security Committee
To: Permanent Representatives Committee/Council

Subject: Council Conclusions on EU priorities for cooperation with the Council of Europe 2020-2022

1. On 29 June the Working Party on OSCE and the Council of Europe submitted to the Political and Security Committee the text as set out in WK 6975/20.
2. The Political and Security Committee discussed the remaining open issues on 2, 7 and 8 July and reached agreement on the text as set out in the Annex.
3. In light of the above, the Council is invited, subject to confirmation by the Permanent Representatives Committee, to adopt as an "A" item the Council Conclusions on EU priorities for cooperation with the Council of Europe in 2020-2022, as set out in the Annex.

**Council Conclusions on EU priorities for cooperation with the
Council of Europe in 2020-2022**

**Promoting values and rules-based pan-European co-operation and supporting a reinvigorated
Council of Europe**

1. In the context of widespread challenges to human rights, democracy and the rule of law, there are high expectations of Europe to maintain its lead in the promotion of these universal values. This is why the EU intends to strengthen its cooperation with the Council of Europe, which plays a crucial role in these areas building on its experience of over 70 years. The respective mandates of the new leadership at the EU and the Council of Europe as well as the Presidencies of the Committee of Ministers held by EU Member States in the next period coincide with a renewed emphasis on the rule of law, both within and beyond the EU. They also come at a time when the global picture in relation to human rights, the rule of law and democracy is mixed: over time, there has been great progress, however there is also pushback against the universality, indivisibility and interdependence of all human rights and backsliding on democracy. Looking forward, over the next five years, issues of importance to our citizens such as digitalisation and artificial intelligence (AI) will come to the fore.
2. The EU will continue to work with and support the Council of Europe, as part of its efforts to promote effective multilateralism and uphold the rules-based international order, not least in the context of the impact of COVID-19, including its socio-economic impact, on human rights, democracy and the rule of law, requiring human rights based responses as they result in better outcomes in beating the pandemic, ensuring non-discrimination, equality and preserving human dignity.

3. The EU values the Council of Europe's wide membership and shares its vocation to secure universal and effective recognition of human rights and fundamental freedoms. The Council of Europe is also an important platform for dialogue and co-operation to promote democracy and the rule of law. In light of serious international law violations by Council of Europe members in recent years, we must preserve and extend the organisation's pan-European character, ensure the compliance of Council of Europe members with their international obligations, protect the organisation's values, principles and standards and ensure that it functions effectively. The EU is committed to a Council of Europe which can deal with all serious breaches of international law amongst its members, not least through its newly established Complementary Joint Procedure, while upholding its values and ensuring that all Council of Europe members fulfil their statutory obligations.
4. The Council of Europe plays a standard-setting role in the fields of human rights, rule of law and democracy. The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) represents an unprecedented historic achievement. It has been ratified by all 47 Council of Europe member States and sets common rules and standards on human rights, democracy and the rule of law for 830 million people across the continent, with implementation overseen by the European Court of Human Rights (ECtHR). In addition, the Council of Europe's impact reaches beyond this continent, as many of its conventions are open for global signature and several of its mechanisms extend around the world. The EU's future will – more than ever – be shaped and tied in with its neighbours. That is why the EU, in cooperation with the Council of Europe, will remain active with the candidate countries and potential candidates and across its neighbourhood regions.

5. Over the years, the structured cooperation between the EU and the Council of Europe¹, based on their different yet complementary roles, has become more strategic and developed into a success story. The regular high-level dialogues between EU and CoE institutions will continue. The EU and its Member States are the biggest financial contributor to the Council of Europe. The EU will continue to support the work of the Council of Europe by contributing to its extra-ordinary budget and supporting co-operation in the legal field, fostering political dialogue, and funding joint programmes, including, but not limited to, the candidate countries and potential candidates as well as in the Eastern Partnership region and relevant Southern partner countries under the European Neighbourhood Policy (ENP), as well as in Russia and Central Asia. Council of Europe Offices and Programme Offices play an important role for EU/CoE cooperation in these countries and regions. The EU and the European Investment Bank will also explore ways to enhance formalised co-operation with the Council of Europe Development Bank (CEB). The EU will cooperate with the Council of Europe in the field of achieving the Sustainable Development Goals (SDGs).
6. Effectiveness, relevance, transparency and visibility is of paramount importance for the Council of Europe. The EU will continue to be at the forefront of support for a reformed and reinvigorated Council of Europe as it adapts to new challenges and restructures, with the aim of securing financial sustainability and a continued focus on efficiency. The EU will promote improved visibility and communication of the Council of Europe's aims and activities.
7. In the framework of the three pillars, around which the Council of Europe's activity is structured, the EU will focus on the following joint activities in 2020-2022:

¹ Based on a Memorandum of Understanding (2007) and a Statement of Intent for cooperation (2014).

I. HUMAN RIGHTS

8. The EU will continue to support the Council of Europe, its ECtHR and the Council of Europe Conventions system as the principal framework for upholding human rights in Europe, which in turn contribute to increased coherence between the EU's internal and external policies. **The EU will act in partnership with the Council of Europe in the implementation of its human rights priorities in its external actions, as guided by the EU's renewed Action Plan on Human Rights and Democracy (2020-2024)** following its adoption.
9. The **EU has renewed its commitment to accede to the ECHR**. This is not only a treaty obligation for the EU; it is about respect for our fundamental values and the creation of a coherent legal framework of human rights protection throughout Europe. The ECHR as interpreted by the ECtHR already plays a fundamental role in EU law, as confirmed by the Charter of Fundamental Rights and jurisprudence of the Court of Justice of the EU (CJEU). The accession will enable individuals to appeal to the ECtHR against actions taken by the EU institutions and improve the coherence of the protection of Europeans' human rights, also in view of applications against EU Member States implementing EU law. A revised accession agreement must fully comply with EU law as interpreted by the CJEU. The ECHR's 70th anniversary, to be celebrated at the Athens Ministerial Conference on 4 November 2020, provides an opportunity to intensify efforts towards the EU's accession to the ECHR.

10. The **EU will address the consequences of new and emerging digital technologies for the promotion and protection of human rights**. Europe must seize the opportunities of the digital age while promoting an ethical approach and protecting human rights, ensuring that law enforcement can make appropriate use of new technologies in accordance with obligations under international human rights law, paying particular attention to issues such as freedom of expression, opinion and information online, regulation and content moderation policies of online intermediaries, online radicalisation, terrorism and hate speech online, freedom of thought, conscience and religion, privacy and data protection, AI and mass surveillance technologies as well as the gathering and use of biometric data, for instance through deployment of facial recognition in public places. In the follow-up to the European Commission's White Paper on AI and in the context of the work on the Digital Service Act, the EU will work closely with the Council of Europe to identify risks and opportunities arising from AI and digital technologies, including their impact on human rights, the rule of law and democracy, and assess the need for further measures to ensure that their development, design and application is human rights compliant. The EU and the Council of Europe will also continue their cooperation in the field of education for digital citizenship.
11. The **EU will cooperate with the Council of Europe in promoting strong data protection standards globally**. It will do so on the basis of the modernised Convention for the Protection of Individuals with Regard to the Processing of Personal Data ("Convention 108"). In particular, the EU will co-operate with the Council of Europe to promote global principles and standards on safeguards for access to personal data by public authorities for law enforcement and security purposes.

12. The EU will cooperate with the Council of Europe in the promotion of gender equality and women's rights as well as their empowerment and participation both within the EU and in its external relations. The EU will also cooperate with the Council of Europe, which is one of the key actors in setting standards in these fields, including on combating violence against women and domestic violence; the Council of Europe's "Istanbul Convention" on preventing and combatting violence against women and domestic violence has been ratified and is being implemented by 21 EU Member States.
13. The EU will cooperate with the Council of Europe in the field of promoting **freedom of expression, information and opinion online and offline, as well as the access to reliable information and to free and independent media, countering disinformation and protecting media freedom and safety of journalists**. In this regard, the Council of Europe platform to promote the protection of journalism and safety of journalists offers an important venue to promote discussion on the current challenges in this field and to signal specific cases of restrictive legislation and attacks against journalists.
14. 14. Civil society plays an important role in advancing the Council of Europe's core values. The EU will co-operate with the Council of Europe to strengthen and uphold the protection and promotion of civil society space in Europe, especially aiming to **create an enabling environment for civil society organisations and human rights defenders**, and to address challenges as outlined in the Council Conclusions on Democracy in relation to the shrinking democratic space for civil society². The EU will follow closely discussions on the establishment of a Council of Europe platform for the protection of human rights defenders.
15. Regarding **environmental** matters, the Council of Europe is helping to shape a well-adapted legal framework in Europe. In the implementation of its European Green Deal, the European Commission will follow discussions within the Council of Europe regarding the link between human rights and the environment including action to counter environmental crimes. The EU supports the Council of Europe's timely endeavours to address the topic appropriately.

² <https://data.consilium.europa.eu/doc/document/ST-12836-2019-INIT/en/pdf>, adopted on 14 October 2019.

16. In the context of employment and social affairs, the Council of Europe's **European Social Charter** and the Revised European Social Charter constitute important references for the implementation of the EU's **European Pillar of Social Rights**. The European Commission will prepare an Action Plan to implement the European Pillar of Social Rights and continue to roll it out in the Western Balkans in the context of the Economic Reform Programmes. As the European Social Charter places specific emphasis on the protection of [inter alia] elderly people, children, persons with disabilities and migrant workers, the EU will work jointly with the Council of Europe on guaranteeing fundamental social and economic rights in line with these international obligations especially in the event of global crises such as the COVID-19 pandemic.
17. Protecting and upholding human rights and fundamental freedoms remains at the core of **EU asylum and migration policies**. The EU is committed to strengthening the capacity of relevant stakeholders to implement this approach. The EU aims to deliver a humane, more resilient and effective migration and asylum system and is committed to the Council of Europe's mandate to collect information and offer advice and assistance to Council of Europe member States on the basis of its relevant standards on the protection of the enjoyment of human rights of migrants, asylum seekers and refugees in Europe, with particular attention to vulnerable groups such as unaccompanied minors, women at risk, children, persons with disabilities or those facing discrimination or violence. The work of the Council of Europe has led to progress in the area of migration, notably to mitigate trafficking of human beings.
18. In line with the Council Conclusions adopted in December 2019 on **alternative measures to detention**, the use of non-custodial sanctions and measures in the field of criminal justice, the EU will work closely with the Council of Europe to find synergies in their respective approaches.

19. The EU will cooperate closely with the Council of Europe on strengthening the protection and promotion of human rights in areas which necessitate enhanced attention, such as anti-discrimination (not least by promoting awareness of the Council of Europe European Commission against Racism and Intolerance (ECRI) activities and the implementation of its recommendations) including combatting discrimination in relation to LGBTI+ and sexual orientation and gender identity as well as freedom of religion or belief and the protection of children against sexual exploitation and sexual abuse (with a view to the **EU acceding to the “Lanzarote Convention”**). Joint activities to counter the spread of Hate Speech and Hate Crime in Europe deserve particular attention. The EU remains committed to the Council of Europe’s work to strengthen the respect for the rights of persons belonging to minorities (particularly their socio-economic integration, including of Roma communities), including national minorities in accordance with applicable Council of Europe norms, standards and Venice Commission recommendations. As part of the consensus between the EU and the Council of Europe regarding the elimination of the death penalty, the joint commitment towards the elimination of the capital punishment elsewhere is maintained. The EU will continue strengthening cooperation with the Council of Europe in the fight against trafficking in human beings and protecting the dignity of human life”. Action against trafficking in human beings, especially women and girls, requires joint efforts by a wide range of relevant actors and a coordinated and coherent approach in all relevant policy areas, such as security, migration, justice, equality, employment, and development in EU internal and external relations.
20. The EU will continue to support cooperation between its Fundamental Rights Agency (FRA) and the Council of Europe, in line with their respective mandates.

II. DEMOCRACY

21. The EU strives to **nurture, protect and strengthen our democracy**.
22. The Council Conclusions on Democracy underline that in today's world, democracy is being challenged and called into question. While democracy remains robust in many countries, in others there is a growing trend towards authoritarianism. The **challenges to democracy** are multiple and need to be countered comprehensively, including by supporting and promoting free and independent civil society, human rights defenders and independent media, greater transparency of democratic processes, digital literacy, inclusiveness and civic education as a necessary medium and long-term contribution to the resilience of democracies, and to counter manipulative interference, including disinformation campaigns.
23. The EU welcomes the important work of the Council of Europe through its Reference Framework of Competences for Democratic Culture, helping **education** systems, both in formal and informal contexts, to equip young people with the necessary competences for promoting human rights, democracy and the rule of law, which complements the democracy support work of the EU. The EU will continue to engage with the Council of Europe in promoting other tools and initiatives that foster education for democratic citizenship and human rights education, inter alia in the context of the Council of Europe partial agreement aiming to establish the Observatory on history teaching in Europe. The role of languages, language awareness and multilingual competences are central for better understanding of cultures, thus contributing to the development of a democratic citizenship across the linguistically and culturally diverse Europe. The EU Council Recommendation (2019) on a comprehensive approach to the teaching and learning of languages provides a framework for strengthening cooperation with the Council of Europe, and its European Centre for Modern Languages, in the field of quality language education.

24. The EU benefits greatly from the **Venice Commission's expertise on democracy through law**, not least in its external action, where the EU relies on the know-how of the Venice Commission to help improve constitutional standards and electoral law. The Venice Commission also assists in judicial, governance and other reform processes, in particular in the candidate countries and potential candidates and in the European Neighbourhood Policy (ENP) countries. EU seeks strengthened cooperation with the Venice Commission and its Secretariat, for example in fostering electoral reforms based on EU EOM recommendations in regions such as Latin America and North Africa.
25. The **EU will promote regular exchanges with the Secretariat of the Venice Commission** on electoral law standards and explore jointly how the Venice Commission's legal opinions and the recommendations of EU Election Observation Missions can be mutually reinforcing.
26. Social media and electoral technologies generate new **opportunities as well as challenges** to electoral processes and democracy. The EU will promote respect for the Council of Europe standards and recommendations concerning electoral processes and democracy. The EU will encourage regular exchanges with the Council of Europe to strengthen cooperation on developing and promoting standards addressing these issues, including protecting the integrity of electoral processes.
27. The EU will strengthen dialogue and cooperation with the Council of Europe on options for strengthening the role and meaningful **participation of civil society organisations** and national human rights institutions in the Organisation, in line with the decision taken at the 129th session of the Committee of Ministers of the Council of Europe (Helsinki, 14-15 May 2019).
28. The EU will strengthen dialogue and cooperation with the Council of Europe with regard to **increasing the participation and representation of women and young people**, and their interests, in public and political life.

29. The 2019 EU Council Resolution on the **cultural dimension** of sustainable development³ will be used as a key framework for deepening collaboration related to culture and cultural heritage. The Council of Europe Framework Convention on the Value of Cultural Heritage for Society (the Faro Convention), the European Heritage Days and the Enlarged Partial Agreement of the Council of Europe on Cultural Routes are examples of avenues for collaboration between the EU and the Council of Europe. The EU will continue promoting the Council of Europe Convention 221 on Offences relating to Cultural Property (the Nicosia Convention) and the accession to it by the Council of Europe member States.'

III. RULE OF LAW

30. The **EU has redoubled its commitment to upholding the rule of law**. The rule of law is a prerequisite for democracy and the respect and full enjoyment of human rights. In the EU context, it is crucial to ensure prosperity for European citizens, via the smooth functioning of the single market. Threats to the rule of law challenge human rights and the legal, political and economic basis of how the European Union works. In its Communication on “Strengthening the rule of law within the Union – a blueprint for action”,⁴ the Commission set out a three pillar-approach: promoting a rule of law culture, preventing rule of law problems from emerging, and ensuring an effective response when they occur. In order to strengthen the preventive aspects, the Commission has announced the establishment of a comprehensive European Rule of Law Mechanism with an EU-wide scope and objective annual reporting by the European Commission. The monitoring approach will be the same in every EU Member State. The monitoring undertaken under the European Rule of Law Mechanism will take into account existing instruments and expertise of the Council of Europe in this area.

³ ST 13336/19.

⁴ COM(2019) 343 final.

31. **In this context, the Commission seeks strengthened cooperation with the Council of Europe, including the Venice Commission, GRECO and the Council of Europe’s European Commission for the Evaluation of the Efficiency of Justice (CEPEJ).** The Council of Europe, following an invitation by the Commission, has appointed a contact person for the network of contact points on the rule of law and the Commission will closely cooperate with the Council of Europe to ensure that the work on the rule of law is mutually reinforcing and avoids unnecessary duplication. For the preparation of the annual report, the European Commission will also engage in a dialogue with relevant stakeholders such as the Consultative Council of European Judges and the Consultative Council of European Prosecutors. The Venice Commission’s rule of law checklist can help to identify specific risks and weaknesses.
32. The EU’s participation in **GRECO** as an observer facilitates joint work with the Council of Europe on capacity-building and implementation of standards intended to strengthen the rule of law and the fight against corruption, such as the protection of whistle-blowers. The EU will continue close cooperation with GRECO on capacity building and implementing standards to strengthen the fight against corruption.
33. Work undertaken by the Council of Europe has already helped improve the **criminal justice** response in the EU to prevent radicalisation leading to terrorism and violent extremism and the reintegration and rehabilitation of terrorist offenders.
34. In the field of **fight against cybercrime**, the EU will continue cooperation in the framework of the Budapest Convention on Cybercrime and its additional protocols. It will also ensure consistency between the 2nd additional protocol under negotiation and EU work on improving cross-border access to electronic evidence, as well as promote the Budapest Convention as a framework for international cooperation and capacity building.

35. The EU's commitment to fostering the rule of law extends to the **candidate countries and potential candidates and the EU's neighbourhood**, where the EU will continue its cooperation with the Council of Europe to support countries in carrying out essential reforms and training, regarding justice, the fight against corruption, the promotion of human rights, and the role of free and independent media and civil society, and – with regard to candidate countries and potential candidates – to monitor the progress realised in those areas, in line with, where applicable/relevant, the strengthened methodology of the accession process.
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