



AS/Pol/Inf (2016) 19
7 October 2016
Apdocinf19_16

Committee on Political Affairs and Democracy

Colloquium on

***Is the idea of the defence of human rights in Europe outdated?
The Council of Europe is more necessary than ever before***

**organised by the French Delegation to the PACE
in Paris, on 12 September 2016**

- ❖ Programme of the colloquium
- ❖ Speech of Mr René Rouquet, Deputy of the French National Assembly, and Chairperson of the French Delegation to the PACE*

* The integrality of the speeches can be found, in French, on the [website of the French National Assembly](#) (a summary, in English, of the interventions will be published subsequently).



French delegation to Parliamentary Assembly
of the Council of Europe



September 9th, 2016

Colloquium, Monday, September 12, 2016

PROGRAMME

**“Is the idea of the defence of human rights in Europe outdated?
The Council of Europe is more necessary than ever before”**

8.45 am: Welcome of the participants (101 rue de l'Université, salle Victor Hugo)

9.30 am: Colloquium opening

- Mr. Claude Bartolone, President of the French National Assembly;
- Mr. René Rouquet, Chair of the French delegation to the Parliamentary Assembly of the Council of Europe.
- Mr. Pedro Agramunt, President of the Parliamentary Assembly of the Council of Europe;
- Mr. Harlem Désir, Secretary of State in Charge of European Affairs

10. am: First session: A worrying concern: is the idea of the defence of human rights in Europe outdated?

Chair : Mr. François d'Alauçon, senior reporter of *La Croix*

- Mr. Thorbjørn Jagland, Secretary General of the Council of Europe
- Mr. Robert Badinter, former Minister
- Exchange of views with the participants

11. am: Coffee break

- Ms Cécile Coudriou, Vice-Président - Amnesty International France
- Mr. Jean-Claude Mignon, former President of PACE
- Ms Anne Brasseur, former President of PACE
- Exchange of views with the participants

12.30: End of the first part

2.30 pm: Second session: How to make sure that the Council of Europe has a future?

- Mr. Thorbjørn Jagland, Secretary General of the Council of Europe
- Mr. Alexandre Orlov, Russian Ambassador in Paris
- Exchange of views with the participants

3.45 pm: Coffee break

- Mr. Jean-Paul Costa, former President of the European Court of Human Rights (ECHR)
- Mr. Gianni Buquicchio, President of the Venice Commission
- Mr Michele Nicoletti, chairperson of the socialist group and of the Italian delegation to the PACE
- Ms Josette Durrieu, Senator, First Deputy Chair of the French delegation to PACE
- Exchange of views with the participants

Conclusions:

- Mr. René Rouquet, Chair of the French delegation to the Parliamentary Assembly of the Council of Europe.
- Mr. Thorbjørn Jagland, Secretary General of the Council of Europe

Speech of Mr René Rouquet, Deputy of the French National Assembly, and Chairperson of the French Delegation to the PACE

Jean Jaurès defined politics as “a fight, a noble and eternal fight of Law against Privilege, of Just against Unjust, of Humanity against oppression and evil”. This definition could be applied to the Council of Europe, created as it was so that we would not have to re-experience the horrors of the first half of the 20th Century and so that European societies could be based on law and justice and not on force.

A noble fight if ever there was one, but a fight that must perpetually be fought. We have known for a long time that civilisations and empires are not immortal; the same is true of international organisations.

There are many causes for concern.

Nationalism and xenophobia continue to gain ground. Terrorism has prompted some to seek to set the rule of law and human rights against security, with a temptation to sacrifice the former to the benefit of the latter.

In addition, there is a worrying tendency towards refusing to enforce the Court’s judgments. Intra-European conflicts are getting worse, from Ukraine to Nagorno-Karabakh – Cyprus offering us, however, a glimmer of hope.

The Council of Europe is being strangled by the budgetary policy of zero nominal growth. And in general, States are more and more reluctant to accept supranational criticism. In 2016, for the first time, we saw a State attack the Venice Commission. In short, the adoption in 2016 of a European Convention on Human Rights or creating the Committee for the Prevention of Torture would most likely be impossible.

The assessment made in the first round table will also be an opportunity to point out the very positive impact of the Council of Europe. To limit myself to one example concerning France, it is clear that the Court, through its case-law, has made it possible to improve the rights of prisoners and conditions in police custody. And in this field, we were and still are far from being perfect!

Today, however, these advances are threatened.

Let us remind ourselves that before 1914, many thought that the first era of globalisation had made war impossible. And since Stefan Zweig said it so well, I will use his words: “And then, this individual freedom, [...], in 1900, did we really feel it was necessary to defend it with such determination and persistence? Did all that not become obvious a long time ago?”

The Second World War, then Former Yugoslavia and Syria have managed to show us how quickly barbarism, hatred and violence can destroy everything.

These concerns do not make me fatalistic and resigned, but on the contrary prompt me to fight to reverse this retrogressive trend. It was with this in mind that I organised this colloquium. The future is not preordained.

This will be the objective of the second round table, to find solutions guaranteeing the Council of Europe’s future. In this context, I would just like to mention some initial lines of thought.

This may come as a shock to some of you, but to start, I think that it would be wise to adopt a more political approach in the Council, at any rate where this should be the case, meaning in the Parliamentary Assembly and in the Committee of Ministers.

The PACE, which is a key component of the Organisation, sometimes succumbs to two temptations: reaching consensus and turning into an NGO.

The search for consensus is futile since there are significant differences between us and it is better to have a frank dialogue which is respectful of the views of others than a pretence of consensus. The temptation to turn into an NGO is explained by the legitimate attachment of our members to moral values. However, there are already NGOs which carry out excellent work and we must think in terms of policies, striving to find solutions, often juggling between different disadvantages.

Yet the Parliamentary Assembly is one of the Organisation's main strengths, even if this is not always acknowledged.

Addressing the Assembly in 1982, President Mitterrand emphasised that "the Council of Europe's major conventions – which have rightly been viewed by the public, or at any rate by informed opinion, as milestones in European co-operation – have nearly always been the brainchildren of this Assembly. I am thinking of the European Social Charter, the Cultural Convention and many other initiatives in fields as varied as youth, the integration of refugees and migrants or co-operation between local authorities.

Above all, perhaps, I am thinking of the European Convention for the Protection of Human Rights and Fundamental Freedoms."

And I will add to the words of François Mitterrand by saying that this is continuing today. I cannot stop myself from pointing out that the Convention to fight counterfeit medicines, Medicrime, owes a lot to the persistence of our former colleague from Monaco, Bernard Marquet.

Generally, I firmly believe that we should think about how to have a less formal dialogue between the PACE and the Committee of Ministers.

By a more political approach in the Committee of Ministers, I mean that here also we should not go too far in search of a consensus. Perhaps we should also give greater weight to the rotating Chairmanship of this Committee? I am, Ambassadors, interested in all of the observations and suggestions that you may wish to offer in response to my comments.

I come to a problem that is almost metaphysical – the core activity of the Council of Europe. For several decades, there have been endless debates between different viewpoints.

My feeling is that an abstract definition is destined to fail. Some would only keep the Court, the CPT and our Commissioner for Human Rights, while others would emphasise the value of the Council of Europe's cultural activities. The variations are infinite.

Times are difficult and priorities must be defined. However, could we not take a different approach to the problem?

Could we not distinguish what works and what does not? Clearly, the Venice Commission, for example, is a success: today it has a membership of 60 states, including the United States of America. Its co-operation with the European Union is exemplary and its work is of undeniably high quality.

Another example of a success is the Pharmacopoeia, which even reaps benefits. I could also mention Eurimages, the European Commission for the Efficiency of Justice (CEPEJ), the CPT and many others.

I would like to briefly mention the extreme value of the system of enlarged partial agreements, which makes for co-operation that is both flexible and effective.

This gives us some idea of the various criteria for success: the number and involvement of member States, when necessary a relationship with the European Union – EU accession to a convention and its contribution to the financing of that convention are evidence of the EU's interest;

and the impact our action has in the area in question – here I could mention the Venice Commission, Eurimages and the CEPEJ, to give but a few examples. In short, there is a whole range of indicators enabling us empirically to measure failure or success.

If we managed to convene a new summit of Heads of State and Governments of the Council of Europe, and I warmly welcome the efforts of Mr Nicoletti in this respect, I would hope that this point is high on the agenda. I would like to see, symbolically, such a summit to take place for the 70th anniversary of the Council of Europe in Strasbourg, particularly as France would, at that time, hold the Chairmanship of the Committee of Ministers.

The budget is an even more delicate matter. The Council of Europe's budget has seen reductions with the policy known as zero nominal growth. In relation to this, the increasing recourse to fixed-term contracts makes it very difficult to recruit highly qualified people in certain bodies. One example that springs to mind is the European Audiovisual Observatory. And as my colleague Rudy Salles showed in a PACE report last year, only the additional contribution of Turkey, which has become a major contributor, has made it possible to avoid freezing three PACE posts, which would have had adverse consequences, considering its reduced size.

What can be done? I would like to put forward a number of ideas for discussion.

- The return to permanent recruitments for jobs that require it.
- Maintaining, in real terms, the Council of Europe budget and defining clear priorities after a public debate, and if possible, the decisions taken at a summit.
- The majority of Council of Europe member States are also members of the European Union. On this basis, I would like to mention the relative modesty of the Council of Europe's budget and the good value for money it represents! Here are some figures to back up my words:

The 2016 budget for the Court of Justice is 378 million euros. The number of judges for the General Court of the European Union is going to double and the Court pursues a real-estate policy that can be, at the very least, classed as ambitious. In comparison, the budget for the Court in Strasbourg is 71 million euros. The Fundamental Rights Agency of the European Union has had no problem in having its budget increased from 15 million euros in 2008 to a little over 21 today. I will not give further comparisons, however all this gives an impression of double standards! I admit that I would like less austerity with regard to the Council of Europe.

Nonetheless, it goes without saying that the Organisation must be managed efficiently, and naturally I welcome the efforts of the Secretary General to increase efficiency, particularly with regard to relations with the European Union and co-operation actions.

In conclusion, I hope that this day is as fruitful as it is necessary to make progress on the subject. Part of the problem with Europe is down to the action of irresponsible demagogues. However, this demagogic approach is received favourably due to two real problems:

On the one hand, the deepening of inequalities due to globalisation and the deteriorating situation of the middle classes, and on the other, to quote Habermas, the difficulty in connecting the decisions made at supranational level with the channels of legitimisation remaining at national level.

Thank you for your attention.