What is the Council of Europe?

By Arabella Lang

Contents:
1. A human rights and democracy organisation
2. 47 Member States
3. Led by the Secretary General
4. Committee of Ministers: decisions and compliance
5. Parliamentary Assembly (PACE): ‘the democratic conscience of Greater Europe’
6. Congress of Regional and Local Authorities: an assembly for local politicians
7. Conference of International NGOs: a voice for civil society
8. European Court of Human Rights: overseeing the Human Rights Convention
9. Budget: €454 million
# Contents

Summary 3

1. A human rights and democracy organisation 5
2. 47 Member States 6
3. Led by the Secretary General 7
4. Committee of Ministers: decisions and compliance 8
5. Parliamentary Assembly (PACE): ‘the democratic conscience of Greater Europe’ 9
   5.1 Role 9
   5.2 Members 10
   5.3 Meetings 11
   5.4 Committees 11
   5.5 Controversy over the President 11
6. Congress of Regional and Local Authorities: an assembly for local politicians 13
7. Conference of International NGOs: a voice for civil society 14
8. European Court of Human Rights: overseeing the Human Rights Convention 15
   8.1 Jurisdiction and general principles 15
   8.2 Judges 16
   8.3 Functioning 16
   8.4 The Human Rights Act 1998 and the status of the Convention in UK law 16
   8.5 Impact of European Court judgments in the UK 17
   8.6 Relationship with EU human rights obligations 17
9. Budget: €454 million 19
Summary

The Council of Europe (CoE) is a human rights and democracy organisation, entirely separate from the EU. Its best-known products are the [European Convention on Human Rights](https://en.wikipedia.org/wiki/European_Convention_on_Human_Rights) and the European Court of Human Rights that oversees how the Convention is implemented. But the CoE also promotes human rights through many other international conventions, and its independent expert bodies monitor member states’ progress and make recommendations.

The CoE has **47 Member States**, which include the 28 members of the European Union as well as Russia and Turkey, for instance. The UK was instrumental in establishing the Council of Europe in 1949 and drafting the European Convention on Human Rights.

The head of the CoE is its **Secretary General**, who leads and represents the organisation. The current Secretary General is Thorbjørn Jagland, a former Prime Minister of Norway.

The **Committee of Ministers** (CM) – made up of the foreign ministers of each of the Member States or their deputies – is the CoE’s decision-making body. It also supervises the execution of Court judgments.

The CoE’s **parliamentary assembly** (PACE) is one of the oldest international parliamentary assemblies in the world. It holds governments to account, provides a forum for debate and has wide powers of election – including the judges of the European Court of Human Rights. Its 324 members (and 324 alternates) are elected or appointed by each Member State’s parliament from among its members as a ‘fair representation’ of the political parties or groups there. PACE meets four times a year in plenary, but much of its work is done through its nine general committees. It has recently changed its rules to allow for the dismissal of its President, following a recent motion of no confidence in the current President, Pedro Agramunt.

The CoE’s **assembly for local politicians**, the Congress of Regional and Local Authorities, has 648 members appointed for a two-year term, and monitors compliance with its European Charter of Local Self-Government.

**Civil society** is also represented in the CoE’s Conference of International Non-Governmental Organisations.

The **European Court of Human Rights** in Strasbourg oversees Member States’ implementation of the CoE’s European Convention on Human Rights. Individuals may bring complaints that a public authority has violated their Convention Rights, and Member States must abide by a final judgment against them. One judge is elected by PACE from each Member State, and judges sit in panels of up to 17.

The UK’s Human Rights Act 1998 allows anyone in the UK to rely on Convention rights before domestic courts, requires all public bodies to comply with the Convention, and requires UK courts to ‘take account’ of rulings of the European Court of Human Rights (though those rulings cannot directly overrule or change national laws). The UK intends to derogate from the Convention in future armed conflicts.

The Convention rights are reflected in the EU’s Charter of Fundamental Rights, which also includes more progressive social and economic rights and currently binds the UK as a matter EU law. The European Union (Withdrawal) Bill would not bring the Charter or its caselaw into UK domestic law after Brexit. However, the UK courts will continue to be bound by Convention obligations under the Human Rights Act 1998, and the Government
will continue to be bound by the Convention itself, at least for the remainder of this Parliament.

The Council of Europe’s budget for 2017 is €454 million, financed by fixed amounts from the Member States as well as voluntary contributions. Around 15% of the budget funds the Court.
1. A human rights and democracy organisation

The 47-member Council of Europe (CoE), based in Strasbourg, is primarily a human rights organisation. It is an entirely separate organisation from the EU.

The CoE’s ‘Council of Europe in brief’ webpages summarise its activities:

- The CoE advocates freedom of expression and of the media, freedom of assembly, equality, and the protection of minorities. It has launched campaigns on issues such as child protection, online hate speech, and the rights of the Roma, Europe’s largest minority. The Council of Europe helps member states fight corruption and terrorism and undertake necessary judicial reforms.
- Its group of constitutional experts, known as the Venice Commission, offers legal advice to countries throughout the world.

Its best-known products are the European Convention on Human Rights – a treaty designed to protect human rights, democracy and the rule of law – and the European Court of Human Rights that oversees how the Convention is implemented.

But the CoE also promotes human rights through many other international conventions, such as the Convention on Preventing and Combating Violence against Women and Domestic Violence, and the Convention on Cybercrime.

And it monitors member states’ progress and makes recommendations through independent expert monitoring bodies such as the Committee for the Prevention of Torture which regularly makes unannounced visits to places of detention.

All CoE member states have abolished the death penalty.

Other CoE achievements in areas including democracy-building, non-discrimination and healthcare are outlined on its website.

For general information about the Council of Europe, see:

- Council of Europe: Who we are
- Council of Europe, 800 million Europeans.
2. 47 Member States

The CoE has 47 Member States,¹ which include the 28 members of the European Union as well as Russia and Turkey, for instance.

All CoE States have signed up to the European Convention on Human Rights. In addition, CoE Member States must:

• adhere to the CoE aims and principles set out in the Statute of the Council of Europe;

• commit to ratifying or acceding to the European Convention on Human Rights and other CoE human rights instruments; and

• agree to the jurisdiction of the European Court of Human Rights.

Since the end of the Cold War the Council of Europe has been a stepping stone for many of the former Eastern bloc countries towards EU membership, and ratification of the European Convention on Human Rights is now a condition of EU membership.

The UK was instrumental in establishing the Council of Europe in 1949 and drafting the European Convention on Human Rights. It has continued to play an active role in all parts of the organisation, and to press for reforms to the Court of Human Rights in particular. But concerns that the Court has over-reached itself have led to calls to change the UK’s relationship with the Court, the Convention and even the CoE itself.

The CoE also has six Observer States: Canada, Holy See, Israel, Japan, Mexico and the United States.

---

¹ Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom.
3. Led by the Secretary General

The head of the CoE is its Secretary General, elected by the Parliamentary Assembly of the Council of Europe (PACE – see below) for a five-year term. He or she leads and represents the organisation, and is responsible for the strategic planning and direction of the Council's work programme and budget.

The current Secretary General is Thorbjørn Jagland, a former Prime Minister of Norway. He is serving his second five-year term, having been re-elected by PACE in June 2014 with an absolute majority in the first round of voting.

There is also a Deputy Secretary General, also elected for a five-year term by PACE in an election separate to the one held for the Secretary General.
4. Committee of Ministers: decisions and compliance

The Committee of Ministers (CM) – made up of the foreign ministers of each of the Member States or their deputies – is the CoE’s decision-making body. It also supervises the execution of Court judgments. The CM website summarises the role of the CM as follows:

It is both a governmental body, where national approaches to problems facing European society can be discussed on an equal footing, and a collective forum, where Europe-wide responses to such challenges are formulated. In collaboration with the Parliamentary Assembly, it is the guardian of the Council’s fundamental values, and monitors member states’ compliance with their undertakings.

The CM’s chairmanship rotates between the Member States alphabetically every six months.

The CM Ministers meet annually in May for formal and informal discussions. The CM Deputies meet more frequently: three or more times a month. The Deputies also work as rapporteur groups, ad hoc working parties and thematic coordinators, which prepare decisions for the CM for adoption, ideally without debate. There are rules of procedure for both Ministers and Deputies.
5. Parliamentary Assembly (PACE): ‘the democratic conscience of Greater Europe’

5.1 Role

PACE, established in 1949, is ‘the oldest international parliamentary Assembly with a pluralistic composition of democratically elected members of parliament established on the basis of an intergovernmental treaty’.

Although its texts are not binding, PACE holds governments to account over human rights and democratic standards, and the 47 CoE governments must give a collective reply. It provides a forum for debate on Europe’s political and social issues, and describes itself as ‘the democratic conscience of Greater Europe’.

PACE also has wide powers of election. As well as its own President and Vice-Presidents (who chair and represent it), it elects:

- the Secretary General and the Deputy Secretary General of the Council of Europe, and its own Secretary General, by secret ballot, for a period of five years each;
- the judges of the European Court of Human Rights, by secret ballot, following scrutiny from the new Committee on Election of Judges; and
- the CoE Commissioner for Human Rights, who has a non-judicial responsibility to further human rights in the CoE Member States through country monitoring, thematic work and supporting human rights defenders.

The CoE has summarised the roles of the Parliamentary Assembly as follows:

**A right of scrutiny**
It holds governments to account over their human rights records, and presses states to achieve and maintain democratic standards, both in Europe and – increasingly – in neighbouring regions.

**A hotbed of ideas**
It is a factory of radical ideas for improving Europe’s laws and practices, a “motor” for the Council of Europe and a guardian of the European Convention on Human Rights, which originated in the Assembly.

**A forum for debate**
It is a forum for sometimes heated debate on key political and social issues facing the continent, helping to head off conflict and encourage reconciliation. Though its texts are not binding, the Assembly speaks on behalf of 800 million Europeans and the 47 Council of Europe governments must give a collective reply. It is the democratic conscience of Greater Europe.

**Powers**
PACE uncovers human rights violations, "monitors" whether states keep their promises, and demands answers from Presidents and Prime Ministers. It can also recommend sanctions.

**Achievements**
Whether ending executions in Europe, helping ex-Communist countries towards democracy, or creating the European flag, PACE has been a "motor" of positive change for more than 60 years.
It also observes parliamentary elections, and can veto new countries’ accession to the CoE as well as recommend suspension of member states from the CoE.

## 5.2 Members

PACE is composed of 324 national parliamentarians from the 47 CoE Member States (and 324 alternates). The number of representatives per country, and consequently of votes, is determined by the size of the country. The biggest number is eighteen, the smallest two.

The [Statute of the Council of Europe](#) requires the members of PACE to be either elected or appointed by each Member State’s national or federal parliament from among its members, ‘in such manner as it shall decide’. It also allows each Member Government to ‘make any additional appointments necessary when the Parliament is not in session and has not laid down the procedure to be followed in that case’.  

PACE’s rules of procedure require that the balance of political parties within each national delegation ensures a ‘fair representation of the political parties or groups in their parliaments’. They also require a new parliament to appoint its delegation within six months of an election:

> Following parliamentary elections, the national parliament concerned or other competent authority shall make appointments to the Assembly within six months of the election. If the national parliament cannot make all such appointments in time for the opening of a new ordinary session of the Assembly, it may decide, for a period of not more than six months after the election, to be represented in the Assembly by members of the existing delegation. The credentials of the existing delegation shall expire at the opening of the first sitting of the Assembly or meeting of the Standing Committee following the appointment of the new delegation by the national parliament or competent authority or following the expiry of the six months’ period after the election date.

The UK delegation to PACE comprises 36 Members of the House of Commons and House of Lords (18 full members of PACE and 18 substitutes). The UK Parliament – like many others – has no formal procedure for selecting who joins its delegation. It appears to be a matter for the party Whips, although the Labour Party holds internal elections. PACE rules allow delegates to be appointed or elected, as long as they are members of the national or federal parliaments and the delegations are a ‘fair representation of the political parties or groups in their parliaments’. A recent controversy over the membership of the UK delegation to PACE prompted calls for a more democratic selection process and a short inquiry by the Commons Public Administration and Constitutional Affairs Committee.

---

2. 1949 Statute of the Council of Europe, Article 25
3. PACE Rules of Procedure rule 6.2 (June 2015)
4. PACE Rules of Procedure rule 11.3
Party groups on PACE do not correspond exactly with party groups in the European Parliament. Some delegates use groups that mirror those in the EP, like the ALDE and the EPP; others do not.

5.3 Meetings
PACE meets in plenary in Strasbourg four times a year, for about a week at a time.

In between plenary sessions, a Standing Committee acts on the Assembly’s behalf. It is made up of the President and Vice-Presidents of the Assembly and the chairs of the political groups, national delegations and Assembly committees, totalling some 60 parliamentarians from the 47 Council of Europe member states.

5.4 Committees
Much of PACE’s work is done through its nine general committees, which meet during the plenary sessions in Strasbourg, and in between times in Paris:

- Committee on Political Affairs and Democracy (AS/Pol)
- Committee on Legal Affairs and Human Rights (AS/Jur)
- Committee on Social Affairs, Health and Sustainable Development (AS/Soc)
- Committee on Migration, Refugees and Displaced Persons (AS/Mig)
- Committee on Culture, Science, Education and Media (AS/Cult)
- Committee on Equality and Non-Discrimination (AS/Ega)
- Monitoring Committee (AS/Mon)
- Committee on Rules of Procedure, Immunities and Institutional Affairs (AS/Pro)
- Committee on the Election of Judges to the European Court of Human Rights (AS/Cdh)

Most of the reports debated in plenary session or at the Standing Committee are prepared by a committee and presented by a rapporteur, with the help of the Secretariat.

Once an Assembly text is adopted, the rapporteur and the relevant committee are mandated to check its implementation over the following twelve months.

5.5 Controversy over the President
In April 2017 PACE passed an unprecedented motion of no confidence in its President, Pedro Agramunt. Mr Agramunt and other PACE members had made an unsanctioned visit to Syria on a Russian military jet, meeting Bashir al-Assad.

At that point PACE had no procedure for removing a sitting President. But at its June 2017 session it amended its rules and procedures to
allow for the dismissal of its President, Vice-President and Secretary General. The Assembly then tabled a motion for dismissal of President Agramunt. The motion will be put to a vote of the Assembly at the opening of the Autumn part-session (9-13 October 2017) unless the voluntary resignation of the President from his office ends the procedure.
6. Congress of Regional and Local Authorities: an assembly for local politicians

As well as bringing national parliamentarians together in PACE, the CoE has an assembly for local politicians: the Congress of Regional and Local Authorities.

Its role is ‘to promote local and regional democracy, improve local and regional governance and strengthen authorities’ self-government’. Its main activity is monitoring compliance with its European Charter of Local Self-Government, which all 47 CoE states have ratified. As part of that it observes local and regional elections across Europe. It also encourages devolution and regionalisation, as well as trans-frontier cooperation between cities and regions.

Its 648 members hold elective office as regional or municipal councillors, mayors or presidents of regional authorities, and represent over 200,000 authorities in the 47 CoE states. They are appointed for a two-year term in accordance with each individual member state’s own procedure, which must pay due regard to fair representation.

The Congress has a Presidency, a Bureau, a Chamber of Local Authorities, a Chamber of Regions, a Statutory Forum, committees, working groups and a secretariat.
7. Conference of International NGOs: a voice for civil society

Civil society is also represented in the CoE. Since 2003 around 300 International Non-Governmental Organisations (INGOs) have been granted participatory status in and become part of the CoE’s Conference of INGOs. This contributes to the CoE decision-making process and to the implementation of its programmes.

Before 2003 NGOs had consultative status only.

The Conference of INGOs meets in Strasbourg during the ordinary sessions of PACE.

INGOs with participatory status might simply be consulted but could also have full-scale co-operation on specific projects. Their experts may participate as consultants, contribute to intergovernmental committees, prepare memoranda for the Secretary General, make oral or written statements to the committees of PACE and the Congress of Local and Regional Authorities, and address seminars and other meetings organised by the Council of Europe.

INGOs with participatory status also disseminate information about the Council of Europe’s aims and activities among their constituencies.
8. European Court of Human Rights: overseeing the Human Rights Convention

8.1 Jurisdiction and general principles

The European Court of Human Rights in Strasbourg oversees the implementation of the CoE’s European Convention on Human Rights (ECHR) in the Member States.

Individuals from any Member State can bring complaints of alleged human rights violations to the Court once all possibilities of appeal have been exhausted in the Member State concerned. A Commons Library Briefing Paper explains about applying to the Court.

The jurisdiction of the Court is mandatory under Article 32 ECHR, which states:

1. The jurisdiction of the Court shall extend to all matters concerning the interpretation and application of the Convention and the protocols thereto which are referred to it as provided in Articles 33, 34 and 37.

2. In the event of dispute as to whether the Court has jurisdiction, the Court shall decide.

All 47 CoE Member States, including all EU Member States, have ratified or acceded to the ECHR, thereby accepting the compulsory jurisdiction of the Court. The fundamental principle governing the obligations of States Party to the ECHR is set out in Article 46(1), which states:

The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.

In other words, States cannot simply ignore a Court ruling that they are in breach of the Convention. Something must be done to remedy the situation, but the Court does not prescribe the remedy (beyond sums payable as ‗just satisfaction‘ to the applicant) or how it should be applied. The Court cannot amend national law or ‘disapply‘ it; that is for States to do, if necessary, to comply with their treaty obligations. The CoE Monitoring Committee is responsible for overseeing how Member States implement a judgment.

The Court of Human Rights adheres to the principle of proportionality and takes into account a margin of appreciation. The principle of proportionality is about striking a balance between individual rights and the wider public interest. It can be seen as the other side of the margin of appreciation – a term used by the Court in many hundreds of rulings to take account of the room for manoeuvre that national authorities may be allowed in fulfilling some of their main obligations under the ECHR. However, the principal is not written into

---

5 For information on the Court, see [http://www.echr.coe.int/Documents/Court_in_brief_ENG.pdf](http://www.echr.coe.int/Documents/Court_in_brief_ENG.pdf).

the ECHR itself and some ECHR Articles cannot be subject to the margin of appreciation.

8.2 Judges
The judges are elected by PACE for a non-renewable term of nine years, from lists of three candidates proposed by each State. Their applications are first scrutinised by the new PACE Committee on the Election of Judges.

Although judges are elected in respect of a State, they hear cases as individuals and do not represent that State. They may not engage in any activity that would be incompatible with their duty of independence and impartiality.

8.3 Functioning
The Court elects a President and Vice-Presidents to direct its work and administration. The President represents the Court and, in particular, is responsible for its relations with the authorities of the Council of Europe.

The judges are formed into five sections, each with a President, a Vice-President and a number of other judges. They can hear cases as a committee of three judges, a panel of seven, or a Grand Chamber of 17 judges (the Court’s President and Vice-Presidents, the Section Presidents and the national judge, together with other judges selected by drawing of lots).

The Court’s Registry has a staff of about 640 (270 lawyers and 370 other support staff) who process and prepare for adjudication applications lodged by individuals with the Court.

8.4 The Human Rights Act 1998 and the status of the Convention in UK law
The provisions of the UK’s common and statute law have long recognised basic human rights and freedoms. The UK ratified the ECHR in 1951, which means that the Government has agreed to uphold its human rights guarantees in accordance with international law, and to accept the jurisdiction of the European Court of Human Rights.

The Human Rights Act 1998 (HRA), which came into force in 2000, allows anyone in the UK to rely on ECHR rights before the domestic courts, and requires all public bodies to comply with the ECHR. The UK courts must ‘take account’ of rulings of the European Court of Human Rights, and although they cannot strike out UK Acts of Parliament, they can issue a ‘declaration of incompatibility’ if there is an Act they cannot interpret in accordance with the ECHR.

Article 15 of the European Convention allows States parties to derogate from certain Convention rights in time of “war or other public
emergency threatening the life of the nation”. The UK currently has no derogations from Convention Articles, but the previous Government announced that it want to introduce a ‘presumption of derogation’ during wartime. The UK has applied derogations in the past which took account of the situation in Northern Ireland the 9/11 terrorist attacks.

The UK has a reservation in respect of Article 2 of the First Protocol, the right to education, which is maintained under the terms of the Human Rights Act 1998.

8.5 Impact of European Court judgments in the UK

The ECHR has enabled individuals to challenge the actions of state authorities and bodies if they believe these authorities have infringed their rights under the Convention. The Court cannot directly overrule or change national laws, but its rulings have resulted in Parliament enacting new laws or changing existing laws to provide better human rights protection and to comply with the UK’s international obligations under the ECHR. National parliaments have no direct role in the Court or the CoE Committee of Ministers, which monitors compliance with the Court’s rulings.

UK Government policy has generally been to give effect to decisions of the Court, by changing the law if necessary, although this has implied a somewhat ambiguous relationship between the ECHR and UK law. British courts do not enforce or interpret international treaties, but even when the ECHR was not part of UK law, British courts on occasions took it into account when reaching a decision, and it was used to help clarify ambiguities in UK law.

Another library briefing summarises the UK Cases at the European Court of Human Rights since 1975.

8.6 Relationship with EU human rights obligations

Although the CoE and the EU are separate bodies, there are connections between the two.

Since 2009 the EU has had its own EU Charter of Fundamental Rights. The EU Charter includes all the rights set out in the CoE’s Human Rights Convention, as well as more progressive social and economic rights. It applies to all the EU institutions, as well as to EU Member States (although only when they are acting within the scope of EU law). The EU Court of Justice in Luxembourg can hear actions against the EU institutions and the EU Member States for breaches of rights under the EU Charter. Also, the UK’s domestic courts must apply the directly-effective provisions of the EU Charter, and – strikingly – can disapply any UK domestic legislation that conflicts with those provisions.

---

7 See also Library Standard Note “Derogations from the European Convention on Human Rights under Article 15”, 13 November 2001
8 Library Standard Note 5611
The European Union (Withdrawal) Bill that is currently before Parliament would exclude the EU Charter (and case-law relating to it) from the general transfer of EU law into domestic law in preparation for Brexit.

But the Supreme Court will continue to be bound by Convention obligations under the *Human Rights Act 1998*, and the UK government will continue to be bound by the Convention itself, at least for the remainder of this Parliament.
9. Budget: €454 million

The Council of Europe’s budget for 2017 is €454 million.

It is largely financed by contributions from the Member States, which are fixed according to scales taking into account population and gross national product. The major contributors (France, Germany, Italy, Russian Federation and United Kingdom) each contribute about the same amount to the ordinary budget, and provide nearly half of the total between them.

States may also make voluntary contributions to support the CoE’s programme of work.

The CoE’s Programme and Budget 2016-17 includes a table of national contributions for 2016, including the UK’s €32 million.

There is no separate funding arrangement for the Court: its costs (€71 million for 2016) come out of the CoE budget, and are therefore subject to the approval of the Committee of Ministers.
About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcenquiries@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the conditions of the Open Parliament Licence.