Introduction

The present document contains information for the CDDH with respect to future consequences for the CDDH of the decisions of the Ministers’ Deputies of 10 April 2013 about the review of Council of Europe conventions:

I. Decisions of the Ministers’ Deputies of 10 April 2013

II. Chart established by the Directorate of Legal Advice and Public International Law (DLAPIL) on the conventions which fall under the scope of CDDH
I. DECISIONS OF THE MINISTERS DEPUTIES OF 10 APRIL 2013

1168th meeting – 10 April 2013

Item 10.2

Review of Council of Europe conventions – Report by the Secretary General

Decisions

While welcoming the Secretary General’s report on the review of Council of Europe conventions, the Deputies

On measures relating to the promotion of Council of Europe conventions

1. took note with satisfaction of the initiatives taken by the Albanian and Andorran Chairmanships of the Committee of Ministers to promote certain key conventions of the Council of Europe during their chairmanship and called on the future chairmanships of the Committee of Ministers to take similar initiatives in consultation with the Secretary General;

2. welcomed the efforts made by the Parliamentary Assembly, the Congress of Local and Regional Authorities and the Commissioner for Human Rights to promote Council of Europe conventions and invited them to continue, in particular through their dialogue with national authorities and involvement in Council of Europe campaigns;

3. welcomed the efforts made by the Secretary General to promote Council of Europe conventions and invited him to continue, in particular:
   - during his bilateral contacts with national authorities;
   - by organising treaty ceremonies on the occasion of the Sessions of the Committee of Ministers, the Conferences of Ministers of Justice or other major events;
   - by organising thematic campaigns which would include the promotion of conventions;

4. invited the Secretary General:
   - when appropriate, to inform international organisations\(^1\) and non-member States, when negotiations of new conventions are opened, in particular through the Council of Europe liaison offices and bilateral contacts;
   - to provide for the publication of information on the launching of negotiations on new conventions, including on the Council of Europe website;

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\(^{1}\) In accordance with the 1986 Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations, “‘international organisation’ means an intergovernmental organisation” (Article 2, sub-paragraph 1.i).
- to involve civil society more in activities for the promotion of Council of Europe conventions and in particular the national human rights institutions;

On measures relating to the management of Council of Europe conventions

5. noted that the review of conventions has highlighted the links between the Council of Europe, as an institutional framework for negotiation, and the conventions concluded within it, and the need to maintain these links alive, by developing the means to gauge the impact and preserve the relevance of the conventions;

6. noted that although a number of conventions already provide for an independent and/or intergovernmental monitoring mechanism, tasked with assessing Parties’ compliance with their obligations under the conventions, and although these mechanisms should be preserved, it is also essential to have an overview of how the conventions operate and to be able to identify the amendments needed to preserve their relevance and, if necessary, adapt them to changes;

7. took note of the fact that the steering or ad hoc committees, on account of their terms of reference and expertise, have an overview of the conventions concluded in their area of responsibility and are, accordingly, able to assess the general functioning of a group of conventions;

8. instructed the Secretariat to identify for each convention a steering or ad hoc committee as a reference point and agreed to refer in these committees’ future terms of reference (biennium 2014-2015) to those conventions;

9. instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;

- draw the attention of member States to the relevant conventions;

- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;

- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;

- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;

- and to report back to the Committee of Ministers;

10. agreed that the need to insert a monitoring clause in future conventions should be decided on a case-by-case basis and that, where necessary, this monitoring could be carried out by a new committee or by assigning this responsibility to an existing committee;
On the participation of non-member States in Council of Europe conventions

11. took note of the important number of Council of Europe conventions opened to States which are not members of the Organisation and expressed their interest in the participation of these States in these conventions;

12. reiterated that the opening of a Council of Europe convention to non-member States must be decided during the drafting procedure on a case-by-case basis;

13. agreed, when participation in a convention by non-member States is envisaged during the drafting procedure, on the need to insert a provision on financial contributions from those States;

14. agreed, where there is provision in a convention for accession by non-member States:
   - to apply the usual informal consultation procedure of the member States on the requests by non-member States to be invited to accede to a convention and, where necessary as a result of this consultation, to seek the opinion of the competent committees, in particular regarding the requesting State's capacity to fulfil the obligations arising under the convention in question;
   - to limit the validity of an invitation by the Committee of Ministers to accede to a convention to a period of five years;
   - to provide, in cases where there is no convention-based body including all the Parties, for participation, with a right to vote, by non-member States in steering committee or ad hoc committee meetings pertaining to the conventions to which those States are Parties;

On reservations to Council of Europe conventions

15. agreed on the need, during the drafting process of each convention, to examine whether to include explicit provisions on reservations, which would determine on a case-by-case basis the regime applicable;

16. invited the bodies responsible for monitoring conventions, if appropriate, to raise with the national authorities, particularly on the occasion of on-the-spot visits, the question of the need to maintain reservations already formulated, and the possibility of considering their withdrawal;

On the participation by the European Union in Council of Europe conventions

17. while noting that the European Union had expressed its readiness to examine with the Council of Europe the possibility for the EU to join certain Council of Europe’s conventions, agreed that this should be done at the appropriate time in order to avoid any interference with the current negotiations on EU accession to the European Convention on Human Rights;

18. agreed to evaluate the implementation of these decisions within three years.
## II. Chart Established by the Directorate of Legal Advice and Public International Law (DLAPIL) on the Conventions Which Fall Under the Scope of CDDH

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