

## Civil Society Evaluation of the Progress of Implementation of the Reykjavík Summit Commitments by the Council of Europe and Its Member States<sup>1</sup>

### Introduction

With the Reykjavík Declaration and its appendices<sup>2</sup>, the member states of the Council of Europe (CoE) have renewed their commitment to the organisation's core aims and values: human rights, democracy and the rule of law. In times of democratic backsliding, discrimination of minorities, restriction of civil liberties and erosion of the rule of law, it has become urgent to remedy lasting, systemic weaknesses of human rights protection in Europe. Furthermore, new major challenges have appeared, including a full-scale war in Europe and the triple planetary crisis. The CoE is rightly proud of its role in the development of human rights standards and the corresponding enforcement mechanisms. Now it is the time for the organisation to stand up to the threat of erosion of the existing system, as well as to play a pioneering role again in confronting the new challenges. All of these challenges are addressed in the Reykjavík Declaration, but it is crucial that the political commitments are turned into action.

Unlike the outcome documents of the previous three CoE Summits, the Reykjavík Declaration was not accompanied by an Action Plan. The initial suggestion of the Latvian chairmanship to develop and adopt a plan for implementation of the Reykjavík commitments as a separate document also has not received a majority support among the member states. Instead, in September 2023, the Committee of Ministers (CM) decided that "the programme and budget constitutes a necessary instrument to implement the political direction set and priorities adopted at the 4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe."<sup>3</sup> Indeed, the new Programme and Budget for 2024 – 2027 adopted in November 2023<sup>4</sup> reflect the Reykjavík priorities and provide for some additional financial resources for their implementation. While such an approach helps in mainstreaming the Reykjavík commitments in the CoE work, at the same time, it makes it more difficult to obtain a full picture of the specific steps taken to follow up on them.

As the Icelandic chairmanship made all the efforts possible to take into account various stakeholders' views in the process of preparing the Reykjavík Summit and its outcome documents, the Latvian chairmanship should also be commended for making the planning of the follow-up to the Reykjavík commitments an inclusive and participatory process. All the key stakeholders, including representatives of civil society organisations, have been consulted and were invited to submit their proposals on the matter before relevant decisions were taken by the CM.

[CURE – Campaign to Uphold Rights in Europe](#) believes that the process of evaluating the state of implementation of the Reykjavík Summit commitments should continue this tradition and be as transparent and inclusive as possible, making use of the expertise of all the stakeholders. It is keeping this intention in mind that CURE has set out to prepare the present evaluation, which should complement an official report on the follow-up to be presented by the CM.

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<sup>2</sup> See: CM(2023)57-final, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680ab364c](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680ab364c)

<sup>3</sup> See: CM/Del/Dec(2023)1471/1.6,

[https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680abd85c](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680abd85c)

<sup>4</sup> See: CM(2024)1, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680adec99](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680adec99)

This evaluation takes into account the input provided by representatives of civil society organisations and scholars closely cooperating with the CoE, who in 2023 took part in the Civil Society Summit and in preparing The Hague Declaration on Council of Europe Reform<sup>5</sup>. The overview of the implementation measures is based on the publicly available CoE documents, as well as the information obtained by CURE from conversations with relevant stakeholders. The document also suggests further steps which are necessary for a comprehensive and genuine implementation of the Reykjavík Declaration in six selected focus areas.

## 1. Register of Damage and Accountability for the War in Ukraine

### Reykjavík Declaration<sup>6</sup>:

*“9. We express our full support to Ukraine and its people. We will **stand with Ukraine, for as long as it takes**. Without accountability, there can be no lasting peace and **we support the principles for a just and lasting peace as outlined in President Zelenskyy’s Peace Formula**. We therefore reaffirm the need for an **unequivocal international legal response for all victims, as well as for the State of Ukraine.**”*

*“11. To this end, we have **established the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine** as outlined in Appendix I. We **invite all member and observer States of the Council of Europe and the European Union, as well as any other State that is eligible according to the Register’s Statute, to join.***

*“12. We acknowledge that the **Register is intended to constitute the first component of a future international comprehensive compensation mechanism** and express willingness to **engage with the international community in further developing such a mechanism** to be established by a separate international instrument, which may include a claims commission and compensation fund, while emphasising the obligation for the Russian Federation to pay for the damages caused by this war of aggression.*

*“13. We **welcome international efforts to hold to account the political and military leadership of the Russian Federation** for its war of aggression against Ukraine and the progress towards the establishment of a **special tribunal for the crime of aggression** as highlighted at the Summit of the Special Tribunal’s Core Group chaired by President Zelenskyy. **The Council of Europe should participate, as appropriate, in relevant consultations and negotiations and provide concrete expert and technical support to the process.**”*

*“16. (...) we **commit to strengthening the work of the Council of Europe** to support and promote national and international efforts, **including the work of the European Court of Human Rights, the International Criminal Court, and of the International Centre for the Prosecution of the Crime of Aggression against Ukraine.** We call on all member States to ensure that perpetrators within their jurisdiction can be tried.*

*“17. We will **support Ukraine’s reconstruction efforts, including through financing and implementing the Council of Europe’s Action Plan for Ukraine “Resilience, Recovery and Reconstruction”,** and commit to **using all means available within the Council, including through the Council of Europe Development Bank (CEB).**”*

<sup>5</sup> See: <https://cure-campaign.org/wp-content/uploads/CSSDeclarationFullFinal.pdf>

<sup>6</sup> Here and below, the original numbering of the Reykjavík Declaration’s paragraphs is used for reference.

### Implementation steps so far were as follows:

1. On 16 November 2023, the Conference of Participants of the Register of Damage for Ukraine has **elected its Board**<sup>7</sup>. The board has held two meetings until now, and in April 2024, announced the launch of the submission of claims for one category, namely the damage or destruction of residential immovable property: “The Board has chosen this category because destruction of homes has an immense impact on people’s lives. Some 300,000 to 600,000 claims are anticipated and substantial evidence is readily available. Soon thereafter, the Register will launch the submission of claims from individuals who have been most affected by the war, as well as claims related to the damage or destruction of critical infrastructure of Ukraine. Other categories will follow.”<sup>8</sup>

### Steps to be taken:

- Actions should be devised based on the recognition that the war of aggression against Ukraine constitutes a fundamental breach of Russian obligations as a (then) member state of the CoE, and **an unprecedented attack on the pan-European legal system**, which is embodied by the CoE. Therefore, **legal counter-action should, where necessary, also be of an unprecedented nature**. The right to life and other fundamental rights and freedoms of the population of Ukraine are in extreme peril. The CoE should get into pioneering mode in devising and employing legal means to protect and support those whose rights are violated, and to hold to account the perpetrator and those who enable its actions.
- **Transparency and engagement of civil society** in the work of the Register should be increased. The **expertise of civil society organisations should be duly and actively considered in all the decisions** to be made by the Register’s Board, in line with the Rīga Principles adopted in September 2023<sup>9</sup>.
- The CoE should take a leading role in the creation of a **comprehensive international compensation mechanism**, of which the Register is intended to constitute the first component. This is crucial to adequately compensate the victims. The **use of frozen Russian assets** should be pursued in a manner that satisfies the international legal principle that aggressor states should pay for the damage they inflict and ensures fair adjudication on claims.
- The CoE should live up to its promise to **participate in and support, both technically and with expert knowledge, the creation of a special tribunal for the crime of aggression**. While the CoE has been reluctant at making progress in the prosecution of this crime, the EU has taken the initiative to launch the International Centre for the Prosecution of the Crime of Aggression against Ukraine, embedded in Eurojust. **The CoE should become involved in this process and contribute its expertise.**

## 2. Meaningful Engagement of Civil Society

### Reykjavík Declaration:

**“25. We reiterate the pan-European role of the Council of Europe and in this regard, we will step up and strengthen the Council of Europe’s engagement with democratic actors in Europe and its efforts to create an enabling environment for human rights defenders.**

<sup>7</sup> See: “The Conference of Participants of the Register of Damage for Ukraine elects its Board”, 16 November 2023, <https://www.coe.int/en/web/human-rights-rule-of-law/-/conference-of-participants-of-the-register-of-damage-for-ukraine-elects-its-board>

<sup>8</sup> See: “The Board prepares for the opening of submission of claims to the Register of Damage for Ukraine”, <https://rd4u.coe.int/en/-/the-board-prepares-for-the-opening-of-submission-of-claims-to-the-register-of-damage-for-ukraine>

<sup>9</sup> See: Declaration of the Informal Conference of Ministers of Justice of the Council of Europe on the occasion of the Conference “On the Path to Justice for Ukraine: Advancing Accountability, Reuniting Children with Their Families and Supporting the Resilience of its Justice System”, <https://rm.coe.int/moj-declaration-riga-principles-final-en/1680ac8728>

*“26. We will in particular pursue the work of the Contact Group on co-operation with Belarusian democratic forces and civil society, and **will find ways to strengthen co-operation with Russian and Belarusian human rights defenders, democratic forces, free media and independent civil society.**”*

*“40. We set the Council on **a new path of increased transparency** and co-operation with its stakeholders, with strengthened visibility and sufficient resources. This should include a youth perspective in the Organisation’s intergovernmental and other deliberations as youth participation in decision-making processes improves the effectiveness of public policies and strengthens democratic institutions through open dialogue. **We also call for a review and further reinforcement of the Organisation’s outreach to, and meaningful engagement with, civil society organisations and national human rights institutions.**”*

Reykjavík Principles for Democracy:

*“9. reaffirm that **CIVIL SOCIETY** is a prerequisite for a functioning democracy and **commit to supporting and maintaining a safe and enabling environment in which civil society, as well as human rights defenders, can operate free from hindrance, insecurity and violence**”.*

Implementation steps so far were as follows:

1. In mid-September 2023, the Secretary General (SG) presented to the CM the **“Roadmap on the Council of Europe’s Engagement with Civil Society 2024-2027”**<sup>10</sup>, which:

- presented a summary of the existing modalities of organisation’s engagement with civil society (apart from the Conference of INGOs, CINGO);
- proposed a number of measures to be taken in the coming years aimed at enhancing it;
- at the same time, lacks a critical analysis of the effectiveness of the existing modalities and the impact of measures taken since 2019 within the so-called “Helsinki Process”;
- falls short of setting clear objectives and indicators for their achievement (as a “roadmap” would);
- did not include stakeholders’ consultation (including with civil society itself) on its content;
- and was made publicly available only in mid-December, after the CM finally discussed it.

2. Also in mid-September, the first ever **Secretary General’s regular exchange of views with civil society** was held (which had been promised by the Secretariat since 2020 but was postponed due to various reasons). The event:

- was well-prepared and brought together a good cross-section of civil society actors (about 100 representatives of national and international NGOs);
- saw high-quality interventions by participants and produced a large number of comments and ideas (a meeting report summarising them was published by the Secretariat in mid-December<sup>11</sup>);
- its participants were familiarised only with the appendix to the SG’s “roadmap” (a table summarising the proposed measures);
- the organisers failed to make it clear how the outcomes of this exchange will be used, in particular, if and to which extent they will complement the SG’s “roadmap” or feed into its implementation.

3. The new CoE Programme and Budget for 2024 – 2027, adopted by the CM in November 2023<sup>12</sup>, inter alia, allocated an **additional EUR 0.4 mln for “support to the implementation of the Reykjavík Principles for Democracy, including improvement of the Council of Europe’s engagement with civil society.”**

<sup>10</sup> See: SG/Inf(2023)28, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680ac8ded](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ac8ded)

<sup>11</sup> See: Report of the Secretary General’s First Regular Exchange of Views with Civil Society (Strasbourg, 15 September 2023), <https://rm.coe.int/report-first-sg-exchange-with-civil-society-15-september-2023-/1680add61e>

<sup>12</sup> See: CM(2024)1, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680adec99](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680adec99)

4. In December 2023, after discussing the “roadmap” proposed by the SG, the CM adopted a decision instructing the Secretariat **“to pursue the follow-up of this road map and, to this end, develop the road map’s policy proposals, but not limited to them, into an implementation plan for the meaningful participation of civil society covering the integrated model of the Council of Europe of standard-setting, monitoring and co-operation”** by the end of 2024<sup>13</sup>.

5. In January 2024, the CM, following a proposal made by the former Latvian chairmanship, invited its Thematic Coordinator on Information Policy (TC-INF) **“to make proposals for improving the transparency of their documentation and to report back.”**<sup>14</sup> In this regard:

- TC-INF (currently – Ms Aloisia Wörgetter, Ambassador of Austria) held at least two meetings on the issue in January and in February 2024 (also with participation of a CINGO representative<sup>15</sup>);
- apparently, the intention is to draft and propose to the CM for adoption a new **“CoE transparency strategy”** before the annual ministerial meeting in May 2024.

6. CoE cooperation with Belarusian civil society continued within the framework of the Contact Group set up in autumn 2022 by the Secretary General<sup>16</sup>. In December 2023, the Group approved a new 2-year plan of cooperation activities. So far, there has been **no direct engagement with Belarusian civil society at the CM level** (only Sviatlana Tsikhanouskaya, the leader of the country’s democratic political forces, being periodically invited to participate in exchanges with the CM). In January 2024, the CM **expressed its support for the on-going work of the Contact Group and encouraged member states to consider making voluntary contributions to supplement the financing of its activities**<sup>17</sup>.

7. **No similar framework for cooperation with independent Russian civil society has been created** yet. The discussion on the issue within the CM has remained on hold since January 2023. The Secretariat (in particular, the Department for the execution of ECtHR judgements), the Commissioner for Human Rights and the Parliamentary Assembly of the Council of Europe (PACE) engaged with Russian independent NGOs, human rights defenders and journalists episodically, on an ad-hoc basis. In October 2023, the PACE announced the creation of its own “contact platform” for dialogue with Russian democratic forces<sup>18</sup>, which is mostly focused on engagement with political opposition. An “informal exchange of views with representatives of Russian civil society”, planned to be held by the GR-DEM on 23 April 2024<sup>19</sup>, will hopefully give a new impulse to the discussion on perspectives of this cooperation.

#### Steps to be taken:

- It is important that the process of developing the above-mentioned “implementation plan” is based on **a genuine consultation with all the relevant stakeholders (primarily, representatives of civil society organisations)** not to repeat the mistake made while drafting the “roadmap”. A starting point would be to include in the “implementation plan” the follow-up to the outcomes of the above-mentioned 15 September event. The envisaged implementation plan should in addition be informed by a real **“review of engagement with civil society”**, as called for by the Reykjavík Summit. In

<sup>13</sup> See: CM/Del/Dec(2023)1484/2.5a,  
[https://search.coe.int/cm/pages/result\\_details.aspx?objectid=0900001680ada577](https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680ada577)

<sup>14</sup> See: CM/Del/Dec(2024)1485/1.6,  
[https://search.coe.int/cm/Pages/result\\_details.aspx?Objectid=0900001680ae1c17](https://search.coe.int/cm/Pages/result_details.aspx?Objectid=0900001680ae1c17)

<sup>15</sup> See: <https://www.coe.int/en/web/cm/-/1-february-2024-meeting-tc-inf>

<sup>16</sup> See: [https://search.coe.int/cm/pages/result\\_details.aspx?objectid=0900001680a7f5a4](https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a7f5a4)

<sup>17</sup> See: [https://search.coe.int/cm/Pages/result\\_details.aspx?Objectid=0900001680ae39e3](https://search.coe.int/cm/Pages/result_details.aspx?Objectid=0900001680ae39e3)

<sup>18</sup> See: <https://www.coe.int/en/web/portal/-/pace-to-create-a-contact-platform-for-dialogue-with-representatives-of-russian-democratic-opposition-forces>

<sup>19</sup> See: <https://www.coe.int/en/web/cm/-/23-april-2024-informal-meeting-gr-dem>

November 2023, CURE disseminated a call for conducting this review<sup>20</sup>, which still remains valid. ***The content of the implementation plan should therefore go beyond the outline of the “roadmap”.***

- The process of increasing CM transparency presents an excellent opportunity to update the rules of access to the CM documents (which date back to more than 20 years ago) and to make a real change by ***increasing access to information that is necessary for meaningful participation of civil society*** in the work of the CoE. ***This opportunity should not be missed.***
- Efforts to enhance civil society participation in the CoE's work should pay a particular attention to:
  - widening the ***opportunities for civil society to provide input in developing new CoE standards*** (inter alia, through facilitating their participation in the work of intergovernmental committees);
  - developing ***channels for a direct exchange between the CM and civil society organisations*** on the state of implementation of various CoE norms and commitments;
  - creating clear ***avenues for national NGOs to be engaged in the CoE work*** both at Strasbourg level and within their own countries.
- CoE should ***clearly demonstrate its commitment to protecting civil society*** from threats and persecution by raising the level of visibility of the work already performed by various CoE bodies and institutions on protecting civil society space to that of its work on freedom of expression and security of journalists (e.g., by creating a similar dedicated online platform with contributions by relevant CSOs, member states' replies to published alerts, annual reports on the overall situation, etc.).

### 3. Recognition of the Human Right to a Clean, Healthy and Sustainable Environment

#### Reykjavík Declaration:

***“27. The Council of Europe has played a pioneering global role in developing standards in emerging and new policy areas and we underline our collective determination to address current and future challenges.***

***“28. We underline the urgency of additional efforts to protect the environment, as well as to counter the impact of the triple planetary crisis of pollution, climate change and loss of biodiversity on human rights, democracy and the rule of law. We therefore commit to strengthening our work on the human rights aspects of the environment and initiate the Reykjavík process of focusing and strengthening the work of the Council of Europe in this field, as laid out in Appendix V on “The Council of Europe and the environment.”***

#### Appendix V. The Council of Europe and the Environment:

***“5. We consider the Convention on the Conservation of European Wildlife and Natural Habitats (the “Bern Convention”) a unique international instrument aimed at aligning national standards and practices in conserving wild flora and fauna and their natural habitats at pan-European level and beyond, providing the necessary tools to strengthen intergovernmental co-operation and giving an opportunity to civil society to engage with governments and bring to their attention concerns about threats to biodiversity and natural habitats and their detrimental consequences.***

***“6. We recall that the Council of Europe Landscape Convention - the first international treaty devoted exclusively to all dimensions of the landscape – specifies that the landscape has an important public interest role in the cultural, ecological, environmental and social fields and is a key element of individual and social well-being, and that landscape protection, management and planning entail rights and responsibilities for everyone.”***

<sup>20</sup> See: <https://cure-campaign.org/wp-content/uploads/CoEEngagementCivilSociety29.11.2023.pdf>

"10. Together we commit to:

*i. Strengthen our work at the Council of Europe on the human rights aspects of the environment based on the political recognition of the right to a clean, healthy and sustainable environment as a human right, in line with United Nations General Assembly Resolution 76/300, The human right to a clean, healthy and sustainable environment, and by pursuing implementation of the Committee of Ministers Recommendation CM/Rec(2022)20 on human rights and the protection of the environment;*

(...)

*iv. Conclude as soon as possible the Council of Europe's ongoing work on a convention superseding and replacing the European Convention on the Protection of Environment through Criminal Law and on the consideration of the need for and feasibility of a new instrument or instruments in the field of human rights and the environment;*

*v. Initiate the "Reykjavik process" of strengthening the work of the Council of Europe in this field, with the aim of making the environment a visible priority for the Organisation. The process will focus and streamline the Organisation's activities, with a view to promoting co-operation among member States. We will identify the challenges raised by the triple planetary crisis of pollution, climate change and loss of biodiversity for human rights and contribute to the development of common responses thereto, while facilitating the participation of youth in these discussions. We will do this by enhancing and co-ordinating the existing Council of Europe activities related to the environment and we encourage the establishment of a new intergovernmental Committee on environment and human rights ("Reykjavik Committee")."*

Implementation steps so far were as follows:

1. The existing process on the **drafting of a new Convention on the Protection of the Environment through Criminal Law** has continued<sup>21</sup> and should be concluded this year. One of the remaining issues in the drafting group is the strength of the monitoring mechanism<sup>22</sup>.
2. The existing process by the Drafting Group on Human Rights and Environment (CDDH-ENV) of studying "the need or feasibility of a **further instrument or instruments on human rights and the environment**" has continued. The Drafting Group's document, which will not yet contain an explicit conclusion on which instrument(s) should be developed, will be submitted to the full CDDH this spring.
3. The PACE Committee on Social Affairs, Health and Sustainable Development is preparing a report on "Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavik process"<sup>23</sup>. Apparently, the main subject of the report is the creation of a "**Reykjavik Committee**". The report was adopted by the Committee on 25 March 2024<sup>24</sup> and will then presumably be discussed by the PACE plenary in April 2024.
4. Since January 2024, a new **Department on the Reykjavik Process and the Environment** has been created within Directorate General on Human Rights and the Rule of Law (DGI). It will cover all the environment-related work of the Council of Europe, apart from the above-mentioned drafting processes.

<sup>21</sup> See: Committee of experts on the protection of the environment through Criminal Law (PC-ENV), [https://www.coe.int/en/web/cdpc/pc-env#{%22199657360%22:\[1\]}](https://www.coe.int/en/web/cdpc/pc-env#{%22199657360%22:[1]})

<sup>22</sup> See: Report of February 2024 meeting of PC-ENV, <https://rm.coe.int/pc-env-2024-02-eng-3rd-meeting-report-2757-6359-0153-v-1/1680aedef56>

<sup>23</sup> See: Minutes of public hearing on 6 December 2023, <https://rm.coe.int/draft-minutes-of-the-public-hearing-on-mainstreaming-the-human-right-t/1680ae826a>

<sup>24</sup> See: <https://rm.coe.int/draft-agenda-for-the-meeting-to-be-held-in-paris-on-25-march-2024/1680ae98ca>

5. The allocation for work on protecting the environment was increased by EUR 500,000 per year<sup>25</sup>.

6. The **Landscape Convention's Secretariat** will be taken up again; the terms of reference of the Steering Committee for Culture, Cultural Heritage and Landscape (CDCPP) mention the convention several times<sup>26</sup>.

#### Steps to be taken:

- Making true a **“pioneering role” on the right to a clean, healthy and sustainable environment** by taking the next step towards **unequivocally adding the right to the European Convention on Human Rights** (ECHR), the strongest human rights protection mechanism of the Council of Europe<sup>27</sup>. This would mean starting to develop a new Protocol to the ECHR.
- Include a **strong monitoring mechanism** in the new Convention on the Protection of the Environment through Criminal Law, using the experience of e.g. the Istanbul Convention. An option could be to make the monitoring a part of the work of the new “Reykjavík Committee”.

#### 4. Implementation of European Court of Human Rights (ECtHR) Judgements

##### Reykjavík Declaration:

*“6. We reaffirm our deep and **abiding commitment to the European Convention on Human Rights and the European Court of Human Rights [ECtHR]** as the ultimate guarantors of human rights across our continent, alongside our domestic democratic and judicial systems. We reaffirm our primary obligation under the Convention to secure to everyone within our jurisdiction the rights and freedoms defined in the Convention in accordance with the principle of subsidiarity, as well as our **unconditional obligation to abide by the final judgments of the European Court of Human Rights in any case to which we are Parties.**”*

*“22. We will continue supporting the Court’s efficient and timely response to pending applications and **redouble our efforts for the full, effective and rapid execution of judgments, including through developing a more co-operative, inclusive and political approach based on dialogue, as laid out in Appendix IV on “Recommitting to the Convention System as the cornerstone of the Council of Europe’s protection of human rights.”**”*

##### Appendix IV. Recommitting to the Convention System as the Cornerstone of the Council of Europe’s Protection of Human Rights:

*“15. Recommit to **resolving the systemic and structural human rights problems identified by the Court and to ensure the full, effective and prompt execution of the final judgments of the Court, taking into account their binding nature and the obligations of the High Contracting Parties under the Convention whilst also recalling the importance of involving national parliaments in the execution of judgments.**”*

*“18. Affirm the need to **make every effort to ensure the execution of the Court’s judgments by the Russian Federation, including through the development of synergies with other international organisations such as the United Nations.**”*

<sup>25</sup> See: Council of Europe Programme and Budget 2024–2027, p. 12,

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680adec99>

<sup>26</sup> See: <https://rm.coe.int/terms-of-reference-2024-2027-of-the-steering-committee-for-culture-her/1680ae19f3>

<sup>27</sup> See: An appeal signed by several hundreds of NGOs on this matter, <https://docs.google.com/document/d/104bU3tApuSpDaT2Eg19G7kPQ1G8oLrkX8vJOJzcWi8A/edit>



**“19. Ensure the allocation of sufficient and sustainable resources to enable the Court to exercise its judicial functions effectively and to deal with its workload expeditiously.**

**“20. Continue improving the effectiveness of the supervision mechanism of the execution of judgments and ensure that the Department for the Execution of Judgments has the necessary resources to assist member States and the Committee of Ministers in this task.**

**“21. Recognise the role of the Council of Europe Commissioner for Human Rights and of national human rights institutions and civil society organisations in monitoring compliance with the Convention and the Court’s judgments.”**

**“29. Call for a strengthening of political dialogue in the event of difficulties in the implementation of judgments and encourage the participation of high-level representatives from the respondent State.”**

**“30. Call on the Committee of Ministers to continue their work enhancing the tools available in the supervision of the execution of judgments with clear and predictable, gradual steps in the event of non-execution or persistent refusal to execute the final judgments of the Court, in an appropriate and flexible way, that takes into account the specificities of each case.”**

#### Implementation steps so far were as follows:

1. The new CoE Programme and Budget for 2024 – 2027, adopted by the CM in November 2023, allocated additional amounts of EUR 0.3M in 2024 and EUR 1.2M in 2025 to work on the execution of judgements<sup>28</sup>.

2. In November 2023, the CM instructed the Secretariat to **make public the indicative annual planning for the Human Rights meetings**<sup>29</sup>, which has been published accordingly by the Secretariat in December 2023<sup>30</sup>. This measure can:

- increase efficiency and transparency of the supervision of the execution of the Court’s judgements;
- facilitate the preparation of submissions by civil society organisations and national human rights institutions under Rule 9 of the Rules of the CM for the supervision of the execution of judgments<sup>31</sup>.

3. In February 2024, the CM decided to:

- accept the proposal on the establishment of a **practice of a gradual sequence of interim resolutions of warning** in case of a persistent lack of progress of execution of a judgement;
- instruct the GR-H to continue its work in this regard and present further proposals;
- increase **institutional dialogue with the Court on general issues** related to the execution of judgements;
- foster implementation dialogue and exchange of expertise on country level by **launching a Network of National Coordinators and organising annual meetings between national coordinators and the Department for the Execution of Judgements**<sup>32</sup>.

<sup>28</sup> See: CM(2024)1, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680adec99](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680adec99), p. 12

<sup>29</sup> See: CM/Del/Dec(2023)1482/4.5, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680ad5094](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ad5094)

<sup>30</sup> See: “Publication of the Indicative annual planning of the Committee of Ministers’ Human Rights meetings”, 14 December 2023, <https://www.coe.int/en/web/execution/-/publication-of-the-indicative-annual-planning-of-the-committee-of-ministers-human-rights-meetings>

<sup>31</sup> See: CM/Del/Dec(2006)964/4.4-app4consolidated, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806dd2a5](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806dd2a5)

<sup>32</sup> See: CM/Del/Dec(2024)1488/4.4, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680ae5e0e](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680ae5e0e)

### Steps to be taken:

- Further work on enhancing the tools available to the CM in the supervision of the execution of the Court judgements should focus on the key issue – **ensuring a stronger political follow-up to cases of non-implementation**.
- Other, **more far-reaching proposals** that had already been discussed by the GR-H<sup>33</sup> but not yet accepted, such as **introducing an opportunity for an injured party to submit information on the implementation of general measures** and **political sanctions against member states for non-execution of judgements**, should be revisited and considered for adoption.
- The **infringement procedure** (under art. 46.4 of the Convention) and, in the case the former does not resolve the issue, the **complementary joint procedure** of the CM, PACE and SG in response to serious violations by a member state of its statutory obligations<sup>34</sup> **should be initiated** determinedly to address persistent non-implementation of ECtHR judgements.
- The CM must ensure that member states are subject to **clear and ambitious timelines for the execution of judgements**, with the CM attentively supervising the adherence to the timeline.
- The CM should also take **immediate action in case of blatant disregard by member states of the interim measures** indicated by the Court to prevent imminent risk of irreparable damage.

## 5. Delivering on the Reykjavík Principles for Democracy, Countering Democratic Backsliding

### Reykjavík Declaration:

“3. (...) We have a common responsibility to **fight autocratic tendencies and growing threats to human rights, democracy and the rule of law.**”

“20. We are committed to securing and **strengthening democracy and good governance at all levels throughout Europe.**

“21. However, **democratic backsliding**, external threats and new challenges lead us to strengthen our resolve and to adopt the **Reykjavík Principles for Democracy**, set forth in Appendix III. **We commit to delivering on them to promote, protect and strengthen democracy throughout our member States and to engage in regular, high-level dialogue with member States and partners on the above-mentioned principles.**”

“44. We see democratic security as key for member States to address current and future challenges together and to secure peace and prosperity in Europe.”

### Reykjavík Principles for Democracy:

“1. actively enable and encourage DEMOCRATIC PARTICIPATION at national, regional and local levels through free and fair elections. As appropriate, **forms of participatory democracy, including deliberative democracy, may be encouraged.**

“2. hold ELECTIONS AND REFERENDA **in accordance with international standards** and take all appropriate measures against any interference in electoral systems and processes. Elections are to be **grounded in**

<sup>33</sup> See: GR-H(2023)2, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680aa053b](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680aa053b); GR-H(2023)11-final, [https://search.coe.int/cm/pages/result\\_details.aspx?objectId=0900001680ae5c9c](https://search.coe.int/cm/pages/result_details.aspx?objectId=0900001680ae5c9c)

<sup>34</sup> See: Resolution 2319(2020), <https://pace.coe.int/pdf/d8bb6b8093ff9ab979700467216ff1d0e31e6ad75f9ef47218c39229f5156baa/res.%202319.pdf>

**respect for relevant human rights standards, especially FREEDOM OF EXPRESSION, FREEDOM OF ASSEMBLY AND FREEDOM OF ASSOCIATION.”**

“7. ensure the right to **FREEDOM OF EXPRESSION**, including academic freedom and artistic freedom, to hold **OPINIONS** and to receive and impart information and ideas, both online and offline. Free, **independent, plural and diverse media** constitutes one of the cornerstones of a democratic society and journalists and other **media workers should be afforded full protection under the law**. Disinformation or **misinformation** posing a threat to democracy and peace **will be countered**.”

“8. Priority will be given to support the **participation of young persons** in democratic life and decision-making processes.”

“10. ensure **FULL, EQUAL AND MEANINGFUL PARTICIPATION IN POLITICAL AND PUBLIC LIFE** for all, in particular for **women and girls, free from violence, fear, harassment, hate speech and hate crime**, as well as discrimination based on any ground.”

Implementation steps so far were as follows:

1. In June 2023, an **informal CM meeting on the root causes of the democratic backsliding** in Europe was held<sup>35</sup>. However, no information about the content and outcomes of this meeting is publicly available.
2. In September 2023, the CM adopted a recommendation to member states on the **Principles of Good Democratic Governance** applicable to all levels of government<sup>36</sup>. The recommendation references the Reykjavík Declaration and the Reykjavík Principles and is based on the 12 Principles of Good Democratic Governance at Local Level, which have already existed since 2008.
3. In December 2023, the CM adopted the terms of reference of a new **Steering Committee on Democracy** (CDDM) replacing the previously existent European Committee on Democracy and Governance (CDDG) with an objective to “co-ordinate with other intergovernmental committees and CoE entities in the follow up of the Reykjavík Principles for Democracy.”<sup>37</sup> CDDM will gather for its first meeting in May 2024.
4. Since January 2024, a new **Directorate for Democracy has been created** within Directorate General of Democracy and Human Dignity (DGII) to replace the former Directorate of Democratic Participation, which now brings together CoE activities in the fields of education, youth participation, culture, media and civil society engagement<sup>38</sup>.

Steps to be taken:

- Measures to implement the Reykjavík commitments in the field of securing democratic governance in Europe **may not be limited to reshuffling administrative structures with uncertain practical impact**. A **clear monitoring process** should be put in place to ensure the member states' observance of democratic standards, including the Principles of Good Democratic Governance.
- Determined measures should be taken by the CM and PACE with regard to member states that violate democratic standards, including persecution of human rights defenders and journalists and threatening civil society actors. A set of **gradual, transparent and effective sanctions** should be developed to address that.

<sup>35</sup> See: Council of Europe, Committee of Ministers, Meetings and events – June 2023, [https://www.coe.int/en/web/cm/june-2023/-/asset\\_publisher/FJJuJash2rEF/content/informal-deputies-meeting-15-june-2023](https://www.coe.int/en/web/cm/june-2023/-/asset_publisher/FJJuJash2rEF/content/informal-deputies-meeting-15-june-2023)

<sup>36</sup> See: CM/Rec(2023)5, [https://search.coe.int/cm/pages/result\\_details.aspx?objectId=0900001680abeb87](https://search.coe.int/cm/pages/result_details.aspx?objectId=0900001680abeb87)

<sup>37</sup> See: CM(2023)131-addfinal, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680ade019](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ade019)

<sup>38</sup> See: Council of Europe, Directorate General of Democracy and Human Dignity, Directorate for Democracy, <https://www.coe.int/en/web/democracy-and-human-dignity/directorate-for-democracy>

- **CoE field offices should be established and strengthened in all the member states** to become a point of contact for human rights defenders, journalists and civil society actors working towards upholding democratic standards.
- The **CoE itself should become a positive example** for transparency and civil participation in decision-making.
- Local government compliance with the 12 Principles of Good Democratic Governance at Local Level should continue to be stimulated<sup>39</sup>, including through the Congress of Local and Regional Authorities and by stimulating bottom-up engagement of local civil society.

## 6. Gender Justice, Protection of the LGBTQIA+ Community and Inclusive Societies without Discrimination

### Reykjavík Declaration:

*“29. We acknowledge the positive impact and opportunities created by new and emerging digital technologies while recognising the need to mitigate risks of negative consequences of their use on human rights, democracy and the rule of law, including **new forms of violence against women and vulnerable groups generated and amplified by modern technologies.**”*

*“32. We acknowledge the **need to ensure equality and combat any kind of discrimination** and the important role the Organisation plays in this regard. We therefore commit to **strengthening work towards inclusive societies without marginalisation, exclusion, racism and intolerance.** In this regard, we will use an **intersectional approach** in the work of the Council of Europe to address the multiple discriminations faced by people and groups in vulnerable and marginalised situations.*

*“33. We recall that **gender equality and the full, equal and effective participation of women in public and private decision-making** processes are essential to the rule of law, democracy and sustainable development. We underline the pioneering role of the Council of Europe, including through the Istanbul Convention, in the fight against violence against women and domestic violence.”*

### Reykjavík Principles for Democracy:

*“10. ensure **FULL, EQUAL AND MEANINGFUL PARTICIPATION IN POLITICAL AND PUBLIC LIFE** for all, in particular **for women and girls, free from violence, fear, harassment, hate speech and hate crime, as well as discrimination based on any ground.**”*

### Implementation steps so far were as follows:

1. In March 2024, the CM adopted the new Gender Equality Strategy<sup>40</sup>, setting out six strategic directions:
  - preventing and combating gender stereotypes and sexism;
  - preventing and combating violence against women and girls and domestic violence;
  - ensuring equal access to justice for women and girls;
  - achieving balanced participation of women and men in political, public, social and economic life;
  - ensuring women's empowerment and gender equality in relation to global and geopolitical challenges;
  - achieving gender mainstreaming and including an intersectional approach in all policies and measures.

<sup>39</sup> See: The European Label of Governance Excellence (ELOGE), <https://www.coe.int/en/web/good-governance/elogue>

<sup>40</sup> See: CM(2024)17-final, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680ae569b](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ae569b)

2. In June 2023, *the EU*, and in November 2023, *Latvia ratified the Istanbul Convention*.
3. In November 2023, the CM created a new permanent **Committee of Experts on Sexual Orientation, Gender Identity and Expression and Sex Characteristics** (ADI-SOGIESC)<sup>41</sup> as a subordinate body of the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI).
4. The **Committee of Experts on Artificial Intelligence, Equality and Discrimination** (GEC/ ADI-AI) has been tasked to draft a Recommendation on the impact of AI systems, their potential for promoting equality, including gender equality, and the risks they may cause in relation to non-discrimination by 2025<sup>42</sup>.

#### Steps to be taken:

- In the face of the **growing backlash against gender equality and LGBTQIA+ rights**, the CM, PACE, Congress and other relevant organs of the CoE need to step up their attention for the implementation of CoE standards and for reports from monitoring bodies, such as the Commissioner for Human Rights, GREVIO and PACE rapporteurs, as well as reports on the implementation of relevant CM Recommendations.
- The **high ethical standards to be maintained by all elected representatives** according to the Reykjavík Principles for Democracy **should include the refraining from and rejection of defamation against LGBTQIA+ persons**. The CM Recommendation on combatting hate speech should be amended to fully cover protection against LGBTQIA+-phobic hate.
- The CoE's **standard approach to work against discrimination should be intersectional** and include ethnicity, religion, disability, gender and sexual identities, sexual orientation, economic and residence status.

#### **Conclusions**

1. As the CM pointed out in its written reply to the PACE in January 2024, "the work to translate the Summit's political guidance into appropriate implementing measures and administrative reforms is well underway"<sup>43</sup>. While we agree that in general there is a progress in this work on implementation, our analysis shows that **a lot more remains to be done in this regard**.
2. Most of the implementation steps made so far, in fact, either appear to be a logical continuation of the processes that were launched before the Reykjavík Summit (apart from the creation of the Register of Damage) or have a merely bureaucratic nature (such as reshuffling the relevant administrative structures) with their practical impact remaining unclear.
3. In general, the scope of the implementation steps taken so far does not really match the scale of the existing challenges and the level of political ambition in addressing them reflected in the Reykjavík Declaration. **Bigger and bolder steps are needed to not only follow the letter of the Reykjavík commitments, but also to keep their spirit alive**.
4. The **full implementation of the Reykjavík commitments** requires continued determination. Thus, it is necessary that this issue **stays high on the agenda of the CM and the new Secretary General**, and the effectiveness of the steps taken and possibilities to further enhance them need to be **reviewed regularly in the coming years**.

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<sup>41</sup> See: CM(2023)131-addfinal, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680ade00c](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ade00c)

<sup>42</sup> See: Council of Europe, Gender Equality, Committee of Experts on Artificial Intelligence, Equality and Discrimination (GEC/ADI-AI), <https://www.coe.int/en/web/genderequality/committee-of-experts-on-artificial-intelligence-equality-and-discrimination-gec/adi-ai>

<sup>43</sup> See: CM/AS(2024)Rec2245-final, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680ae2549](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ae2549)