

## Priorities of the Portuguese Chairmanship of the Committee of Ministers of the Council of Europe (May–November 2005) (23 May 2005)

**Caption:** This information document sets out the priorities of the Portuguese Chairmanship of the Committee of Ministers of the Council of Europe from May to November 2005. Portugal, which will assume this responsibility after the organisation's Third Summit of Heads of State and Government, intends to monitor the action taken on the decisions taken at the Summit.

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## Priorities of the Portuguese Chairmanship of the Committee of Ministers of the Council of Europe (May–November 2005) (23 May 2005)

The international community is facing old and new challenges which increasingly stress the imperious need to promote human rights, the consolidation of democracy and the development of international cooperation. Due to the growing threat of terrorism and the awakening of tensions, the attainment of those goals can only be dealt with by the adoption of a multilateral approach and the reinforcement of the role of international organisations.

At an European level, the Council of Europe has since its creation in 1949 been in the front line regarding the efforts to assure the protection of human rights, the furtherance of democracy and the expansion of the rule of law throughout Europe. The political will and the means necessary to the achievement of these goals have been strengthened over the years and, despite the fact that Europe's political architecture is in the process of redefining itself, the abovementioned elements should continue to constitute the guiding principles of the Council of Europe's activities. Completing its third decade as a member state of the Council of Europe, Portugal highly praises the organisation's action in promoting these core values.

The Third Summit of Heads of State and Government of the Council of Europe, held in Warsaw on 16 and 17 May 2005, must be seen as the cornerstone in the history of the organisation, setting a renewed pattern of cooperation between the Council of Europe and other relevant international organisations in order to contribute to the strengthening of European unity building on human rights, democracy and rule of law.

Assuming the Chairmanship of the Committee of Ministers of the Council of Europe in the aftermath of the Third Summit, Portugal looks forward to the gradual implementation of its decisions while awarding a vital role to the organisation's fundamental values. For that purpose, Portugal, pursuing the achievements of the previous Presidencies, has adopted the following priorities for its Chairmanship:

- I. Promoting human rights, democracy and the rule of law;
- II. Recognising the cultural dimension in support of democratic values;
- III. Consolidating social cohesion.

The 115th Ministerial Session, which will take place in Strasbourg in November 2005, will be an excellent opportunity to assess the first results of the implementation of the Summit's decisions.

### **I. Promoting human rights, democracy and the rule of law**

The protection and promotion of human rights, as well as the expansion of democracy and the rule of law constitute the essential values of the Council of Europe. Though more than 50 years have passed since its creation, the need for the Organisation to carry out its activities having these values as main parameters of action continues to be imperative. Albeit much has been achieved throughout these last decades, strengthening those mechanisms of protection, promotion and monitoring of human rights should not cease to be its main inspiration. These values continue to be particularly relevant and their implementation should continue to be the object of all our concerted efforts.

Well aware of the importance of these elements when it comes to safeguarding and promoting Europe's unity, the Portuguese Chairmanship will be highly committed to the implementation of the abovementioned values in those areas in which their full expression has not been possible thus far.

### **Protection and promotion of human rights**

#### European Court of Human Rights

Portugal recognizes the crucial role played by the European Court of Human Rights (the Court) in the protection of human rights in Europe. Offspring of the European Convention on Human Rights, the Court

has nonetheless fallen victim of its own success. The efficiency of the Court is hindered both by its heavy workload and also by the sometimes less than swift transposition of its rulings into practice at a national level. Accordingly, Portugal fully supports the Third Summit's conclusions and decisions on the need to improve the functioning of the Court as well as the implementation of its rulings by Member States. In that sense, the Portuguese Chairmanship stresses the importance of ratifying Protocol No. 14 to the European Convention on Human Rights and calls upon all Council of Europe's member States that have not yet taken these steps to do so in the short term. This will undoubtedly add to the Court's authority and credibility in protecting and promoting human rights. Portugal will very soon ratify this Protocol and hopes that it will come into force before May 2006.

#### Commissioner for Human Rights of the Council of Europe

The mandate of the Commissioner for Human Rights is clear about the importance of its role in contributing to a greater awareness of the issues of human rights and fundamental freedoms in all member States of the Council of Europe. The mandate and the visibility of the Commissioner's work have been consolidated over the years: its cooperation with the Committee of Ministers and the Parliamentary Assembly and, moreover, its relations with national institutions, ombudsmen and similar human rights structures have become increasingly fruitful. Likewise, the Commissioner has assumed a great share of responsibility in producing reports and recommendations in a wide range of member States. Portugal positively assesses the work carried out by the Commissioner of Human Rights and fully supports the Third Summit's reflections on its relevance. The Portuguese Chairmanship will seek to foster the role of the Commissioner of Human Rights according to the Summit's Plan of Action, by ensuring that the Commissioner receives adequate resources to fulfil the relevant tasks assigned to it.

#### Rights of the child

The protection of the rights of the child is as an important dimension of the protection of human rights and, as a consequence, the vast majority of the Organisation's activities produce direct or indirect effects on the life of children. The message sent by the Committee of Ministers to the Special Session of the United Nations General Assembly on Children in May 2002 was the expression of the commitment of the Council of Europe to continue to support activities in this area. Aware of the significance of the applicable paragraphs enclosed in the European Convention on Human Rights and in the original and revised versions of the European Social Charter, Portugal looks forward to consolidate the results achieved hitherto while seeking to promote social awareness on this issue. During its Chairmanship of the Committee of Ministers, Portugal will host a seminar in Lisbon in June 2005 on the protection of the rights of the child, in particular against trafficking and violence.

#### Gender mainstreaming and violence against women

Portugal considers essential to mainstream gender in all public policies and to actively promote balanced participation of women and men at all levels of society in order to enrich democracy and to assure a more efficient policy-making. This aim can only be achieved on the basis of a thorough review of legislation and practice. In this field, Portugal supports all measures to be taken by the Council of Europe aiming at combating all forms of violence against women. A seminar organised by the Portuguese Chairmanship in June 2005 will offer an opportunity for debate on the issue of balanced participation of women and men in political and economic decision-making.

#### Fight against trafficking in human beings

Trafficking in human beings has been gaining relevance as a new form of criminality upon which strict and effective legal and judicial measures must be imposed without delay. Portugal will award priority status to

the fight against this modern scourge by fostering international cooperation and promoting protection for the victims of such a blatant violation of human rights. Portugal welcomes the adoption of the Council of Europe Convention on action against trafficking in human beings.

Cooperation and coordination with the European Union, the OSCE and the United Nations

The Third Summit has adopted a clear roadmap for future enhanced cooperation between the Council of Europe and the European Union. As a long standing member of both organisations, Portugal attaches major importance to the follow-up of the Summit's decisions and is fully committed to rapid and effective progress. A high lever quadripartite meeting to be organised during its Chairmanship would be an excellent opportunity to jointly take stock of the progress achieved.

The Portuguese Chairmanship highlights the importance of the current institutional cooperation mechanisms with the OSCE. Coordinated action will help consolidate democratic stability in Europe. Portugal stresses the need to proceed with an enhanced cooperation between the two organisations and to develop joint approaches on issues of common interest in order to achieve coordinated action and to avoid unnecessary duplication of efforts, notably with regard to the four priority areas of cooperation. The Portuguese Chairmanship welcomes the joint declaration of cooperation adopted in Strasbourg and signed in Warsaw and looks forward to the bi-annual joint meeting with the OSCE Presidency in the framework of the coordination mechanism implemented during the Third Council of Europe Summit of Heads of State and Government.

In order to further guarantee the protection and promotion of human rights, Portugal deems it necessary for the Council of Europe to focus on a tight cooperation with the United Nations on those matters which are commonly relevant to enable both organisations to benefit from synergy and complementarily inherent in such a process. The Council of Europe, in its capacity as a pan-European organisation, is in a strong position to contribute valuably to the United Nations' main goals and principles.

### **Democracy**

The Council of Europe plays a prominent role in the promotion of pluralist democracy and democratic values, such as tolerance and non-discrimination, among all Member States.

The Council of Europe's Programmes for Democratic Stability, created in the beginning of the 1990s, have proved to be important tools in the consolidation of democratic systems. The action of the Organisation in this field takes on a great variety of other forms. Among these are recommendations setting out general policy guidelines, legally binding instruments and monitoring mechanisms aiming at ensuring that all member States respect the obligations and duties inherent to Council of Europe membership.

Political participation at all levels, local and regional democracy and good governance must be seen as a key component of 21st century European democracy. Portugal fully supports the work of the Congress of Local and Regional Authorities of Europe to pursue a policy of cooperation and exchange of information with regional and municipal authorities of the Council of Europe's member States. The Portuguese Chairmanship will be hosting a conference on the 20th anniversary of the European Charter of Local Self-Government in July 2005.

### **Rule of law**

The primacy of the law constitutes one of the basic pillars of democratic culture and a necessary prerequisite when it comes to effectively promoting and protecting human rights. One of the main achievements of the Council of Europe has been the creation of common legal instruments, which constitute a sound basis for juridical cooperation between European countries. These positive developments notwithstanding, Portugal believes that the full implementation of the existing legal instruments and the development of new ones to tackle those new questions afflicting modern societies should never cease to be a priority.

Terrorism, trafficking in human beings, organised crime, corruption, money laundering and cyber-crime are just a few examples of the threats with which European societies are nowadays confronted. Since these require a common reply, Portugal looks forward to the strengthening of cooperation among member States in support of the fight against these modern scourges.

Last year, when the shock wave that followed the events of 11 September 2001 was still present in our memories, Europe witnessed a number of terrorist attacks of an unprecedented scale. The Istanbul, Madrid and Beslan tragedies have turned the fight against terrorism into a high priority for the Council of Europe.

Having allocated resources in accordance with this new threat, the Council of Europe has been contributing to this fight, which calls for an appropriate balance between the guarantee of full respect for human rights and fundamental freedoms as well as legitimate measures of legal cooperation. Portugal fully backs this approach and endorses the Special Guidelines on Human Rights and the Fight against Terrorism, which were adopted by the Council of Europe and represent the first ever international legal instrument on this issue. Furthermore, Portugal welcomes the adoption of the Council of Europe Convention on the prevention of terrorism and the Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism.

In the field of economic crime, the Octopus Programme, formerly a joint programme of the European Commission and the Council of Europe now continued by the latter, is just an example of the kind of straightforward approach needed. With the support of this Programme, the Portuguese Chairmanship will be holding a seminar on the issue of economic crime by the end of September 2005.

Moreover, Portugal praises the important work being developed by the European Commission for the Efficiency of Justice (CEPEJ) in support of the improvement of the efficiency and the functioning of justice in the Council of Europe's member States. After having successfully adopted and published the 2002 report on European judicial systems, the fact that the CEPEJ has announced its intention to renew this exercise of evaluation for 2004 data should be seen as an extremely positive development. Bearing in mind the urgent need to adopt measures to improve the efficiency of European judicial systems, Portugal will promote reflection on the means to achieve this goal. Simultaneously, Portugal will engage deeply in magnifying the scope and the foreseeable positive effects of the 3rd edition of the European Day of Civil Justice.

## **II. Recognising the cultural dimension in support of democratic values**

The Council of Europe, as a pan-European organisation encompassing 46 member states, is home to a wide variety of social and cultural traditions and practices. Within this geographical area that attracts citizens from other continents, people from different ethnic, cultural, and religious backgrounds coexist. However, this great cultural richness and diversity makes an inestimable contribution to European unity. This cultural diversity demands adequate answers from the Council of Europe in order to ensure a space of freedom, peace and prosperity free from cultural clashes. The cultural dimension – education, culture, heritage and youth – should be seen as an important tool to reinforce common democratic values and it can also play a vital role in conflict prevention and in post-conflict situations.

The Council of Europe's main goal of promoting human rights, democracy and the rule of law will only be feasible if Europe's divisions, at several levels, are overcome. The Council of Europe has been persistent in its efforts to tackle the questions arising from this cultural diversity. During its Chairmanship, Portugal will boost the development of further policies to improve results in this field and to face the new challenges to European cultural cooperation. More than ever, the Council of Europe needs to promote cultural diversity and build up a common future based on shared values.

Fiftieth anniversary of the European Cultural Convention

The European Cultural Convention has been one of the most important instruments of the Council of Europe

and as far as cultural cooperation is concerned an important benchmark for the last fifty years. Portugal is actively engaged in the celebrations of the 50th Anniversary of such a relevant legal instrument.

The Wroclaw Declaration, adopted at the Opening Conference of the 50th Anniversary of the European Cultural Convention that took place in Poland last December, constitutes a solid strategic policy framework for the cultural dimension of the activities of the Council of Europe.

Among the premises contained in the Declaration, the one concerning the need to promote full participation in democratic life deserves to be highlighted. Education, and particularly human rights education represents the most reliable means to provide people with both the knowledge and the capacity to profit from active citizenship. It is broadly accepted that structural obstacles still stand in the way of democratic participation and, consequently, efforts should be made to eradicate them.

Given the abovementioned cultural diversity among its population, the fostering of intercultural and inter-religious dialogue should be identified as an important activity for the Council of Europe. Aware of the relevance of such forms of dialogue in the promotion of Europe's unity, Portugal will award utmost importance to the cultural dimension of the activities of the Council of Europe. Under this perspective and bearing in mind the experience gathered so far from *inter alia* the Barcelona Process, Portugal will look into the possibility of the Council of Europe's engagement in a constructive dialogue with its neighbouring regions. One of the main goals of such an initiative would be the strengthening of links between cultures from both sides of the Mediterranean. The North-South Centre should be fully used to promote these aims, in particular to raise awareness of human rights and democracy issues. The Portuguese Chairmanship believes that, under the framework of the European Cultural Convention, such links would certainly encourage exchanges between civil societies through the establishment of cultural partnerships. In Portugal's view, a legal mechanism of cooperation should be found to extend the geographical scope of the European Cultural Convention beyond its borders to reinforce the inter-cultural dialogue.

Portugal will organise in October 2005 the closing session of the celebrations of the 50th Anniversary of the European Cultural Convention. On this occasion, it will look forward to extend the scope of the Convention, to advance the Framework Convention on Cultural Heritage and to foster cooperation with other international organizations.

#### European Year of Citizenship through Education

Portugal recognizes that democratic values should be promoted in schools and universities with a view to build up an active citizenship. Stressing that the Council of Europe has a special vocation in this field, the Portuguese Chairmanship fully supports the European Year of Citizenship through Education. In particular, Portugal endorses the development of a feasibility study on a standard-setting mechanism in the field of democratic citizenship and human rights education as agreed in Wroclaw in December 2004.

#### Youth

Portugal will also focus on measures to promote the participation of young people in political life. In doing so, it will also help combat the lack of interest for politics that is perceived to develop among young people and reinforce the perception of belonging to a common space of shared values. The promotion of an active citizenship stands, therefore, as a vital investment in Europe's future.

#### Sustainable development

The importance of sustainable development for the future of Europe should not be underestimated and, as a result, its incorporation into the development strategies being developed both at national and European level assumes major relevance. In particular, the Declaration on territorial sustainable development adopted at the



end of the European Conference of Ministers responsible for Regional Planning (CEMAT) that took place in Ljubljana in 2003 needs to be highlighted. The Portuguese Chairmanship is fully aware of the importance of sustainable development and is engaged in promoting further progress of the Council of Europe's policies in this area with a view to the 14th European Conference, scheduled for 2006 in Lisbon.

#### Addressing the root causes of terrorism

The action of the Council of Europe in the prevention of terrorism should not remain limited to legal matters. Its vocation clearly entitles it to pursue efforts in other areas by adopting measures to address the root causes that are believed to encourage terrorism. Associating the legal aspects of the fight against terrorism with the promotion of intercultural and inter-religious dialogue, education and awareness of shared values – thereby breaking the existing cultural and religious barriers – is a sure path in the way to successfully combating terrorism without simultaneously abandoning universally recognised values. Portugal believes in the added value of this approach and will be glad to promote reflection on how the Committee of Ministers' Steering Committees can contribute to combating terrorism and to strengthening its public condemnation and rejection.

### III. Consolidating social cohesion

The quest for improved social cohesion is a decisive issue in the work of the Council of Europe, as the suppression of dividing lines among Europeans is to a great extent dependent on social justice and the protection of human rights. Sustainable democratic societies rely heavily on the ability to guarantee social justice, which can only be achieved through the respect of common standards in the field of economic and social rights.

The European Social Charter and the revised European Social Charter constitute the Council of Europe's main strategic instruments in this area. Inasmuch as the organisation has adopted the promotion of social rights as one of its priorities, Portugal once again calls upon all member States that have not yet ratified the Charter and its revised version to do so as soon as possible. At the same time, Portugal will continue to promote the implementation of the Council of Europe's wide range of social cohesion policy instruments – in particular the Strategy for Social Cohesion as approved by the Committee of Ministers – as a way of reaching the standards set up by the organisation regarding social policy, migrants and the integration of people with disabilities.

#### Social and health policies

Adequate policy-making regarding issues such as employment, social security, family, youth, housing and health is fundamental in ensuring social cohesion. The action developed thus far by the European Committee for Social Cohesion (CDCS) with a view to implementing the Strategy for Social Cohesion serves as an example of the potential of the steering committees in contributing to the ultimate goals of social cohesion, social justice and the protection of human dignity. These committees have been instrumental in the definition of pan-European standards on the abovementioned issues. To discuss the challenges that lie ahead, Portugal will organise a seminar on the subject “*Social cohesion in a changing society*”.

More specifically, Portugal is deeply committed to the work surrounding the Revised Strategy for Social Cohesion and will be paying special attention to the issues of family and children with a view to the 28th session of the Conference of European Ministers of Family Affairs which is scheduled to take place in Lisbon in 2006 and that will focus on the topic “*Changes in parenting: Children today, parents tomorrow*”.

#### Migrations

The question of migrations continues to be a sensitive issue in 21st century's Europe. In promoting social

cohesion, the Council of Europe should pay special attention to the relationship between migrant groups and host communities and to the need to ensure an effective equality of opportunities and the social integration of migrants. The fight against social exclusion must go hand in hand with the fight against intolerance and racism and the protection of vulnerable groups. In pursuing these aims, Portugal fully supports the execution of strategies in the field of migration at a pan-European level in cooperation with other international organisations to avoid unnecessary duplications.

#### Integrating people with disabilities

The improvement of the quality of life in Europe should be regarded as a broad and non-exclusive concept. The integration of people with disabilities is imperative in terms of human dignity and is a fundamental dimension of social cohesion. For Portugal, this can only be achieved through a global approach at all levels of public life. To this end, Portugal will encourage efforts to integrate the benchmarks already defined in this area into the national legislation of the Council of Europe's member states.

#### **IV. Conclusions**

On assuming the Chairmanship of the Committee of Ministers, Portugal reiterates its long standing commitment to the core values of the Council of Europe and its willingness to promote their implementation in face of the old and new challenges that affect our continent.

In so doing, the Portuguese Chairmanship will pursue the endeavours of the previous chairmanships, establishing a line of continuity with the efforts they have deployed in favour of human rights, democracy and the rule of law;

Coming after the Third Summit, which was a significant moment in the history of the Council of Europe, the Portuguese Chairmanship looks forward to ensure the follow-up of the decisions adopted at the Warsaw Summit, thus contributing decisively to strengthen the organisation and to promote the values it stands for.